



Meeting: **PLANNING COMMITTEE**  
Date: **WEDNESDAY, 18 AUGUST 2021**  
Time: **2.00 PM**  
Venue: **COUNCIL CHAMBER - CIVIC CENTRE, DONCASTER ROAD, SELBY, YO8 9FT**  
To: **Councillors J Cattanach (Chair), J Mackman (Vice-Chair), M Topping, K Ellis, I Chilvers, R Packham, P Welch, D Mackay and C Richardson**

## Agenda

- 1. Apologies for Absence**
- 2. Disclosures of Interest**

A copy of the Register of Interest for each Selby District Councillor is available for inspection at [www.selby.gov.uk](http://www.selby.gov.uk).

Councillors should declare to the meeting any disclosable pecuniary interest in any item of business on this agenda which is not already entered in their Register of Interests.

Councillors should leave the meeting and take no part in the consideration, discussion or vote on any matter in which they have a disclosable pecuniary interest.

Councillors should also declare any other interests. Having made the declaration, provided the other interest is not a disclosable pecuniary interest, the Councillor may stay in the meeting, speak and vote on that item of business.

If in doubt, Councillors are advised to seek advice from the Monitoring Officer.

- 3. Chair's Address to the Planning Committee**
- 4. Minutes (Pages 1 - 18)**

To confirm as a correct record the minutes of the Planning Committee meetings held on 30 June 2021 and 7 July 2021.

5. **Planning Applications Received (Pages 23 - 24)**
- 5.1. **2020/1013/FULM - Scarthingwell Golf Club, Scarthingwell Park, Barkston Ash, Tadcaster (Pages 25 - 106)**
- 5.2. **2021/0347/FUL - The Old Windmill, Old Road, Appleton Roebuck YO23 7EL (Pages 107 - 136)**
- 5.3. **2020/0225/FULM - Land South of Gloster Close, Busk Lane, Church Fenton, Tadcaster (Pages 137 - 164)**
- 5.4. **2021/0668/FUL - Hazel Grove Farm, Weeland Road, Hensall, Selby (Pages 165 - 180)**
- 5.5. **TPO 4/2021 - Old Manor House, Main Street, Bilbrough (Pages 181 - 190)**

*Janet Waggott*

**Janet Waggott, Chief Executive**

**Dates of next meetings (2.00pm)**

Wednesday, 8 September 2021

Enquiries relating to this agenda, please contact Victoria Foreman on 01757 292046 or [vforeman@selby.gov.uk](mailto:vforeman@selby.gov.uk).

### **Recording at Council Meetings**

Recording is allowed at Council, Committee and Sub-Committee meetings which are open to the public, subject to:- (i) the recording being conducted with the full knowledge of the Chairman of the meeting; and (ii) compliance with the Council's protocol on audio/visual recording and photography at meetings, a copy of which is available on request. Anyone wishing to record must contact the Democratic Services Officer on the above details prior to the start of the meeting. Any recording must be conducted openly and not in secret.

# Agenda Item 4



## Minutes

### Planning Committee

Venue: Council Chamber - Civic Centre, Doncaster Road, Selby,  
YO8 9FT

Date: Wednesday, 7 July 2021

Time: 2.00 pm

Present: Councillor J Mackman in the Chair

J Mackman (Vice-Chair), M Topping, K Ellis, I Chilvers,  
R Packham, P Welch, D Mackay and C Richardson

Officers Present: Martin Grainger – Head of Planning, Ruth Hardingham –  
Planning Development Manager, Glenn Sharpe – Solicitor,  
Mandy Cooper – Senior Planning Officer, Chris Fairchild –  
Senior Planning Officer, Jac Cruickshank – Planning Officer  
Victoria Foreman – Democratic Services Officer

#### 21 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor J Cattanach. There was no substitute appointed.

#### 22 DISCLOSURES OF INTEREST

There were no disclosures of interest.

#### 23 CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

The Chair announced that an Officer Update Note had been circulated and was available to view alongside the agenda on the Council's website.

The Committee noted that any late representations on the applications would be summarised by the Officer in their presentation.

#### 24 PLANNING APPLICATIONS RECEIVED

The Planning Committee considered the following planning applications:

## 24.1 2019/0712/FUL - THE WORKSHOP, RYTHER ROAD, CAWOOD

**Application:** 2019/0712/FUL

**Location:** The Workshop, Ryther Road, Cawood

**Proposal:** Conversion and alteration of storage building to form a single dwelling

The Planning Officer presented the application which had been brought before Planning Committee as the proposal was contrary to the requirements of the development plan (namely Criterion 1 of Policy H12 of the Selby District Local Plan), but it was considered that there were material considerations which would justify approval of the application.

Members noted that the application was for the conversion and alteration of storage building to form a single dwelling.

The Officer Update Note set out details of re-consultation with North Yorkshire County Council Highways on the amended layout plan, as well as additional conditions relating to land contamination and drainage. There was also an extra informative from Yorkshire Water Services regarding any sewer adoption or diversion.

Members debated the application and expressed their support for the scheme.

In accordance with the Officer's report, it was proposed and seconded that the application be GRANTED. A vote was taken on the proposal and was carried.

### **RESOLVED:**

**To GRANT the application subject to the conditions set out at paragraph 7 of the report and the Officer Update Note.**

## 24.2 2020/1300/FUL - TAMWOOD, STATION ROAD, RICCALL

**Application:** 2020/1300/FUL

**Location:** Tamwood, Station Road, Riccall

**Proposal:** Demolition of the existing dwelling, and construction of seven residential properties

The Senior Planning Officer presented the application which had been brought before Planning Committee due to the number of objections received which were contrary to the Officers' recommendation to approve, and in



addition at the request of the local Ward Member.

Members noted that the application was for the demolition of the existing dwelling, and construction of seven residential properties.

The Committee asked questions of the Officer regarding the preservation of trees on the site and tree surveys, the density of development, the provision of parking and the space for larger vehicles such as delivery and refuse lorries, the withdrawal of previous applications by the applicant, design of the scheme and the functionality of the chimneys.

Officers confirmed that the trees on site had been considered by an expert who was content that they could be retained, and that the proposals for seven properties did not constitute overdevelopment. The County Ecologist considered the site's bat surveys as completed and was satisfied with the proposed scheme; bat tubes and nest boxes for birds would be provided and was a matter which would be conditioned. Officers were unable to confirm if the chimneys on the properties would be decorative or functional; this would be for the applicants to answer.

In attendance remotely at the meeting was an Officer from the North Yorkshire County Council Highways Team, who expressed the view that there would be sufficient space on site for lorries and refuse vehicles. Members stated that the local Parish Council had been aware of such an issue for some time.

The Officer Update Note set out changes to the scheme design (site plans and plot layouts/elevations), an updated ecology report regarding bats, clarification from the arboriculturist on tree retention, revisions to existing conditions and the addition of various new conditions.

Mr Matthew Pardoe, objector, was invited remotely into the meeting and spoke against the application.

Mr Brian Keen, parish council representative, was invited remotely into the meeting and spoke against the application.

Councillor John Duggan, objector, was invited remotely into the meeting and spoke against the application.

Mr Lee Vincent, agent, was in attendance at the meeting

in person and spoke in favour of the application.

Members debated the application in detail and expressed their concerns about the scheme. The Committee noted that whilst there were several revised drawings, the changes had been relatively minor and as such had not required re-consultation.

Councillors referenced the recent site visit by the Committee and as a result repeated their concerns regarding space on Station Road for larger vehicles.

Some Members expressed their support for the application and stated that it was preferable to build in already built-up sites such as the one currently before the Committee, as opposed to the open countryside. No issues had been raised by North Yorkshire County Council and trees on site would be retained.

It was felt by the majority of the Committee that the main issues with the proposals were highways, residential amenity, nature conservation, the impact on the character of the local area and the impact on the conservation area. Whilst the application could not be refused on highways or density grounds, there were still significant concerns from Members around nature conservation. The retention of trees was very important, more so than ever with the low carbon agenda, and there was no positive contribution to conservation in the scheme, despite the site being surrounded on three sides by the conservation area. Trees on the site would be damaged or put under threat and the spaciousness of the plot being lost had already been acknowledged by the Conservation Officer.

Members disagreed with the Officer's recommendation in the report as it was contrary to policies SP 4(c), SP 18, SP 19, ENV 25 and ENV 1(i)(5).

The Chair informed the meeting that he would be abstaining from any decision on the application as he was not present at the meeting at which it had first been considered and had also not attended the site visit.

It was proposed and seconded that the application be refused for the following reasons: detrimental impact to the setting of the conservation area, overdevelopment of the site with the loss of residential amenity, the lack of parking facilities and highways safety issues and that the privacy of neighbours would be compromised by

overlooking and overshadowing.

A vote was taken on REFUSAL and was carried.

**RESOLVED:**

**1. To REFUSE the application for the following reasons:**

- the detrimental impact to the setting of the conservation area;
- the overdevelopment of the site with the loss of residential amenity;
- the lack of parking facilities and highways safety issues;
- that the privacy of neighbours would be compromised by overlooking and overshadowing; and

**2. To delegate to Officers the agreement of the precise wording, in consultation with Councillor J Mackman and Councillor R Packham.**

**24.3 2019/0759/FUL - LAND ADJACENT A163, MARKET WEIGHTON ROAD, NORTH DUFFIELD**

**Application:** 2019/0759/FUL

**Location:** Land adjacent A163, Market Weighton Road, North Duffield

**Proposal:** Proposed erection of 5 dwellings and associated infrastructure

The Senior Planning Officer presented the application which had been brought before Planning Committee as an update to the report considered at the Planning Committee held on 27 January 2021. Members debated the proposal; acknowledged that it was not a straightforward scheme and expressed concerns given it was a departure from the Council's Development Plan and a site that had been given initial permission when the Council did not have a five-year land supply.

Members noted that the application was for the proposed erection of five dwellings and the associated infrastructure.

The Officer Update Note stated that 2015/0517/OUT had lapsed and that several separate applications had been submitted and subsequently approved, despite the Local Planning Authority now having a five-year (plus) land

supply for housing. Condition 17 (the removal of permitted development rights in respect of conversion of garages) was to be omitted, and at page 61 of the report the informatives relating to consent and those following should state 'Internal Drainage Board's' consent rather than 'Board's consent'.

The Committee asked questions of the Officer regarding the limited landscaping and how some Members felt that this would impact on the character of the site, as there were still no measures to address this on the revised scheme.

Members queried whether the Parish Council had been consulted again on the revised proposals before the meeting; Officers explained that as the changes had been so minimal, consultation was not required. The Parish Council's previous objections had been focused on the housing types. Members acknowledged that the layout of the houses on the site had not been altered.

Vikki Sykes, agent, was invited remotely into the meeting and spoke in favour of the application.

Members debated the application further, with some Committee Members not accepting the arguments given in the report and by Officers for the lack of planting on the western edge of the site, which would, in some Members' opinions, be detrimental. Other Members questioned whether tree planting was a serious enough issue to justify going against the Officer's recommendation.

Other Members expressed a strong opposition to the scheme and gave a few reasons for refusal. These reasons included:

- that there were no extant planning permissions on the site, as all previous permissions for outline and reserved matters had lapsed;
- that the proposed housing development on the site was a departure from the Development Plan which was the statutory starting point for decision making;
- that there were no material planning considerations which outweighed the conflicts with the up-to-date Development Plan;
- that the proposed development was outside the statutory development limits of North Duffield and in the open countryside, in breach of planning policy; and
- that given the proposals were a departure from the

Development Plan, by definition they were not sustainable; as such in this regard there were no significant social, economic and environmental benefits to the village of North Duffield.

It was proposed and seconded that the application be REFUSED. An amendment was subsequently proposed that the application be APPROVED, subject to an amendment to Condition 15 that further details on tree planting would be confirmed in due course.

A vote was taken on the amendment to APPROVE the application and was LOST.

A vote was taken on the substantive motion to REFUSE the application and was CARRIED.

**RESOLVED:**

**1. To REFUSE the application for the following reasons:**

- there were no extant planning permissions on the site, as all previous permissions for outline and reserved matters had lapsed;
- the proposed housing development on the site was a departure from the Development Plan which was the statutory starting point for decision making;
- there were no material planning considerations which outweighed the conflicts with the up-to-date Development Plan;
- the proposed development was outside the statutory development limits of North Duffield and in the open countryside, in breach of planning policy;
- that given the proposals were a departure from the Development Plan, by definition they were not sustainable; as such in this regard there were no significant social, economic and environmental benefits to the village of North Duffield; and

**2. To delegate to Officers the agreement of the precise wording, in**

**consultation with Councillor J  
Mackman and Councillor R Packham.**

The meeting closed at 4.03 pm.

## Planning Committee

Venue: Council Chamber - Civic Centre, Doncaster Road, Selby,  
YO8 9FT  
Date: Wednesday, 30 June 2021  
Time: 2.00 pm

Present: Councillor J Mackman in the Chair  
  
Councillors S Duckett, K Ellis, I Chilvers, T Grogan,  
R Packham, D Mackay and C Richardson

Officers Present: Martin Grainger (Head of Planning), Glenn Sharpe  
(Solicitor), Ruth Hardingham (Planning Development  
Manager), Yvonne Naylor (Principal Planning Officer),  
Gareth Stent (Principal Planning Officer), Fiona Ellwood  
(Principal Planning Officer), Jenny Tyreman (Senior  
Planning Officer) and Palbinder Mann (Democratic Services  
Manager)

### 16 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Cattanach, Topping and Welch. Councillor Duckett was in attendance as a substitute for Councillor Welch and Councillor Grogan was in attendance as a substitute for Councillor Topping.

### 17 DISCLOSURES OF INTEREST

Councillor Ellis declared that he had received representations in respect of agenda items, 5.1 – Willow Barn, Sweeming Lane, Little Fenton and agenda item 5.4 – Land South of Gloster Close, Busk Lane, Church Fenton.

Councillor Packham declared that he had received representations in respect of agenda items, 5.1 – Willow Barn, Sweeming Lane, Little Fenton and agenda item 5.4 – Land South of Gloster Close, Busk Lane, Church Fenton.

Councillor Richardson declared that he had received representations in respect of agenda items, 5.1 – Willow Barn, Sweeming Lane, Little Fenton and agenda item 5.4 – Land South of Gloster Close, Busk Lane, Church Fenton.

Councillor Mackay declared that he had received representations in respect of

agenda items, 5.1 – Willow Barn, Sweeming Lane, Little Fenton and agenda item 5.4 – Land South of Gloster Close, Busk Lane, Church Fenton.

Councillor Chilvers declared that he had received representations in respect of agenda items, 5.1 – Willow Barn, Sweeming Lane, Little Fenton and agenda item 5.4 – Land South of Gloster Close, Busk Lane, Church Fenton.

Councillor Mackman declared that he had received representations in respect of agenda items, 5.1 – Willow Barn, Sweeming Lane, Little Fenton and agenda item 5.4 – Land South of Gloster Close, Busk Lane, Church Fenton.

Councillor Mackman also declared a personal interest in item 5.5 – Land at Station Road, Carlton as he was Chairman of the Selby and District Housing Trust and they had been in contact with Rentplus UK. He stated that he would be leaving the room during the consideration of this item and would not participate in the discussion or vote.

Councillor Grogan declared that he had received representations in respect of agenda items, 5.1 – Willow Barn, Sweeming Lane, Little Fenton and agenda item 5.4 – Land South of Gloster Close, Busk Lane, Church Fenton.

Councillor Duckett declared a personal interest in item 5.5 – Land at Station Road, Carlton as she was a member of the Selby and District Housing Trust and they had been in contact with Rentplus UK. She stated that she would be leaving the room during the consideration of this item and would not participate in the discussion or vote.

## **18 CHAIR'S ADDRESS TO THE PLANNING COMMITTEE**

The Chair announced that an Officer Update Note had been circulated and was available to view alongside the agenda on the Council's website.

## **19 MINUTES**

The Committee considered the minutes of the Planning Committee meetings held on 12 May 2021, 19 May 2021 and 2 June 2021.

The Chairman noted that when referring to the speakers in the minutes under item 9.2 – Land off Lowfield Road, Hillam, it stated that they had nothing further to add to their statement on the previous application however this was incorrect as the related application was after this item and not before. It was agreed this wording should be amended.

### **RESOLVED:**

**To approve the minutes of the Planning Committee meetings held on 12 May 2021, 2 June 2021 and 19 May 2021 with the above amendment for signing by the Chairman.**



## 20 PLANNING APPLICATIONS RECEIVED

The Planning Committee considered the following planning applications:

### 20.1 2021/0129/S73 - WILLOW BARN, SWEEMING LANE, LITTLE FENTON

**Application:** 2021/0129/S73

**Location:** Willow Barn, Sweeming Lane, Little Fenton

**Proposal:** Section 73 to vary/remove condition 02 (approved plans) of planning permission reference number 2019/0578/FUL proposed conversion of ancillary building to dwelling granted on 5 March 2020

The Principal Planning Officer presented the application which had been brought before Planning Committee as a result of a call-in request from Councillor Richard Musgrave, and the proposals being contrary to Policy H12 of the Local Plan. It was noted that the application was previously considered by Planning Committee on the 12 May 2021 and was deferred for a site visit by Members.

The Officer Update Note stated that since the publication of the officer's report a further email in support of the application from a neighbour had been received. Additionally, the Committee was informed that since the report was written, further emails of objection had been received from a neighbour and these had been summarised in the Update Note.

The Officer Update Note also outlined that there was the need for a comprehensive boundary treatment plan to be submitted and agreed prior to the occupation of the dwelling. The exact wording of the condition was outlined in the Update Note.

Members noted that further information had been received from the applicants in support of the scheme by way of drawing 2781-02-04A, which set out the works done on site and those aspects that would be removed, and an updated Construction Progress Statement (dated 28 May 2021) alongside a letter dated 1 June 2021. Upon receipt of this information a re-consultation was undertaken with third parties who supported or objected to the application previously and with the Parish Council. The report was updated accordingly and included aspects addressed in the Officer Update Note from the meeting on 12 May 2021.

Members noted that the application was for a Section 73 to vary/remove condition 02 (approved plans) of planning permission reference number 2019/0578/FUL, the proposed conversion of ancillary building to dwelling granted on 5 March 2020.

The Committee asked questions of the Officer regarding the unauthorised work undertaken on the site. The Principal Planning Officer stated that a section 73 application had been submitted to address this issue. In response to a further question, it was noted that there was a separate application for further works which would be dealt with separately to this application.

Mrs Georgina Ashton, objector, attended the meeting in person and spoke against the application.

Councillor R Musgrave, Ward Member, was invited remotely into the meeting and spoke against the application.

Mrs Lesley Watson, applicant, was invited remotely into the meeting and spoke in favour of the application.

Members debated the application and raised concern at the development taken place on the site without permission. Additionally it was noted windows and doors had been added which were not on the original drawing however it was felt these would not have a significant adverse effect on neighbouring properties.

In accordance with the officer's report, it was proposed and seconded that the application be APPROVED. A vote was taken on the proposal and was carried.

**RESOLVED:**

**To APPROVE the application subject to the conditions and informatives set out at paragraph 7 of the report and the Officer Update Note.**

**20.2 2018/0657/FUL - HONEYPOT FIELD, HILLAM COMMON LANE, HILLAM**

**Application:** 2018/0657/FUL

**Location:** Honeypot Field, Hillam Common Lane, Hillam

**Proposal:** Proposed erection of an agricultural storage barn

The Principal Planning Officer presented the application

which had been brought before Planning Committee as it was deferred from the meeting on 8 July 2020 for a site visit, to enable Members to view activities on the site and assess the impact on the Green Belt. It was originally presented to Committee due to the 11 letters of representation received which raised material planning considerations, and officers would otherwise determine the application contrary to those representations.

Members noted that the application was for the proposed erection of an agricultural storage barn.

The Officer Update Note outlined an amendment to condition three.

The Committee asked questions of the Officer regarding the prevention of access into the site. The Principal Planning Officer explained that the applicant had not refused access however had not chased progress on the application for over a year.

Members debated the application further and raised a number of concerns regarding the application, including its location in the green belt, it's impact on the area and that it was inappropriate development.

It was proposed and seconded that the application be REFUSED based on the views outlined by Members. Upon being put to the vote, this was carried.

**RESOLVED:**

**To REFUSE the application for the following reasons:**

- i) The proposed agricultural storage barn is regarded as inappropriate development within the Green Belt, given there is no substantive evidence that this site is within a genuine agricultural use.**
- ii) No very special circumstances have been demonstrated that clearly outweigh the harm to the Green Belt by way of inappropriateness and any other harm.**
- iii) The proposal by virtue of the**

building's position and scale would have a detrimental impact on the character and appearance of the Green Belt, will lead to a loss of openness, is an overdevelopment of the site and leads to encroachment into the Green Belt.

- iv) The proposal would be contrary to the Policies SP2 and SP3 of the Core Strategy, Policies EMP 13 of the Selby District Local Plan, and Paragraphs 143, 144 and 145 of the NPPF.

### **20.3 2021/0400/FULM - JUST PAPER TUBES, CLIFFE COMMON, CLIFFE**

**Application:** 2021/0400/FULM

**Location:** Just Paper Tubes, Cliffe Common, Cliffe

**Proposal:** Construction of a new warehouse building (B8) adjoining an existing warehouse building and formation of new parking area

The Principal Planning Officer presented the application which had been brought before Planning Committee as 14 letters of representation had been received which raised material planning considerations in objection to the scheme, and officers would have otherwise determined the application contrary to these representations.

Members noted that the application was for the construction of a new warehouse building (B8) adjoining an existing warehouse building and formation of new parking area.

Mr Gary Wilson, Parish Councillor, was invited remotely into the meeting and spoke in against the application.

Members debated the application further and noted that there had been no objections from North Yorkshire County Council Highways to the application. They also felt that the application was policy compliant and appropriate development.

In accordance with the officer's report, it was proposed and seconded that the application be GRANTED. A vote was taken on the proposal and was carried.

**RESOLVED:**

**To GRANT the application subject to the conditions set out at paragraph 7 of the report.**

**20.4 2020/0225/FULM - LAND SOUTH OF GLOSTER CLOSE, BUSK LANE, CHURCH FENTON**

**Application:** 2020/0225/FULM

**Location:** Land South of Gloster Close, Busk Lane, Church Fenton

**Proposal:** Proposed change of use from grazing agricultural land to BMX cycle track with toilet block, picnic area and car park

The Principal Planning Officer presented the application which had been brought before Planning Committee due to the significant number of representations both in support and opposition to the application, which raised material planning considerations, and that officers would otherwise have determined the application contrary to some of the representations.

Members noted that the application was for the proposed change of use from grazing agricultural land to BMX cycle track with toilet block, picnic area and car park.

The Officer Update Note set out three additional letters of representation which had been received including the comments and officer responses. In response to the comments, the Update Note outlined amendments to some conditions in the report and proposed the inclusion of an additional condition.

The Committee asked questions of the Officer regarding additional conditions relating to grazing and agriculture and flooding risks.

In accordance with Council Procedure Rule 9, a vote was taken for the meeting to continue beyond three hours in length in the event it ran over this time.

**RESOLVED:**

**To continue the meeting beyond three hours if needed.**

Mr Ben Botham, objector, had submitted a statement to be read out to the Planning Committee against the application.

Mr Sam Dewar, agent, was invited remotely into the meeting and spoke in favour of the application.

Discussion took place regarding imposing an additional condition that the land should revery back to agricultural use if the current proposed use ceased. Members were advised that such a condition would be difficult to impose.

Members debated the application further and felt that there should be a site visit to gain a better understanding of the application and the site.

It was proposed and seconded that the application be DEFERRED for a site visit. A vote was taken on the proposal and was carried.

**RESOLVED:**

**To DEFER the application for a site visit.**

Following their earlier declaration, Councillors Duckett and Mackman left the meeting at this point and did not participate in the discussion or vote on the next item. A vote to elect a Chairman was conducted. It was proposed and seconded that Councillor Packham be elected as Chair for the rest of the meeting. Upon being put to the vote, this was carried.

**RESOLVED:**

**To elect Councillor Packham as Chair for the rest of the meeting.**

**20.5 2020/1094/DOV - STATION ROAD, CARLTON**

**Application:** 2020/1094/DOV

**Location:** Station Road, Carlton

**Proposal:** Request for a Deed of Variation to Section 106 agreement of approvals 2014/1130/OUT - Outline application with all matters reserved for a development of up to 67 no. dwellings, together with associated infrastructure and open space provision; and 2014/1129/OUT - Outline application with all matters reserved for a development of up to 66 no. dwellings, together with associated infrastructure and open space provision at Land at Station Road, Carlton

The Assistant Principal Planning Officer presented the application which had been brought before Planning Committee for consideration due to it being a proposal to

vary the composition of the affordable housing provision at the site, which was agreed by Members at Planning Committee on 29 July 2015 and was subject to a Section 106 agreement.

Members noted that the application was a request for a Deed of Variation to Section 106 agreement of approvals 2014/1130/OUT - Outline application with all matters reserved for a development of up to 67 no. dwellings, together with associated infrastructure and open space provision; and 2014/1129/OUT - Outline application with all matters reserved for a development of up to 66 no. dwellings, together with associated infrastructure and open space provision at Land at Station Road, Carlton.

The Committee asked questions of the officer regarding affordable housing on the site.

Mr Alasdair Manson, agent, attended the meeting in person and spoke in favour of the application.

Members debated the application further and agreed to support the officer recommendations.

In accordance with the Officer's report, it was proposed and seconded that the application be GRANTED. A vote was taken on the proposal and was carried.

**RESOLVED:**

**That the request for a Deed of Variation be APPROVED, and that delegation to be given to Officers to complete a Deed of Variation to the original Section 106 agreement of approvals 2014/1130/OUT and 2014/1129/OUT at Land at Station Road, Carlton, to vary the composition of the affordable housing provision such that it could be provided by Rentplus UK as affordable rent to buy. The actual total amount of affordable housing would remain unchanged from the 4.5 % previously agreed.**

The meeting closed at 5.27 pm.

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## Planning Committee

### Guidance on the conduct of business for planning applications and other planning proposals

1. The legislation which allowed Councils to take decisions remotely came to an end on 7 May 2021. As such, Planning Committee meetings to be held after this date will revert to being 'in person', but there will still be restrictions on numbers of attendees in the room due to Covid-19. **If you are intending to come to a meeting of the Committee in person, please let Democratic Services know as soon as possible, as you are encouraged to watch the meeting online instead, and if you wish to speak at the meeting, also do this remotely via Microsoft Teams.**
2. The reports are taken in the order of business on the agenda, unless varied by the Chairman. The Chairman may amend the order of business to take applications with people registered to speak, first, so that they are not waiting. If the order of business is going to be amended, the Chairman will announce this at the beginning of the meeting.
3. There is usually an officer update note which updates the Committee on any developments relating to an application on the agenda between the publication of the agenda and the committee meeting. Copies of this update will be published on the Council's website alongside the agenda.
4. You can contact the Planning Committee members directly. All contact details of the committee members are available on the relevant pages of the Council's website:  
  
<https://democracy.selby.gov.uk/mgCommitteeMailingList.aspx?ID=135>
5. Each application will begin with the respective Planning Officer presenting the report including details about the location of the application, outlining the officer recommendations, giving an update on any additional representations that have been received and answering any queries raised by members of the committee on the content of the report.
6. The next part is the public speaking process at the committee. Speakers will be able to attend the meeting in person again and will have to comply with Covid-safe procedures in the Council Chamber such as social distancing, mask wearing (unless exempt), sanitising of hands and following the one-way system which will be in place in the room.
7. Alternatively, speakers can join the meeting remotely via Microsoft Teams if they prefer to speak that way.

8. The following may address the committee for **not more than 5 minutes each**:
  - (a) The objector
  - (b) A representative of the relevant parish council
  - (c) A ward member
  - (d) The applicant, agent or their representative.

**NOTE:** Persons wishing to speak on an application to be considered by the Planning Committee should have registered to speak with Democratic Services **by no later than 3pm on the Monday before the Committee meeting (this will be amended to the Tuesday if the deadline falls on a bank holiday).**

9. Members of the public registered to speak are encouraged to speak remotely (i.e., via Microsoft Teams online). If speaking remotely, they must submit a copy of what they will be saying **by 3pm on Monday before the Committee meeting** (amended to the Tuesday if the deadline falls on a bank holiday). This is so that if they experience connectivity issues their representation can be read out on their behalf (for the allotted five minutes).
10. Speakers physically attending the meeting and reading their representations out in person do **not** need to provide a copy of what they will be saying.
11. The number of people that can access the Civic Suite will need to be safely managed due to Covid secure guidelines, which is why it is important for the public to let Democratic Services know if they plan on attending in person.
12. Speakers attending remotely (online via Microsoft Teams) will be asked to access the meeting when their item begins and leave when they have finished speaking and continue watching the stream on YouTube.
13. If speaking in person, the public will be asked to come up to a desk from the public gallery (where they will be seated in a socially distanced manner), sit down and use the provided microphone to speak. They will be given five minutes in which to make their representations, timed by Democratic Services. Once they have spoken, they will be asked to return to their seat in the public gallery. The opportunity to speak is not an opportunity to take part in the debate of the committee.
14. Each speaker should restrict their comments to the relevant planning aspects of the proposal and should avoid repeating what has already been stated in the report. The meeting is not a hearing where all participants present evidence to be examined by other participants.
15. The members of the committee will then debate the application, consider the recommendations and then make a decision on the application.
16. The role of members of the Planning Committee is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons in accordance with the statutory planning framework and the Council's planning Code of Conduct.

17. For the committee to make a decision, the members of the committee must propose and second a proposal (e.g., approve, refuse etc.) with valid planning reasons and this will then be voted upon by the Committee. Sometimes the Committee may vote on two proposals if they have both been proposed and seconded (e.g., one to approve and one to refuse). The Chairman will ensure voting takes place on one proposal at a time.
18. This is a council committee meeting which is open to the public.
19. Selby District Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform Democratic Services of their intentions prior to the meeting on [democraticservices@selby.gov.uk](mailto:democraticservices@selby.gov.uk)
20. The arrangements at the meeting may be varied at the discretion of the Chairman.
21. Written representations on planning applications can also be made in advance of the meeting and submitted to [planningcomments@selby.gov.uk](mailto:planningcomments@selby.gov.uk). All such representations will be made available for public inspection on the Council's Planning Public Access System and/or be reported in summary to the Planning Committee prior to a decision being made.
22. Please note that the meetings will be streamed live on YouTube but are not being recorded as a matter of course for future viewing. In the event a meeting is being recorded, the Chair will inform viewers.
23. These procedures are being regularly reviewed.

**Contact:**

Democratic Services

Email: [democraticservices@selby.gov.uk](mailto:democraticservices@selby.gov.uk)

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# Agenda Item 5

## Items for Planning Committee

18 August 2021

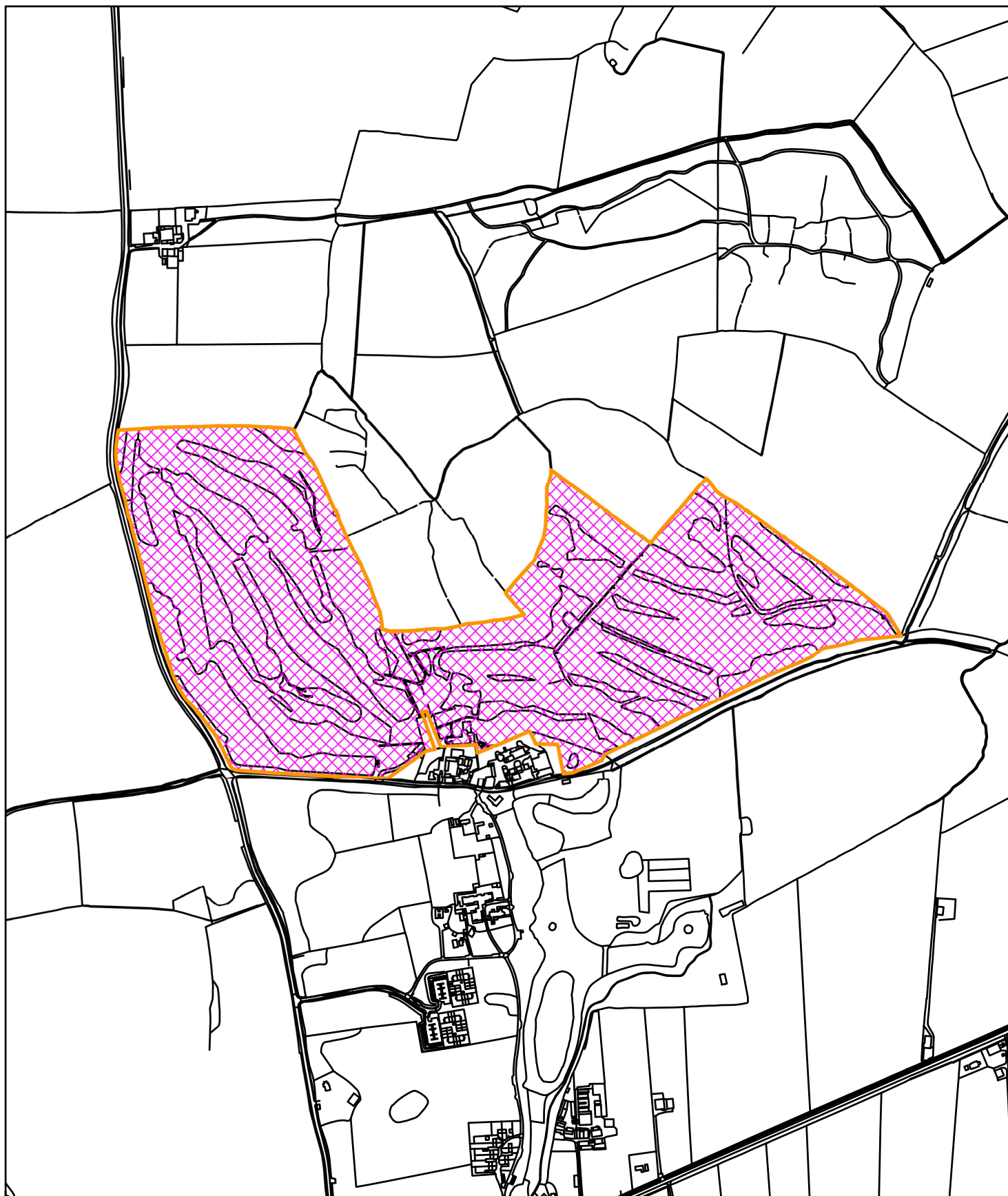
Item No.	Ref	Site Address	Description	Officer	Pages
5.1	2020/1013/FULM	Scarthingwell Golf Club, Scarthingwell Park, Barkston Ash, Tadcaster North Yorkshire, LS24 9PF	Erection of 99 holiday lodges with reception building, reconfiguration of the golf course and use of building as a golf academy and greenkeeper's store	YVNA	25 -106
5.2	2021/0347/FUL	The Old Windmill, Old Road, Appleton Roebuck YO23 7EL	Conversion and extension to windmill to form dwelling (retrospective)	YVNA	107 - 136
5.3	2020/0225/FULM	Land South of Gloster Close Busk Lane Church Fenton Tadcaster North Yorkshire	Proposed change of use from grazing agricultural land to BMX cycle track with toilet block, picnic area and car park	FIEL	137 - 164
5.4	2021/0668/FUL	Hazel Grove Farm Weeland Road Hensall Selby North Yorkshire DN14 0RL	Erection of a detached bungalow following demolition of former showroom previously approved for the change of use to a dwelling under application 2018/1220/FUL	DIHO	165 - 180
5.5	TPO 4/2021	Old Manor House Main Street Bilbrough York YO23 3PH	To confirm the Blue Atlantic Cedar – Preservation Order 4/2021	BEHA	181 - 190

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# Agenda Item 5.1

Scarthingwell Golf Club, Scarthingwell Park, Barkston Ash

2020/1013/FULM



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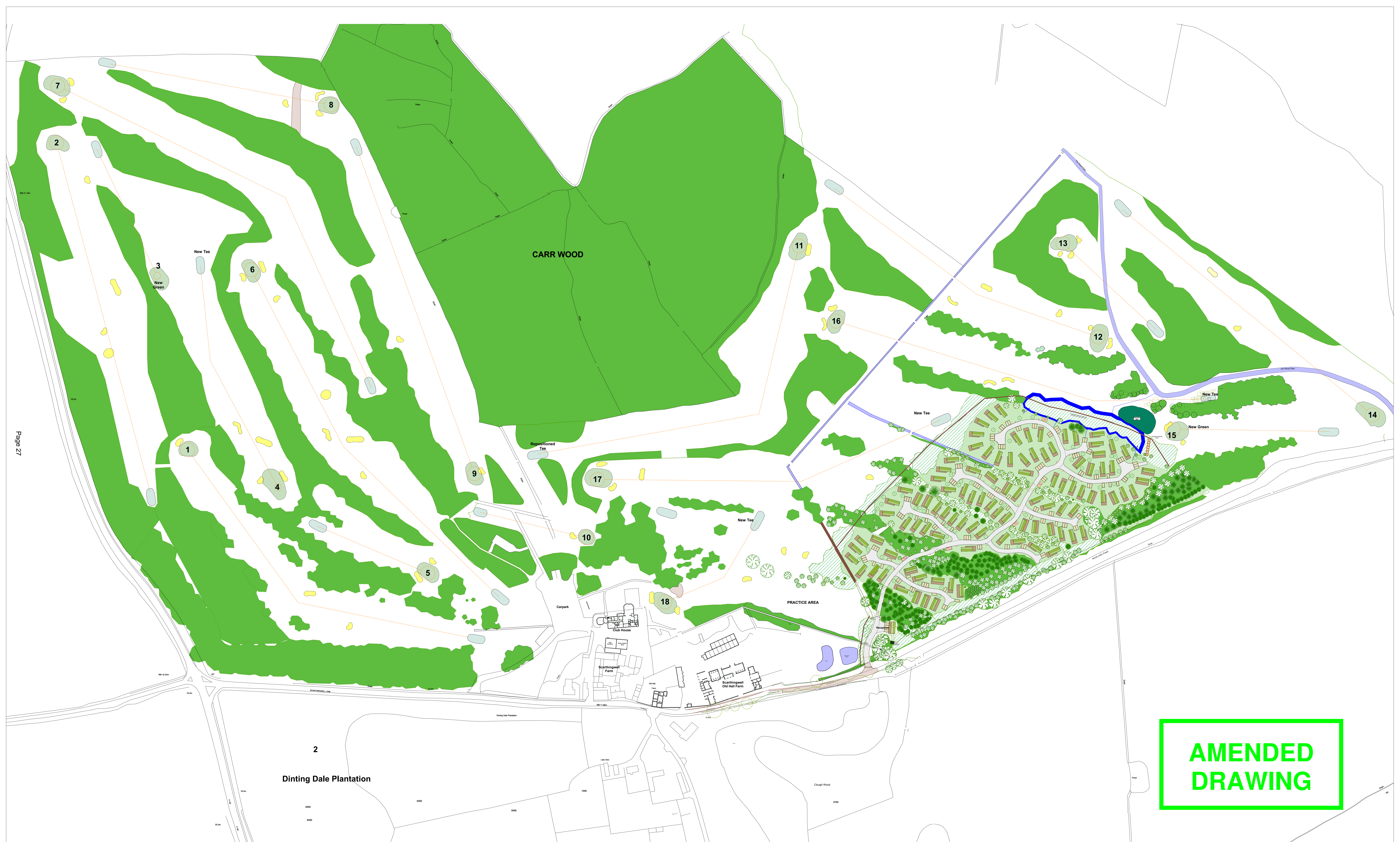
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**AMENDED  
DRAWING**

GENERAL NOTES:	HEALTH AND SAFETY NOTES:

AMENDMENTS:
A 07.12.20 Internal driveway layout amended and 16th tee relocated
B 23.12.20 Swale omitted & attenuation basin added
C 16.01.21 Scarthingwell Lane upgrade works added

CLIENT:	Scale: 1:1250 @ A0	JOB NO.:
<b>SCARTHINGWELL GOLF COURSE</b>	Date: JULY 2020	DRWG. NO.:
	Rev Date: 16.01.21	NO. <b>LDS 2516/ 003</b>
		Drawn by: SW Rev: C
JOB:	<b>PROPOSED HOLIDAY LODGES Scarthingwell Golf Club Scarthingwell Lane Scarthingwell LS24 9PF</b>	
	<b>Proposed Site Plan</b>	
	STATUS: PLANNING	

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**Report Reference Number:** 2020/1013/FULM

**To:** Planning Committee  
**Date:** 18 August 2021  
**Author:** Yvonne Naylor (Principal Planning Officer)  
**Lead Officer:** Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2020/1013/FULM	PARISH:	Saxton Cum Scarthingwell Parish Council
APPLICANT:	Scarthingwell Golf Club	VALID DATE: EXPIRY DATE:	24th September 2020 24th December 2020
PROPOSAL:	Erection of 99 holiday lodges with reception building, reconfiguration of the golf course and use of building as a golf academy and greenkeeper's store		
LOCATION:	Scarthingwell Golf Club, Scarthingwell Park, Barkston Ash, Tadcaster North Yorkshire, LS24 9PF		
RECOMMENDATION:	MINDED TO APPROVE subject to CONDITIONS, PROVISION OF LEGAL AGREEMENT AND REFERRAL TO MINISTRY OF HOUSING, COMMUNITIES AND LOCAL GOVERNMENT UNDER THE TOWN AND COUNTRY PLANNING (CONSULTATION) (ENGLAND) DIRECTION 2021 and allowing for alteration, addition or removal of conditions from that schedule if amendment becomes necessary as a result of continuing negotiations and advice and provided such condition(s) meet the six tests for the imposition of conditions and satisfactorily reflect the wishes of the Planning Development Manager.		

This application has been brought before Planning Committee as the site is within the Green Belt and the applicants are seeking consent for inappropriate development based on a justification utilising Very Special Circumstances as enabling development. In addition, the application has received in excess of 10 comments in support and more than 10 objections.

The application has been advertised as a Departure to the Development Plan, for wider publicity and under Listed Building Act. The last of these notices expired on the 12<sup>th</sup> June 2021.

Should Committee be minded to support the Application then it would need to be referred to the Department of Communities in accordance with the Town and Country Planning (Consultation) (England Direction April 2021) as development in the Green Belt of buildings of more than in excess of 1,000sq m.

## **1. INTRODUCTION AND BACKGROUND**

### **Site and Context**

- 1.1 Scarthingwell Golf Club is located to the east of the A162 off Scarthingwell Lane. There are a series of dwellings in the vicinity of the site but the nearest settlements are Saxton to the west, Tadcaster to the north (approximately 4.5 miles) and Barkston Ash to the south (approximately 1 mile). In addition, consent is in place for further dwellings to be created via the conversion of the Old Hall Farm as well as a consent for a conversion to create a holiday adjacent to the Old Hall Farm grouping.
- 1.2 The site itself is relatively flat and is bounded to the north and east by mature woodland/hedgerow, beyond which are fields in pasture, to the south Scarthingwell Lane running east-west which joins the A162 which bounds the course to the west and merges into the bridleway known as Moor Lane to the east.
- 1.3 The proposed lodge site is largely level and occupies an area on the south-eastern edge of the golf course which is surrounded by mature bands of trees around its perimeter. The new access into the holiday lodges will be taken from Scarthingwell Lane, which is an adopted highway.
- 1.4 The existing Golf Course complex includes a Club House, car parking, a series of service buildings including timber rest cabins within the course and green keepers' store. The Golf Course consists of an 18 holes course across the site which in extent is approximately provision 56 hectares.
- 1.5 The site lies in the Green Belt as defined by the Selby District Local Plan, includes land within Flood Zone 2 and 3, but is noted as being an area benefiting from flood defence provision. The site is also noted as potentially contaminated as a result of former uses related to agriculture on the Council's records and is within a Zone 3 Source Protection Area.
- 1.6 In terms of heritage and ecological assets then the golf course is adjacent to Carr Wood Ancient Woodland and within the vicinity of a Site of Interest for Nature Conservation (SINC). There are a series of listed buildings to the immediate south of the application site, known as Old Hall Farm and the site is within close proximity to the Towton Battlefield. There is also a series of Tree Preservation Orders (*Reference 4/1985*) relating to trees alongside Scarthingwell Lane, so to the south of the access route into the proposed development.
- 1.7 The site is also within the 500m buffer zone for the HS2 route and within the consultation zone for the Leeds East Airport at Church Fenton.

### **The Proposal**

- 1.8 The application is for the erection of 99 holiday lodges with reception building, reconfiguration of the golf course, a reception building for the lodge complex with associated car parking, a golf academy within an existing building to the south of

the Club House and a relocated greenkeeper's store across of site of approximately 6 hectares.

- 1.9 The scheme is shown on Site Layout Plan Reference LDS/2516/003 Revision C with the existing 18-hole golf course which will be reconfigured from its current configuration with the changes being a new 3<sup>rd</sup> green and a new 4<sup>th</sup> tee; a repositioned 11<sup>th</sup> tee, a new 15<sup>th</sup> green, a new 16<sup>th</sup> tee, a new 17<sup>th</sup> tee and 18<sup>th</sup> tee and some minor changes to the fairways.
- 1.10 The details of the Cabins Area are shown on Plan Reference LDS/2516/004 Revision C and examples floorplans and elevations have been provided with the lodges being shown as 41ft by 14ft (or 12.49m x 4.26m) with timber effect cladding complimented by timber decking to each unit.
- 1.11 The submitted plans also confirm that each cabin would have defined parking spaces for each unit.
- 1.12 Plan LDS/2516/011 show the improvements to the access route into the site along Scarthingwell Lane. This shows sections of road widening adjacent to Scarthingwell Old Hall Farm, upgrading of the road surface and the new entrance detail that will serve the cabin area. In addition, Plan PF6000-19-HD-11 shows the details of the proposed entrance barrier at the site entrance.
- 1.13 Plan LDS2516/101 shows the proposed Academy and Greenkeepers Building which is a conversion of an existing building located to the south of the Club House. The scheme for this element of the development utilises the existing structure but does include changes to the glazing on the northern and the sub-division of the building to create two defined areas for each use within the building.
- 1.14 Plan LDS/2516/202 shows the proposed Reception Building which is to be located to the east of the entrance, just after the entrance barrier with defined parking to the frontage. This building will be a single storey low pitched construction and will accommodate the reception and office and a small staff kitchen toilet and store area. The materials for this building are not specified on the drawings.
- 1.15 There is also a substation proposed as part of the scheme which is to be located to the east of the entrance of the site within a landscaped area, with details being shown on Plan GTC-E-SS-0012\_R1-7\_1 of 1, and it is a standard design approach although materials have not been specified on the drawings.
- 1.16 A Proposed Lighting Strategy Plan has also been provided as part of the Application (Reference LDS/2516/008 Revision B) which shows the use of low-level bollard LED lighting columns which are noted as being suitable for sensitive areas such as dark skies, bats and other nocturnal animals and would be controlled via light sensors.
- 1.17 The scheme submission also show use of timber post and rail fencing to be erected to the boundary of the lodge area and the golf course to prohibit a cross-over of intended use which will be largely located in tree belts and woodland, as well as new planting of native trees and shrubs, together with the improved management of existing tree cover, will enhance the tree belts by improving species and age diversity and establishing a continuous canopy cover in areas where separation is required between golf and lodges. The Landscape Strategy Plan sets out the proposed approach on Drawing Reference LDS/2516/007 Rev A and details have

also been provided on the approach to tree protection fencing on Plan Reference 2516/009 Rev A.

- 1.18 Information has also been submitted in terms of the assessment of any impact on the trees covered by a Tree Preservation Order (TPO) to the south of the access road as a result of lodges/cabins being brought into the site, the need for access road improvements and the longer-term use of the route as an access for the Lodges/cabins area.
- 1.19 The scheme would be developed in a phased approach with Phase 1 being the entrance, reception and 17 lodges on the part of the former 17th and 18th tees; Phase 2 being 21 lodges on part of the 16th tee, Phase 3 being 23 lodges on part of the former 15th tee and then Phase 4 being 38 lodges on part of the former practice area. This is shown on Phasing Plan Ref LDS/2516/005 Revision B.
- 1.20 The application also includes details of the proposed Drainage Plan (Ref 2516/006 Revision C) which shows package treatment plant locations, use of reed bed filters and tree planted areas to deal with surface water runoff and retention areas and connections to these areas from within the Cabin area.
- 1.21 The applicants have confirmed that the holiday lodges would be sold on the open market on licenses for use as holiday accommodation only, throughout the 12 months of the year. Development funding will be used, in part, to invest in the redevelopment and restructuring of the golf course to create space for the holiday accommodation, to relocate the greenkeeper's store and the creation of the new academy. Future profits will strengthen the golf business and allow the opportunity for investments in future growth. They have also advised that Scarthingwell Golf Course will retain the freehold ownership of the entire site. The income that the golf course would receive from the ground rents and service charges associated with the lodges, will cross-subsidise the running costs of the golf course, enabling the long-term future of the golf club to be secured. A proposed Heads of Terms for a S106 Agreement has been received from the Applicants and this proposes that:-
- The income from the Lodge Park shall be applied to supplement the operation of the Golf Course by the payment of a Rent Charge (Rent Charge definition: The proceeds of the Lodge Park Pitch Fees after deduction of costs).
  - First occupation within the Lodge Park will not take place until completion of the Golf Course alterations.

A full Draft Agreement has not yet been provided but would be bound to the consent and the current or any future owners of the land subject of the application.

### **Relevant Planning History**

- 1.22 The following historical application is considered to be relevant to the determination of this application: -
- CO/1988/1492 (Alt Ref 8/66/51/PA) – Change of use of farm buildings to holiday centre, use of land as caravan site, change of use of agricultural land to Golf Course and outline application for the construction of a Villa Park. Refused – 8th June 1989.
  - CO/1990/28148 (AltRef: 8/67/64A/PA)  
Description: Removal of Condition 3 On 8/67/64/pa & Use Land as Additional Car Parking

Decision: PER  
Decision Date: 01-MAY-90

- CO/1991/28149 (Alt Ref 8/674/64B/PA) – Change of use part building to retail sales and part to auction sales room.  
Permitted – 28th January 1991.
- CO/1991/28121 (Alt Ref 8/67/58A/PA) – Change of use of approximately 160 acres of agricultural land to Golf Course  
Permitted – 11th November 1991.
- CO/1993/ 28122 (Alt Ref 8/67/58B/PA) – Change of use of agricultural land to form extension to Golf Course.  
Permitted – 9th September 1993.
- CO/1994/1103 (Alt Ref 8/67/64D/PA) – Proposed erection of clubhouse  
Permitted – 30th March 1995.
- CO/1997/0711 (Alt Ref 8/67/64F/PA) – Proposed extension and alterations to existing clubhouse  
Permitted – 30th September 1997.
- CO/1996/0954 (AltRef: 8/67/64E/AA) - Proposed display of non-illuminated free-standing advertisement  
Permitted 8<sup>th</sup> January 1997.
- CO/1998/0390 (AltRef: 8/67/58C/AA) - Proposed erection of a flagpole to fly the York Union flag  
Permitted 23<sup>rd</sup> June 1998.
- CO/2002/28154 (AltRef: 8/67/64G/AA) - Proposed erection of a replacement non-illuminated free-standing advertisement at A162 / Scarthingwell Lane Junction  
Permitted 6th June 2002.
- 2007/0169/FUL (AltRef: 8/67/64H/PA) - Installation of French doors in place of mullioned window  
Permitted 26th April 2007.
- 2007/0361/FUL (Alt Ref 8/66/51A/PA) – Erection of timber cabin as a comfort stop between 9th and 10th greens.  
Permitted – 6th June 2007.
- 2010/0425/FUL, AltRef: 8/67/64J/PA  
Description: Extension of time application for previously approved application 2007/0169/FUL (8/67/64H/PA) for the installation of French doors in place of mullioned window  
Permitted 10<sup>th</sup> June 2010.
- 2011/0973/FUL (Alt Ref 8/67/64/K/PA) – Extension to Fishing Pond  
Permitted – 1st August 2012.

The applications for the creation of the Golf Course (Ref CO/1991/28121 (Alt Ref 8/67/58A/PA)) and its extension (Ref CO/1993/ 28122 (Alt Ref 8/67/64E/PA)), were assessed on the basis of being in the Green Belt and the sites' location within the Green Belt.

There have also been a series of applications for conversion of buildings and erection of other buildings in the vicinity of the site including the following:

- CO/1991/28159, AltRef: 8/67/66C/PA - Description: Use of Agri Buildings For Wholesale Storage & Sale Of Fine Wines & Access  
Refused 15<sup>th</sup> March 1991.
- 2011/0964/FUL (AltRef: 8/67/140/PA) - Conversion of agricultural buildings to 9No. dwellings, construction of a greenkeepers store and demolition of modern agricultural buildings  
Permitted 30<sup>th</sup> October 2012.
- 2015/0604/DPC (AltRef: 8/67/140C/PA) - Discharge of conditions 2 (Site Enclosure), 3 (Landscaping), 4 (Archaeological), 6 (Schedule of Works), 9 (Surface Water), 13 (Site Investigation Report) and 14 (Drainage Scheme) of approval 2011/0964/FUL Conversion of agricultural buildings to 9No. dwellings, construction of a greenkeepers store and demolition of modern agricultural buildings  
Conditions discharged 14<sup>th</sup> September 2015.
- 2018/1314/S73 - Section 73 application for conversion of agricultural buildings to 9 No dwellings, construction of a green keepers' store and demolition of modern agricultural buildings without complying with condition 15 of planning approval 2011/0964/FUL granted on 30 October 2012.  
Permitted 10<sup>th</sup> May 2019.
- 2019/0496/AGR - Prior notification for erection of agricultural building at Old Hall Farm, Scarthingwell Lane, Towton, Tadcaster, North Yorkshire, LS24 9PF  
Permitted 6<sup>th</sup> June 2019.
- 2019/0267/LBC - Listed building consent for conversion of farm buildings to residential use, creating 9 No dwelling houses, and repair, restoration and alteration of Grade II listed farm buildings at Old Hall Farm, Scarthingwell Lane, Towton, Tadcaster, North Yorkshire, LS24 9PF  
Permitted 20<sup>th</sup> December 2019.

## **2. CONSULTATION AND PUBLICITY**

Members should note that the comments made on the application reference paragraphs in the 2019 version of the NPPF, as this was the version in place when the comments were made.

### **2.1 Saxton Cum Scarthingwell Parish Council – objects to the application on the following grounds: -**

- The proposed development is in a flood zone.



- It is in Green Belt and part of the application site is ancient woodland – which incidentally the PC have previously applied to the Council's Conservation Officer to have conferred upon it special status.
- The plans show only one parking space per cottage, which is felt to be inadequate given that the turnaround for accommodation such as this is likely to be short term, and the public car parking is already not adequate.
- Such an extensive development would engender a very considerable amount of traffic, a great deal of which would in all probability come through the village.

**2.2 Barkston Ash Parish Council** – objects to the application on the following grounds: -

- In the planning document the developers claim that they made 'every effort under the current conditions to engage with the local community'. The village is the closest village and whilst the development is not technically in the parish's jurisdiction, no contact about this development has been made by the developer. Whilst the PC are under difficult circumstances now, it would have been very easy for the developer to email the Parish Council and the PC could have then taken whatever steps felt necessary to inform the residents of Barkston Ash. It is fair to say that the village would be the most affected village except for Scarthingwell Park.
- This is a substantial development on Green Belt. Are these caravans/lodges for 'short term' rental only or will they/can they be sold for individual use? If they are sold, will the owners be allowed to occupy them as their primary residence? There are a number of holiday parks in Yorkshire where similar developments have become, in effect, housing estates rather than a holiday park.
- The plan refers to holiday lodges but on reading the description they would appear to be static caravans which would not be as aesthetically pleasing as a lodge.
- What assurances are in place for the future development of the site and what would happen if the initial plan fails? The initial plan may be for holiday rental but what would be the backup plan if this was not successful. Can imagine that the owners could then try to utilise a 'hardship' reason to apply for change of use. Indeed, the developers are already alluding to this in the development proposal where they say the golf course does not have a long term economically viable future without this development.
- Any traffic coming to the development would not impact on Barkston Ash, but it would greatly affect Saxton village which already has problems with extra traffic from the increasing housing in Church Fenton travelling through the village to Leeds.

**2.3 Towton, Grimston, Kirkby Wharfe and North Milford Parish Council** – confirmed no comments to make on the application.

**2.4 NYCC Highways** – a series of responses have been received from the Highways Officer on the application, summarised as follows:-

Initial comments (20<sup>th</sup> October 2020) noted that the application was only accompanied by a Transport Statement (TS) and not a Transport Assessment which is considered to be required, but made the following comments

- i) the submitted TS at Section 2.4 states:

'Scarthingwell Lane is a single carriageway two-way road of varying widths (between 5.5m-6.2m)'.

It is not clear where these measurements originate because there are sections (particularly near Old Hall Farm and Old Hall Farm Cottage) where the road narrows to well below 5.5 metres with evidence of verge overrun and edge of carriageway damage.

- ii) Section 2.5 of the TS makes no mention of the Bridleway on Scarthingwell Lane, so vehicles, pedestrians and horses use this road.
- iii) Section 3.7 of the TS has provided visibility splays associated with a 30mph or less road but has not shown any evidence apart for the wording: 'It is anticipated that there will be very few vehicles, if any, from the east and those that do approach from this direction will be slow moving such as tractors, so the visibility splay to be provided is appropriate.' For the County Council to accept reduced visibility splays, a speed survey should be undertaken to show the actual speeds.

On this basis the NYCC Highway's Officer stated that he would "await the aforementioned TA before making a formal recommendation".

Second Comments (11<sup>th</sup> March 2021) – noted that a Transport Assessment (TA) is no longer required because it was assured at the site meeting that the Golf Club will provide on-site facilities and walking can be provided in the local area without having to walk along Scarthingwell Lane to Barkston Ash, so an updated Transport Statement (TS) is required. Also noted that a plan was to be provided showing improvements.

Third Comments (22<sup>nd</sup> March 2021) – confirmed that there were no objections on highways grounds subject to conditions relating to: -

- New and altered Private Access or Verge Crossing at Barkston Ash
- New and altered Private Access or Verge Crossing
- Delivery of off-site highway Works as per Drawing Number LDS/2516/011
- Delivery of off-site highway works
- Construction Phase Management Plan - Small sites

Final Comments (8<sup>th</sup> June 2021) – confirmed that there are no objections to the approach on Plan LDS/2516/012 and that would meet highways requirements.

**2.5 Public Rights of Way Officer** – Confirmed that there is a Public Right of Way or a 'claimed' Public Right of Way within or adjoining the application site boundary. Thus noted that

- If the proposed development will physically affect the Public Right of Way permanently in any way an application to the Local Planning Authority for a Public Path Order/Diversion Order will need to be made under S.257 of the Town and Country Planning Act 1990 as soon as possible. Please contact the Local Planning Authority for a Public Path Order application form
- If the proposed development will physically affect a Public Right of Way temporarily during the period of development works only, an application to the Highway Authority (North Yorkshire County Council) for a Temporary Closure Order is required. Please contact the County Council or visit their website for an application form.
- The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as an alternative route has been provided by either a temporary or permanent Order. It is an offence to

obstruct a Public Right of Way and enforcement action can be taken by the Highway Authority to remove any obstruction.vi) If there is a "claimed" Public Right of Way within or adjoining the application site boundary, the route is the subject of a formal application and should be regarded in the same way as a Public Right of Way until such time as the application is resolved.

- Where public access is to be retained during the development period, it shall be kept free from obstruction and all persons working on the development site must be made aware that a Public Right of Way exists, and must have regard for the safety of Public Rights of Way users at all times .Applicants should contact the County Council's Countryside Access Service at County Hall, Northallerton via CATO@northyorks.gov.uk to obtain up-to-date information regarding the exact route of the way and to discuss any initial proposals for altering the route.

## 2.6 Landscape Consultant - series of responses have been received from the Landscape Consultant on the application, summarised as follows: -

Initial Response (29<sup>th</sup> October 2020) – noted the following:-

- i) Further information is needed to demonstrate a good quality of development and to protect openness of Green Belt, local amenity, character, and setting. As the site is in a sensitive location in open countryside within Green Belt. There are several listed buildings to the west side of the site and a public bridleway to the south side of the site. In a wider context there is Scarthingwell Hall historic park and garden to the south side, Locally Important Landscape Area to the west side, Towton Registered Battlefield to the north west side.
- ii) Further information is needed to explain the design, building materials, external surfaces, finishes and boundary treatments.
- iii) A Phasing Plan has been submitted with the application. Further information is needed to clarify the limits of each phase, to include access, existing and proposed landscape in each phase.
- iv) Would wish to see tree and woodland planting proposed as advanced planting in each phase.
- v) Note submission of the “Arboricultural Impact Assessment Statement” but a tree survey, survey plan and tree protection plan are needed. This should take account of phasing, contractor's access and working areas.
- vi) Landscape and Visual, Openness of Green Belt  
A landscape and visual assessment has not been submitted with the application. There is potential to adversely affect openness of Green Belt (visually and spatially). The submitted Landscape Strategy Plan is not sufficient to explain the proposed scheme and how openness of Green Belt, local amenity, character and setting will be protected. The Landscape strategy should have a fully keyed plan and explanatory text and labels to explain the overall aims and objectives. There is no information to explain existing and proposed levels (that these are retained).
- vii) There is insufficient separation and screening between the proposed access road, listed building to the west and the PROW to the south side of the site. The proposed scheme relies on the existing hedgerow for screening from the south side which could be cut for drainage ditch clearance and hedgerow maintenance leaving the site open and visible. Would typically expect to see at least 10m depth for woodland screen planting around sensitive boundaries using locally occurring native species.
- viii) A Landscape Management Plan will be needed to ensure that existing woodland, hedgerows and trees are retained and managed (necessary to

screen the site, to protect green belt, local character and setting). This should be for the life of the development, secured by legal agreement.

On this basis the Consultant advised that further information is needed in relation to the following: -

- a) A design and access statement - to explain the design, building materials, external surfaces, finishes and boundary treatments.
- b) A phasing plan - to show extents of each phase, access, existing and proposed landscape, advanced landscape for each phase.
- c) A tree survey and tree protection plan - to BS5837 (to take account of phasing, contractor's access and working areas).
- d) A landscape strategy for the site to explain context for this application - to protect openness of green belt, local amenity, landscape character and setting. The landscape strategy plan should be fully keyed and there should be text and labels to explain the landscape aims and objectives.
- e) An outline Landscape Management Plan - to explain long-term maintenance and management objectives.

Notwithstanding the above, if the scheme were to be approved, a detailed landscaping scheme, landscape management plan and Arboricultural Method Statement should be conditioned.

Second Comments (21<sup>st</sup> January 2021) – confirmed that the further information means that “generally satisfied that this demonstrates a good quality of landscape design and takes reasonable measures to protect openness of Green Belt, local amenity, character and setting”. Notes that the submitted details do not indicate the phasing of the landscape works, therefore a phased implementation programme would be needed, but could be conditioned.

Notwithstanding the above, if the scheme were to be approved, would recommend a condition to require submission of a detailed hard and soft landscaping scheme (to include a phased implementation programme, requirement for planting works to be implemented on a phased basis in the first available planting season following completion of each phase, and to include a 5-year plant defects period);- a detailed landscape management plan, based on the Outline LMP (the approved plan to be implemented for the life of the development);- an Arboricultural Method Statement.

Third Comments (10<sup>th</sup> February 2021) – Noted no further comments on the submitted information noted as:-

- Arboricultural Consideration - Highway Improvements
- 28 January 2021 Drawing LDS 2516/003 Rev C - Proposed site plan
- Drawing LDS 2516/004 Rev C - Proposed site plan lodge development
- Drawing LDS 2516/0011 - Proposed road upgrade site plan
- Bryan G Hall letter 28th January 2021
- JW Planning letter 28th January 2021 Flood Risk Drainage Technical Note

Fourth Comments (28<sup>th</sup> April 2021) - Further information has been submitted in relation to a Tree Preservation Order and trees to the south side of the main access road along Scarthingwell Lane. While broadly agree with some of the comments made in the Additional Consideration – Highway improvements 23rd April 2021, would recommend that further information is needed before the application is determined. There are a number of large mature trees along the boundary of Scarthingwell Lane and there is potential for tree roots to extend under the proposed access road which could be affected by the works. There are

recommendations made by NYCC Highways in relation to conditions and road construction which refer to standard details, but there are no construction details in application. Additionally, the tree canopy and branches from TPO trees extends over Scarthingwell Lane which could be affected by construction and operational deliveries due to restricted headroom and clearance. Delivery of construction plant machinery and holiday cabins are likely to be large. Also recommends that the following further information is needed to inform the application: - Tree survey and Arboricultural Impact Assessment (to BS5837) for trees bounding Scarthingwell Lane. The survey and assessment should include a plan to show trees and Tree Root Protection Areas. The Tree survey should also include information on height and extend of tree canopy and branches overhanging Scarthingwell Lane. - Information on likely size construction and operational vehicles (length, height width) to access the site via Scarthingwell Lane (e.g., a loaded cabin delivery vehicle with cabin). - Proposed road construction details, to demonstrate that excavation and road construction will minimise damage to the Tree Root Protection area. - Arboricultural Method Statement (for the main site and the access road), taking the above into account. In addition, would like to see clear recommendations for tree protection and monitoring of the works. Some cross sections of the access road would also be helpful to show the typical relationship of the road, the boundary trees, vehicles and any protection measures.

Fifth Comments – (4<sup>th</sup> June 2021) – having considered the latest information (Arboricultural Method Statement [draft] / Tree group and Protection Plan Scarthingwell Lane and Tree Survey for Trees at Scarthingwell Golf Club, Road Improvements, 07 May 2021) which noted that:

- The Applicant has provided a draft arboricultural method statement setting out principles, which would need to be finalised prior to commencement.
- Vehicle width, turning clearance and height clearance to tree canopy are considerations, particularly for site access during the construction period.
- The Applicant has confirmed on the Tree Group and Protection Plan that the required access clearance for a delivery wagon with lodge is likely to be 15.3 x 4.4 x 5.1m high. There is no information on turning clearance or that lodge delivery will be the largest vehicle.
- TPO 4/1985 Scarthingwell Park, Barkstone is located to the south side of Scarthingwell Lane / Moor Lane. The TPO plan shows areas A5, A6 and A7 adjoining the site access. The TPO schedule lists Scarthingwell Lane and Moor Lane as the boundary to Areas A5, A6, A7. There are several boundary trees which overhang Scarthingwell Lane which are likely to form part of the TPO.
- Canopy clearance on several overhanging trees (on TPO side) are below lodge delivery height 5.1m, as confirmed in the additional tree survey provided (to 4m crown clearance in a couple of locations). However, these are generally minor lower canopy-edge branches. Minor trimming to provide clearance up to 5.2m high could be undertaken if necessary, without affecting the overall integrity of these trees.

On this basis the Landscape Officer recommended that the Applicants:

- Provide clarification / confirmation that Lodge delivery will be the maximum vehicle size likely to use the access (length, width, height).
- Clarify / demonstrate sufficient delivery vehicle turning access from Moor Lane into the site (to protect trees and hedgerows to be retained)

It was then advised that, subject to the above, “would be satisfied that retained trees and the TPO would be reasonably protected provided that a final Arboricultural Method Statement is agreed and tree protection measures are put in place prior to commencement of the works. This could be secured by suitably worded conditions” and noted that “Additionally provision should be made to allow minor trimming of retained trees and TPO trees overhanging Scarthingwell Lane / Moor Lane if needed (the minimum necessary to allow delivery access height clearance up to 5.2m high).”

Final Comments (16<sup>th</sup> June 2021) provided additional comments as follows on

#### *Trees and TPO*

- Confirmed that having reviewed drawing 20/209/TR/003 Swept Path of Low Loader Using Proposed Access, then subject to the maximum height required for access is 5.1m high (delivery wagon with lodge), would be satisfied that that retained trees and the TPO would be reasonably protected provided that a final Arboricultural Method Statement is agreed and tree protection measures are put in place prior to commencement of the works. This could be secured by suitably worded conditions.
- Additionally, provision should be made to allow minor trimming of retained trees and TPO trees overhanging Scarthingwell Lane / Moor Lane if needed (the minimum necessary to allow delivery access height clearance up to 5.2m high).

#### *Green Belt and Openness*

Advised having reviewed the Previous Case Law example submitted (Abbey Farm Caravan Park). While there is potential to affect green belt openness would generally concur that the visual effects at Scarthingwell Golf Course would be minimised providing that following are secured by suitably worded conditions or legal agreement:

- a detailed hard and soft landscaping scheme (to include a phased implementation programme, requirement for planting works to be implemented on a phased basis in the first available planting season following completion of each phase, and to include a 5-year plant defects period);
- a detailed landscape management plan, based on the Outline LMP (the approved plan to be implemented for the life of the development);
- an Arboricultural Method Statement and tree protection measures (as above).

Given the sensitivity of the site and the need to maintain visual screening for the life of the development would recommend that the Landscape Management Plan is secured by legal agreement.

- 2.7 Environment Agency (Liaison Officer)** – Advised in responses dated 11<sup>th</sup> November 2020 and 20<sup>th</sup> January 2021 that the proposed development will be acceptable if the measures are implemented and secured by way of a planning condition on any planning permission to provide a pollution prevention plan which should include sediment controls, oil/fuel storage and emergency plans for any issues that could arise on site which may lead to surface water pollution. This should include a method statement detailing how surface water run-off will be dealt with during the construction phase of this development. This is on the basis that due to the site's proximity to Carr Wood Dyke and Fishponds Dyke it is required to demonstrate that the risks of pollution posed to surface water quality can be safely managed.

An informative was also requested pertaining to the need for an Environmental Permit form the EA.

**2.8 SuDS And Development Control Officer** – a series of responses have been received from the SUDS and Development Control Officer on the application, summarised as follows:-

Initial Response (16<sup>th</sup> December 2020) – noted the following in terms of the key areas of assessment:

- a) Run Off Destinations - it is understood from the Flood Risk Assessment that the preliminary surface water drainage strategy is as follows:
- rainwater from roof areas will be discharged via rainwater pipes directly to ground
  - All access roads will be surfaced using chipping and/or gravel; in order to minimise runoff.

As such the SUDs Officer advised that there will be no formalised surface water drainage system. In order to intercept excess flows from the site it is recommended that a swale is placed along the north-east boundary; with a piped outflow to Carr Wood Dyke. Flows leaving the site must be restricted to 1.4l/s/ha.

Whilst a desktop assessment of the ground conditions at the site has been undertaken and suggests that disposal of surface water via infiltration would be feasible, a detailed site investigation report or details of any percolation testing have not been provided. The FRA makes a recommendation that percolation testing is undertaken in to BRE Digest365 in accordance with the IDB and LLFA requirements. The report states that any surface water that is not infiltrated to the ground will be collected and discharged to the watercourse at a restricted rate in accordance with IDB requirements. If the percolation testing returned unfavourable results this option provides alternative means of discharge from the site. The LLFA has no objection to the proposed discharge locations.

- b) Peak Flow Control – notes that the allowable peak flow rate from the site has been based on the IDBs requirements of 1.4l/s/ha for the developable area. The LLFA has no objection to the proposed rate of 3.61l/s.
- c) Volume Control - The drainage strategy submitted is not supported by any calculations. It must be demonstrated that flood risk is not increased elsewhere as a result of the development. Post development runoff generated in the in 100-year rainfall with an allowance for climate change must be attenuated on site. The FRA states that any flows not infiltrated to the ground will be directed to an interception swale. Calculations are required to demonstrate that the swale has sufficient capacity. The proposed SuDS attenuation features should be able to provide the 1 in 100-year design flood event plus with an allowance for climate change and for urban creep.
- d) Pollution Control - With regards to pollution control, section 6.4.12 of the FRA states the following:  
"Permeable paving in the form of gravel access road, and parking bays will be used; and natural infiltration to ground provides some pollution control to flows entering the local water environment."  
The LLFA is satisfied with the pollution control proposal.
- e) Designing for Exceedance - An exceedance plan is required to show overland flow during an extreme flood event, exceeding the capacity of the proposed drainage system. Mitigation measures should be proposed to minimise the risk of flooding around the lodges. Site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding on or off site. As per the principles in point 1 of this response, the applicant is not proposing a formal drainage system. Designing exceedance flow paths to direct surface water to the interception swale is therefore key. In accordance with

paragraph 163 of the NPPF, the applicant must demonstrate that site layout is resilient to flooding in extreme events for the lifetime of the development.

f) Climate Change and Urban Creep - The calculations for the volume control requirement above, must make a 30% allowance for climate change and 10% allowance for urban creep.

g) Maintenance - Section 6.7 of the FRA details the maintenance responsibilities and states:

"It is considered that all drainage assets within the curtilage of the site will remain under private ownership; and maintenance responsibilities will lie with the site owner."

An indicative maintenance management plan has been submitted which is acceptable.

Recommendation to the Local Planning Authority:

"In the absence of exceedance flow plans and supporting calculations, the LLFA cannot recommend approval of the application since it has not been demonstrated that the application complies with paragraphs 163 and 165 of the NPPF"

As such it was requested that the applicant provides further information in the form of exceedance flow plans based on proposed site levels and calculations supporting the drainage design before any planning permission is granted by the LPA. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document).

Final Comments (24<sup>th</sup> March 2021) – confirmed that the further information had been considered and that

*Swale* - showed the swale has now been amended to a larger detention basin and Calculations have been provided based on the entire impermeable area of the site including the access road as a worst case scenario. The calculations demonstrate sufficient capacity within the basin.

*Exceedance Flow Plan* - the submitted information on the "exceedance flow plan" has not fully addressed in so far as an exceedance plan that has been submitted only shows 3 arbitrary arrows which does not show how surface water exceedance flow from the far west of the site reach the basin in the east. The exceedance flow plan should be supported with proposed on-site levels. The technical note does however clarify that the finished floor levels of caravans by their nature will be 600mm above adjacent ground levels. The risk within the site itself is therefore very low. However, the applicant must also still consider flood risk elsewhere. Again, the risk around the whole site is also very low and the LLFA is satisfied that through various mitigation measures, flows could be contained with additional swales or bunds within the site without materially affecting the layout of the site. The LLFA is therefore satisfied that the need for an exceedance plan can be submitted through pre-commencement conditions. It was also noted that the exceedance flow plan must meet the requirements of the LLFAs SuDS design guide. If the requirements cannot be met, the applicant's risk being unable to discharge the conditions.

Overall conclusion was therefore that the submitted documents demonstrate a reasonable approach to managing surface water at the site. The LLFA has no objections to the proposal subject conditions being attached to any permission granted relating to



- a) Exceedance Flow Plans
- b) Percolation testing
- c) Detailed Drainage Design

**2.9 Yorkshire Water - Waste Water - Foul water drains disposal** has been stated to private package treatment plant. This proposal is in an area not served by the public sewerage network. In this instance, the application should be referred to the Environment Agency and the Local Authority's Environmental Health Section for comment on private treatment facilities.

**2.10 Ainsty Internal Drainage Board (IDB)** – a series of responses have been received from the IDB on the application, summarised as follows:-

Initial Response – (15<sup>th</sup> October 2020) – noted that the site sits within their area and that they have “Carr Wood Dyke” as a noted asset which is known to be subject to high flows during storm events.

The initial comments noted under the Land Drainage Act 1991 and the Boards' byelaws, the Board's prior written consent (outside of the planning process) is needed for:-

- a. any connection into a Board maintained watercourse, or any ordinary watercourse in the Board's district.
- b. any discharge, or change in the rate of discharge, into a Board maintained watercourse, or any ordinary watercourse in the Board's district. This applies whether the discharge enters the watercourse either directly or indirectly (i.e. via a third party asset such as a mains sewer).
- c. works within or over a Board maintained watercourse, or any ordinary watercourse in the Board's district – for example, the creation of an outfall structure (including those associated with land drainage), bridges, culverting etc.
- d any construction, fencing or planting within 9 metres of the top of the embankment of Carr Wood Dyke

Specific comments on the scheme were also noted as follows:-

- i) That there is a proposed new Tee Area for Hole 16 adjoining the watercourse. This appears to be within the area where the Board normally accesses the watercourse to maintain it and the Board would therefore wish to avoid this. The Board would ask that the applicant re-consider the proposed layout in light of the above.
- ii) Formal percolation testing should be undertaken to fully demonstrate that surface water runoff to ground using infiltration methods such as soakaways are unlikely to be feasible.
- iii) There is no formalised surface water drainage scheme for the access road, car parking or the site of the statics within the submission
- iv) That the discharge to the Carr Wood Dyke at a regulated rate not exceeding 1.4l/s/ha is welcomed by the Board but further investigation will be required and the LPA should seek percolation testing, a soakaway scheme with storage which should be used in preference to discharge to the watercourse
- v) That the treated effluent from the foul treatment should go into the drainage field instead of the watercourse.
- vi) Board will only accept a discharge into the watercourse if soakaways are not feasible at a rate of 1.8 litres per second for both surface water and treated effluent

- vii) The Board would want to see specific details as to how the flow will be restricted to the agreed discharge rate.
- viii) The applicant should also provide details of the proposed outfall structure into the watercourse.

At this stage that Board noted an objection to the proposal on the basis of the new proposed Tee Area being so close to the watercourse for Hole 16 and requested a revision to the scheme.

They also noted that there would be a need for conditions on any consent related to:-

- a) Surface Water and Foul Drainage Works
- b) 9 metre maintenance strip to the banks of Carr Wood Dyke

Second Response (23<sup>rd</sup> December 2020) – noted that

- The proposed new Tee Area for Hole 16 adjoining the watercourse known as Carr Wood Dyke has now been moved to the southern side of the watercourse. As such confirmed that on the basis sufficient room will be left for IDB to work along the northern side of the watercourse, the Board now has no objection to the same.
- Having considered the now submitted Technical Note 1 (Rev A) dated 27 November 2020 there is still a need for percolation testing, soakaway design that provides storage and controlled discharge rates to the watercourse if soakaways are not possible.

The response also restates that there would be a need for conditions on any consent related to:-

- a) Surface Water and Foul Drainage Works
- b) 9 metre maintenance strip to the banks of Carr Wood Dyke

Final Comments (20<sup>th</sup> January 2021) – confirmed view that the Drainage Scheme requires significant amendments and we do not agree the proposed scheme at this stage. However, it is felt that this can be resolved in due course. On this basis the Board recommended that any approval granted to the proposed development should include the following conditions:

- a) Surface Water and Foul Drainage Works
- b) 9 metre maintenance strip to the banks of Carr Wood Dyke

**2.11 Historic England** – (1<sup>st</sup> October 2020) Advised that on the basis of the information available to date did not wish to offer any comments on the application and suggested that the LPA seek the views of your specialist conservation and archaeological advisers, as relevant.

**2.12 NYCC Heritage Officer (Archaeology)** – Noted that the applicant has submitted an archaeological desk-based assessment and this has not identified any particular archaeological constraint to the site. Notes that the assessment points out that the construction of the golf course will have had an impact with ground disturbance of 200-300mm expected across the majority of the site. It is unlikely that the proposed holiday accommodation will cause significantly greater depths of ground disturbance. As such notes no objection to the proposal and have notes no further comments make.

**2.13 Battlefields Trust** – Confirmed no comments on the application.

**2.14 Conservation Officer** - a series of responses have been received from the Conservation Officer on the application, summarised as follows: -

Initial Comments (11<sup>th</sup> November 2020) – advised the LPA that the Heritage Statement is inadequate as it makes conclusions about the impact of the development but does not set out the details of the assessment made that led to those conclusions.

Specific comments were noted as follows: -

- The main consideration is the development is within the setting of a group of three grade II listed barns (of Scarthingwell Hall Farm).
- There are other historic buildings (non-designated heritage assets located to the west of the group), to the south is the historic park and garden of Scarthingwell Hall, and to the west of the golf course is the Towton registered Battlefield.
- The golf course, located to the north of the buildings, forms part of the setting of the heritage assets but has the most immediate relationship with the listed barns and other assets to their west. The presence of the landscaped golf course has resulted in a change of the rural setting of the farm buildings / former farm buildings as the former fields are now replaced with landscaped grounds; however, the resultant grassed and treed nature of the golf course, appears to at least maintain some aspects of a grassed and treed land as would be expected to be found surrounding farmsteads. The retention of land of rural character is considered to be a critical factor in conserving the setting of traditional farmsteads, as the fields and land that surround them have an inherent relationship to the agricultural function of the buildings.
- The introduction of the holiday park would add a non-traditional form of built development into this setting and therefore further erode the rural character of the surrounding land. This may also have an impact on the setting of Scarthingwell Hall Park and gardens. If the new buildings are screened from view by trees and planting, this will help reduce the impact (but this would need to be demonstrated). However, several viewpoints would need to be taken into account - for example, will the holiday park and barns be visible together from views from the south?
- As setting is defined as being the surroundings from which a heritage asset is experienced, care should be taken not to focus only on publicly available views (for example, views from within the curtilage of the heritage assets looking towards the development should be taken into account). However, setting is not just about views and there may be other attributes which contribute positively. For example, the quiet, no-through rural lane may be a positive factor in the setting of the barns and therefore changes to it may result in harm to that element of the setting. Such changes may be increase in traffic, widening of the road, loss of grass verges, introduction of lighting and signage, introduction of passing places or other standard forms of highway features etc.

On this basis the Conservation Officer is recommended that these factors are taken into account and further supporting information provided, such as visuals within a landscape assessment.

Second Comments (10th March 2021) – following receipt of additional information from the Applicants the Conservation Officer advised that the Heritage Statement now considers the impact on the significance of the listed farm buildings where harm is forthcoming (where their setting is affected and setting being a component of significance). It is also noted that the Statement concludes that the “existing golf course provides some contribution to the rural setting of the farm buildings, but

mostly through the presence of the trees and the sense of tranquillity, the trees being visible as a backdrop to the buildings. Further that the former fields and associated boundaries have been lost and replaced with a managed site more akin to parkland – the direct link between farm buildings and farmland has been lost. It is also stated that nature of the lane reinforces rural character”. In addition, it notes that “there will be ‘minor’ harm forthcoming to the significance of the farm buildings due to the encroachment into views to the west of the buildings and because of the impact on the sense of tranquillity. However, it is advised that there will be some offset (and therefore harm reduced further) due to the planting of additional trees (which in turn also assists with screening of the new buildings) and through the reinstatement of an historic hedge line. Both of these proposals appear to be present on the landscape strategy plan.

In advising the LPA the Conservation Officer has concluded therefore that “the conclusions of the heritage statement are valid”, although concern is raised in terms of the possible implications for the lane where road widening is proposed. As advised previously, loss of grass verges, introduction of lighting and signage, introduction of passing places or other standard forms of highway features etc. are likely to harm the rural character of the lane (and therefore setting of the listed buildings) and it was also recommended that the reception building be aligned with the gable facing the listed buildings; this may be desirable, however, if it is well screened by planting / trees, then it may not be entirely necessary.

Third Comments (17<sup>th</sup> March 2021) – The Heritage Consultant has subsequently confirmed that the only changes will be a widening of the road but that the grass verges will remain. In light of this confirmation, advised content that the character of the lane, in terms of its physical form, will be maintained and therefore will not result in harm to the historic environment.

On this basis, in Fourth Comments (dated 5<sup>th</sup> May 2021) the Conservation Officer confirmed that following consideration of the submitted Heritage Statement, it is identified that the relevant issue is the impact on the setting of the group of three grade II listed barns (of Scarthingwell Hall Farm) and the associated non-designated heritage asset of the farmhouse, located to their west. The historic, rural context of the historic farmstead has changed over time due to the introduction of the managed and landscaped grounds of the golf course (thereby removing the rural field pattern); however, the lack of development and presence of grassed land and trees helps to maintain a sense of former rural context. The proposed development will encroach into a currently undeveloped (in terms of built form) part of the golf course to the west of the farm buildings and therefore it is considered that this will lead to a further erosion to setting. Additional harm to setting may be forthcoming from a reduction in the sense of tranquillity of the surrounding land and adjoining lane (which will provide the access to the development). The existing changed nature of the surrounding land, the distance between the farm buildings and proposed development and the provision of landscaping help to reduce harm. Setting forms part of the overall significance of a heritage asset and therefore it is concluded that harm to significance would be of a low level. In terms of the NPPF, this equates to ‘less than substantial’ harm. In this case, paragraph 196 of the NPPF is relevant and therefore consideration of public benefits is required:

‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.’

The Officer has also advised that the same, or lower, level of harm is identified for the non-designated farmhouse (potentially lower because of the increased distance between the asset and the development site and therefore less direct impact on setting) and in this case the NPPF requires (paragraph 197) the effect of the application to be taken into account and a balanced judgement to be made.

Final Comments (9th June 2021) - in response to additional information from the Applicants responding to the above comments the Heritage Officer advised that having reviewed all "original comments on the development and the alterations to the road. It has been previously advised that the findings of the submitted reports are supported in that the development will cause less than substantial harm. This harm is mitigated by tree planting, the reinstatement of an historic hedge line and the reinstatement of an access route in the location of an historic track. Furthermore, public benefits have been put forward to further overcome and outweigh any harm that is caused to designated heritage assets. These public and economic benefits have been identified as: Securing the long-term future of the golf club; Supporting economic growth and expansion in the rural area which will create jobs and prosperity; New facilities of an academy and classroom for young people; Retention of an important community facility; and supporting rural tourism and business. Due to the justification that has been provided, there are no objections to the proposals from a heritage perspective."

**2.15 Natural England** - a series of responses have been received from the Natural England on the application, summarised as follows: -

Initial Comments (13<sup>th</sup> October 2020) – advised the LPA that additional information was required on:

- a) the approach to the treatment of foul sewerage for the body to be able to comment on the scheme.
- b) The relationship to the Kirby Wharfe SSSI as the scheme could have potential significant effected on the interest features for this the site is notified. This includes in terms of drainage, surface water run-off and the management of water from the development.

Also advises the LPA that if the authority is minded to grant planning permission contrary to the advice in this letter, the LPA is required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, the LPA has taken account of Natural England's advice.

Second Comments (8th January 2021) – advised the LPA that they consider that without appropriate mitigation the application would:

- damage or destroy the interest features for which Kirkby Wharfe Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- Further treatment of phosphates discharged from the package treatment plant, prior to introduction to the watercourse which passes through the SSSI.

As such advise that an appropriate planning condition or obligation is attached to any planning permission to secure mitigation measures. Noting that evidence produced by Natural England suggests a lack of clarity in whether package treatment plants are effective in removing phosphates from treated water, especially

when discharged directly into a watercourse or drain. A tertiary treatment of the effluent would substantially reduce phosphates and impacts to the Kirkby Wharfe SSSI. Examples of suitable treatment include:

- Discharge of the water from the package treatment plant into a reedbed system. Natural England note that a Reed Filter Bed has been proposed in the updated plans and advise this would constitute appropriate mitigation.
- Installation of a phosphate removal unit as part of the package treatment plant.
- If the package treatment plant will discharge to a soakaway, rather than directly into the nearby watercourse, this would also be acceptable.

Final Comments (29th January 2021) – further to the consideration of the Technical Note confirming that inclusion of a reed bed is considered to be achievable as part of the overall proposals advised that they have no further comments on the application.

**2.16 County Ecologist** a series of responses have been received from the County Ecologist on the application, summarised as follows:-

Initial Response (5<sup>th</sup> October 2020) – Notes the application is accompanied by detailed ecology information and that this concludes that most of the lost habitat would be amenity grassland of low ecological value with only a small number of trees likely to be removed. Ecological compensation and enhancement would be achieved by significant mixed scrub/woodland planting between the proposed lodges and the golf course, providing a significant net gain for biodiversity comfortably in excess of the +10% uplift in biodiversity units recommended in DEFRA guidance. Potential impacts on protected species are considered to be limited and can be minimised through mitigation.

The response sought clarification on the following:

- there appears to be some uncertainty whether any of the trees which might be felled could support roosting bats. The trees are described in the Phase 1 survey as young to semi-mature and no reference is made to potential roost features. Table 6.1 of the EclA suggests that if tree removal was to result in loss of bat roosts, “This would most likely impact small summer day roosts or low conservation significance”, but the basis for this assertion is not really explained. Table 7.1 of the EclA states that “Removal [of trees] will be preceded by a bat roost suitability assessment and, if required, follow up survey to ensure roosts are not present in any trees to be removed”. Planning guidance is clear that where there might be an impact on European Protected Species such as bats, sufficient ecological information must be available at the time of determination for the local planning authority to make an informed judgement about the level of impact and scope for mitigation (see, for example, paragraph 99 of ODPM Circular 06/2006, which is still current). Therefore, request to see a clearer rationale for this approach.
- It is stated in Table 7.1 of the EclA that, “A lighting plan should be devised to minimise the impact of artificial lighting, for example by not having security lights/lighting to the rear of cabins facing onto the woodland, and by using low level bollard lighting in prefer to raised columns”. Given that a Lighting Strategy has been submitted by the applicant, this should be reviewed as part of the EclA and the EclA updated accordingly.

Requested information on ecological mitigation and enhancement measures would be required but in principle would be happy for this to be dealt with by Conditions requiring:

- (a) Production of a Construction Environment Management Plan (Ecology), to be submitted and agreed prior to commencement; this would detail appropriate measures during the construction phase of the development
- (b) Production of a Biodiversity Management Plan, detailing appropriate measures during the operational phase of the development

Second Response (16<sup>th</sup> December 2020) – in commenting on the additional Ecological Information, the County Ecologist noted that

- Potential bat roosting trees: all the trees which might need to be removed have been assessed and the report by Brooks Ecological confirms that “Roosting bats are likely absent from these trees” due to a lack of potential roost features. Confirm that this addresses earlier concerns about uncertainty over impacts on protected species. Recommend an Informative that the applicant should be mindful of the advice provided under the heading of “Further Actions” on page 1 of the report (Brooks Ecological reference SI-4022-01 dated 12 November 2020).
- The updated Ecological Impact Assessment (EclA) (Brooks Ecological, dated 1 December 2020) incorporates the results of the tree assessment and is very clearly presented. The mitigation, compensation and enhancement measures indicated in Figure 8.1 are sufficient to achieve significant net gains for biodiversity, which has been demonstrated objectively using the DEFRA Biodiversity Metric (see section 9 of the EclA).
- The EclA concludes that the proposed lighting strategy “adheres to the principles of relevant Institute of Lighting Professionals and Bat Conservation Trust guidance”. Planting schemes have been designed to provide additional bat foraging corridors away from light spill. Can confirm that this addresses our previous concerns.
- The EclA confirms that a package treatment plant will treat all foul water with additional reedbed filtration of the outflow. Presume this will address Natural England’s concerns regarding potential impacts on downstream water quality at Kirkby Wharfe SSSI, but Selby District Council should seek further advice from Natural England.

Should Selby District Council be minded to approve this application, recommend a pre-commencement condition to submit for approval a Construction Environment Management Plan (Biodiversity) and a Biodiversity Management Plan, as per Section 8 of the EclA. Advice has also being given on the approach to the wording of this condition by the NYCC Ecology Officer (July 2021).

Final Comments (26<sup>th</sup> January 2021) – Advised that support Natural England’s advice that additional treatment such as reedbed filtration is needed to reduce downstream phosphate emissions from the packet sewage plant; appropriate mitigation should be secured by condition.

**2.17 Yorkshire Wildlife Trust** – a series of responses have been received from the YWT on the application, summarised as follows: -

Initial response (20<sup>th</sup> October 2020) – agree with the comments of NYCC Ecology (05.10.2020) with regard to the need to clarify tree loss requirements - the Ecological Assessment states that 'dedicated Bat Roost Suitability Assessments

should be undertaken on any trees to be impacted by development; survey has not been undertaken at this point'.

- the lighting scheme whilst it is appreciated that low level bollards with a warmer colour are planned (in line with BCT guidance), with downward lighting, only during hours of darkness and controlled by sensors, further information is required such as a horizontal illuminance contour plan to illustrate that no light spillage will occur on sensitive features and how dark corridors will be retained through the site.
- the Landscape Strategy Plan would benefit from additional detail on the grasslands to be retained/created. Could wildflower grasslands with a low intensity maintenance plan be incorporated around the proposed lodges to maximise the biodiversity value of the site? In addition, note that a Package Treatment Plant is proposed, close to the River Swale. Please could the applicant clarify is there will be discharge into the River Swale, what levels of effluent discharge will occur and whether any ecological impacts are predicted?
- The CEMP contains a very brief section on biodiversity. Ideally the CEMP should detail exactly what needs to be undertaken, rather than referencing other (sometimes lengthy) reports which may result in important measures being omitted.
- Concur with NYCC that a long-term Biodiversity Management Plan for the site will be required.

Final Comments (5<sup>th</sup> January 2021) – confirmed that the additional information submitted on the application addresses earlier points regarding the need for clarification on tree loss in relation to potential bat roosts. However, note that the remainder of YWT comments (dated 20<sup>th</sup> October) regarding a horizontal illuminance contour plan, additional detail on the Landscape Strategy Plan, more info on the proposed Packaged Treatment Plant and CEMP are still relevant. In addition, note the updated report shows proposed Biodiversity Net Gain of 18.55% for non-linear habitat and a net loss of hedgerows of -0.68%. In line with the aspirations of the Environment Bill, net gain of 10% in hedgerow habitats should also be achieved as part of the scheme.

**2.18 North Yorkshire Bat Group** – Confirmed they concur with the comments by Yorkshire Wildlife Trust and the NYCC Ecologist and that they have no further comments to make on this application.

**2.19 Environmental Health** – (19<sup>th</sup> October 2020) – noted that the Applicant has failed to account for noise impact during construction beyond restricting hours of construction. As such recommends a Condition requiring submission of a Construction Environmental Management Plan (CEMP) which should include details of how noise will be controlled and mitigated. The construction of the development shall be completed in accordance with the approved Plan unless any variation has been approved in writing by Local Planning Authority. The plan shall include details of monitoring to be undertaken to demonstrate that the mitigation measures are sufficient and being employed as detailed. The applicant should have regard to criteria contained within BS 5228-1-2009+A1-2014 when proposing acceptable limits.

In commenting on the application the EH Officer also noted that the Applicant has indicated that foul drainage is to be disposed of via a package treatment plant, as such “advised that the installation of a new foul drainage system will require building regulation approval in addition to appropriate consent to discharge issued by the



Environment Agency” and recommended that consultations be undertaken with the Internal Drainage Board and the Environment Agency so as to ensure the development does not pose an unacceptable flood risk to the village or to the development itself.

Also requested an informative on any consent noting that “The proposed holiday lodges often require licensing under the Caravan Sites and Control of Development Act 1960 and the applicant should submit an application to Selby District Council Environmental Health Department where applicable”.

- 2.20 Contaminated Land Consultant** – Advised that although the Phase 1 Report submitted with the application provides a good overview of the site's history, its setting and its potential to be affected by contamination, it is considered that the proposed Site Investigation works within the Phase 1 Report are acceptable and as such should contamination be found then appropriate remedial action will be required to make the site safe and suitable for its proposed use. On this basis the LPA has been advised that a Condition relating to unexpected contamination should be utilised on any permission, with no requirement for additional surveys to be submitted.
- 2.21 Waste and Recycling Officer** - As holiday lodges are not classed as residential properties in terms of waste collection, there is no requirement for this site to provide the same waste collection facilities as offered to domestic properties in the district. Additionally, there is no requirement for the waste to be collected by Selby District Council. There is however a requirement to ensure that there are sufficient waste containers on site and that they are collected regularly by licenced waste contractor. A full waste management plan should be in place prior to the occupation of any of the holiday lodges.
- 2.22 Safeguarding Planning Manager, HS2 Limited** – Confirmed that no part of the red line boundary falls within land safeguarded for Phase 2b of HS2, as such we have no objection to the proposal. However, the applicant should be made aware that within the Working Draft Environmental Statement (WDES), works are proposed that are within close proximity of the red line boundary which will consist of the following: \* Construction phase - identifies land (outside the red line boundary) potentially required during construction and for a temporary material stockpile (see CT-05-504-L1 ) \* Proposed scheme - identifies land (outside the red line boundary) for replacement floodplain storage (see CT-06-504-L1)The WDES maps can be accessed here.
- 2.23 North Yorkshire Fire & Rescue Service** – advised that they will make further comment in relation to the suitability of proposed fire safety measures at the time when the building control body submit a statutory Building Regulations consultation to the Fire Authority.
- 2.24 Designing Out Crime Officer** – Supported the use of a barrier at the entrance and noted having reviewed had no further comments to make regarding the proposal.
- 2.25 Leeds East Airport (Makin Enterprises)** – No response received.
- 2.26 Neighbour Consultation and Publicity** - The application was advertised in the Press (Wetherby News 8<sup>th</sup> October 2020) as a Major Application and under the Listed Building Act and on 22<sup>nd</sup> October 2020 site notices were erected advertising the application for wider publicity. Further site notices were posted on the 23<sup>rd</sup> April

2021 on the application given the proximity of the site to the Listed Buildings at Old Hall Farm on Scarthingwell Lane, this notice expired on the 14<sup>th</sup> May 2021.

The application was advertised as a Departure in the Press on the 22<sup>nd</sup> May 2021.

In addition, as part of the initial advertisement of the application in October 2020 neighbour letters were also sent by the Council.

At the time of the collation of the Officers Report so up to the **21<sup>st</sup> June 2021**, a total of **45 individuals / couples** had made comments of support for the scheme, and a total of **10 couples / individuals** had submitted objections to the scheme. These can be summarised as follows for Members: -

## **Objections**

### *Principle of Development*

- Object to the erection of the lodges within Green Belt unless clear very special circumstances are in place.
- There are no benefits for the local area of allowing this development.
- Represents erosion of the countryside and will impact on the visual amenity of the area.
- There is a need for a S106 which should link the golf course use and the lodges to ensure that the Golf Course is retained as likely would still be unprofitable in its own right.
- Difficult to understand how a loss-making business would be supported in the longer term by the lodges even if they are profitable.
- To subsidise a loss-making business (a golf course) in the longer term from a profitable enterprise (holiday lodges) is not a supportable option. This must be particularly so when a major development is required to be built in the existing Green Belt to support this course of action. This proposal does not appear to me to justify the “exceptional circumstances” normally required for such a development; the needs appear to be mainly financial.
- This application represents only the first submission – the need for further development to underpin the golf course will be likely and then more lodges would come forward via further applications - Should the golf course follow national trends and continue to decline further in revenue, then no doubt it will either close, or applications to build further lodges could be made in the future.
- The impact on the rural environment of such a development form cannot be underestimated.
- A separate reception building for visitors to the lodges is also proposed, rather than combining the golf club and lodge reception as one and using the existing entrance from the public highway. The whole design of the site for appear very much to be as a standalone business with little obvious intent to make it an integral part of the Scarthingwell Golf Course business in the longer term. The development appears to propose solely for economic needs which cannot be justified as “exceptional circumstances” form development within the Green Belt.
- Previous proposals for this kind of development in the locality have been refused on Green Belt land to protect the Green Belt, Local Wildlife and the rural community.
- Current pandemic should not be exploited to allow building on Green Belt land

- The development threatens to triple the number of dwellings in a very small rural community (Scarthingwell/ Scarthingwell Park)

#### *Highways, Transportation and Public Rights of Way*

- There have been a number of serious accidents at the junction of Scarthingwell Lane and the A162 and the inevitable increase in traffic will increase risk of accidents / injury substantially.
- Public Transport links to the site are poor with the nearest bus stop over ½ mile away and services are every 1 ½ hours until about 5pm and not on Sundays or Bank Holidays
- Increase traffic in the area and impact on footpaths and bridleways in the area negatively.
- There is no separate footpath or marking on Scarthingwell Lane which means road users are disrespectful of other users.
- There is a separate entrance to the lodge site, 500m further down Scarthingwell Lane, and with no direct access to the golf course from the lodge site, the probability of any golfers walking to the course (and back) from the lodges would be small.
- The infrastructure around the development cannot support further traffic particularly given how many houses have been built in nearby villages.
- Creating a 2nd entrance, in addition to the existing golf course entrance would double the distance travelled by cars down Scarthingwell lane, a narrow lane, 4.1meters at its narrow point, and would conflict with the start of the bridleway and also the junction leading into Scarthingwell park.

#### *Residential Amenity*

- All year-round residency in the lodges would be detriment to the rural community.
- Use of the Package Treatment Plant would result in smell which is already experienced along Scarthingwell Lane.
- Would mean more people on the site which would increase noise in the area.

#### *Services, Infrastructure and Facilities*

- There are no shops or services or tourist amenities for those staying on the site other than golf so all journeys would be car based thus increasing traffic movements.
- Holiday lodges do not attract council tax; consequently, the additional burden placed on local roads and services will be borne entirely by the existing residents and the Council.

#### *Flood Risk and Drainage*

- The site is in Flood Zone 2 with no mains drainage provisions.
- The use of a package treatment sewerage system into the local watercourse will lead to issues every time there is a flood event.
- Would put local watercourses and rivers at risk of pollution when flooding occurs.

#### *Ecology*

- All year-round residencies would be detriment to the wildlife community.
- The lack of main drainage and building on land prone to flooding puts the SSSI at Kirkby Wharfe and the River Wharfe at risk from sewerage and effluent pollution.

### *Heritage Assets*

- The proposed access lane runs by the Scarthingwell Hall/Model farm (early 18th century). These buildings are Grade 2 Listed Buildings in a conservation area and are of special architectural and historic interest ([historicengland.org.uk](http://historicengland.org.uk)). The scheme is totally inappropriate development of this historic site.
- An area of land in Scarthingwell Park has been highlighted on the Barkston Ash Local Plan as protected parkland and in our opinion the green belt land surrounding the Scarthingwell Hall/Farm (18th century, grade 2 listed buildings in a conservation area) equally has historic and architectural importance and should be protected from unsuitable development. The farm buildings form an important part of the former Scarthingwell Hall Park estate.

### *Trees and Landscaping*

- A group Tree Preservation Order is in place alongside the bridleway that runs from Scarthingwell to Church Fenton. This is not shown on SDC Interactive Map but the integrity of these protected trees and shrubs must not be adversely affected by this proposed development.
- Would require cutting down trees in a tree preservation area.

### *Other matters*

- Those supporting the proposal, the vast majority were from golf club players or employees. What they supported was the continuation of the golf club facility into the future, NOT necessarily by reducing the size of the golf course or the building of a holiday lodge encampment.
- There are limited facilities and places of interest in the area for any visitors.
- It will become a rundown white elephant and will not succeed.
- In terms of the scope of pre-application consultations by the developer, objectors living in Scarthingwell Park, very close to the proposed development, have noted that they were not consulted or invited to discuss the proposed development with the Developers. Many of the properties in Scarthingwell Park have Barkston Ash addresses, yet the Barkston Ash Parish Council were not included in the consultation.
- Local residents have not been fully consulted on the application including those in Saxton.
- Local residents should have been given the chance to ask questions face to face not just be provided with diagrams and maps.
- The development will use gas as a resource which is not in the spirit of sustainable development when this is not be allowed on dwellings post 2025.
- Selby District Council are developing a local plan in consultation with Parish Councils and with wider public consultation. This proposed develop fails to acknowledge the protected areas of green belt in this plan and in our opinion undermines this planning process.
- Proposed application describes an unsustainable development that does not align with the aims of the local development plan and is at odds with the UK's environmental goals.
- Offers no apparent benefit to the local or wider community.
- It will serve to reduce the footprint / quality of the golf-course.
- Concern at the number of par three's which is six.

### **Support**

- The golf sector is changing, and Scarthingwell is a good example of a family friendly venue that should be supported and encouraged as it will enhance

the golf offer on the site and bring new players to the site ensuring it has a long term future and is not lost like many others in the area.

- The development will ensure an important sporting facility is secured ensuring that the very positive health benefits remain in place for the use of the existing 400 members, hundreds of visitors, and future members that no longer have access to council run sporting venues that are closing down or in danger of closing down in the vicinity.
- The future of the golf course without this planning consent will result in a great loss to the growing community of Sherburn in Elmet and the area, and all those people who currently enjoy playing golf, especially as there is very little other recreation or entertainment for any age groups locally.
- Holiday accommodation will complement the golf course, being well screened from the course, but giving the benefit of increased business and sustain the current facilities and course.
- The site is an important facility Selby as a meeting place as well as for exercise, health and well-being.
- The Clubs future will be in doubt if the development does not go ahead – this development will secure its future and enhance the golfing and other facilities on the site.
- It will be perhaps the only way the Golf Club can survive as a stand-alone enterprise.
- Other local golf courses do not provide the same opportunities to provide such a large cross-section of the community an introduction to golf, and Scarthingwell dispels the common assumption that golf is an elitist hobby.
- The Club proactively undertook consultation on the proposals and the scheme developed as a result of this work.
- The cabins will be shielded, views will not be impacted as a result of the development and it will be attractive and high quality.
- Will boost both the Club but also the local economy, business community and create jobs both in short and long term through construction and operation.
- Will bringing additional disposable income into the area which will benefit not just the golf club but other local businesses.
- The golf club has always supported local activities within the villages around the area and should be supported.
- The site is ideally located to allow access to the City of York and wider areas for visitors with access to all the major road networks, A1, M1 A63 which are all within very easy reach so will be attractive to tourists.
- The membership has declined at the course as it has across the sector, but the owners of the site have worked hard to address change in the sector and this application shows a forward-thinking approach.
- The diversification at the Course should be supported including the provision of the Academy.
- The lodges have been carefully positioned as not to obstruct any views and will not be noticeable from any domestic dwellings at all.
- The scheme takes account of the local environment.
- A phased approach to the siting of lodges and this in my view shows the thought and consideration of the landowners as to how the development will sit within the local area.
- The development is shown as having a clear and distinctive boundary and access road with barrier to inhibit the use of the existing access and egress. Any additional traffic could be said to be minimal as in reality there will rarely be an occasion when all the occupants of the proposed development will be

using the access road at the same time. Entry onto the main road from the lane will be relatively similar to volume of vehicles attending the existing outlets and residences.

- The proposal of the lodges paramount to input of funds into the development of the Golf facilities, and the apparent research and consideration given to the natural surroundings by the proposers (examples of natural habitats for wildlife being built and flora/fauna plantations).
- Without its continued existence as a golf course, Concern that the land may in future be used for - housing, industrial or commercial would all have a far greater detrimental impact on the environment and local communities. Not to mention the hundreds of golfers whose health, physically and mentally is hugely benefitted.
- Positive outcomes from this planning application more than outweigh any negative impact and it is no secret that all golf clubs throughout the UK have met challenging times recently, development and investment in such areas will help to protect employment and undoubtedly help the club to thrive as life gets back to normal.
- The proposed development will not only enhance an already developing course with an unpretentious and friendly atmosphere but will provide further prospects for the surrounding business and create local jobs.
- Used this facility on many occasions and feel the lodges will only add benefits to the area.
- The road network is very good, the development will have extremely little impact on the area.

#### **Neutral / Other Comments made on the Application.**

- An objector has noted no objections to the scheme in terms of the alterations to the course and the construction of a golf academy in the converted green keepers store only but only to the lodges with the Green Belt.

### **3 SITE CONSTRAINTS**

#### **Constraints**

- 3.1 The site lies in the Green Belt as defined by the Selby District Local Plan, includes land within Flood Zone 2 and 3, but is noted as being an area benefiting from flood defence provision.
- 3.2 The site is also noted as potentially contaminated as a result of former uses related to agriculture on the Council's records and is within a Zone 3 Source Protection Area.
- 3.3 In terms of heritage and ecological assets then the site is adjacent to Carr Wood Ancient Woodland and within the vicinity of a Site of Interest for Nature Conservation (SINC). There are a series of listed buildings to the immediate south of the application site, known as Old Hall Farm and the site is within close proximity to the Towton Battlefield. There is also a series of Tree Preservation Orders relating to trees on the Scarthingwell Lane to the south of the access route into the proposed development.
- 3.4 The site is also within the 500m buffer zone for the HS2 route and within the consultation zone for the Leeds East Airport at Church Fenton.

## Environmental Impact Assessment Screening

- 3.5 The application was screened in terms of the need for the undertaking of an Environmental Impact Assessment upon submission to the application. This screening concluded although the development fell within
- a) Category 12(c) Holiday Village and Hotel Complex outside an urban area and associated development in excess of 0.5ha; and
  - b) Category 12 (f) Golf Courses and Associated Development in excess of 1 ha

An EIA was not required in this instance when assessing the scheme against the sensitive receptors and that any impacts could be considered without the need for an Environmental Statement. A full copy of the Screening was added to the Public Record on the application within 21 days of the validation of the application.

## 4 POLICY CONSIDERATIONS

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF (2021), with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.
- 4.2 The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.
- 4.3 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options took place early in 2020. Consultation on preferred options took place in early 2021. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.
- 4.4 The NPPF (2021) does not change the status of an up-to-date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2021 NPPF.
- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) (2021) outlines the implementation of the Framework -

*"219. ....existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."*

## **Selby District Core Strategy Local Plan**

4.6 The relevant Core Strategy Policies are:

- SP1 – Presumption in Favour of Sustainable Development
- SP2 – Spatial Development Strategy
- SP3 – Green Belt
- SP12 – Access to Services, Community Facilities and Infrastructure
- SP13 – Scale and Distribution of Economic Growth
- SP15 – Sustainable Development and Climate Change
- SP17 – Low-Carbon and Renewable Energy
- SP18 – Protecting and Enhancing the Environment
- SP19 – Design Quality

## **Selby District Local Plan**

4.7 The relevant Selby District Local Plan Policies are:

- ENV1 – Control of Development
- ENV2 - Environmental Pollution and Contaminated Land
- ENV3 – Light Pollution
- ENV9 – Sites of Importance for Nature Conservation
- ENV28 – Other Archaeological Remains
- T1 – Development in relation to Highways Network
- T2 – Access to Roads
- RT4 – Golf Course and Golf Driving Range Development
- RT11 – Tourist Accommodation
- RT12 – Touring Caravan and Camping Facilities

## **5 APPRAISAL**

5.1 The main issues to be considered when assessing this application are:

1. Principle of Development
  - Spatial Strategy and Green Belt
  - Location of Serviced and Non-Serviced Tourist Accommodation
  - Golf Course Re-configuration and Associated Works (excluding Green Belt)
  - Impact on the Openness of the Green Belt
2. Design and Layout of Scheme including Impact on the Character of the Area
3. Impact on Landscape and on Trees
4. Flood Risk, Drainage and Pollution Control
5. Impact on Heritage Assets (including Listed Buildings and Archaeology)
6. Highway Matters, Access Improvements and Impacts on Public Rights of Way
7. Residential Amenity
8. Ecology, Protected Species and Ancient Woodland (Carr Wood)



9. Lighting Approach
10. Contamination
11. Construction Stage Mitigation
12. Climate Change
13. Golf Course Financial Position and Impact of the Pandemic
14. Other Issues arising from Consultation
  - Linkage between the Golf Course and Holiday Cabins
  - HS2
  - Police Architectural Liaison Officer
  - Waste and Recycling
  - Caravan Licensing Requirements
  - Status of Emerging Local Plan
  - Future Applications for further Cabins
  - Pandemic
  - Support Comments
  - Scope of Pre-application Consultations with the wider Community and Parish Councils
  - Future Applications
  - Change in the Golf Course Par
  - Council Tax Income
15. Case for Very Special Circumstances

Taking these in turn.

### **The Principle of the Development**

- 5.2 In terms of the principle of development then the scheme should not only be considered in terms of site being within the Green Belt but also in terms of the acceptability of the scheme in the context of RT11 and RT12 of the Selby District Local Plan on Serviced and non-services tourist accommodation. Also relevant is the spatial strategy as defined by the Core Strategy and Policy SP13 on the scale and distribution of economic growth.
- 5.3 Objectors and the Parish Council have raised concerns in terms of the principle of development in terms of the site being in Green Belt and whether very special circumstances exist and the lack of benefits for the local community. Those supporting the scheme have expressed support for the scheme in terms of protecting the golf courses existence and the enhancement of the golf offer at the site which they consider should be taken into account in considering the principle of development.

### ***Spatial Strategy and Green Belt***

- 5.4 Policy SP1 of the Core Strategy outlines that “when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy

Framework” and sets out how this will be undertaken. Policy SP1 is therefore consistent with the guidance in Paragraph 11 of the NPPF (2021).

5.5 In terms of the Selby District Core Strategy then Policy SP2, (The Spatial Development Strategy) part A (c) applies to this proposal, it states that “Development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13”.

5.6 Core Strategy Policy SP13, (the Scale and Distribution of Economic Growth) could be considered to apply as it represents diversification of the business. The policy states that:

“In rural areas, sustainable development (on both Greenfield and Previously Developed Sites) which brings sustainable economic growth through local employment opportunities or expansion of businesses and enterprise will be supported”.

Part D states that:

“In all cases, development should be sustainable and be appropriate in scale and type to its location, not harm the character of the area, and seek a good standard of amenity”.

However, and critically, in Green Belt policy terms then Policy SP3 of the Core Strategy applies and part B clearly states that:

“In accordance with the NPPF, within the defined Green Belt, planning permission will not be granted for inappropriate development unless the applicant has demonstrated that very special circumstances exist to justify why permission should be granted.”

5.7 NPPF (2021) outlines that the fundamental aim of Green Belt policy is to “prevent urban sprawl by keeping land permanently open” and that “essential characteristics of Green Belts are their openness and their permanence” and that “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very Special Circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.” So, under the NPPF (2021)

“A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
  - not have a greater impact on the openness of the Green Belt than the existing development; or
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

5.8 Therefore, having regard to the above the decision-making process when considering proposals for development in the Green Belt is in three stages, and as follows:

- a) It must be determined whether the development is appropriate or inappropriate in the Green Belt.
- b) If the development is not inappropriate, the application should be determined on its own merits unless there is demonstrable harm to interests of acknowledged importance, other than preservation of the Green Belt itself.
- c) if the development is inappropriate, the presumption against inappropriate development in the Green Belt applies and the development should not be permitted unless there are very special circumstances which clearly outweigh the presumption against it.

5.9 The above stages reflect the guidance in NPPF (2021) Paragraphs 147 and 148. Paragraph 149 states the construction of new buildings is inappropriate development in the Green Belt and exceptions to this are listed. None of these exceptions are considered to apply to the proposed lodges/cabins, but the changes to the Golf Course layout and the changes to the existing building to create the joint green keepers / academy facility would be considered if subject of an application in their own right to be appropriate under Paragraph 149(b) of the NPPF (2021) as they would constitute the provision of appropriate facilities in connection with an existing land use for outdoor sport and recreation that would preserve the openness of the green belt and would not conflict with the purpose of including land within the Green Belt.

5.10 In terms of the creation of the lodges/cabins and the associated works including the new Reception Building these elements would not be considered appropriate development and as such then there is a need for an assessment of the scheme against very special circumstances. So, the proposed development as applied for represents inappropriate development in the Green Belt and very special circumstances are required and it must be demonstrated that any other harm, “is clearly outweighed by other considerations” (NPPF (2021) para 148). A case for

Very Special Circumstances (VSC) has been submitted in support of the development by the applicants and is considered later in this report.

### ***Location of Serviced and Non-Serviced Tourist Accommodation***

- 5.11 Notwithstanding the approach of Policy SP3 and the case for the development in Green Belt terms, the scheme must be assessed in terms of the principle of development against Policy RT11 and RT12 of the Local Plan, as they will be tourist accommodation as well as Policy SP13 of the Core Strategy, alongside the approach of the NPPF (2021) which in its current form postdates both the Local Plan and the Core Strategy.
- 5.12 Policy RT11 of the Selby District Local Plan relates to proposals for serviced or non-serviced tourist accommodation. It is considered that this policy would hold some weight in terms of providing a form of accommodation. RT11 focuses on the need for a variety of tourist accommodation and states that be it located inside or outside of development limits. Development should re-use or extend buildings. Whilst the preamble to this policy refers to the development of entirely new development, there is no scope within the policy statement itself. Policy RT11 outlines the following

*“Proposals for serviced or non-serviced tourist accommodation, including extensions to existing premises, will be permitted provided:*

*1) The proposal would be located within defined development limits or, if located outside these limits, the proposal would represent the use of either;*

*i) A building of either architectural or historic interest, or;*

*ii) An existing structurally sound building which is suitable for its proposed function without major rebuilding or adaptation, or;*

*iii) An extension to an existing hotel or other form of accommodation; and*

*2) The proposal would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity; 162 Selby District Local Plan Adoption Draft: Part One (General Policies) February 2005*

*3) In meeting car parking and access requirements, there would not be a significant adverse effect on the setting of the building or the character of the area; and*

*4) The size and scale of the proposal would be appropriate to the locality.*

*In granting permission for self-catering accommodation, the local planning authority will ensure that a condition restricting the maximum period of occupation of the premises is applied.*

*Within areas of Green Belt, proposals will only be permitted where they satisfy the requirements of Policy GB2 as an acceptable form of development in the Green Belt.”*

- 5.13 It is noted that there are no policies within the Local Plan which specifically relate to static caravans but Policy RT12 of the Local Plan states that proposals for (touring) caravan and camping sites shall be permitted subject to the following criteria being met:

- 1. The proposal would not have a significant adverse effect on the character and open appearance of the countryside, or harm acknowledged nature conservation interests;*

2. *Any proposal for development within the locally important landscape areas, as defined on the proposals map, would conserve and enhance the landscape quality of the area in terms of scale, siting, layout, design, materials and landscaping;*
3. *The proposal would not be visually intrusive and would be well screened by existing vegetation, or would incorporate a substantial amount of landscaping within and around the site;*
4. *The site would have good access to the primary road network;*
5. *The proposal would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity;*
6. *Any new ancillary buildings or structures are essential to providing basic services on the site; and*
7. *The number of pitches in anyone would be in proportion to the size of the locally resident population so as not to disrupt community life.*

5.14 Paragraph 84 of the NPPF (2021) states that that, “Planning policies and decisions should enable:

- a) *the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) *the development and diversification of agricultural and other land-based rural businesses;*
- c) *sustainable rural tourism and leisure developments which respect the character of the countryside; and*
- d) *the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.”*

5.15 Paragraph 85 of the NPPF (2021) states that, “Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist’.”

5.16 In terms of SP13(c), which is considered to accord with the NPPF (2021), then SP13(c) is supportive of tourism development within rural area which brings about sustainable growth, expansion of business and enterprise including for schemes that are diversification of “land based rural business”, “rural tourism and leisure developments”. In addition, under SP13(d) then it is also noted that in all cases “development should be sustainable, and “be appropriate to the scale and type of its location, not harm the character of the area and seek a good standard of amenity”.

5.17 The NPPF states at Paragraph 85 that decisions should enable diversification of land based rural business, sustainable tourism and leisure developments which respect the character of the countryside and the retention and development of local services and facilities which includes sports venues. Further as noted by the Applicants Paragraph 85 of the NPPF (2021) states decisions should recognise that sites that meet local needs maybe beyond the existing settlements and in locations not served by public transport and as such the assessment will be ensure that the development is “sensitive to its surroundings”.

5.18 In terms of Policy RT11 of the Local Plan the Applicants have set out that in their view then assessment of the scheme against RT11, given from the 2005 Plan, needs to be considered in the context of changes that have occurred in terms of considering tourist accommodation, with specific reference being made to the NPPF which they note advises that that planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) the development and diversification of agricultural and other land-based rural businesses;*
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and*
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship’.*

They have also drawn support for this approach against Paragraph 85 of the NPPF (2021) which states that:

*‘Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist’.*

As such the Applicant seeks to argue that in terms of the principle of development under RT11, that the requirements of Criterion 1 have been superseded by more up to date policy guidance.

5.19 The Applicants have also considered the scheme’s relationship with Policy RT12 and have noted that the proposed development comprises lodges rather than caravans and camping facilities, so in their view “Local Plan Policy RT12 doesn’t directly apply”. Thus, stating that the scheme does however meet the key criterion in the policy.

5.20 It is accepted by the Local Planning Authority that there has been changes to the national planning policy context since such time of Policy RT11 and that it is a saved policy, thus forming part of the development plan. However, both Policy SP13 and the NPPF do allow for tourism to be supported outside development

limits even where it is for development which is not related to a building of architectural or historic interest, a form of development not within an existing structurally sound building or for a new development which is not an extension to an existing hotel or other form of accommodation. As the scheme is related and linked to the existing Golf Course operation and would clearly significantly contribute to the local economy and the rural community, as well as being the diversification of a rural land use and business.

- 5.21 So subject to the proposal being considered to be sensitive to its surroundings, and not having an unacceptable impact on local roads then schemes in rural locations can be supported against Policy SP13 and Paragraph 84 and 85 of the NPPF (2021), despite the conflict with RT11 (1), if the scheme is acceptable on all other technical grounds and considered sensitive to its surroundings which is assessed within the Report in the following sections.

### ***Golf Course Re-configuration and Associated Works (excluding Green Belt)***

- 5.22 As outlined above the proposals include facilities for the Golf Course and the re-configuration of the Golf Course as well as creation of a golf academy within an existing building to the south of the Club House and a relocated greenkeeper's store.
- 5.23 Policy RT4 of the Selby District Local Plan relates to the creation of new golf courses and outlines the key aspects to be considered on new courses in terms of the impact on the character of the countryside and harm to conservation interests, landscape and the need to ensure that buildings are appropriately sited and all impacts considered in terms of the public rights of way, highways and concentration of use.
- 5.24 As the application includes that re-configuration of an existing course and would not extend the area of land used for golf beyond the land already used then it is considered that the principle of development in terms of the re-configuration can be supported in the context of Policy RT4. In addition, in terms of the building to be used as an academy and greenkeepers store then this is located to the south of the Clubhouse and would be clearly an ancillary use then again this can be supported in principle against Policy RT4 of the Selby District Local Plan.

### ***Impact on the Openness of the Green Belt***

- 5.25 The main characteristics of Green Belts is their openness and permanence - openness having both a spatial as well as visual element but not in relation to the visual quality.
- 5.26 Objectors and the Parish Councils have noted concerns in terms of the visual impact of the development both in terms of its Green Belt location but also in terms of the erosion of the countryside and its longer-term maintenance and landscape management. Supporters of the scheme have raised comments supporting the development given that the cabins / lodges will be shielded, attractive and of a high quality.
- 5.27 In relation to the changes to the Golf Course layout then it is not necessary to consider the impact on the openness of these works given that these are considered appropriate development within the Green Belt. However, the proposal for introduction of cabins / lodges and the associated buildings / structures then the

consideration is to what degree the proposal impacts on the openness of the Green Belt as a result of the form and scale of the proposal.

- 5.28 The scheme includes not only the introduction of the lodges/cabins, but each lodge/cabin has decking and parking provision and there will be access roads through the site, a new sub-station and a reception building with parking and an access barrier. Therefore, the development will encroach into the open countryside in spatial terms and will change the visual character of this area of Green Belt through the introduction of built form within an area of land that is currently used as Golf Courses. The scheme would represent encroachment into the countryside even though it is within the boundaries of land used by the Golf Course operation.
- 5.29 Yet the scheme is within a defined area with defined landscaped boundaries which through a Landscape Strategy and Landscape Management Plan, alongside a condition for a full landscaping plan, are considered to demonstrate that the scheme has demonstrated a good quality of landscape design approach that takes reasonable measures to protect openness of Green Belt, local amenity, character and setting.
- 5.30 So, although there is the potential for the development to affect the Green Belt openness these visual effects would be minimised through providing a detailed landscaping hard and soft landscaping scheme alongside a phased implementation programme, requirement for planting works to be implemented on a phased basis in the first available planting season following completion of each phase, and to include a 5-year plant defects period, the provision of a detailed landscape management plan that should be secured for the life of the development alongside the Arboricultural Method Statement and tree protection measures. So as to ensure that the sensitivity of the site and the need to maintain visual screening for the life of the development can be secured and maintained.
- 5.31 In this context and subject to a Legal Agreement securing the landscaping implementation, its management and retention then it is considered that the proposed scheme will not significantly adversely impact on the openness of the Green Belt in spatial or visual terms and therefore, and in this respect, it accords with Policy SP3 of the Selby District Local Plan and paragraph 137 of the NPPF (2021).

### **Design and Layout of Scheme including Impact on the Character of the Area**

- 5.32 There are series of policies within both the Selby District Local Plan and the Core Strategy Local Plan which need to be taken into account in the consideration of the design and layout of the site alongside the above noted policies on Green Belt. These are:
- Policy "SP19 - Design Quality" of the Core Strategy outlines a wide range of issues which need to be taken into account in schemes including that proposals "for all new development will be expected to contribute to enhancing community cohesion by achieving high quality design and have regards to the local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside".
  - Selby District Local Plan Policy ENV1(1) requires development to take account of the effect upon the character of the area, with ENV1(4) requiring the standard of layout, design and materials to respect the site and its surroundings.



- Policy RT11 Criterion 4 of the Selby District Local Plan outlines that the size and scale of the proposal would be appropriate to the locality.
- Policy RT12 Criterion 1 of the Selby District Local Plan relates to whether the proposal would have a significant adverse effect on the character and open appearance of the countryside, or harm acknowledged nature conservation interests.
- Policy RT12 Criterion 6 of the Selby District Local Plan relates to, whether any new ancillary buildings or structures are essential to providing basic services on the site.
- Policy RT12 Criterion 7 of the Selby District Local Plan relates to, whether the number of pitches would be in proportion to the size of the locally resident population so as not to disrupt community life.

- 5.33 Objectors and the Parish Councils have raised concerns in terms of the scheme design in relation to the cabins / lodges being in effect static caravans, the longer-term management of the site, the possibility it will become an eyesore and overall impact on the rural character of the area. Those supporting the application have noted support in terms of the scheme representing a scheme that will not impact on the character of the area or views of existing residents in the area.
- 5.34 The application is a full application and alongside the site layout plans, as noted above, details of the lodge/cabins in terms of their size have been confirmed and information has been provided by way of manufacturer details of the types of lodges that would be erected on the site. The submitted details and the Supporting Statement reference the use of timber clad lodges but no specific details on colour have been provided and it would not be appropriate to limit the consent to a single lodge design given that the type may become unavailable, and it would limit the applicants to a specific supplier. What would be appropriate would be to limit the lodges / cabins to a maximum number of bed spaces, dimensions and for final materials / colour specification via condition requiring agreement of these prior to the commencement of each phase of the development, as it would be inappropriate to identify only one make of lodge/cabin on any decision. It would be expected that the lodges/ cabins would be timber clad and in neutral tones of brown when details were provided to the Authority prior to the commencement of each phase as shown on the submitted Plan Ref LDS/2516/005/B. In addition conditions can be utilised to secure final details on the materials for the reception building, the sub-station and the works to create the academy and greenkeepers buildings.
- 5.35 The Site Layout Plan Ref LDS/2516/003/C and Cabins Area Plan Reference LDS/2516/004 Revision C show the details for the siting of the lodges / cabins and confirms that each one will have defined parking provision and decking areas. As noted above the application also includes a Landscape Strategy Plan which sets out the proposed approach on Drawing Reference LDS/2516/007 Rev A and details have also been provided on the approach to tree protection fencing on Plan Reference 2516/009 Rev A.
- 5.36 In relation to the changes to the Golf Course layout and the conversion of the existing building for the academy / greenkeepers store then these elements are within areas already utilised by the golf course operation and would not result in any impacts on the existing landscaping.
- 5.37 In terms of the scale of the proposed cabins / lodges development, i.e., 99 cabins / lodges and the associated works including the Reception Building and substation, then this level of development has been defined by the enabling case made by the applicants which will be considered later in this Report. The impact of the scheme

on the character of the area is mitigated by the approach to the siting of the cabins/lodges in the most screened part of the site but also as a result of the additional landscaping and the sensitive siting / colour choices.

- 5.38 In terms of whether the number of pitches would be in proportion to the size of the local resident population so as not to disrupt community life, then Officers consider that as the scheme is not immediately adjacent to a settlement it would not result in impacts that are to be out of proportion to such a settlement size. It is considered that the scale of the scheme would not be such as to result in undue impact on community life in the area to an extent to warrant refusal of the scheme.
- 5.39 On balance it is considered that the design approach has taken full account of the site context and has been designed in such a manner to ensure that the character of the area is not unduly impacted and has resulted in a scheme that is wholly appropriate to its surroundings and is considered acceptable in terms of the impact on the character of the area. As such subject to the noted conditions the scheme is considered to accord with Policies ENV1, RT11 and RT12 of the Local Plan and SP19 of the Core Strategy.

### **Impact on Landscape and on Trees**

- 5.40 There are series of policies within both the Selby District Local Plan and the Core Strategy Local Plan which need to be taken into account in the consideration of the design and layout of the site in terms of the impact on trees and the landscaping. These are as follows:-
- Policy "SP18 – Protecting and Enhancing the Environment" and SP19 - Design Quality" of the Core Strategy outlines a wide range of issues which need to be taken into account in schemes including that proposals "for all new development will be expected to contribute to enhancing community cohesion by achieving high quality design and have regards to the local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside" and seeking to safeguard and enhance landscape character and setting.
  - Selby District Local Plan Policy ENV1(4) requires development to take account of landscaping and its surroundings.
  - Policy RT12 Criterion 3 of the Selby District Local Plan notes that schemes should not be visually intrusive and be well screened by existing vegetation or would incorporate a substantial amount of landscaping within and around the site.
- 5.41 The site is located in the open countryside and is adjacent to Carr Wood Ancient Woodland and within the vicinity of a Site of Interest for Nature Conservation (SINC). There is also a series of Tree Preservation Orders (*Reference 4/1985*) relating to trees on the Scarthingwell Lane to the south of the access route into the proposed development.
- 5.42 Objectors have raised concerns in terms of the visual impact of the scheme on the area and noted the TPO's on the access road. Whereas supporters have noted that the scheme is screened and sits alongside the Golf provision in such a way to not impact on this visually.
- 5.43 As outlined above the application is accompanied by a Landscape Strategy Plan which sets out the proposed approach on Drawing Reference LDS/2516/007 Rev A and details have also been provided on the approach to tree protection fencing on

Plan Reference 2516/009 Rev A. In addition, information has also been submitted in terms of the assessment of any impact on the trees covered by a Tree Preservation Order (TPO) to the south of the access road as a result of lodges/cabins being brought into the site, the need for access road improvements and the longer-term use of the route as an access for the Lodges/cabins area. The scheme submission also shows new planting of native trees and shrubs, together with the improved management of existing tree cover, which will enhance the tree belts by improving species and age diversity and establishing a continuous canopy cover in areas where separation is required between golf and lodges. The Landscape Strategy Plan sets out the proposed approach on Drawing Reference LDS/2516/007 Rev A and details have also been provide on the approach to tree protection fencing on Plan Reference 2516/009 Rev A.

- 5.44 The approach to the landscaping of the site and the impacts of the proposal on the existing landscaping within the site, and immediately adjacent to the access road into the site has been considered in detail by the Council's Landscape Officer. Concluding that the scheme includes enhanced planting, the use of low level boundary treatments to define the area of the cabins / lodges from the Golf Course and the mitigation to ensure impacts on the TPO trees adjacent to the access road are not unduly impacted by the development. As a result of the detailed discussions have resulted in no objections from the Landscape Officer subject to conditions and the inclusion within a S106 Legal Agreement to ensure that the scheme is maintained and retained following implementation.
- 5.45 As such it is considered that the proposed siting of the cabins / lodges to maximise the benefit of existing landscaping combined with further enhancement of this planting is considered acceptable and subject to the conditions and confirmation of management regime via a S106. It is considered that the scheme is acceptable in both landscape and tree terms and as such the scheme is considered to accord with Policy ENV1 and RT12 of the SDLP and SP18 and SP19 of the Core Strategy.

### **Flood Risk, Drainage and Pollution Control**

- 5.46 SDLP Policy ENV1 requires account to be taken of the capacity of local services and infrastructure and CS Policy SP19 and SP18 seek to prevent development from contributing to or being put at risk from water pollution or flood risk.
- 5.47 The wider Golf Course complex includes land in Flood Zone 1 which is largely not being used for the reconfiguration or cabin/lodge provision. There is also an area of Flood Zone 3 land to the north-eastern sector of the site. The scheme's foul drainage approach is based on the use of a package treatment plant and a surface water drainage strategy that includes utilisation for of SUDs methods including swales and water reed beds for surface water management.
- 5.48 In terms of flood risk and drainage then Objectors have raised concern in terms of drainage impacts given the site is within Flood Zone 2, smells from the package treatment plant and local watercourses and rivers at risk of pollution when flooding occurs.

#### *Flood Risk*

- 5.49 The Environment Agency flood map for planning shows that the area to be developed for the cabins / lodges as being largely located within Flood Zone 2, with the exception of the initial element of the access road and the reception building, which is in Flood Zone 1, so it is largely in an area at medium risk of flooding. In terms of the land being used for the changes to the Golf Course layout these are

part in Flood Zone 1 and part in Flood Zone 2. The building that is to be converted for the Greenkeepers / Academy is within Flood Zone 1. The proposed substation would be located also within Flood Zone 1. There is also an area of Flood Zone 3 land link to Carr Wood Dyke which runs along the north eastern boundary of the Golf Course, no works are proposed in this area in terms of the Golf Course reconfiguration and or for the cabins / lodges area. The primary sources of flood risk at the application site are concluded to be from tidal and fluvial sources i.e. the River Wharfe; and Ainsty (2008) IDB land drainage network; and pluvial sources i.e. surface water runoff.

- 5.50 Paragraph 162 of the NPPF (2021) states that “The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding”. Paragraph 163 of the NPPF (2021) states that “If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance”.
- 5.51 Core Strategy Policy SP15, ‘Sustainable Development and Climate Change’ commits Selby District Council to:
- Ensure that development in areas of flood risk is avoided wherever possible through the application of the sequential test and exception test; and ensure that where development must be located within areas of flood risk that it can be made safe without increasing flood risk elsewhere; and
  - Support sustainable flood management measures such as water storage areas and schemes promoted through local surface water management plans to provide protection from flooding; and biodiversity and amenity improvements.
- 5.52 Table 2 of the National Planning Policy Framework (NPPF) Flood Risk and Coastal Change Matrix outlines the flood risk vulnerability classification of land. These range from ‘highly vulnerable’ uses such as basement dwellings to ‘water compatible’ uses.
- 5.53 As such the Golf Course reconfiguration and academy / green keepers building would be considered to be “water compatible” as outdoor sports / essential facilities related to the outdoor sport use within Flood Zone 1 and 2, so would be considered to be appropriate uses within the Flood Zone. As would the substation which is to be located within Flood Zone 1 and is “essential infrastructure”. The new reception building and the initial section of the access into the site from Moor Lane being within Flood Zone 1 would be consider to be appropriate.
- 5.54 In terms of the cabins / lodges then as already stated these are to be sited within Flood Zone 2 and therefore depending on how they are occupied / operated would be considered to be either a “Highly Vulnerable” or “More vulnerable” use in terms of Table 2 of the National Planning Policy Framework (NPPF) Flood Risk and Coastal Change Matrix, and thus whether they are considered to be compatible or not and whether an exception test is required is also dependent on how they are to be occupied / operated. If they are to be for permanent residential use then they would be considered to be “highly vulnerable” and an exception test would be required, whereas if they are to be “used for holiday or short-term let” then they would be compatible, would not require an Exception Test but would need to be subject to a specific warning and evacuation plan.

- 5.55 The Applicants have stated in the submitted Flood Risk Assessment that the scheme for the cabins / lodges would be classed as “highly vulnerable” and therefore they have provided both a Sequential and Exception Test within the submitted Flood Risk Assessment (prepared by Dryden Wilkinson Partnership Ref 20013-01 Revision B dated 11<sup>th</sup> June 2020). This considers the scheme in terms of the case for the development of the lodges / cabins within Flood Zone 2, given that a large part of Golf Course complex is in Flood Zone 1 (on the western side) yet the cabins / lodges have not been located in this part of the site, but within the Flood 2 area. The assessment is based on a District wide assessment and seeks to justify the development within Flood Zone 2 by way not only of a Sequential Test but also via an Exceptions Test.
- 5.56 In terms of the Sequential Test then the assessment does not consider alternative sites within Flood Zone 2 or 3 as they are not sequentially preferable and also focuses on sites of a similar scale i.e. 20% larger or smaller than the application site so between 2.06 hectares and 3.10 hectares, with smaller or larger sites being rejected. It also considers available sites within the countryside across the full District as identified within the Strategic Housing Land Availability Assessment 2019 and the Employment Land Review (2018).
- 5.57 As a result of applying these criteria then a total of 20 sites were identified District wide, with only two being considered possible alternative sequentially preferable locations following the initial screening. The initial screening considered development constraints such as need for highways improvements or power line relocation or location factors such as neighbouring uses, alongside planning consents for other uses and factors such contamination levels, as well as the size of the sites. The two remaining sites were then considered in further detail were:
- TADC-Y: Land adjacent to Grimston Grange Offices, Grimston Park Estate, Tadcaster (as identified in the Employment Land Review (2018)) which is noted as being 6.56Ha and is significantly larger than required. There are no significant development constraints and located approximately 5 miles from the application site.
  - AROE-D: Land East of Colton Lane, Appleton Roebuck (as identified in the (as identified in the Employment Land Review (2018)) which is noted as being of 9.80Ha and considered to be significantly larger than required but have no significant development constraints and located approximately 10 miles from the application site.
- 5.58 The Sequential Test then outlines that having considered these two sites, given that the purpose of the cabin / lodges scheme is to supplement the revenue of the Scarthingwell Golf Course the placement of the cabins needs to be close to and not remote so both of the above sites are not considered to be suitable and are therefore discounted and as such concludes that the application site is sequentially preferable and passes the Sequential Test.
- 5.59 The initial Sequential Test did not consider the availability of Flood Zone 1 land within the existing Golf Course, which is in the same ownership, as part of the initial Sequential Test. However, following a request from Officers the applicants did provide additional information pertaining to this land. In the submission it is argued that accommodating the proposed enabling development within the area of Flood Zone 1 within the Applicants control was discounted for the following reasons:
- As highlighted in the archaeological desk-based assessment (p15 and p24), this area has enhanced archaeological significance. For ease of reference, the Battle of Towton in 1461 covers an area with reference DNY 13412 (Historic England).

Part of this designation covers the north west area of the golf course with skirmishes believed to have occurred down to Dingtingdale. In addition, assessment also noted that there are numerous cropmarks representing Romano-British presence within the locality of the site and possibly on the site's western fringes. As such, it was considered important to avoid any development on the site's western extent;

- Carr Wood is designated ancient woodland and, as such, development has been avoided in its proximity in order to avoid any visual or ecological impact on this area;
- An important factor in the location of the proposed lodges was minimising and impact on the openness of Green Belt. The front 9 golf holes are visible to varying degrees from the main road and from Scarthingwell Lane and positioning lodges on this area of the site would expose them to similar views from the same public vantage points. The proposed location benefits from good levels of existing screening and views of this area of the site from outside it are minimal; and
- The land to the west lies immediately east of the 'Locally Important Landscape Area' to the west of the A162. As such, the applicant has seen it important to keep any development well clear of this boundary.

5.60 In terms of the Exceptions Test then the Applicants have argued that there are wider sustainability benefits to the community that outweigh the flood risk at the application site, namely

- Objectives from the adopted Core Strategy for Selby District Council includes improving the range and quality of cultural and leisure opportunities across the District and improving tourism facilities; with an importance placed on rural diversification; which incorporate recreation and tourism activity.
- Development of this site to provide tourism accommodation; and the wider development to upgrade the golf course at Scarthingwell Golf Club, helps Selby District Council meet these planning objectives.
- It is considered that there is also opportunity to provide economic benefit to local (Selby District) and the wider (North Yorkshire) businesses, through tourism, which is likely to have a beneficial impact overall on employment and new business opportunities.

5.61 In terms of the whether the scheme has passed the Sequential Test then it is view of Officers that the Applicants have provided a District Wide Sequential Test and have also considered the options within the existing Golf Course, which does include land in a lower Flood Zone than that where the cabins / lodges are to be located. The applicants have dismissed all of the other sites and also noted a series of reasons as to why the proposed siting is considered to be acceptable. It is considered that not only has an appropriate Sequential Test been undertaken but also that the Exceptions Test has been passed. As such it is considered that the Applicants have set out a case to support the use of Flood Zone 2 land for the development, and as such it is considered that the scheme accords with CS Policy SP19 seeks to prevent development from contributing to or being put at risk from flood risk.

#### *Surface and Foul Water Drainage*

5.62 The application is accompanied by a Flood Risk Assessment, additional information that was provided to address matters raised in Consultations and the Site Layout Plan shows a range of features on site to assist in the management of surface water as well as the proposed siting for a package treatment plant. Plan LDS/2516/006 Rev C shows these key features and routes for foul drainage

connection to the package treatment plan which will run under the internal access routes alongside further information on secondary treatment provision in the form of reed beds and retention areas for surface water.

- 5.63 The approach to the drainage of the site has been subject of consultation with the Yorkshire Water, the Internal Drainage Board and the Lead Local Flood Authority Officer (LLFO).
- 5.64 Yorkshire Water have raised no objection given that the approach within the submission would not connect to any of their infrastructure. In terms of the Internal Drainage Board then they have also noted no objection to the scheme but have noted that they would wish a 9-metre maintenance easement strip to be retained to Carr Wood Dyke and that they consider there is a need for a full scheme for surface water and foul drainage works to be submitted and agreed via a planning condition. The comments from the LLFO have stated no objection having concluded that the submitted documents demonstrate a reasonable approach to managing surface water at the site, subject to conditions being attached to any permission granted relating to Exceedance Flow Plans, Percolation testing and Detailed Drainage Design
- 5.65 So although “Drawing LDS/2516/006 Rev C – Proposed Drainage Plan” forms part of the application and there has been a series of technical assessments being done it is considered that there is a need for further information and additional scheme design for the drainage, as such use of conditions as suggested by the LLFO are appropriate and alongside a condition on the maintenance easement to the Carr Wood Dyke in order to ensure that a full scheme is agreed, implemented and maintained, subject to such conditions then the scheme is considered to accord with SDLP Policy ENV1 requires account to be taken of the capacity of local services and infrastructure and CS Policy SP19 and SP18.

#### *Pollution Control*

- 5.66 The need to ensure that the approach to the surface water and foul drainage strategy for the site does not result in any pollution of existing watercourse and resources in accordance with Policy ENV2 of the SDLP and Policy SP18 of the Core Strategy.
- 5.67 The Environment Agency have advised that the proposed development will be acceptable if the measures are implemented and secured by way of a planning condition on any planning permission to provide a pollution prevention plan which should include sediment controls, oil/fuel storage and emergency plans for any issues that could arise on site which may lead to surface water pollution. This should include a method statement detailing how surface water run-off will be dealt with during the construction phase of this development. This is on the basis that due to the site's proximity to Carr Wood Dyke and Fishponds Dyke it is required to demonstrate that the risks of pollution posed to surface water quality can be safely managed. Officers agree that such information can be sought via condition and as such the scheme in accordance with Policy ENV2 of the Selby District Local Plan and SP19 and SP18 of the CS in terms of the pollution control.

#### **Impact on Heritage Assets (including Listed Buildings and Archaeology)**

- 5.68 As outlined above there are a series of listed building adjacent to the application site, namely Old Hall Farm, and the site is in close proximity to Carr Wood which is an ancient woodland. The Towton Battlefield also lies within close proximity to the

west section of the Golf Course and on the opposite side of the A162. There are also non-designated heritage assets in the vicinity of the site.

- 5.69 Section 68 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 confers a duty on Local Planning Authorities, in considering whether to grant planning permission for development which affects a listed building or its setting, to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.' Similarly, Section 72 (1) of the same Act contains a statutory duty for Local Planning Authorities to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 5.70 To facilitate this process and help assess the impact of proposals, paragraph 189 of the revised National Planning Policy Framework 2021 Paragraph 194 states that, 'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.'
- 5.71 The NPPF (2021) also states at para 199 that, 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.... This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'
- 5.72 Paragraph 200 of the NPPF (2021) adds that, 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.'
- 5.73 At para 202, the NPPF (2021) states that, 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'.
- 5.74 As well as considering the impact of development on designated heritage assets, the NPPF (2021) requires applicants to consider the impact on non-designated heritage assets. These are defined by the NPPF as, 'A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions because of its heritage interest. It includes...assets identified by the local planning authority'. The NPPF states at paragraph 197 that 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that ... indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'
- 5.75 Paragraph 206 (NPPF 2021) concludes that, 'Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably'.
- 5.76 In Annex 2 of the NPPF (2021) 'significance' is defined as 'The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting'.
- 5.77 Policy SP18 of the CS on "Protecting and Enhancing the Environment" in terms of heritage states as the high quality and local distinctiveness of the natural and manmade environment will be sustained by:



1. *Safeguarding and, where possible, enhancing the historic and natural environment including the landscape character and setting of areas of acknowledged importance*

2. *Conserving those historic assets which contribute most to the distinct character of the District and realising the potential contribution that they can make towards economic regeneration, tourism, education and quality of life.'*

5.78 Policy SP19 of the CS on Design Quality. states that,

*'Proposals for all new development will be expected to contribute to enhancing community cohesion by achieving high quality design and have regard to the local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside. Where appropriate schemes should take account of design codes and Neighbourhood Plans to inform good design. Both residential and non-residential development should meet the following key requirements:*

- a) Make the best, most efficient use of land without compromising local distinctiveness, character and form;*
- b) Positively contribute to an area's identity and heritage in terms of scale, density and layout;*
- c) Be accessible to all users and easy to get to and move through;*
- d) Create rights of way or improve them to make them more attractive to users, and facilitate sustainable access modes, including public transport, cycling and walking which minimise conflicts;*
- e) Incorporate new and existing landscaping as an integral part of the design of schemes, including off-site landscaping for large sites and sites on the edge of settlements where appropriate;*
- f) Promote access to open spaces and green infrastructure to support community gatherings and active lifestyles which contribute to the health and social well-being of the local community;*
- g) Have public and private spaces that are clearly distinguished, safe and secure, attractive and which complement the built form;*
- h) Minimise the risk of crime or fear of crime, particularly through active frontages and natural surveillance;*
- i) Create mixed use places with variety and choice that compliment one another to encourage integrated living, and*
- j) Adopt sustainable construction principles in accordance with Policies SP15 and SP16; ,*
- k) Preventing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water, light or noise pollution or land instability;*
- l) Development schemes should seek to reflect the principles of nationally recognised design benchmarks to ensure that the best quality of design is achieved.'*

5.79 Objectors have raised concerns in terms of the site's relationship with heritage assets including the Grade 2 Old Farm complex, Scarthingwell Hall and parkland in the vicinity of the site.

5.80 In this context in considering the application then account needs to be taken of these assets and the impact of the scheme on these. As part of the application the information has been provided by way of a series of Heritage Statements / assessments considering the impact on the Listed Building and an Archaeological Desk Based Assessment.

### *Listed Buildings*

- 5.81 The listed buildings in the vicinity of the site consist of a grouping of buildings at Old Hall Farm which are Grade II. They are located adjacent to the access route into the cabins / lodge area and have planning permission for conversion to residential use. The proposed access point off Scarthingwell Lane to serve the cabins / lodges is approximately 100m to the east of the grouping and the nearest new built form associated with the cabins / lodges would be the Reception Building which is in approximately 145m from the grouping. In terms of the Golf Academy / Greenkeepers building which is to be converted then this is approximately 90m to the north-west of the group.
- 5.82 The submitted Heritage Statement does confirm that there are no heritage assets (designated or non-designated) within the application site, but it is acknowledged that the site does border the Towton Battlefield and is in proximity of designated assets. The submissions assess the context of the scheme in terms of the grouping at Old Hall Farm, but also in terms of the other assets further from the application site. This includes consideration of the impact on the Grade II Listed Church (Church of the Immaculate Conception St John the Worker) and the former walled garden to Scarthingwell Hall close to Highfield Care Home and parkland also in the vicinity of the Care Home. An assessment has also been undertaken of the hamlet of Scarthingwell which lies to the west of the application site and surrounding private dwellings.
- 5.83 The applicants have in assessing the impact of the scheme on designated and non-designated heritage assets, have assessed the scheme concluded that
- The application site does not form part of any part of the historic landscape associated with Scarthingwell Hall and falls outside the setting of the Listed Church and the walled garden.
  - The application site originally formed part of the land that was farmed from these listed farm buildings but the removal of the historic field pattern and change of use of the land to a golf course has compromised this connection. The approvals to convert the barns into ten residential dwellings with separate gardens and parking between the barns and their rural setting has further undermined this connection.
  - The application site has been through several iterations from open, unenclosed land, to enclosed arable landscape associated with the model farm to golf course with no association to nearby heritage assets. The change in function of the land and equivalent change in function of the listed buildings has severely undermined the relationship between the application site and the listed buildings. As such the application site now makes a very limited contribution to the significance of the listed buildings. The nearest new accommodation will be screened from view by mature woodland, hedgerow and proposed tree planting and will not be visible from the listed setting.
  - The scheme will cause minor harm to the significance of the relevant heritage assets through its impact on fortuitous, artistic interest but this will be offset by the planting of a green buffer that will enhance the contribution that trees make to the backdrop of the listed buildings. It will also lead to enhanced historic interest through the reinstatement of both an historic hedge line and access through the application site. On balance then, it is considered that the harm caused will be at the lowest end of the scale. It is considered that this harm is justified due to the need to generate a viable income from the land.
- 5.84 The Council's Conservation Officer has considered all the information submitted in terms of the impact on designated and non-designated heritage assets and has

concluded that the scheme results in 'less than substantial' harm and therefore paragraph 202 of the NPPF (2021) is relevant and therefore consideration of public benefits is required. And final comments made by the Officer in June 2021 as set out above, confirm that any harm is mitigated by tree planting, the reinstatement of an historic hedge line and the reinstatement of an access route in the location of an historic track. Furthermore, public benefits have been put forward to further overcome and outweigh any harm that is caused to designated heritage assets, which is mitigated by the public and economic benefits that have been identified which are noted as:

- Securing the long-term future of the golf club;
- Supporting economic growth and expansion in the rural area which will create jobs and prosperity;
- New facilities of an academy and classroom for young people;
- Retention of an important community facility; and
- Supporting rural tourism and business.

5.85 As such the Conservation Officer has confirmed no objection to the scheme from a heritage perspective due to the justification that has been provided by the Applicants.

#### *Archaeology*

5.86 Policy ENV17 of the SDLP notes that development that is likely to harm historical, archaeological or landscape interest of a registered historic battlefield will not be permitted. Policy ENV27 confirms that on important sites then there is a presumption in favour of physical preservation and Policy ENV28 notes that where development may effect sites of known interest then the Council should require an assessment as part of an application and may if appropriate seek preservation in situ though design approach or investigation and recording. In addition, as noted above Policy SP18 of the CS also seeks to safeguard such assets and the NPPF (2021) requires appropriate assessment.

5.87 The application is accompanied by an Archaeological Desk-based Assessment, prepared by LS Archaeology, which assesses the scheme in terms of the Towton Battlefield which as noted above is to the far north-west of the extent of the Golf Course but on the opposite side of the Course from the proposed cabin / lodge area.

5.88 In terms of the potential for disturbance of remains then the report notes that works to the Golf Course would impact on ground disturbance by 200-300mm and the proposed holiday accommodation is not expected to cause significant ground disturbance. The Report outlines that having identified unknown crop marks in fields to the southwest of the proposed cabin / lodge site and given the proximity to the Battlefield the assessment was undertaken to consider the potential for undiscovered archaeological assets. The Report subsequently concludes that there is low potential for evidence of pre-historic, Anglo Saxon and post-medieval assets and moderate potential for evidence from the iron age, Romano British and medieval periods. In this context the overall conclusion is that there is no evidence that assets, that would be significant enough to deter development, are present within the application site.

5.89 The submission has been considered by NYCC Heritage Officers who have advised that having assessed the Report there are no objections to the scheme and that they have no comments to make. In addition, the Battlefields Trust have confirmed that they have no comments on the application.

- 5.90 On this basis it is considered that not only have the Applicants appropriately assessed the impact of the development on the Battlefield, but also on wider archaeological assets and the scheme is considered acceptable in terms of the above noted policies.

*Conclusion on Heritage Impacts*

- 5.91 In this context it is considered that not only has an appropriate assessment of the impact of the scheme on designated heritage and non-designated heritage assets in accordance with the guidance in the NPPF (2021), and the Policies SP18 and SP19 of the CS, but also that the scheme can be considered to not impact on these assets so as to warrant refusal of the scheme on heritage grounds.

**Highway Matters, Access Improvements and Impacts on Public Rights of Way**

- 5.92 Policies T1 and T2 of the SDLP seek to ensure that development does not impact on the existing network in terms of capacity and safety both in terms of the movements and in terms of the intensification of the use of the junctions arising from the development. Policy SP19 of the CS also seeks to ensure that new developments are accessible, easy to get to and move through and that they also include environs that are sustainable and accessible with minimal conflict between users. Policy RT11 notes that tourist accommodation should not create conditions prejudicial to highways safety and should have parking provision and RT12 states caravan sites that scheme should have good access to the primary road network.
- 5.93 The application site will be accessed from the noted junction with the A162, then via Scarthingwell Lane with improvements being made to Scarthingwell Lane to facilitate the access into the cabin / lodge site which will have an access barrier, as shown on the submitted plans.
- 5.94 In terms of the internal areas then there will be a series of access roads within the cabin / lodge site with parking being provided to each cabin / lodge in defined parking bays. The Reception Building at the entrance to the cabin / lodge area will also have defined parking to the front. There are no changes to the parking provision within the Golf Course car park as a result of the development or the conversion to create the academy / greenkeepers building.
- 5.95 Objectors and the Parish Councils have noted a series of comments on highways matters raising concerns in terms of the safety of the junction with the A162, the lack of public transport links, increase in traffic in the area, the extent of car parking for each lodge, the relationships with footpaths and bridleways, highways capacity in the area and the creation of a separate access to serve the cabins / lodges from that of the Golf Course.
- 5.96 The application is accompanied by a Transport Statement prepared by Bryan G Hall, which considers the context of the site in highways terms, injury data, ability to access the site from the junction on the A162 with low loaders and travel impact data and it considers the existing local highway network, the accessibility of the site by sustainable modes of transport and the vehicular trips that are likely to be generated by the proposed development.
- 5.97 The report outlines that the existing access to the Golf Course is approximately 290 metres to the east of the junction of Scarthingwell Lane / A162 /. Saxton Lane which is a staggered cross roads junction. The report also confirms that Scarthingwell Lane is between 5.2m and 6.2m bounded by grass verges to the existing Golf Course access and that it also serves residential properties and employment sites including the Care Home and the farm. It is also outlined in the submissions that

the road narrows after the Golf Course entrance becomes a single track width with passing places as approaching the proposed entrance to the cabins / lodges and the Bridleway. There is also a Bridleway (Ref 35.55/14/1) beyond the proposed site entrance for the cabins / lodges and this follows the south-eastern and eastern boundary of the application site and the Golf Course.

5.98 The overall conclusions of the submitted Transport Statement (TS) are that: -

- Analysis of the collisions which have occurred during the 5-year period shows that the majority of collisions can be attributed as arising from poor decisions made by drivers, such as failing to look properly, speed, or misjudging clearance.
- There are no obvious geometric deficiencies within the existing highway network in the vicinity of the site.
- There are facilities available to visitors to the site in terms of the walking, cycling and public transport whilst staying on site including public rights of way which allow access by foot to Church Fenton and Barkston Ash, there are several locations within a 5km cycle catchment including several settlements, and there is a bus stop within 1km of the site at Barkston Ash.
- The junction with A162 and the proposed access into the cabin / lodge site will allow access for large cars, low loaders and service vehicles including the refuse vehicles.
- Car parking for the cabins / lodges meets the standards for hotels and motels which is the nearest category to that proposed on site with excess provision being made as it is accepted that some lodges may be occupied by two families who therefore may have two cars, with staff parking also being identified so it is considered that the extent of parking is acceptable.
- Cycle parking has been provided for staff and guests with guests being able to secure cycles at the lodges and staff being able to use provision at the Reception Building.

5.99 In terms of trip generation rates, then the TS uses a TRICS database assessment and concludes that:

- There will be 20 and 23 two-way trips generated by the site in the respective morning and evening peaks. The trip generation has been calculated for the highest peak in both the morning and evening periods and it should be noted that the peak times do not equate to the standard network peak hours. This equates to approximately only 1 vehicle trip every 3 minutes in the morning and evening peaks.
- If the standard morning and evening peak hours were adopted i.e., 08:00-09:00 and 17:00-18:00 the trips generated by the site are lower. These are summarised in TS but the assessment shows that there will be 8 and 21 two-way trips generated by the site in the traditional peak periods. This equates to approximately 1 trip every 7 and a half minutes in the morning peak and 1 trip every 3 minutes in the evening peak.

5.100 It also notes that “If the standard morning and evening peak hours were adopted i.e., 08:00-09:00 and 17:00-18:00 the trips generated by the site are lower” with the conclusion being drawn that there will be 8 and 21 two way trips generated by the site in the traditional peak periods. This equates to approximately 1 trip every 7 and a half minutes in the morning peak and 1 trip every 3 minutes in the evening peak”. However as noted by the TS the vast majority of guests will arrive and depart on two key change-over days, these being Monday and Friday. They will generally arrive on either Monday or Friday afternoon and depart on Monday and Friday mornings. There will be significantly less trips on the remaining days, however,

those trips that are made midweek and at weekends will be spread out throughout the day as guests leave the site for days out. So, in terms of the TRCIS analysis the TS concludes that the “likely trip generation for the proposed development has been established using the TRICS database. The level of trip generation anticipated is minimal, at just some 20 two-way vehicle trips during the morning peak period and some 23 two-way vehicle trips during the evening peak period, even lower in the network peak hours”. It also notes that “Clearly increases such as this would not be discernible on the local highway network and could not be considered to result in a residual severe impact the threshold set out by the NPPF. As such, no operational assessment of the traffic impact of the proposed development has been undertaken”.

- 5.101 The NYCC Highways Officers have been consulted on the application and initial concerns were raised in terms of the scheme being only supported by a Transport Statement and not Transport Assessment, and comments were also made in the initial response in terms of the interaction of users on the road to the site, the visibility at the proposed junctions and the need for widening of Scarthingwell Lane. Further submissions were made on the application by the Applicants following discussions with NYCC Highways.
- 5.102 As a result, NYCC Highways advised that they no longer required a TA given that there are on site facilities within the complex and walking links are in place in the area without having to walk along Scarthingwell Lane to Barkston Ash. At this stage the Applicants also provided a plan showing widening on Scarthingwell Lane beyond Old Hall Farm to the site access. As such NYCC Highways confirmed no objection to the scheme subject to conditions relating to the alteration of the access road (Scarthingwell Road), off site works being done prior to the development being brought into use and submission / agreement and development in accordance with an agreed Construction Management Plan.
- 5.103 The Public Rights of Way Officer has commented on the application and raised no objections, noting a series of informatives that should be utilised on any decision to ensure that the applicants are aware that there may be a need for additional submissions pertaining to any required temporary or permanent closures to the PROW network.
- 5.104 In relation to the impact of the scheme in terms of the highways safety and capacity then NYCC Highways Officers have considered the submitted information and have no objection to the scheme in terms of capacity or safety and have also agreed the approach to the access road improvements at the later end of Scarthingwell Lane.
- 5.105 There are also no objections from the Public Rights of Way Officer to the scheme in terms of the relationship to the bridleway which starts beyond the access into the cabins / lodges site.
- 5.106 The site is located in a rural location, and is not specifically served by a bus service, there are walking networks in the area in terms of public rights of way linkages. As tourist accommodation in such a rural location then clearly the site will be largely accessed by visitors upon arrival by private car, rather than public transport. However, there are opportunities for non-car based recreation from the site in terms of walking and cycling but also in terms of the golf course. Such activities will be available alongside visitors being able to access a range of attractions by private car across both the District but also the wider area.
- 5.107 In terms of the internal layout of the cabins / lodges area then the scheme layout shows defined access routed through the site for vehicles, defined car parking at both the Reception Building and for cabins / lodges and NYCC have no objections to the level of provision made for the mix of accommodation and the use.

- 5.108 In terms of the conditions noted by the NYCC Highways Officer then these are considered to be appropriate given the improvements that are required and given the scale of the development then the need for a Construction Management Plan is acceptable, although the approach to the wording of this condition is assessed later in this Report.
- 5.109 Having considered the submitted information on balance it is considered that given that the scheme does not impact on the existing network in terms of capacity and safety both in terms of the movements and in terms of the intensification of the use of the junctions arising from the development, the scheme is in accordance with Policies T1, T2, RT11 and RT12 of the SDLP. It is also considered that appropriate provision has been made within the site for parking, vehicle movement and cycle parking and that there would be minimal conflict between users of the road and footpath networks as a result of the layout approach and given the character of the routes, as such the scheme is considered to accord with Policy SP19 of the CS.

### **Residential Amenity**

- 5.110 SDLP saved Policy ENV1 requires a good standard of layout and design and that the effect of new development upon the amenity of adjoining occupiers to be taken into account. Paragraph 130 of the NPPF (2021) similarly seeks to ensure that developments create places that are safe, with a high standard of amenity for existing and future users.
- 5.111 The application site is located in the open countryside, but there are residential dwellings adjacent to and in close proximity to the site some of which are immediately adjacent to the access road or attain access from Scarthingwell Lane.
- 5.112 Objectors and the Parish Council have raised concerns in terms of the impact of the scheme on residential amenity in terms of the increased vehicle movements in the wider area, that all year-round residency in the lodges would be detrimental to the rural community, that the use of a Package Treatment Plant would result in smell which is already experienced along Scarthingwell Lane and that the use would mean more people on the site which would increase noise in the area.
- 5.113 In terms of the impact on the amenity of the existing residents in the vicinity of the site. Then the cabins / lodges site are located away from existing dwellings and although it would result in an increase people on the site and using the access road to the site, as a result of the separation distances achieved between existing dwellings and the siting of the new access into the lodge / cabin area and the actual lodges / cabins then it the view of Officers, including Environmental Health, that the resultant relationship would not have a significant effect on residential amenity as a result of siting or increased use of the access road that serves the site, so as to render the scheme unacceptable or contrary to the policies in the Local Plan, CS or the NPPF (2021).
- 5.114 In terms of the proposed layout of the cabins / lodges and the amenity for occupiers of these then the layout is considered to be appropriate and achieve a layout which not only ensure appropriate separation of the cabins / lodges but also sets the layout within a landscaped context which means a good standard of layout is achieved.
- 5.115 In terms of the comments relating to the proposed Package Treatment Plant then again this is located away from existing residents and sensitively sited within the cabins / lodges area. In terms of the design and management regime for such provision this is covered by Building Regulations and other environmental health legislation. As such if issues arise post implementation relating to smells this would

be a matter dealt with by environmental health under their powers. In addition, a permit will also be required from the Environment Agency for any discharge.

- 5.116 Overall, it is considered that the scheme would not unduly impact on the amenity of existing residents and would result in a form of development which will ensure appropriate amenity of those residing at the site and as such it is considered that the scheme accords with the policies in the Local Plan, CS or the NPPF (2021).

### **Ecology, Protected Species and Ancient Woodland (Carr Wood)**

- 5.117 SDLP Policy ENV1 states that proposals should not harm acknowledged nature conservation interests and CS Policy SP18 seeks to safeguard the natural environment and increasing biodiversity. These policies are consistent with NPPF (2021) paragraphs 174 and 179 which seek to protect and enhance sites of biodiversity value. Policy SP15 of the CS (d) seeks to protect, enhance and create habitats to both improve biodiversity resilience to climate change and utilize biodiversity to contribute to climate change mitigation and adaptation.
- 5.118 The application site is located in the open countryside, there are recognised areas of nature conservation within the vicinity of the site and there are a range of habitats already evident on the site. In terms of the Ancient Woodland then this is adjacent to the application site, and the Golf Course already runs alongside this woodland.
- 5.119 Objectors to the application have raised concerns that all year-round residencies would be detriment to the wildlife community, and that the lack of main drainage and building on land prone to flooding puts the SSSI at Kirkby Wharfe and the River Wharfe at risk from sewerage and effluent pollution.
- 5.120 The application is accompanied by a series of ecological assessments and additional information was provided during the life of the application to respond to comments from Natural England, the County Ecologist, Wildlife Trust and North Yorkshire Bat Group. These assessments consider not only impact on protected species habitats within the site but also impacts on the SSSI and the approach to the proposed reed beds which are proposed within the scheme.
- 5.121 In terms of the comments from the objectors on the impact on ecology as a result of the introduction of the new cabins / lodges on site, then clearly it is accepted that there will be increased human activity within the site as a result of the scheme, but the increased use of the site is not considered to amount to a significant impact that would warrant refusal of the scheme on ecological grounds.
- 5.122 The statutory consultees have noted no objection to the scheme subject to conditions pertaining to implementation of the scheme in accordance with the Ecological Impact Assessment (EclA) (Brooks Ecological, dated 1 December 2020), the submitted Bat Tree Survey and the Flood Risk, Drainage Technical Notes.
- 5.123 In relation to the impact of the scheme on the Ancient Woodland the cabins are located away from these woodlands and as such there is no immediate impact on the woodlands. The golf use already exists adjacent to the woodlands and this will remain the case.
- 5.124 In terms of biodiversity net gain, then although the Wildlife Trust has raised concerns at the extent of gain, NYCC Ecology Officers have stated that the mitigation, compensation and enhancement measures indicated in Figure 8.1 are sufficient to achieve significant net gains for biodiversity, which has been demonstrated objectively using the DEFRA Biodiversity Metric within Section 9 of the EclA.



- 5.125 In addition, in terms of the implementation of the scheme then the County Ecologist has stated that a pre-commencement condition to submit for approval a Construction Environment Management Plan (Biodiversity) and submission of a Biodiversity Management Plan, as per Section 8 of the EclA would be acceptable.
- 5.126 Subject to appropriate conditions then it is considered that the scheme accords with SDLP Policy ENV1, CS Policies SP15 and SP18 and the approach of the NPPF (2021).

### **Lighting Approach**

- 5.127 Policy ENV3 of the Local Plan which states:-

*“Proposals involving outdoor lighting will only be permitted where lighting schemes:*

- 1) Represent the minimum level required for security and/or operational purposes;*
- 2) Are designed to minimise glare and spillage;*
- 3) Would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity; and*
- 4) Would not detract significantly from the character of a rural area.*

*Proposals for development involving outdoor lighting should incorporate details of lighting schemes as part of applications for development.”*

In addition, Policy SP19 (k) of the Core Strategy Local Plan also seeks to prevent development adversely affecting light pollution.

- 5.128 As noted above the application submissions includes a Proposed Lighting Strategy (Reference LDS/2516/008 Revision B) which shows the use of low-level bollard LED lighting columns which are noted as being suitable for sensitive areas such as dark skies, bats and other nocturnal animals and would be controlled via light sensors. These are shown to be located alongside the access roads through the development and would sit alongside lighting to the lodge / cabin decking area which would be down lighters, with LED bulbs and fitted with light sensors.
- 5.129 The NYCC Ecologist has in commenting the EclA noted that it concludes that the proposed lighting strategy “adheres to the principles of relevant Institute of Lighting Professionals and Bat Conservation Trust guidance” and that planting schemes have been designed to provide additional bat foraging corridors away from light spill. As such they have no objections to the proposed approach on lighting of the site.
- 5.130 As such, the approach to the lighting of the site as shown on the submitted plan is considered acceptable, and lighting in accordance only with this plan and to the decking / doorways to the cabins/lodges should be installed on site via a specific planning application. This can be controlled via condition so as to ensure that there is no undue impact on the character of the area, spillage, excess glare, adverse impact on amenity or any unacceptable impact on ecology in accordance with Policy ENV3 of the Selby District Local Plan.

### **Contamination**

- 5.131 The site is identified on our records as being “potentially contaminated” given previous agricultural uses. Policies ENV2 of the Local Plan and SP19 of the Core Strategy relate to contamination and Policy SP18 deals with potential pollution.

- 5.132 The application is accompanied by Preliminary Investigation prepared by Dunelm Geotechnical and Environmental (ref D10016) dated 5th May 2020. The Report concludes that an intrusive ground investigation should be undertaken to verify the assumptions made in the Preliminary Conceptual Site Model and to provide data for foundation design.
- 5.133 The Report has been considered by the Council's Contamination advisors and they have noted the Phase 1 Report submitted with the application provides a good overview of the site's history, its setting and its potential to be affected by contamination, it is considered that the proposed Site Investigation works within the Phase 1 Report are acceptable and as such should contamination be found then appropriate remedial action will be required to make the site safe and suitable for its proposed use. On this basis the LPA has been advised that a Condition relating to unexpected contamination should be utilised on any permission and there is no further need for any additional surveys.
- 5.134 Subject to such a condition, the scheme is acceptable in terms of contamination and Policy ENV2 of the Local Plan and SP19 of the Core Strategy relate to contamination and Policy SP18.

### **Construction Stage Mitigation**

- 5.135 Polices within the Local Plan and the Core Strategy require consideration to be given to the impact of the construction stage works of any development, with Policy ENV1 and ENV2 of the Local Plan specifically seeking to ensure that any impacts at this stage are considered.
- 5.136 The application is accompanied by a "Construction Environment Management Plan", dated August 2020. This sets out the proposed approach as follows:-
- a. Site office / construction compound – within the site where the Reception will be eventually be located;
  - b. Parking for contractors - adjacent to the site office / construction compound;
  - c. Location for loading and unloading for deliveries – within close proximity of the materials storage area with caravans going to the proposed location as delivered;
  - d. Hours of Construction activity on site - 8am to 5pm Monday to Saturday only
  - e. Wheel washing facilities - undertaken as necessary; and
  - f. Damping-down water sprayer will be employed on site as necessary.
- 5.137 Reference within the Report also cross references to the mitigation in the Ecological Impact Assessment ER-4022-03 (May 2020), Ornithological Summary R-4022-04 (May 2020) and Great Crested Newt Survey R-4022-01 (May 2019). The submitted Construction Environment Management Plan", also states that should any protected species (or nesting birds) be encountered during any phase the Brooks Ecological will be consulted". In addition, it is noted that "all design and construction work will be carried out in accordance with the relevant construction specifications and in compliance with the Construction Health and Safety Specifications. All the above undertakings shall be monitored by the main contractor and the applicant."
- 5.138 The submission has been considered by the Council's Environmental Health Officer and NYCC Highways Officers as part of the consultation on the application, The EHO has noted that the Applicant has failed to account for noise impact during construction beyond restricting hours of construction, thus recommended that a Condition be utilised requiring submission of a Construction Environmental Management Plan (CEMP) which should include details of how noise will be controlled and mitigated. The construction of the Development shall be completed

in accordance with the approved Plan and advising that the plan shall include details of monitoring to be undertaken to demonstrate that the mitigation measures are sufficient and being employed as detailed. The applicant should have regard to criteria contained within BS 5228-1-2009+A1-2014 when proposing acceptable limits.

- 5.139 In terms of NYCC Highways they have also sought use of a condition relating to Construction Management noting that this should cover details of any temporary construction access to the site including measures for removal following completion of construction works; wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway; the parking of contractors' site operatives and visitor's vehicles.; areas for storage of plant and materials used in constructing the development clear of the highway and contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
- 5.140 In addition, NYCC Ecology Officer also noted that a CEMP should be secured to ensure that there is a clear approach and definition of the role and responsibilities on site of an ecological clerk or works (ECoW) or similar competent person and the times during construction when they need to be present on site to oversee work.
- 5.141 Having considered the information within the submitted "Construction Environment Management Plan", dated August 2020 it is the view of Officers that this provides the minimal level of detail on the proposed mitigation. In addition, EHO, NYCC Ecology or Highways Officers have requested that conditions are used to secure more detail on the matters some of which are partly covered by the submitted document and other information that has not to date being provided. It is considered that such a conditions approach can be utilised to secure the information required by way of a pre-commencement conditions and the proposed conditions has been agreed with the Applicants as acceptable.

### **Sustainable Development and Climate Change**

- 5.142 Policy SP15(b) of the CS considers how schemes contribute towards reducing carbon emissions and are resilient to the effects of climate changes and sets out a series of criterion that should be considered where necessary or appropriate.
- 5.143 In commenting on the application Objectors have noted concern that the scheme is "an unsustainable development that does not align with the aims of the local development plan and is at odds with the UK's environmental goals" and that "the development will use gas as a resource which is not in the spirit of sustainable development when this is not be allowed on dwellings post 2025".
- 5.144 The proposed scheme includes additional planting, a sustainable drainage approach including the addition of the reed beds, landscape planting and mitigation, has been designed to account for habitats and will allow access for visitors to existing footpath networks as well as the specific golf course provision.
- 5.145 The applicants have confirmed that in terms of Policy SP15(b) the site design seeks to reduce carbon emissions in the following ways:
- Proposed site lighting is the Markslöjd Regal low-level bollard which are downward illuminating LED and low energy. This is a light source suitable for sensitive areas such as dark skies, bats and other nocturnal animals. Hours of illumination will be during the hours of darkness which will vary throughout the year and will be controlled by light sensors. (see Proposed Lighting Strategy Plan LDS2516/008).

- The bin storage areas throughout the site will have provision for sorting, storage, and collection of waste for recycling.
- Sustainable drainage system including bio-retention area .

In regard to the proposed cabins / lodges sustainable design / construction benefits are intended:

- Products are sourced from local companies to reduce transport emissions;
- The manufacturing facility is powered by an on-site photovoltaic farm;
- Unit insulation has been improved to 0.032W/m.k for lodges;
- All appliances have an A or A+ Rating;
- Lighting - energy saving lamps used throughout;
- Heating – ‘A’ rating energy efficient boilers are installed. We have also sourced a boost thermostat which is designed to save energy;
- Windows – thermally efficient glazing of 1.6Wm2k specification which meets or exceeds the demanding new standards of the BS3632 window and door thermal insulation levels;
- Water-saving devices are used in all on-site toilet facilities. Dual flush toilet cisterns are used in all units; and
- All wood-based materials are purchased from C-O-C managed forests.

5.146 In addition, the Agents have advised that there are various sustainable LPG products now available for use in the holiday lodges. BioLPG is one such product that reduces CO2 emissions by up to 95% compared to traditional LPG production.

5.147 The Agents have also confirmed that they have included within the scheme for the creation of the Bio-Retention Area for attenuation of surface water runoff, significant tree planting, ecological enhancement, new planting including the enrichment and diversify the existing woodland structure, creation of pedestrian linkages, and EV charging points at the Reception Building and the provision of literature on sustainable travel modes.

5.148 Having considered this information then it is the view of Officers that the scheme accords with Policy SP15(b) subject to a condition on provision of literature on sustainable travel modes.

### **Golf Course Financial Position and Impact of the Pandemic**

5.149 As part of the scheme the Applicants have sought to argue that the need for the proposed cabins / lodges is critical to the long-term survival of the Golf Course operation. This underpins their case that the development is needed and amounts to very special circumstances in terms of allowing inappropriate development in the Green Belt, which will be considered in the following section of the Report. However, as objectors have questioned this linkage and also noted that the pandemic should not be considered as a justification for a scheme of this nature then this section of the Report outlines the financial position of the Golf Course and the impact of the pandemic on operations.

5.150 The development assessed by Smith Leisure, who are Chartered Surveyors who specialize in the golf sector. They considered both pre-application submissions providing advice in March 2020, but also provided further advice following submission of the application dated March 2021 and this included consideration of the impact of the pandemic on the operation and the case for the scheme.

5.151 The scheme assessed at the Pre-Application Stage was different in terms of location within the site, design and quantum of development to that now with the Council as an application. The basis of the assessment was to consider the offer at the Club in terms of golf provision, its catchment audience and its competition within defined drive times, the changes being experienced by the Sector in terms of customer profile and requirements, and the challenges arising from this context.

5.152 The Initial Assessment (February 2020) confirmed that:

- The Course is in an isolated rural location relative to the nearby population centres from which it will draw membership.
- Scarthingwell is generally within a swathe of countryside, so its immediate catchment population is low.
- Scarthingwell is a reasonable mid-market 18-hole proprietary course, so it does not have the customer pull of a more upmarket golfing venue on a 'standalone' basis.
- The local golf competition from a qualitative perspective is certainly 'very challenging' for Scarthingwell from an economic trading viewpoint.
- The Club has traded successfully in the past from a financial perspective, but it is now trading poorly in terms of earnings before interest, taxes, depreciation, amortization, and restructuring or rent costs (EBITDAR). Noting that it made small losses in 2018 and 2019 but it used to make reasonably healthy surpluses in 2012. Since 2015 the Club has operated at a EBITDAR return level below that which would be reasonable and cannot continue indefinitely at this level.
- The Club has been caught hard by drop in golfer participation compounded by the sheer number of golf courses within the 20-minute drivetime of the site.
- The more significant problem for Scarthingwell 'as is' is its midmarket positioning coupled with a rather rural/isolated location relative to the nearby larger population centres (which can be overcome if a club is located in a very built up/populated area, but in a downturn rural locations are more prone to lose proportionately more golfers however they are managed).
- The Club has not been poorly managed, those partners running the Club have been working hard and diligently for many years, and out of necessity have accepted unreasonably low remuneration for their time and effort and can be regarded as competent operators of the Club which is supported by online reviews.
- Even with the changes that were at this stage being seen in the sector on participation, the Club cannot continue on a loss-making EBITDAR basis indefinitely. In my view, either it repositions itself in the golfing marketplace to a model which is economically sustainable or it will eventually close as a golf club.

5.153 Smith Leisure advised in February 2020 on the golf course offer and the income predictions from the scheme as was submitted at the Pre-Application Stage. The overall conclusion was that there was a need for the Course to make changes, that the changes to the Golf Course were reasonable, that there was a severe cashflow constraint on the business and there was a reasonable possibility that if the scheme for the cabins/ lodges did not go ahead then there was scope for the Golf Course to be lost. It was also confirmed at this stage that the quantum of development was fair and reasonable and the developer was not seeking bumper profits but were of a scale that would support the Course in the longer term but without it the Course could close.

5.154 Upon receipt of the Planning Application then Council asked for a further assessment by Smith Leisure of the scheme, which had changed in terms of the

quantum of development and the layout approach. In addition, since the February 2020 advise the pandemic had emerged as a key impact on the economy.

- 5.155 The resultant January 2021 assessment by Smith Leisure reviewed changes in the sector since the February 2020 report (including the pandemic), the accounts for the Golf Course and the changes in the scheme over that considered in the February 2020 report.
- 5.156 The January 2021 Report outlines that the sector has been subject to varying restrictions as a result of the pandemic since March 2020 after the first lockdown, the outdoor aspects of golf courses were able to reopen for limited play on 13 May 2020. However, the bulk of golf clubhouses (the indoor aspects) still had to remain shut. Yet in the summer months clubhouses could reopen but with social distancing. In terms of the impact on the financial performance of clubs in this context then clubs have been able compared to many sectors been able to attain support via the Job Retention Scheme, business rates relief and bounce back loans as well as some other grants. It is also noted that the fact that golf was able to reopen when many other businesses/social activities were forced to close then prompted a huge surge in golf demand which has not been seen since the golf boom days of the mid to late 1980s (particularly with demand coming from furloughed staff with 'time on their hands and little else to do'). However, this is also in the context of Clubs having to take different approaches to membership renewal and broker deals with Members to discount chargers due to reduced period of play being available.
- 5.157 In terms of the position for the Club (as of January 2021) then Smith Leisure note in the January 2021 report notes that since the February 2020 report that the Restaurant has remained closed, but a snack menu has been offered when lockdown restrictions allowed, that the Club has seen green fee takings significantly increase, reduction in overheads and support has been attained via Government schemes including the 5% VAT reduction on qualifying food sales.
- 5.158 Smith Leisure do note in the January 2021 Report that there has been a change in Membership levels with a reduction from 193 7 Day Full Members to 187 and a reduction in 5-day membership from 122 to 102 members. In addition, they have noted that the Club has seen an increase in revenue since the initial assessment with an increase in the EBITDAT moving from a loss to a profit to the end of March 2020, with predictions being that there would be un-certainty on incomes from fees going forward.
- 5.159 In addition, the January 2021 Report by Smith Leisure considered the actually submitted application scheme in terms of the revised approach taken on the Golf Course reconfiguration noting that the changes to the Golf Course layout are supported given that the competition tees reflect are 6000 yards rather than the previous 5700 yards. In terms of the financial modelling then they have also confirmed that the position remains unchanged even when remodeled for the increase in lodge / cabin numbers to 99 unit.
- 5.160 As such, the advice given to the Council from Smith Leisure is that the Club's year-end figures for 31 March 2020 (and before the pandemic lockdowns) were better than the previous two financial years, mainly as a result of slightly higher annual golf revenue and cutting costs 'to the bone' – but the achieved annual EBITDAR is still very low and do not believe that Scarthingwell Golf Club can survive on a long-term basis as a 'stand-alone' 18-hole course. Fundamental change is needed for it to survive. If there is no enabling development, as such they advise that it will only be a matter of time before the owners will be forced to close it on financial viability grounds.

## **Other Issues arising from Consultation**

### *Linkage between the Golf Course and Holiday Cabins*

- 5.161 Objectors have raised concerns that the two uses within the red line – the golf course and the holiday lodges – could operate independent of each other and one could be sold off and the link severed especially given that there are two separate accesses. Comments have also been made that the Golf Course may fail even if the cabins/lodges go ahead.
- 5.162 As outlined above a proposed Heads of Terms for a S106 Agreement has been received from the Applicants and this proposes that:-
- The income from the Lodge Park shall be applied to supplement the operation of the Golf Course by the payment of a Rent Charge (Rent Charge definition: The proceeds of the Lodge Park Pitch Fees after deduction of costs).
  - First occupation within the Lodge Park will not take place until completion of the Golf Course alterations.
- 5.163 A full Draft Agreement has not yet been provided but it is considered that such an agreement can effectively link the two operations and sets a context for the operation of the site going forward. The Agreement will go with the land and the planning permission and as such there is a clear link is defined between the two uses.
- 5.164 It is accepted that the Golf Course may close despite the existence of the lodges/cabins, however considered in the section on “Very Special Circumstances” then the assessment of the submissions undertaken by the Leisure Advisor has stated that the Golf Course will fail if there nothing is done and the proposed development is considered to represent a scale of development that will underpin its long term survival.

### *HS2*

- 5.165 The site lies within the 500m buffer zone for the HS2 route and as such a view has been sort from HS2 on the application. As noted above they have not raised any objection to the application and have suggested that an Informative should be added to any consent should planning permission be granted advising of the information that is available online on the project and encouraging the applicants to look at this accordingly. It is considered that such an informative should be added should Members be minded to support the application.

### *Police Architectural Liaison Officer*

- 5.166 Policy SP19 (h) of the Core Strategy Local Plan seeks to ensure development minimizes the risk of crime or fear of crime. In commenting on the application the Police Architectural Liaison Officer has supported the use of a barrier at the entrance and noted having reviewed the has no further comments to make regarding the proposal. As such there are not considered to be any outstanding issues related to crime prevention and the scheme is acceptable against SP19(h).

### *Waste and Recycling Provision*

- 5.167 Comments have been sort on the application from the Council’s Contracting Team in terms of the provision of appropriate waste and recycling facilities on the site should consent be issued. In commenting on the application then Officers noted

that as holiday lodges are not classed as residential in terms of waste collection then there is no requirement for the site to provide the same as would be expected from a domestic property. However, there is a clear requirement for to ensure that there are sufficient waste containers on site and that they are collected regularly by licenced waste contractor. A full waste management plan should be in place prior to the occupation of any of the holiday lodges which could be controlled via an appropriately worded planning condition were members minded to support the application.

#### *Caravan Licensing Requirements*

- 5.168 In commenting on the application then Environmental Health Officers have advised that there will be a need for appropriate licensing to be secured for the development should planning permission be granted. This would be usually added as an Informative on any planning permission and it would be for the developer / operator to meet the requirements of this licensing regime which is separate from consideration of the planning merits of a proposal.

#### *Status of Emerging Local Plan*

- 5.169 Comments have been made by Objectors noting that Selby District Council are developing a local plan in consultation with Parish Councils and with wider public consultation. Thus, stating that this “proposed develop fails to acknowledge the protected areas of green belt in this plan and in our opinion undermines this planning process.”
- 5.170 The new Local Plan is not yet part of the Development Plan as defined by Section 38 of the Town and Country Planning Act with the consultation on preferred options taking place in early 2021. As such there are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.
- 5.171 In terms of the assessment of the site in Green Belt terms then this has been undertaken within this report in terms of the impact on openness and there is an assessment of very special circumstances, and therefore a robust assessment has been undertaken against the relevant policies and there is no requirement for any further assessment against the emerging Local Plan for the reasons stated.

#### *Pandemic*

- 5.172 Objectors have raised concern that the “pandemic should not be exploited to allow building on Green Belt land”, the pre-application submissions made by the applicant’s pre-date the pandemic, despite the application being received during the pandemic. The case for Very Special Circumstances has been reviewed in the context of the constraints afforded on the operation of the site during the Lockdown periods in 2020/21 and as such this has been assessed earlier in the report.

#### *Support Comments*

- 5.173 Comments have been received in support of the application from both Club members but also from some nearby residents. All comments formally received on an application have to be considered whether from immediate residents or not and all material considerations need to be assessed. Whether the objector or supporter lives in the immediate area is not relevant, the assessment needs to focus on the issues raised and comments cannot be weighted or assessed differently if a person comments lives in the immediate vicinity of the site or not or if they have a vested interest in terms of being a member of the Club.

#### *Scope of Pre-application Consultations with the wider Community and Parish Councils*



- 5.174 The NPPF (2021) encourages developers and applicants to undertake pre-application consultations, indeed Paragraph 39 of the NPPF (2021) notes that “Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community” and the Council’s Statement of Community Involvement also encourages pre-application discussions with the Community prior to an application being made.
- 5.175 The Applicants have confirmed in submissions that flyers were distributed to seek views from local and members of the Club alike as well as information being provided to Cllr Richard Musgrave as the District Councillor and the Clerk of Saxton Cum Scarthingwell Parish Council and an appointment only open evening in late July 2020. In addition the Planning Support Statement also outlines the response received as a result and Section 4 of the Planning Support Statement alongside Appendix 3 and advises that in terms of the key concerns then it is the view of the Applicants that the number of lodges is the minimum necessary to secure the economic future of the golf club (in accordance with the Financial Appraisal) and in terms of access then the Transport Statement submitted in support of the application confirms that the existing access is capable of accommodating the levels of traffic generated by the lodge development”.
- 5.176 Although the comments of Barkston Ash Parish Council are noted and it is accepted that they were not consulted by the developer at the pre-application stage. Officers do consider that the scope of the pre-application consultations done by the Applicants in this instance given the scale of the development and the context of COVID-19 is wholly acceptable and reflects the approach of the NPPF (2021).

*Future Applications for Further Cabins*

- 5.177 In commenting on the application objectors have expressed a view that this application will be the first application for the site and that further applications will be forthcoming. This application has to be assessed on its own merits and against the relevant planning policies. This would be case should a further application be brought forward for further provision within the golf Course complex, as such the potential for future applications cannot be material in the determination of this application.

*Change in the Golf Course Par and Footprint.*

- 5.178 Comments have been made on the submissions noting concern at the changes to the Par’s within the Golf Course and the reduction in its “footprint” or in other words its length and land take. The proposed scheme does reduce the land used for the Golf Course and through the reconfiguration then the number of 3 Par holes is also amended. The change to the distance and land take covered by the Golf Course are a matter for the operator to balance, but the course will remain to be an 18-hole course and as such this is not a planning issuing in this instance given that it is not a championship course that holds events of that class. In terms of the changes to the PAR offer within the 18-hole provision then again this is also an issue for the operator and is not again considered to be a material planning issue.

*Council Tax Income*

- 5.179 Comments have been made that the Council’ and community would not derive any benefit from the scheme in financial terms as the cabins/lodges would not result in an income from Council Tax, consequently, there would be an additional burden placed on local roads and services will be borne entirely by the existing residents and the Council. Whether a scheme brings forward a requirement to pay Council

Tax is not a material planning consideration in its own right and cannot be considered in reaching a decision as to whether the scheme is unacceptable or otherwise. The impact of the proposed cabins/lodges in terms of highways and local services has been assessed earlier in this report.

### **Case for Very Special Circumstances**

- 5.180 In consideration of Very Special Circumstances (VSC) it is a requirement of the decision maker to perform a balancing exercise by weighing the harm in regards to inappropriateness and any other harm in relation to other matters or circumstances which might arise from a proposal. This assists in forming a view as to whether the other circumstances amount to Very Special Circumstances.
- 5.181 There is no definition within the NPPF as to what amounts to VSCs but each should have significant benefits in order to overcome it being inappropriate. This means that each proposal must be judged on its own merits, with the weight in the planning balance afforded to each consideration being a matter of judgement for the decision maker.
- 5.182 It is acknowledged that some harm would result by reason of inappropriateness but there are no concerns in relation to the impact on openness as this is considered to be limited as result of the location of the proposed cabins /lodges and the existing and proposed landscaping mitigation meaning that the development does not materially impact on the openness of the Green Belt.
- 5.183 The applicants have always accepted that the proposal is inappropriate development and have argued that the scheme represents **“enabling development”** that will secure the future of the Golf Course for the longer terms via linkage through a legal agreement of the two operations thus facilitating ongoing cross subsidy of the operations.
- 5.184 In summary, the benefits noted by the Applicants from the scheme can be summarised as follows:
- There is a clear case that the Golf Course cannot carry on as it is and this scheme allows for the diversification of the activities at the Club which is required to support the Golf Course in an economically sustainable model and without it will inevitably lead to the closure of the golf business within the next 2 to 3 years
  - The quantum of enabling development is required to be the minimum necessary to secure its purpose, in this case securing the future of the golf club.
  - The holiday lodges would be sold on the open market on licenses for use as holiday accommodation only, throughout the 12 months of the year. Development funding will be used, in part, to invest in the redevelopment and restructuring of the golf course to create space for the holiday accommodation, to relocate the greenkeeper’s store and the creation of the new academy.
  - Future profits will strengthen the golf business and allow the opportunity for investments in future growth.
  - The income that the golf course would receive from the ground rents and service charges associated with the lodges, will cross-subsidise the running costs of the golf course, enabling the long term future of the golf club to be secured.
  - Support economic growth and expansion in the rural area which will create jobs and prosperity through additional local employment including management, general staffing needs, ground keeping, site security and maintenance and cleaning, in accordance with Policy SP13 and paras 83 and 84 of the NPPF.
  - Whilst the golf club has ‘taken’ golf into the schools, the facilities to bring children to the golf club are presently not there. The proposed new facilities, particularly

the academy and classroom setting will change that. These new facilities will allow young people who have been introduced to golf via the Scarthingwell Youth Golf School Programme to attend as part of the school curriculum.

- Retention of an important community facility, in accordance with Policy SP13 and NPPF paras 83, 84 and 92.
- Securing the long term future of the golf club will contribute significantly to the health and well being of the local community through the opportunity to remain physically active.
- Support rural tourism and business through enhancement of the local visitor economy by improving the quality of the accommodation offer, up-skilling of the workforce required within the tourism industry and contributing to rural diversification, all of which contributes to the LEP's Strategic tourism priorities and Visitor Economy Strategy, whilst at the same time securing the future of Scarthingwell Golf Club.

#### Retention, Re-configuration and Support of the Golf Course Operation

- 5.185 The scheme is predicated on the basis of an enabling development case, so the principal argument being in terms of VSC is that the Golf Course will not survive without the cabins / lodges development and that the scale of the development has been shown to be that which is required to ensure the long term survival of the Golf Course.
- 5.186 The assessment undertaken by Smith Leisure of the accounts, scheme and business plan for the development has confirmed that there is a need for the Golf Course operator to diversify the business and that the scale of the proposed development is of a scale that would support the Golf operation / business, and that fundamental change is needed for it to survive. So, if there is no enabling development, they have advised that it will only be a matter of time before the owners will be forced to close the Course on financial viability grounds.
- 5.187 The loss of land to the cabins / lodges from the current golf course layout requires the reconfiguration and the enhancement of the provision for the academy are part of the strategy to support the Golf Course and enhance the offer on site from a golfing perspective.

#### Job Creation

- 5.188 The NPPF advises that planning decisions should help to create the conditions in which businesses can invest, expand and adapt, and that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. It also states that decisions should enable the sustainable growth of all types of business in rural areas. There is also a clear stance in the NPPF (2021) that the role of rural tourism is a key to the rural economy.
- 5.189 The submitted information advises that the proposal would create construction jobs and the benefits such a development would add to the local economy should carry significant weight in the balance of considerations. Being temporary in nature however it is considered that this carries limited weight.
- 5.190 The proposed development would protect existing jobs which is of benefit particularly and the cabins / lodges area would result in the creation of new jobs through additional local employment and on-site employment. The scheme will support across the Golf Course and lodges / cabins 13 full time jobs and 5 part time

jobs with roles including office staff, ground staff, catering teams and golf pro and staff specific to the holiday lodge / cabin operation. In addition, there would also be secondary benefits in terms of food and leisure services. These economic benefits would provide long term economic benefits and should carry significant weight in the balance of considerations.

#### Other Benefits

- 5.191 As a result of additional visitors to the area who would stay in the accommodation and use on site facilities but would also access tourism opportunities in the District and local area. Enhancement of tourism accommodation and the local visitor economy and upskilling the workforce to service the sector through rural diversification all contributes to the economy. These economic benefits would provide long term economic benefits and should carry significant weight in the balance of considerations.
- 5.192 The Golf Course role in the community in terms of health and wellbeing, education and as a location for community events is also a factor that can be given some weight in assessing the scheme. As the loss of the facility would result in the loss of an opportunity for the community.

#### Conclusion on Very Special Circumstances

- 5.193 It is clear that what is proposed is inappropriate development in the Green Belt and as such the main issue to assess is whether any of the above matters taken individually or collectively, amount to the VSC necessary to outweigh the harm to the Green Belt through inappropriateness.
- 5.194 What constitutes VSC, will depend on the weight of each of the factors put forward and the degree of weight to be accorded to each is a matter for the decision taker. Firstly, it is to determine whether any individual factor taken by itself outweighs the harm. Secondly to consider whether a number of ordinary factors combine to create VSC.
- 5.195 The weight to be given to any particular factor will be a matter of degree and planning judgement. There is no formula for providing a ready answer to any development control question on the Green Belt. Neither is there any categorical way of deciding whether any particular factor is a 'Very Special Circumstance', and the list is endless but the case must be decided on the planning balance qualitatively rather than quantitatively.
- 5.196 The proposal constitutes inappropriate development due to the lodges / cabins element of the scheme. As these are not appropriate development within the Green Belt. This would therefore by definition, be harmful and inappropriate development within the Green Belt and as such should not be approved except in very special circumstances. However, the applicants have put forward a number of factors which they consider amount to very special circumstances. As set out above these include the need to support the viability of the Golf Course to secure its enhancement as a recreational facility and its retention, support rural diversification and tourism and support economic growth. Given the position of the proposed cabins / lodges, it would have a limited and therefore "not substantial" impact on the openness of the Green Belt.
- 5.197 On this basis it is therefore concluded that the justifications put forward by the applicant and the benefits of the, are considered sufficient to amount in this case to the very special circumstances necessary to clearly outweigh the harm of the development due to inappropriateness and the harm identified to the openness of

the Green Belt. The development therefore accords with Policy SP2 and SP3 of the Core Strategy and with Paragraph 148 of the NPPF (2021).

## 6 CONCLUSION

- 6.1 Having had regard to the case put forward for Very Special Circumstances; the development plan, all other relevant local and national policy considerations, consultation responses and all other material planning considerations, the proposal is acceptable in all other matters and therefore accords with Core Strategy Policies SP1, SP2, SP3, SP12, SP13, SP15, SP17, SP18 and SP19, Local Plan Policies ENV1, ENV2, ENV3, ENV9, ENV28, T1, T2, RT4, RT11 and RT12 and the relevant paragraphs within the NPPF (2021).

## 7 RECOMMENDATION

This application is recommended to be APPROVED subject to

- a S106 Agreement linking the development to Scarthingwell Golf Course and implementation of an agreed detailed Landscape Management Plan, which will be based on the Outline Landscape Management Plan received on the 7<sup>th</sup> January 2021 to ensure maintained for the lifetime of the scheme.
- b referral to the Ministry of Housing, Communities and Local Government under the Town and Country Planning (Consultation) (England) Direction 2021.

In the event that the application is not called in by the Secretary of State, authority is delegated to the Planning Development Manager to approve this application subject to the imposition of the attached schedule of conditions listed below. That delegation to include the alteration, addition or removal of conditions from that schedule if amendment becomes necessary as a result of continuing negotiations and advice and provided such condition(s) meet the six tests for the imposition of conditions and satisfactorily reflect the wishes of the Planning Development Manager.

In the event that the application is called in for the Secretary of State's own determination, a further report will come to the Planning Committee.

### Standard

01. The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

02. The development hereby permitted shall be carried out in complete accordance with the plans/drawings listed below:

- Location Plan (Scale 1:5000) Ref 001 received 28<sup>th</sup> September 2020
- Existing Site Layout Plan (Ref LDS 2516/001/A)
- Topographical Survey and Tree Survey (Ref LDS 2516/001/A)

- Proposed Site Plan (ref LDS 2516/003/C)
- Proposed Site Plan – Cabins (Ref 2516/004/C)
- Proposed Phasing Plan (Ref 2516/005/B)
- Proposed Drainage Plan (Ref 2516/006/C)
- Proposed Landscaping Strategy (Ref 2516/007/A)
- Proposed Lighting Strategy (Ref 2516/008/B)
- Proposed Tree Group Plan (Ref 2516/012)
- Proposed Tree Protection Strategy Plan (Ref 2516/008/B)
- Proposed Tree Protection Plan (Ref 2516/009/A)
- Reception Building (Ref LDS 2516/202)
- Academy and Greenkeepers Building (Ref LDS 2516/101)
- Substation Drawing (Ref GTC-E-SS-0012-R1-7 1 of 1)
- Proposed Road Upgrade Plan (Ref LDS 2516/011)
- Barrier Detail (Ref 11) received 28<sup>th</sup> September 2020
- Fence Detail (Ref LDS 2516/201)

Reason:

For the avoidance of doubt.

- 03 The lodges/ cabins hereby approved (excluding decking area) shall not exceed 12.49m x 4.26m and shall not provide in excess of 4 bed spaces per lodge/cabin and no more than 99 such lodges / cabins are to be erected.

Reason – for the avoidance of doubt and to ensure that parking standards are met within the development.

- 04 Prior to the installation of the “Reception Building” hereby approved details of the unit including materials and colours shall be submitted and agreed in writing with the Local Planning Authority. The “Reception Building” shall be implemented in accordance with the approved details.

Reason: In the interest of design quality

- 05 No development shall commence above slab level in relation to the Sub Station building until details of all proposed materials to be used in the construction have been submitted and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interest of design quality

- 06 Prior to commencement of works on the conversion of the Academy / Greenkeepers Building details of the external materials shall be submitted and agreed in writing with the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: In the interest of design quality

- 07 Prior to the installation of any lodges / cabins within each Phase, as shown on LDS/2516/005B, details of the unit design, materials and colours for the units within that phase shall be submitted and agreed in writing with the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: In the interest of design quality

- 08 Prior to the first occupation of the Cabins / Lodges hereby approved a “General Site Management and Maintenance Plan” shall be submitted to and approved by the Local Planning Authority. This shall include details of general maintenance approaches and requirements for the Lodges / Cabins on the site and approach for renewal or replacement of Lodges / Cabins so as to ensure the standard of the scheme is maintained. The scheme shall be maintained and managed in accordance with the agreed plan for the lifetime of the development.

Reason – to ensure that the site is maintained for its lifetime and that there is a defined strategy for the management of the site in order to ensure that the character of the area is not adversely affected and in accordance with Policy RT11 and ENV1 of the Selby District Local Plan.

- 09 The holiday accommodation hereby permitted shall only be for used for holiday accommodation and for no other purpose including any purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order.

Reason: The site is not within an area where residential development would normally be permitted, therefore any such use, other than the proposed holiday use, would be contrary to the policies of the Selby District Local Plan in respect of such development and NPPF.

- 10 The Lodges / Cabins hereby approved shall not be occupied as a person's sole or main place of residence and the lodge / cabin owners/operators of the site shall maintain an up-to date register of the names of all owners/occupiers of individual holiday caravans on the site, and of their main home addresses, and shall make this information available to the Local Planning Authority at all times.

Reason: To ensure the approved holiday accommodation is not used for unauthorised permanent residential accommodation.  
To ensure the

## Highways

- 11 The development must not be brought into use until the access to the site at Scarthingwell Lane has been set out and constructed in accordance with the ‘Specification for Housing and Industrial Estate Roads and Private Street Works’ published by the Local Highway Authority and the following requirements:
- The access must be formed with 10 metre and 3 metres radius kerbs, to give a minimum carriageway width of 6 metres, and that part of the access road extending 10 metres into the site must be constructed in accordance with Standard Detail number A1 and the following requirements.
    - Any gates or barriers must be erected a minimum distance of 6 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
    - Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway and must be maintained thereafter to prevent such discharges.
    - Measures to enable vehicles to enter and leave the site in a forward gear.

All works must accord with the approved details.

Reason : To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users and in accordance with Policy ENV1, T1 and T2 of the Selby District Local Plan and Policy SP19 of the Selby District Core Strategy and the NPPF.

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

- Construction (improved) road to give a minimum carriageway width of 4.5 metres, as per drawing number LDS/2516/011 must be constructed in accordance with Standard Detail number A1 prior to being brought into use.
- Improvements to Scarthingwell Lane to give a carriageway width of 4.1 metres and 4.5 metres, as per drawing number 20/209/TR/002 and must be constructed in accordance with Standard Detail number A1 prior to being brought into use.
- For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.
- A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site.
- Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

Reason - To ensure that the design is appropriate in the interests of the safety and convenience of highway users and in accordance with Policy ENV1, T1 and T2 of the Selby District Local Plan and Policy SP19 of the Selby District Core Strategy and the NPPF.

#### Highways - Construction Management Plan

13. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works in relation to **highways**:

1. details of any temporary construction access to the site including measures for removal following completion of construction works.
2. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway.
3. the parking of contractors' site operatives and visitor's vehicles.
4. areas for storage of plant and materials used in constructing the development clear of the highway.
5. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.



Reason - In the interest of public safety and in accordance with Policy ENV1, T1 and T2 of the Selby District Local Plan and Policy SP19 of the Selby District Core Strategy and the NPPF.

#### Environmental Health - Construction Management Plan

- 14 The commencement of the development shall not take place until there has been submitted to, approved in writing by, and deposited with the Local Planning Authority a Construction Environmental Management Plan (CEMP). The Plan shall include details of how **noise** will be controlled and mitigated. The construction of the Development shall be completed in accordance with the approved Plan. The plan shall include details of monitoring to be undertaken to demonstrate that the mitigation measures are sufficient and being employed as detailed. The applicant should have regard to criteria contained within BS 5228-1-2009+A1-2014 when proposing acceptable limits.

Reason In the interest of amenity and in accordance with Policy ENV1 of the Selby District Local Plan and Policy SP19 of the Selby District Core Strategy and the NPPF.

#### Ecology - Construction Management Plan

- 15 The commencement of the development shall not take place until there has been submitted to, approved in writing by, and deposited with the Local Planning Authority a Construction Environmental Management Plan (CEMP) for **Ecology and Biodiversity**. This shall include specification of the role and responsibilities on site of an ecological clerk or works (ECoW) or similar competent person and the times during construction when they need to be present on site to oversee work. The construction of the development shall be completed in accordance with the approved Plan.

Reason In the interest of amenity and in accordance with Policy ENV1 of the Selby District Local Plan and Policy SP19 of the Selby District Core Strategy and the NPPF.

#### Drainage (EA / IDB / LLFA)

- 16 The development hereby permitted shall not be commenced until such time as a site-specific pollution prevention plan has been submitted to, and approved in writing by, the local planning authority in liaison with the Environment Agency. The scheme shall be implemented as approved. The pollution prevention plan should include sediment controls, oil/fuel storage and emergency plans for any issues that could arise on site which may lead to surface water pollution. This should include a method statement detailing how surface water run-off will be dealt with during the construction phase of this development.

Reason: - Due to the sites proximity to Carr Wood Dyke and Fishponds Dyke it is required to demonstrate that the risks of pollution posed to surface water quality can be safely managed and in accordance with Policy ENV2 of the Selby District Local Plan and Policy SP18 and SP19 of the Selby District Core Strategy and the NPPF.

- 17 No development shall take place until an appropriate Exceedance Flow Plan for the site has been submitted to and approved in writing by the Local Planning Authority. Site design must be such that when SuDS features fail or are exceeded,

exceedance flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedance or flood pathways. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30 year event. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site.

Reason: to prevent flooding to properties during extreme flood events and to mitigate against the risk of flooding on and off the site and in accordance with Policy ENV1 of the Selby District Local Plan and Policy SP18 and SP19 of the Selby District Core Strategy and the NPPF.

- 18 The development shall not commence until percolation testing to determine soil infiltration rate are carried out in accordance with BRE 365 Soakaway Design (2003) and CIRIA Report 156 Infiltration drainage – manual of good practice (1996). Method of test must be relevant to proposed SuDS. Testing must be carried out at or as near as possible to the proposed soakaway location (no greater than 25m from proposed soakaway for uniform subsoil conditions. For non-uniform subsoil conditions testing must be carried out at the location of the soakaway). Testing must be carried out at the appropriate depth for proposed SuDS (e.g. invert level, base level of soakaway etc.) relative to existing ground levels. Three percolation tests are to be performed at each trial pit location to determine the infiltration rate, where possible. Where slower infiltration rates are experienced, testing must be carried out over a minimum period of 24 hours (longer if 25% effective depth is not reached). 25% effective depth must be reached. Extrapolated test data will not be accepted.

Reason: To ensure the site is properly drained, to determine surface water destination and to prevent flooding to properties and in accordance with Policy ENV1 of the Selby District Local Plan and Policy SP18 and SP19 of the Selby District Core Strategy and the NPPF.

- 19 Development shall not commence until a scheme restricting the rate of development flow runoff from the site has been submitted to and approved in writing by the Local Planning Authority. The flowrate from the site shall be restricted to a maximum flowrate of 3.6 litres per second for up to the 1 in 100 year event. A 30% allowance shall be included for climate change effects and a further 10% for urban creep for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme has been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

Reason: To mitigate additional flood impact from the development proposals and ensure that flood risk is not increased elsewhere and in accordance with Policy ENV1 of the Selby District Local Plan and Policy SP18 and SP19 of the Selby District Core Strategy and the NPPF.

- 20 There must be no new part of the golf course, nor any buildings, structures, gates, walls, fences, trees or planting within the watercourse known as Carr Wood Dyke or within 9 metres of the top of the embankment on the Northern side. Ground levels

must also not be raised within this area and access shall be provided to Ainsty (2008) Internal Drainage Board to enable them to carry out their maintenance works to the watercourse.

Reason: To ensure that Ainsty (2008) Internal Drainage Board have access to maintain the watercourse and in accordance with Policy ENV1 of the Selby District Local Plan and Policy SP18 and SP19 of the Selby District Core Strategy and the NPPF.

- 21 The commencement of the development shall not take place until there is an agreed Treatment Plan for the treatment of phosphates discharged from the Package Treatment Works in place. The development shall not be occupied until the works have been completed to the satisfaction of Natural England, the Environment Agency and the Local Planning Authority.

Reason: To protect watercourse from the risks of pollution posed and in accordance with Policy ENV2 of the Selby District Local Plan and Policy SP18 and SP19 of the Selby District Core Strategy and the NPPF.

### Landscape

- 22 Prior to commencement of the development, full details of both hard and soft landscape works, including an implementation programme, must be submitted to and approved in writing by the Local Planning Authority.

Hard landscape works shall include:-

- existing site features proposed to be retained or restored including trees, hedgerows, walls and fences, artefacts and structures,
- proposed finished levels and/or contours,
- boundary details and means of enclosure,
- car parking layouts,
- other vehicle and pedestrian access and circulation areas,
- hard surfacing layouts and materials,
- minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting),
- proposed and existing functional services above and below ground (e.g. drainage, power cables, communication cables, pipelines etc., indicating lines, manholes, supports).

Soft landscape works shall include:-

- planting plans
- written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment) and
- schedules of plants noting species, planting sizes and proposed numbers/densities, means of support and protection.

All hard and soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS 4428:1989 Code of Practice for General Landscape Operations.

Reason: To secure a landscaping scheme for the site in accordance with Policy ENV1 of the Selby District Local Plan and Policy SP18 and SP19 of the Selby District Core Strategy and the NPPF.

- 23 The commencement of the development shall not take place until a Arboricultural Method Statement relating to the access route for the development and the main

cabin / lodges area has been submitted and agreed with the Local Planning Authority. The development shall be undertaken in accordance with the agreed Method Statement.

Reason: To protect exist landscaping and trees on site and along the access road in accordance with Policy ENV1 of the Selby District Local Plan and Policy SP18 and SP19 of the Selby District Core Strategy and the NPPF.

### Contamination

- 24 In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

### Ecology

- 25 The commencement of the development shall not take place until there is an agreed Biodiversity Management Plan, detailing appropriate measures during the operational phase of the development, as per Section 8 of the Ecological Impact Assessment agreed with the Local Planning Authority. The scheme shall then be implemented in accordance with the Plan and maintained accordingly.

Reason: To secure the long-term management of ecology and biodiversity on the site and to secure the mitigation set out in the Ecological Impact Assessment and in accordance with Policy ENV1 of the Selby District Local Plan and Policy SP18 and SP19 of the Selby District Core Strategy and the NPPF.

### Other

26. The development must not be brought into use until a Waste Management Plan should be in place prior to the occupation of any of the holiday lodges. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

Reason: In the interest of amenity and in accordance with Policy ENV1 of the Selby District Local Plan and Policy SP19 of the Selby District Core Strategy.

27. Lighting on the site shall be as shown on "Proposed Lighting Strategy (Reference LDS/2516/008 Revision B) and all external lighting to the Lodges / Cabins shall be down lighters, with low voltage LED bulbs and fitted with light sensors for turning on and off. No other lighting shall be installed on the site.

Reason : In the interest of controlling any additional lighting being erected on site and to ensure that any lighting is designed so as to ensure minimal glare, spillage or impact on local amenity / character or impact on protected species in accordance with Policy ENV3 of the Selby District Local Plan.

- 28 The development must not be brought into use until a scheme for the provision of details of walking, cycling and public transport options and details of all measures to promote sustainable travel for the site and surrounding areas has been submitted and agreed with the Local Planning Authority. The agreed information and approaches shall be implemented throughout the lifetime of the development.

Reason :- to promote sustainable tourism and travel in accordance with Policy Sp15(b) of the Core Strategy.

## INFORMATIVES

### NPPF (2021)

- 01 Changes in life of application informative

### Highways & Public Right of Way Informatives

- 02 Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site:  
[https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification\\_for\\_housing\\_in\\_d\\_est\\_roads\\_street\\_works\\_2nd\\_edition.pdf](https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification_for_housing_in_d_est_roads_street_works_2nd_edition.pdf). The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.
- 03 Notwithstanding any valid planning permission for works to amend the existing highway, there must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and North Yorkshire County Council as the Local Highway Authority. To carry out works within the highway without a formal Agreement in place is an offence.
- 04 There is a Public Right of Way or a 'claimed' Public Right of Way within or adjoining the application site boundary, details of which can be attained from North Yorkshire Country Council. Notwithstanding any valid planning permission the Applicants are advised that
- If the proposed development will physically affect the Public Right of Way permanently in any way an application to the Local Planning Authority for a Public Path Order/Diversion Order will need to be made under S.257 of the Town and Country Planning Act 1990 as soon as possible. Please contact the Local Planning Authority for a Public Path Order application form
  - If the proposed development will physically affect a Public Right of Way temporarily during the period of development works only, an application to

the Highway Authority (North Yorkshire County Council) for a Temporary Closure Order is required. Please contact the County Council or visit their website for an application form.

- The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as an alternative route has been provided by either a temporary or permanent Order. It is an offence to obstruct a Public Right of Way and enforcement action can be taken by the Highway Authority to remove any obstruction.vi) If there is a "claimed" Public Right of Way within or adjoining the application site boundary, the route is the subject of a formal application and should be regarded in the same way as a Public Right of Way until such time as the application is resolved.
- Where public access is to be retained during the development period, it shall be kept free from obstruction and all persons working on the development site must be made aware that a Public Right of Way exists, and must have regard for the safety of Public Rights of Way users at all times .Applicants should contact the County Council's Countryside Access Service at County Hall, Northallerton via CATO@northyorks.gov.uk to obtain up-to-date information regarding the exact route of the way and to discuss any initial proposals for altering the route.

#### Environment Agency Informative

- 05 This development will require a permit under the Environmental Permitting (England & Wales) Regulations 2016 from the Environment Agency. You can find more information online at <https://www.gov.uk/environmental-permit-check-if-you-need-one> or contact us on 03708 506506 for further advice. You should be aware that the permit may not be granted. A permit will only be granted where the risk to the environment is acceptable. We recommend that the applicant contacts Environment Agency to discuss the issues likely to be raised.

#### HS2 Informative

- 06 The applicant is advised that within the Working Draft Environmental Statement (WDES) for HS2, works are proposed that are within close proximity of the red line boundary which will consist of the following: \* Construction phase - identifies land (outside the red line boundary) potentially required during construction and for a temporary material stockpile (see CT-05-504-L1 )\* Proposed scheme - identifies land (outside the red line boundary) for replacement floodplain storage (see CT-06-504-L1)The WDES maps can be accessed here: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/745668/HS2\\_Phase\\_2b\\_WDES\\_Volume\\_2\\_LA16\\_Garforth\\_and\\_Church\\_Fenton\\_map\\_book.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/745668/HS2_Phase_2b_WDES_Volume_2_LA16_Garforth_and_Church_Fenton_map_book.pdf)

#### Environmental Health Informative

- 07 The proposed holiday lodges often require licensing under the Caravan Sites and Control of Development Act 1960 and the applicant should submit an application to Selby District Council Environmental Health Department where applicable”.

### **8 Legal Issues**

#### 8.1 Planning Acts

This application has been determined in accordance with the relevant planning acts.

8.2 Human Rights Act 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

8.3 Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

**9 Financial Issues**

Financial issues are not material to the determination of this application.

**10 Background Documents**

Planning Application file reference 2020/1013/FULM and associated documents.

*Contact Officer:* Yvonne Naylor (Principal Planning Officer)

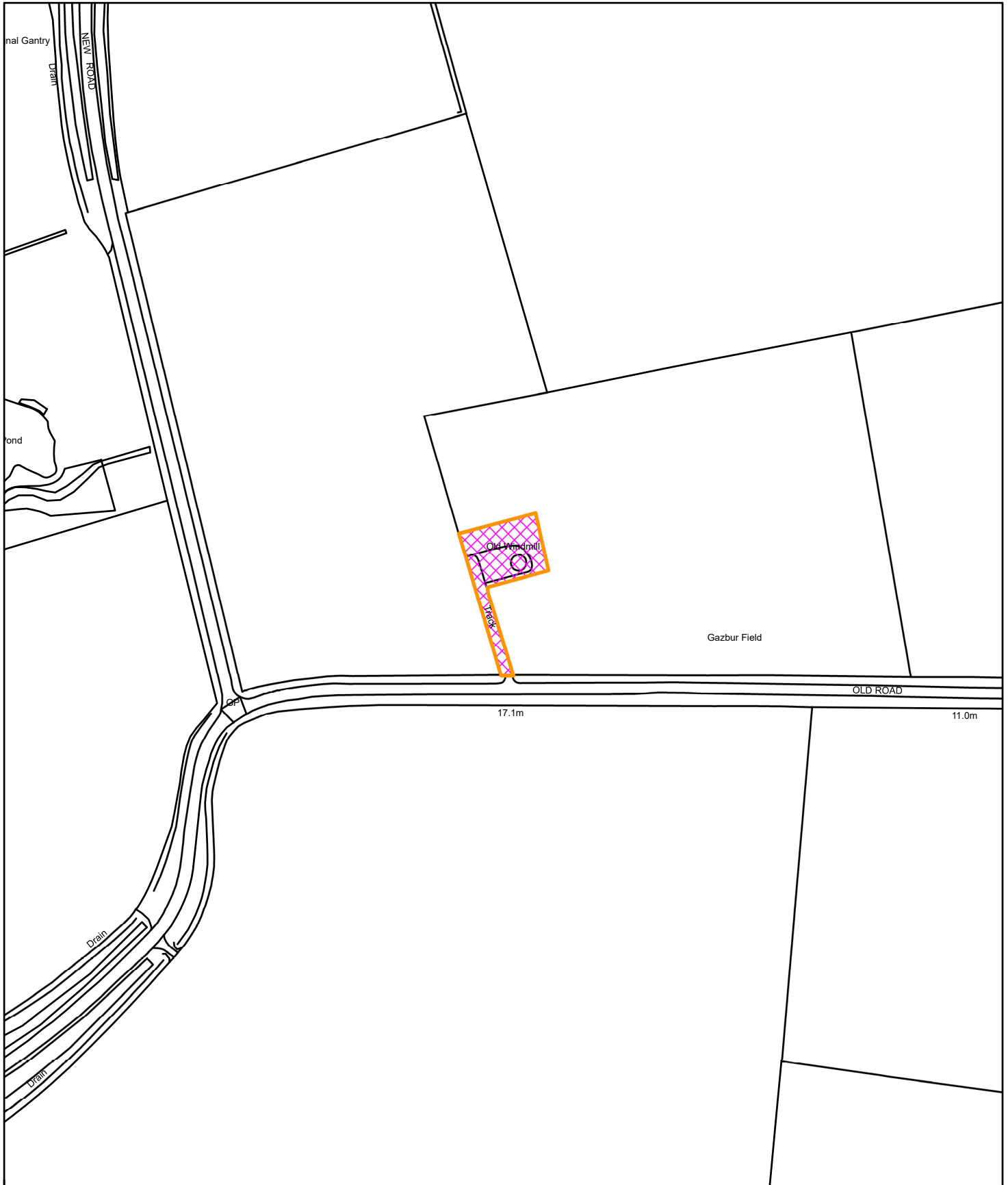
Appendices: None

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# Agenda Item 5.2

The Old Windmill, Old Road, Appleton Roebuck  
2021/0347/FUL



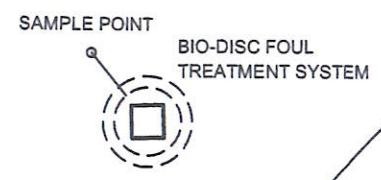
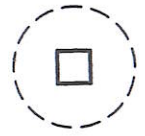
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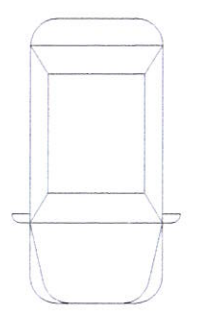
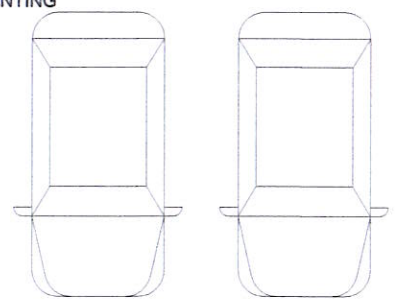
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5000mm FROM BUILDING



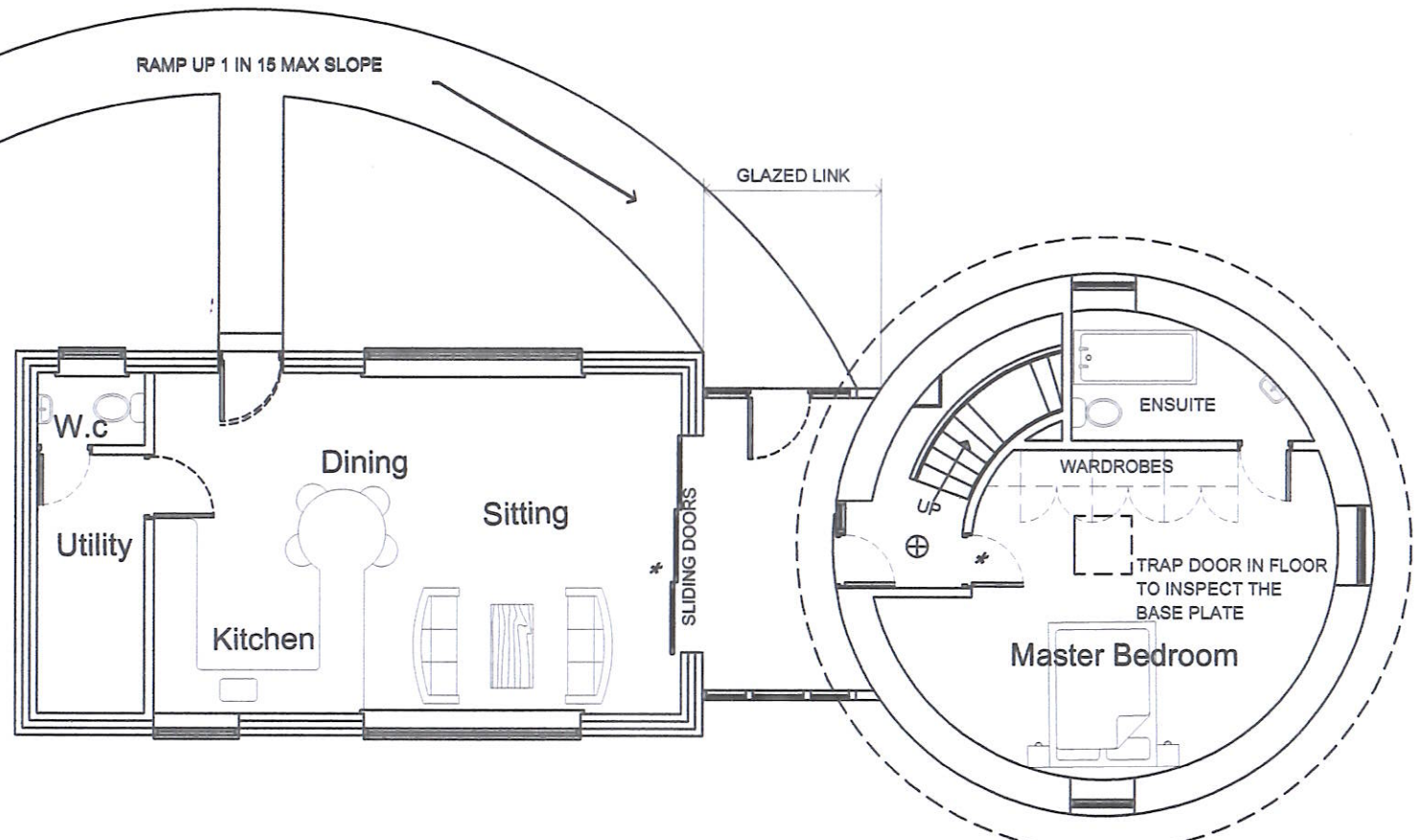
RAMP UP 1 IN 15 MAX SLOPE

GLAZED LINK

CLOSE GAP IN HEDGE  
WITH NEW HEDGE  
PLANTING



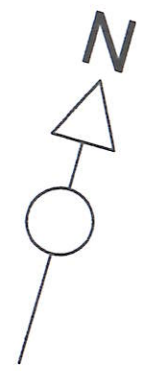
4000 WIDE DRIVE



Ground Floor Plan

NO BOUNDARY TREATMENT

NO BOUNDARY TREATMENT



**GENERAL NOTES**

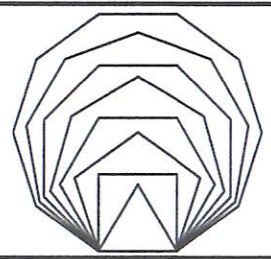
THE CONTRACTOR IS TO CHECK ALL DIMENSIONS AND LEVELS ON SITE BEFORE THE WORK STARTS ON SITE  
NO DIMENSIONS ARE TO BE SCALED FROM THIS DRAWING  
THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER DRAWINGS IN THE SERIES  
ALL WORK MUST BE CARRIED OUT TO THE COMPLETE SATISFACTION OF THE LOCAL AUTHORITY BUILDING CONTROL OFFICER  
ANY SOFT SPOTS FOUND DURING EXCAVATIONS ARE TO BE REPORTED TO THE LOCAL AUTHORITY BUILDING CONTROL OFFICER  
ALL STRUCTURAL TIMBER TO BE PRESSURE IMPREGNATED WITH PRESERVATIVE  
ALL PROPRIETY ITEMS TO BE FITTED IN ACCORDANCE WITH THE MANUFACTURERS INSTRUCTIONS  
THESE DRAWINGS ARE BASE ON AND MUST BE READ WITH THE APPROVED DRAWINGS No 2016/17/501/11A & No 2016/17/501/9B

Client: **Mr Ramsey**  
**The Old Windmill**  
**Old Road**  
**Appleton Roebuck**

Project :- **Proposed Mill Conversion Into Dwelling**  
Drawing Title:- **Proposed Site Plan**  
Drawing Number:- **6A of 20**  
Scale :- **1-100**  
Drawing Size = **A3**

**Proposal Drawing**

**P**addick  
**E**ngineering  
**L**imited



**3 Falkland Mount,**  
**Leeds,**  
**LS17 6JG.**  
**Tel: 0113 2687041**

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**Report Reference Number:** 2021/0347/FUL

**To:** Planning Committee  
**Date:** 18 August 2021  
**Author:** Yvonne Naylor (Principal Planning Officer)  
**Lead Officer:** Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2021/0347/FUL	PARISH:	Appleton Roebuck Parish Council
APPLICANT:	Mr Mike Ramsay	VALID DATE:	21st April 2021
		EXPIRY DATE:	16th June 2021
PROPOSAL:	Conversion and extension to windmill to form dwelling (retrospective)		
LOCATION:	The Old Windmill Old Road Appleton Roebuck YO23 7EL		
RECOMMENDATION:	APPROVE		

This application has been brought before Planning Committee as Officers consider that although the proposal is contrary to Criterion 1 of Policy H12 of the Local Plan, there are material considerations which would justify approving the application.

## 1. INTRODUCTION AND BACKGROUND

### Site and Context

- 1.1 The application site comprises an area of land which is located between the settlements of Appleton Roebuck and Bolton Percy.
- 1.2 The site and surrounding area is characterised by open agricultural fields with predominantly hedgerow boundaries.
- 1.3 The windmill is on an elevated position with defined boundaries to the adjacent agricultural land.
- 1.4 Work has commenced on site in terms of works to the Windmill and construction of the extension and the Applicants are living adjacent to the site on land within the blue line and they have also installed solar panels on site outside the application red line but within the land in the ownership. These solar panels are not part of this application.

## **The Proposal**

- 1.4 This proposal seeks full planning permission for the conversion of the windmill into residential accommodation and the addition of a single storey extension. There would be significant internal works required to the windmill due to the lack of floors/beams in order to facilitate the conversion and the works are detailed within the supporting documents submitted with the application.
- 1.5 An extension is proposed which would be attached to the windmill by virtue of a glazed link. The extension would be constructed from dark timber board with a red pantiles to the roof and timber doors and windows and cast gutters and fall pipes.
- 1.6 The scheme will provide within the extension a open kitchen dining and sitting room with a separate utility and w/c which is then linked to the main windmill structure. The ground floor of the windmill element will provide the master bedroom with en-suite. The first floor within the windmill will provide a further double bedroom with en-suite and the second floor would provide a single bedroom with en-suite.
- 1.8 Access to the site would be taken from the existing field access with a 4 metre wide drive and parking for two cars. No boundary treatments are proposed to the application site although a garden area is shown as being provided surrounding the windmill and extension and there is a defined curtilage set by the red line plan.
- 1.9 There is also a ramp shown on the submitted layout plans to allow access into the resultant property and the site layout plan also shows the proposed location for the soakaway and the foul treatment system.

## **Relevant Planning History**

- 1.10 The Windmill has had previous permissions for conversion to holiday accommodation, prior to consent planning and listed building consent being issued for the conversion and extension of the Windmill to a dwelling in January 2018 under the following submissions

Application Number: 2016/0673/FUL (AltRef: 8/79/167J/PA)  
Description: Proposed conversion of windmill to form a dwelling with new extension  
Decision: PER  
Date: 10-JAN-18

Application Number: 2016/0675/LBC (AltRef: 8/79/167K/LB)  
Description: Listed building consent for the proposed conversion of windmill to form a dwelling with new extension  
Decision: PER  
Decision Date: 10-JAN-18

- 1.11 The site was then purchased by the current owner and a series of additional submissions were made to the Council, as follows:-

Application Number: 2018/0947/DOC  
Description: Discharge of condition 05 (materials and flat roof) of approval 2016/0673/FUL and Condition 4 (materials / flat roof) of approval

2016/0675/LBC on for proposed conversion of windmill to form a dwelling with new extension

Decision: COND

Decision Date: 31-OCT-18

Application Number: 2019/0694/LBC

Description: Listed building consent for internal alterations, installation of a door, increase in the size of roof light and change of position of annex

Decision: PER

Officer: YVNA

Decision Date: 24-OCT-19

Application Number: 2020/1080/LBC

Description: Section 19 application to vary condition 02 (drawings) of approval 2019/0694/LBC Listed building consent for internal alterations, installation of a door, increase in the size of roof light and change of position of annex

Decision: PER

Decision Date: 13.04.2021

The LBC submissions made under the above applications sought to change the approach to the Conversion in terms of the siting of the extension and the approach to the internal layout. The applicants were advised that there would be a requirement to make changes to the Plans on the Planning Consent (2016/0673/FUL) at an early stage and an application was made in October 2021 under 2020/1021/S73 to vary conditions 2, 10 and 18 of planning permission 2016/0673/FUL however this application was not able to be determined within the extant period of the consent due to negotiations on window detailing and changes being required to the approach, so a new full retrospective application has therefore been submitted and the S73 was withdrawn.

## **2. CONSULTATION AND PUBLICITY**

**2.1 Appleton Roebuck Parish Council** – Confirmed support for the application.

**2.2 NYCC Highways** – in commenting on the application recommended that conditions be attached to any consent on:-

- i) Private Access/Verge Crossings: Construction Requirements
  - a. The access shall be improved to give a minimum carriageway width of 4 metres, and that part of the access road extending 6 metres into the site shall be constructed in accordance with Standard Detail number E50A.
  - b. Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
  - c. Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway and shall be maintained thereafter to prevent such discharges.
- ii) Visibility splay of 160 metres in a westerly direction and 160 metres in a easterly direction measured along both channel lines of the major road (Old Road) from a point measured 2.4 metres down the centre line of the access road.
- iii) Provision of the approved access and turning prior to the site being brought into use



- 2.3 Natural England** – Advised did not wish to comment on the application.
- 2.4 County Ecologist** – Initial comments raised concerns at the information that had been provided and requested a survey from a Qualified Consultant. Following receipt of a “Bat Survey Report” prepared by Brooks Ecological (July 2021) County Ecology confirmed that the survey has been undertaken in accordance with current guidance and standards and it is considered sufficient for this application to be determined. The survey report concludes that no bats were present at the time of the survey and bats are unlikely to be encountered during the proposed works. The report concludes that no further survey work is required, and no specific mitigation is required. The County Ecologist supported these conclusions, based on the findings of the survey, noting that the report recommends inclusion of a bat roost as part of the proposed works and a location for this is included in the drawings submitted with the application. As such the County Ecology Officer confirmed support for the Report and its recommendations.
- 2.5 Yorkshire Wildlife Trust** - No response received.
- 2.6 North Yorkshire Bat Group** – Supported the initial stance of NYCC Ecology Officer and although consulted on the subsequently submitted Report no further comments were provided by the Bat Group at the time of the writing of this Report.
- 2.7 Yorkshire Water Services Ltd** - No response received.
- 2.8 Ainsty (2008) Internal Drainage Board** – advised that the Board has assets in the wider area in the form of various watercourses. These watercourses are known to be subject to high flows during storm events and that any discharge to these would require the Boards consent. In this context recommended conditions on surface water drainage and that reference be made on any decision to the need to secure their consent for discharge to any watercourse
- 2.9 Environmental Health** – Advised no comments on the application.
- 2.10 Heritage Officer** - The proposal is to convert an existing windmill tower to residential use with an element of new build to the west. Historic maps indicate that there were associated buildings to the north-west, perhaps representing a miller's house and barns. The location of the proposed new build element is to the south of the former buildings, and it is unlikely that there will be any impact. Thus, confirmed that has no objection to the proposal and have no further comments make.
- 2.11 Contaminated Land Consultant** – initial comments from the Contaminated Land Consult suggested a suite of Condition pertaining to
- Condition 1: Investigation of Land Contamination Prior to development
  - Condition 2: Submission of a Remediation Scheme
  - Condition 3: Verification of Remedial Works
  - Condition 4: Reporting of Unexpected Contamination
- Further discussions with the Contamination Officer noted that given that the application is retrospective then only Condition 4 is appropriate.
- 2.12 Society for the Protection of Ancient Buildings** – Support the scheme which seems a reasonable conversion of a mill tower, recommend, however, that in order to retain the heritage appearance of the building as a mill, to consider the existing



window and door apertures. The SPAB Mills Section would like to suggest referring to their 'Damp Problems in Brick Windmill Towers' leaflet for advice if needed.

**2.13 Ancient Monument Society** - No response received.

**2.14 Council For British Archaeology** - No response received.

**2.15 Georgian Group** - No response received.

**2.16 The Victorian Society** - No response received.

**2.17 Twentieth Century Society** - No response received.

**2.18 Publicity** – The application has been advertised by way of site notice and press notice and as result two submissions of support have been received and one of objection. The comments made can be summarised as follows: -

### **Support**

- Having looked at the plans totally support the application.
- The owners are working very hard to complete this project and can't wait to be living in the Windmill.
- It is a sympathetic conversion to a home.
- This family will preserved and protect this very important structure for many years to come

### **Objection**

- The application form and the description of development do not match – advertised as “retrospective” yet the application form states work have not commenced.
- The proposal is contrary to the development and conflicts with national planning policy guidance and the LPA has a duty to protect listed buildings from harmful development.
- There is little in the planning history that supports the proposal currently before the Council for determination.
- The application does not consider the heritage contribution of the building and therefore the buildings significance cannot be assessed nor can the harm resulting from the conversion.
- The application does not include any assessment of the impact of the scheme when viewed from public vantage points.
- There are no detailed fenestration sections and the details provided are incomplete with what details are shown being unjustified and incomplete.
- As it stands the information before the Council is insufficient to assess the impact on the character, appearance and fabric of the listed building.
- The site is not in a sustainable location and is accessed via a narrow country road with no pedestrian linkages and therefore it is contrary to the requirements of the Local Plan, Core Strategy and the NPPF in terms of its location and the scheme should be refused on this basis.
- Any boundary definition to define the curtilage of the dwelling will introduce an alien feature in the open countryside
- No information provided on how electrical power will be provided to the dwelling – overhead cables maybe needed but this can't be assessed as it stands
- Lack of information on ducts, vents, final window design

- The proposed design of the extension is unclear and sit uncomfortably with the Windmill and will harm the building
- The building was in a poor state of repair when it was listed – so unclear what the Council are seeking to preserve on the site and it could be argued that the building should be left as it was when listed and altered.
- The scheme results in a structured urbanised landscape rather than its original informal open landscape and will result in creation of a domestic residential curtilage
- The scheme will introduce lighting and an intensity of use which will be apparent in the open countryside
- There is no confirmation of visibility splays or how service vehicles will be accommodated
- There is no information on protected species and how they will be protected.
- The scheme is considered to be contrary to Policies ENV24 and ENV1 of the Local Plan, SP2 of the Core Strategy and the aims and objectives of the NPPF.

### **3 SITE CONSTRAINTS**

#### **Constraints**

- 3.1 The windmill is Grade II Listed and is constructed from brick and has no roof structure or glazing remaining. It is located within open countryside and is outside the defined development limits of Appleton Roebuck.
- 3.2 The site is within Flood Zone 1 which has a low probability of flooding.

### **4 POLICY CONSIDERATIONS**

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF (2021), with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.
- 4.2 The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.
- 4.3 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options took place early in 2020. Consultation on preferred options took place in early 2021. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.
- 4.4 The National Planning Policy Framework was updated in July 2021. The NPPF does not change the status of an up to date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2021 NPPF.

4.5 Annex 1 of the National Planning Policy Framework (NPPF 2021) outlines the implementation of the Framework -

*“219. ....existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”*

### **Selby District Core Strategy Local Plan**

4.6 The relevant Core Strategy Policies are:

SP1:	Presumption in Favour of Sustainable Development
SP2:	Spatial Development Strategy
SP5:	The Scale and Distribution of Housing
SP9:	Affordable Housing
SP15:	Sustainable Development and Climate Change
SP16:	Improving Resource Efficiency
SP18:	Protecting and Enhancing the Environment
SP19:	Design Quality

### **Appleton Roebuck and Acaster Selby Neighbourhood Plan**

4.7 The relevant Neighbourhood Plan policies are:

WB1	Re-use of Redundant Buildings
DBE2	Respecting Traditional Building Design and Scale
DBE3	Green Infrastructure
DBE4	Drainage and Flood Prevention
EHL1	Maintaining Agricultural Land
ELH 4	Historic Rural Environment.
H1	New Housing Development Design and Scale,
H3	Car Parking
ELH2	Conserving, Restoring and Enhancing Biodiversity

### **Selby District Local Plan**

4.8 The relevant Selby District Local Plan Policies are:

ENV1	Control of Development
ENV2	Environmental Pollution and Contaminated Land
ENV24	Alterations to Listed Buildings
T1	Development in Relation to the Highway Network
T2	Access to Roads
H12	Conversion to Residential in the Countryside

### **Other Documents**

4.9 Other relevant policies and guidance are:

- NPPF and NPPG
- Affordable Housing Supplementary Planning Document

- Appleton Roebuck Village Design Statement

## 5 APPRAISAL

5.1 The main issues to be taken into account when assessing this application are:

- Principle of the development
- Impact on Heritage Assets
- Design and Impact on the Character of the Locality
- Impact on Residential Amenity
- Impact on Highways Safety
- Drainage, Flood Risk and Climate Change
- Impact on Nature Conservation and Protected Species
- Affordable Housing
- Contaminated Land
- Other Issues
- Benefits of the Proposal

### Principle of Development

- 5.2 Relevant policies in respect of the principle of this proposal include Policy WB1 of the AR & AS NP, Policies SP1 “Presumption in Favour of Sustainable Development” and SP2 “Spatial Development Strategy” of the Core Strategy and Policy H12 of the Selby District Local Plan.
- 5.3 In terms of the AR & AS Neighbourhood Plan, then this application is for conversion and the small scale extension of the windmill which would bring a redundant building back into use, which is in accordance with Policy WB1 per sa. The criterion in Policy WB1 do note that any such conversions should not increase levels of traffic to cause disruption, increase HGV movements or significantly increase noise associated with the new use. These elements are considered later in the report in terms of the highways impacts and amenity considerations.
- 5.4 In terms of the Core Strategy, then Policy SP1 of the Core Strategy outlines that “when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework” and sets out how this will be undertaken. Alongside this Policy SP2A(c) states that development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13 or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances. Given the scheme is a conversion and extension it can therefore be concluded that the principle of re-use of the building and extension to the existing building is in accordance with both Policy SP1 and Policy SP2A(c) of the Core Strategy.
- 5.5 In terms of the Local Plan, then as noted above the key Policy H12 on “Conversion to Residential Use in the Countryside” notes a series criterion for the consideration of scheme. Criteria (1) and (3) allow proposals for the conversion of rural buildings to residential uses provided it “can be demonstrated that the building, or its location, is unsuited to business use or that there is no demand for buildings for those purposes

in the immediate locality” and that the “building is structurally sound and capable of re-use without substantial rebuilding” and Criteria 2 of Policy H12 of the Local Plan states that conversions to residential use will only be permitted where ‘The proposal would provide the best reasonable means of conserving a building of architectural or historic interest and would not damage the fabric and character of the building.’ As such Policy H12 supports the principle of conversion of the building with appropriate extensions.

5.6 It is accepted that the scheme is contrary to Policy H12 of the Local Plan, but it is considered to be in compliance with the approach of the Neighbourhood Plan and the Selby Core Strategy. It is considered that the limited weight should be attached to the Local Plan, and greater weight should be attached to the approach of the Core Strategy and the Neighbourhood Plan in considering the scheme. Then in considering the approach of the NPPF this should be a material consideration in accordance with Paragraph 38 (6).

5.7 This includes consideration of the scheme in the context of Paragraph 79 of the NPPF (2021) is particularly relevant to the application and states that:

“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.

Also, Paragraph 79 notes that decisions should avoid isolated homes unless [amongst other things]:-

- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.”

As such, Paragraph 78 and 79 thus supports re-use of redundant or disused buildings, which is consistent with the Core Strategy and the AR & AS NP but is significantly different to that taken in the Local Plan and Policy H12 as it does not require the more onerous tests set out in H12 (1) and (2).

5.8 The windmill is a Grade II Listed Building and an assessment of securing the future of this asset is discussed later in the report. The proposal would re-use a redundant and disused building and is considered to lead to an enhancement to the immediate setting by virtue of retaining, reusing and repairing the windmill which is in a semi-derelict state. As part of the consideration of the 2016/0673/FUL the applicant submitted a Structural Survey that concluded that the building was structurally suitable for its intended use and the conversion will retain and enhance the character of this building and although work has been undertaken to the repoint the structure officers have not seen any signs that would indicate that the building is other than structurally sound.

5.9 It is considered that the policies in the Development Plan, as noted above, pull in different directions given the approach of the NP, the Core Strategy and the guidance within the NPPF which is a material consideration. As such it is considered that the Development Plan is not neutral (when applying the approach of the High Court decision R v Rochdale Metropolitan Borough Council ex parte Milne (2000). Sullivan

J) and as such the starting point as per 38(6) is that schemes should be refused 'unless material considerations indicate otherwise'.

- 5.10 In this case given that Policy H12 is inconsistent with the Neighbourhood Plan and the Core Strategy (as part of the development plan) and the guidance in the NPPF, it is considered that limited weight can be given to Policy H12 and as such it is essential that the benefits of the development outweigh any conflict such that notwithstanding the conflict with the development plan the material considerations indicate that planning permission should be granted. Having considered this position, the proposal is considered to meet one of the special circumstances identified within paragraph 79 / 80 of the NPPF (2021) and wholly accords with Policy WB1 of the Neighbourhood Plan. In addition although limited weight is afforded to the Policy then the proposal is in accordance with Policy H12 (3) of the Local Plan.

#### Sustainability of the Development

- 5.11 In terms of assessing the sustainability of housing development in this open countryside location, it is noted that Appleton Roebuck which is the closest village to the application site is identified as being 'least sustainable' with respect to its sustainability ranking as set out in Core Strategy Background Paper No. 5 Sustainability Assessment of Rural Settlements.
- 5.12 The application site itself is situated approximately 720 metres outside the defined development limits of Appleton Roebuck which provide local services such as a primary school, two public houses and a church. There is also a bus stop on Main Street within the village which serves the Colton to York bus route. The site is also located approximately 1.3km from Bolton Percy which benefits from a village hall, café and public house and is also on the Colton to York bus route.
- 5.13 In considering the location of the application site and its relative isolation and the subsequent reliance of the private car to serve the proposed dwelling it should be taken into account that paragraph 80 specifically allows isolated homes in the countryside provided they meet the special circumstances set out in that paragraph. Isolated homes are very unlikely, by virtue of their isolated nature, to be served by good, or any, public transport services. As such the policy envisages that there are circumstances, where on balance, the lack of public transport and consequent reliance on the private car can be acceptable. As set out earlier in this report it has been established that the proposals accord with the exceptions set out within Paragraph 80. In addition, it worth noting that the conversion of isolated agricultural buildings to residential use is supported by Government in the changes made to the permitted development regime whereby conversions, of certain scales, are able to be supported subject to there being no technical reasons such as highways, contamination, noise, flooding or the location impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses).
- 5.14 Comments from objectors regarding the sustainability of the site have been noted. Although, the location of the site and its sustainability was a previous one of the reasons for refusal for a holiday let proposal under reference 2009/0572/FUL, however this reason for refusal was linked to PPS7 (Sustainable Development in Rural Areas) which is no longer in place. The later application under 2012/0812/FUL did considered the use of the site for a holiday let again and the application was consented by the Council, with the assessment being undertaken in regard to the

NPPF. In addition, under 2016/0673/FUL, the principle of conversion to the residential dwelling has been supported in this location.

- 5.15 Paragraph 8 of the NPPF (2021) states that there are three dimensions to sustainable development, these being of an economic, social and environmental nature. These dimensions give rise to the need for the planning system to perform a number of roles. Having assessed the proposals against the three aspects of sustainable development the following conclusions have been reached:

#### Economic

The proposal would provide jobs during the conversion and internal works to the windmill as well in the construction of the extension and through local spending by new residents within the village and District.

#### Social

The proposed dwelling would provide one additional dwelling, adding to the housing supply in the District and would use local facilities.

#### Environmental

The proposals would bring back into beneficial use a Grade II Listed Building and provides a means of ensuring the future conversion of the windmill and its retention. The proposals would re-use a disused building and would lead to the enhancement of the immediate setting and as such is in compliance with Paragraph 78 / 79 of the NPPF. The proposals would re-use the existing building and as such would make use of the environmental capital (energy and materials) invested in that part of the structure that would be reused. Furthermore, the design would take into account environmental issues such as reducing carbon emissions, flooding and impacts on climate change. The proposals ensure that they do not result in a detrimental impact on ecology and would lead to enhancements to the site.

Therefore, having had regard to the three dimensions of sustainable development it is considered that the proposals would have a positive economic, social and environmental role as identified above and would represent sustainable development. Whilst the proposal would perform poorly with respect to the location of the site, on balance taking into account the benefits of the scheme identified above and the fact that the proposals comply with Paragraph 78 / 79 of the NPPF (2021) which acknowledges that in order to make use of existing buildings they may be in isolated locations where access to public transport may be poor, that the proposals are considered acceptable on balance, when considered against the three dimensions of sustainability outlined in the NPPF.

- 5.16 On consideration of the above information, it is considered that the proposal is acceptable in regards to the appropriateness of the location of the application site for residential development in respect of current housing policy and guidance on sustainability from both local and national policies as well as all relevant policies in the Neighbourhood Plan, Core Strategy, NPPF and Local Plan.

#### **Impact on Heritage Assets**

- 5.17 In considering proposals which affect a listed building regard has to be made of S16 (2) and S66 (1) where a planning application affects a Listed Building or its setting of the Planning (Listed Buildings and Conservation Areas Act) 1990 requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it

possesses'. Members should note that in terms of applications for Listed Building Consent then if it is considered that a scheme affects a Listed Building per se and also affects its setting then it is the duty of Members, in line with Case Law, to give considerable importance and weight to the impact of the proposed works on the listed building and its setting.

- 5.18 The Windmill is a Grade II Listed Building and a Heritage Statement has been submitted with the application which considers the local and national policy contexts within the Local Plan, Core Strategy and NPPF. It also provides details of the listing of the Windmill and an assessment of the historical significance of the windmill as well as its physical characteristics.
- 5.19 In considering the principle of conversion under consent 2016/0673/FUL and the noted Listed Building consents then the Council has previously accepted that the building can be converted and extended and the proposed scheme now submitted under this application although including a change to the internal layout of the conversion / extension and the realignment of the extension element the proposal is still for conversion and the extension is no bigger in scale or size from that previously supported having taken account of the site history, evolution and condition at that point in time.
- 5.20 The now Heritage Statement does again assess the scheme in terms of the sites history and outlines the works that are required to facilitate the conversion / extension, as well as considering the impacts of the proposal on the asset.
- 5.21 As noted above the Council has granted Listed Building Consent for the works to facilitate the initially proposed conversion under 2016/0675/LBC and then for the revised scheme under 2020/41080/LBC which was a S19 submission change the plans approved under 2019/0694/LBC.
- 5.22 Having considered the latest Heritage Statement and the historic and extant consents for the site then it is considered that the scheme has been sympathetically designed in terms of the scale and massing and would not detract from the significance of the windmill. The proposed materials for the extension are acceptable and final details can be secured by condition. Furthermore, any materials required in order to repair the walls of the existing windmill would match those as per existing and a flat roof is proposed. It is considered reasonable to request details of the proposed materials to be submitted and approved in order to ensure the brickwork does match and the proposed roof materials are acceptable.
- 5.23 As such it is considered that the application is in accordance with the NPPF as the application sustains and enhances the significance of the Grade II listed windmill and has proposed a scheme that is consistent with its conservation. The application sustains the windmill as a feature within the landscape for this and future generations to enjoy. Great weight has been given to the conservation of the Windmill as a Grade II heritage asset. The application has been accompanied by clear and convincing justification for the development including the long-term conservation of the asset for this and future generations and is therefore in accordance with NPPF.
- 5.24 In addition, the application would safeguard the future of the Grade II windmill and maintain it as a familiar feature within the landscape. Selby Core Strategy Policy SP18 requires for the high quality and local distinctiveness of an environment to be maintained which is achieved by this proposal and the design also ensures that the proposal complies with Selby Core Strategy Policy SP19 in terms of achieving a high



quality design, and having regard to the local character, identity and context of its surroundings.

- 5.25 As such it is considered that a delicate balance needs to be struck between conserving the building and its heritage and securing its optimal viable use which would ensure its continued conservation in the future. It is clear that the use of the windmill for its original purpose has long ceased and there is no prospect of it returning to its original use. Although, there is considered to be limited harm to the Listed Building and its setting as a result of the proposal including the addition of the extension, the harm can be considered to be “less than substantial”. Therefore, when balanced with the benefits of bringing the Windmill back in beneficial use through improvements to its fabric and the proposed extension and thus allowing its use for residential accommodation it is considered that the benefit outweighs the harm to a considerable degree and thus it is considered that proposal is on balance acceptable.
- 5.26 As such Officers would advise Members that it is therefore considered that the proposals are considered to be acceptable with respect to the impact on designated and non-designated heritage assets in accordance with ELH4 of the AR&AS Neighbourhood Plan, Policies SP18 and SP19 of the Core Strategy, the NPPF and Policies ENV1, ENV22, ENV24 and H12, of the Local Plan subject to appropriate conditions as per those attached to the earlier consent for the conversion under 2016/0673/FUL.

### **Design and Impact on the Character of the Area**

- 5.27 The proposed development seeks permission to convert an existing windmill into a residential dwelling and also proposes a single storey extension. The scheme is an alternative to that which was previously consented with the rearrangements of internal layout and a re-siting of the extension. The proposed re-use is considered to generally take place within the fabric of the building and does not require an extensive extension in order to create a dwellinghouse. In addition, it should be noted that the proposals would utilise the existing window and door openings within the existing building in order to retain the character and appearance of the building.
- 5.28 The size, scale and juxtaposition of the proposed extension would appear subservient to the windmill. Furthermore, the design takes into account the circumference of the windmill and appears as a functional outbuilding to the windmill rather than a separate building. In addition, the use of a dark wood for the external walls would reflect the original tar finish of the windmill visually and as such, it is considered that on balance the proposed extension would not be harmful to the windmill’s landscape prominence and is acceptable.
- 5.29 Other design features incorporated into the proposed extension and windmill includes ducts, vents, external pipes and openings for windows and doors. The existing openings within the windmill would be utilised and the proposed windows would be recessed and all windows would be dark painted or stained hardwood to reflect the historical character of the site. Although the proposed windows would vary in size, it is considered that this approach is acceptable.
- 5.30 The Heritage Statement confirms that ducts and vents would be fitted internally, although from the plans submitted, there may be some views of the vents on the windmill. However, when taken in the context of the site, it is not considered that the services required as part of the proposal would result in a visual impact as many would be located internally and therefore views would be limited.

- 5.31 The external wall materials proposed for the single storey extension would be dark wood timber boarding with red pantiles for the roof which is considered acceptable. In addition, there would be a glazed link connecting the windmill and proposed extension in order to visually separate, but link the two structures. These materials are considered to be acceptable and can be secured by condition in order to ensure the development is carried out in accordance with the submitted details. Furthermore, any materials required in order to repair the walls of the existing windmill would match those as per existing and a flat roof is proposed. It is considered reasonable to request details of the proposed materials to be submitted and approved in order to ensure the brickwork does match and the proposed roof materials are acceptable.
- 5.32 In terms of landscaping, a garden area is proposed to the rear of the proposed extension and windmill and the proposed hardstanding leading from the highway is proposed to be constructed of stone. There is an existing hedge to the western boundary which is proposed to have any gaps closed but no other boundary treatment is proposed which would retain the open nature of the site. This hedge planting can be conditioned to ensure it is of the same species and height as the existing hedge and a further condition can be included which removes permitted development rights for the installation of any further boundary treatments to the site under Part 2 of the General Permitted Development Order which would ensure the openness of the site is retained.
- 5.33 Although, the submitted plan shows the areas of hard and soft landscaping within the site, it is considered that a condition is attached which requires full details of the hard and soft landscaping within the site in order to ensure the site does not appear overly domesticated in nature having regard to the historical setting of the site and the surrounding area. In light of the conditions proposed, it is considered that the landscaping and boundary treatments within the site would be appropriate to the current and historical landscape in the surrounding area and would not result in a significant impact on the visual amenity of the area.
- 5.34 It is considered that it is appropriate to remove permitted development rights for any extensions to preserve the setting of the listed building thus removing rights under Classes A to E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order.
- 5.35 The letter of objection considers that insufficient information has been submitted which would allow the LPA to fully assess the proposal and its impact on the character of the open countryside. The public viewpoints of the site in the wider area have been visited and the proposal has been assessed accordingly. It is concluded that the proposals are acceptable having had regard to the impact on the character of the area subject to a series of conditions.
- 5.36 In addition, the objector considers that the use of the site as a dwelling is likely to have a significant impact on the area due to the creation of a structured urbanised landscape, introduction of lighting, residential paraphernalia and residential curtilage. This would result in the structure being more dominant in views from the more intensive use of the site. Having had regard to these issues and as set out above it is considered that an appropriate scheme can be achieved subject to conditions. In terms of the issue regarding external lighting, within the letters of support it is noted that there would have been some lighting at the site when it was in operational use, although this is likely to have been low level and the application proposes blackout

blinds in order to reduce light spillage from the site. As such, it is considered that an appropriate lighting scheme can be achieved at the site and this can be conditioned.

- 5.37 Having considered all of the above, the proposals are considered acceptable with respect to the design and the impact on the character of the area, in accordance with policies DBE 2, DBE 3 and ELH 4 of the AR&AS Neighbourhood Plan, Policies SP18 and SP19 of the Core Strategy, the NPPF and Policies ENV1 and H12 of the Local Plan subject to appropriate conditions.

### **Impact on Residential Amenity**

- 5.38 The nearest residential property is located in excess of 500 metres from the application site and as such, it is considered that the proposal would not have any impact on the amenity of any property. In addition, it is considered that the proposal would result in an acceptable standard of amenity for the occupants of the proposed dwelling.
- 5.39 It is therefore considered that a good standard of residential amenity for both occupants and neighbours would be achieved and that the proposal is therefore in accordance with Policy WB1 of the Neighbourhood Plan, the advice contained within the NPPF and Policy ENV1 (1) of the Selby District Local Plan.

### **Highway Safety Issues**

- 5.40 The letter of objection raises some concerns in regards to highway safety including safe access to the site and provision for service vehicles to enter the site. The proposal would utilise an existing access into the site from Old Road and would create a new access road to the windmill.
- 5.41 The Highways Officer at North Yorkshire County Council has been consulted and has no objections to the access arrangements and impacts on the highway network subject to conditions relating to the implementation of the proposed works in accordance with the submitted plans and visibility splays. Furthermore, it should be noted in respect of accessibility by service vehicles such as refuse vehicles that it is not unusual in locations such as this for the occupiers to present their bins at the entrance to the site for collection. It is therefore considered that there are suitable provisions in place to ensure that no detriment would occur.
- 5.42 The applicants have confirmed that the required visibility spays can be met and that they accept the conditions suggested by the Highways Officer. However, one of the conditions requested by the Highways Officer relating to a construction management plan is not considered as being reasonable or proportionate given the scale of the development.
- 5.43 It is therefore considered that the scheme is acceptable and in accordance with Policy WB1 of the Neighbourhood Plan, Policy SP19 of the Core Strategy and the NPPF and Policies ENV1(2), H12(7), T1 and T2 of the Selby District Local Plan.

### **Flood Risk, Drainage and Climate Change**

- 5.44 The application site is located within Flood Zone 1 which is at a low probability of flooding. The application forms states that the foul water would be directed to a Package Treatment Plant and surface water would be directed to a soakaway.

- 5.45 The Ainsty Internal Drainage Board has requested conditions are attached to any permission in regard to soakaways and the installation of a new foul drainage system will require building regulation approval in addition to appropriate consent to discharge issued by the Environment Agency.
- 5.46 Having had regard to the above and taking into consideration the proposed connections, the proposed scheme is considered to be acceptable in regard to drainage on the site subject to appropriate conditions in accordance with DBE 4 of the AR&AS Neighbourhood Plan.

### **Nature Conservation Issues**

- 5.47 The application site is not a formal or informal designated protected site for nature conservation or is known to support or be in close proximity to any site supporting protected species or any other species of conservation interest.
- 5.48 As a result of comments from the County Council Ecologist the applicant has submitted a Bat Survey prepared by Brooks Ecological dated July 2021. The submitted Bat Survey demonstrated a likely absence of roosting within the Windmill and concluded that the proposed scheme presented little risk of impacting upon bats or their roosts. No assessment was requested in terms of other protected species, but surveys submitted as part of 2016/0673/FUL noted no impacts.
- 5.49 In commenting on the application then the County Ecologist has raised no objections to the scheme noting that “based on the findings of the survey, noting that the report recommends inclusion of a bat roost as part of the proposed works and a location for this is included in the drawings submitted with the application. As such the County Ecology Officer confirmed support for the Report and its recommendations.”
- 5.50 Having had regard to all of the above it is considered that the proposal would accord with ELH2 of the AR&AS Neighbourhood Plan, the NPPF and Policy ENV1(5) of the Local Plan with respect to nature conservation subject to conditions.

### **Affordable Housing**

- 5.51 Core Strategy Policy SP9 and the accompanying Affordable Housing Supplementary Planning Document (SPD) set out the affordable housing policy context for the District. Policy SP9 outlines that for schemes of less than 10 units or less than 0.3ha a fixed sum will be sought to provide affordable housing within the District.
- 5.52 Whilst the Policy seeks financial contributions from sites below the threshold of 10 dwellings, the NPPF is a material consideration and states at Paragraph 64 that provision of affordable housing should not be sought for residential developments which are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). In respect of sites where the yield is to be less than 10 units, a financial contribution is identified as being appropriate. Policy SP9 has in this regard been superseded by the Ministerial Statement and national advice. Tariff style charges such as that identified in Policy SP9 can no longer be applied. The LPA has confirmed that this approach will be applied.
- 5.53 The application is for less than 10 units and the proposal is for a single dwelling. In addition, the proposal is not considered to be major development as defined in Annex 2 of the NPPF.

- 5.54 It is therefore considered that having had regard to Policy SP9 of the Core Strategy, the Affordable Housing SPD and the advice contained within the NPPF, on balance, the application is acceptable without a contribution for affordable housing.

### **Contaminated Land**

- 5.55 The proposal involves an end use that would be particularly vulnerable to contamination and the site is identified as potentially contaminated and a Screening Assessment Form (SAF) was submitted with the application. The Council's Contaminated Land Consultant has reviewed the SAF for the above site, as well as undertaken a brief review of available online information and advised that a condition on unexpected contamination was appropriate in this case. As such, the proposal is therefore considered to be acceptable with respect to contamination and in accordance with Policy SP19 of the Core Strategy and Policy ENV2 of the Local Plan.

### **Other Issues**

- 5.56 Criterion 1 of Policy H12 of the Local Plan allows proposals for the conversion of rural buildings to residential uses provided it "can be demonstrated that the building, or its location, is unsuited to business use of that there is no demand for buildings for those purposes in the immediate locality". However, the approaches taken by Policy SP2A(c) and Paragraph 79 / 80 of the NPPF are significantly different to that taken in Policy H12 as they do not require the more onerous tests set out in H12 (1), with SP2A(c) merely expressing a preference for employment uses. It is therefore considered that Policy H12 of the Local Plan should be given limited weight due to the conflict between the requirements of Criteria (1) of the policy and the less onerous approach set out both in the Core Strategy and within the NPPF. As such, it is considered that the applicant does not need to meet the tests set out in Criterion 1 of Policy H12 of the Local Plan.
- 5.57 Criteria 6 of Policy H12 requires that buildings are not in close proximity to intensive livestock units or industrial uses which would be likely to result in a poor level of amenity for occupiers of the dwelling. The site is located adjacent to agricultural land which is not used for intensive livestock uses and is also located at a considerable distance away from the nearest industrial use.
- 5.58 The letter of objection reference mistakes in terms of the application form. Officers have assessed the application based on a site visit, consultee responses, the submitted information and having taken into account national and local policies as well as comments received following notification of the application and not solely based on the applicant's submission and are satisfied that there is sufficient information on which to determine the application.
- 5.59 A further concern has been raised over the supply of electricity to the site and it is noted that no overhead power lines are located within the vicinity of the site. However, in many instances, an electricity supply can be made through underground cables which do not require the provision of overhead power lines and it would be up to the applicant to ensure that a supply can be provided to the property.

### **Benefits of the Proposal**

- 5.60 In assessing the proposal, it is considered that the proposals would bring back into beneficial use a Grade II Listed Building and provides a means of ensuring the future conservation of the windmill. The proposals would re-use a disused building and would lead to the enhancement of the immediate setting and as such is in compliance with the NPPF which allows isolated homes in the countryside if such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets or where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.
- 5.61 The proposal is not considered to inhibit an understanding of the windmill's historic function and how it would have operated and the proposed extension would appear as a functional outbuilding to the windmill, which is not alien in character in terms of the type of structure that may have been attached to the windmill historically. In addition, the proposal would result in the future conservation of the windmill which is considered to be an important structure and therefore, the proposal is considered to be acceptable in terms of its impact on Heritage Assets.
- 5.62 The proposals would make use of the environmental capital (energy and materials) that is invested in the windmill through its re-use and the design would take into account other environmental issues such as reducing carbon emissions, flooding and impacts on climate change. Furthermore, the proposals ensure that they do not result in a detrimental impact on ecology and would lead to enhancements to the site.
- 5.63 In addition, the proposal would add an additional dwelling to the housing supply in the District and would provide various economic benefits from the initial conversion/construction works through to spending by new residents within the village and District.
- 5.64 Whilst the proposal would perform poorly with respect to the location of the site, the proposal is considered to comply with the NPPF which acknowledges that in order to make use of existing buildings they may be in isolated locations where access to public transport may be poor. As such, the significant benefits of the scheme as outlined in the report are considered to outweigh this adverse impact and the proposals are considered acceptable on balance, when considered against the three dimensions of sustainability outlined in the NPPF. In addition, the scheme fully accords with the policy approach of the AR&AS Neighbourhood Plan.
- 5.65 Therefore having had regard to the three dimensions of sustainable development it is considered that the proposals would have a positive economic, social and environmental role and accord with the requirements of the relevant policies and on this basis that permission should be granted subject to the conditions listed below.

## **6.0 Conclusion**

- 6.1 The application seeks the conversion and extension of a windmill to form a single dwellinghouse. The site is located outside the defined development limits of Appleton Roebuck and is within the open countryside.
- 6.2 The proposal is considered to be appropriate development in the open countryside as it and it is considered acceptable when assessed against the development plan which includes the Neighbourhood Plan and balanced against Paragraph 79 / 80 of the NPPF.

- 6.3 The proposal is considered to provide a means of ensuring the future conservation of the windmill which is an important structure. The scale, appearance and design of the proposed extension is considered to provide a good appreciation of the circumference of the tower and give the appearance of a functional outbuilding to the windmill. As such, it is considered that the proposal is acceptable in respect of the impact on the Heritage Asset.
- 6.4 Other matters of acknowledged importance such as the impact the character of the area and open countryside, flood risk, drainage, highway safety, residential amenity, nature conservation and land contamination have been assessed and are considered to be acceptable.
- 6.5 Members should also note that the issues raised in the letter(s) of objection are not considered to justify the refusal of the application and subject to Condition the council will have sufficient control over the proposal to ensure that the development will be satisfactory.
- 6.6 So although the scheme does not accord with the Development Plan in terms of the relationship to the Local Plan Policy H12 there are material considerations in favour of the development and the scheme is considered acceptable on balance given the benefits to allow planning permission to be granted.

## **7.0 Recommendation**

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

01. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:

- Location Plan (ref LOC1)
- Existing Floor Plan (Ref 1 of 20)
- Existing Elevations (ref 2 of 20)
- Layout Plan (ref 6A of 20)
- Proposed Floor Plans (ref 3 of 20)
- Proposed First Floor Plan (ref 13A of 20)
- Proposed North and South Elevations (ref 4A of 20)
- Proposed West and East Elevations (ref 5A of 20)

Reason:

For the avoidance of doubt.

02. The development hereby approved shall not be occupied until all conversion works to the Listed Building (The Old Windmill) have been undertaken and completed in accordance with the permission.

Reason:

For the avoidance of doubt and to ensure that the works to convert the Windmill are undertaken and completed prior to occupation.

03. No further works to the exterior of the extension shall be undertaken above slab level until samples of external materials and surface finishes including the pan tile roof and the timber boarding for the extension shall be submitted to

and approved in writing by the Local Planning Authority. The work shall be carried out in full in accordance with such approved details:

Reason:

In the interests of visual amenity and to ensure that they are appropriate in the context of the Listed Building.

04. Within 3 months of the permission the materials to be used in the repairing of the external walls of the windmill, the vents and in the construction flat roof of the windmill shall be submitted to and approved in writing by the Local Planning Authority, and only the approved materials shall be utilised.

Reason:

In the interests of visual amenity and to ensure that they are appropriate in the context of the Listed Building in order to comply with Policies ENV1 and ENV24 of the Selby District Local Plan.

05. Within 3 months of the permission details of the type and colour(s) of the paint to be used on all external timber joinery shall be agreed in writing with the Local Planning Authority. All glazing shall be face-puttied.

Reason:

In the interests of visual amenity and to ensure that they are appropriate in the context of the Listed Building in order to comply with Policies ENV1 and ENV24 of the Selby District Local Plan.

- 06.. There shall be no new grilles, security alarms, lighting, security or other cameras or other fixtures shall be mounted on the external faces of the building other than those shown on the drawings hereby approved.

Reason:

In the interests of visual amenity and to ensure that they are appropriate in the context of the Listed Building in order to comply with Policies ENV1 and ENV24 of the Selby District Local Plan.

07. There shall be no new plumbing, pipes, soil-stacks, flues, vents or ductwork shall be fixed on the external faces of the building other than those shown on the drawings hereby approved.

Reason:

In the interests of visual amenity and to ensure that they are appropriate in the context of the Listed Building in order to comply with Policies ENV1 and ENV24 of the Selby District Local Plan.

08. Within 3 months of the permission the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site, indicating inter alia the number, species, heights on planting and positions of all trees, shrubs and bushes. Such scheme as approved in writing by the Local Planning Authority shall be carried out in its entirety within the period of twelve months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be adequately maintained for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.



Reason:

To safeguard the rights of control by the Local Planning Authority in the interests of amenity having had regard to Policy ENV1 of the Selby District Local Plan.

09. The new hedge planting, as shown on Drawing Number 6A, shall be of the same species and height as the existing hedge along the western boundary of the site. The new hedge planting shall be carried out in its entirety prior to occupation of the proposed dwelling and shall thereafter be retained throughout the lifetime of the development.

Reason:

To safeguard the rights of control by the Local Planning Authority in the interests of amenity having had regard to Policy ENV1 of the Selby District Local Plan.

- 10.. Notwithstanding the provisions of Classes A to E to Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no extensions, garages, porches, outbuildings, roof additions or other structures shall be erected, nor new windows, doors or other openings shall be inserted into the windmill or extension, without the prior written consent of the Local Planning Authority.

Reason:

In order to retain the character of the site in the interest of visual amenity, to ensure continued protection of the open countryside and to ensure that proposals are in keeping with the Listed Building having had regard to Policies ENV1 and ENV24 of the Local Plan and the NPPF.

11. Notwithstanding the provisions of Class A and Class C to Schedule 2, Part 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no fences, gates or walls shall be erected within the curtilage of the dwellinghouse hereby permitted, other than those shown on the approved drawings, nor shall any exterior painting of the extension or windmill be permitted without the prior written consent of the Local Planning Authority.

Reason:

In order to retain the character of the site in the interest of visual amenity and to ensure that proposals are in keeping with the Listed Building having had regard to Policies ENV1 and ENV24 of the Local Plan and the NPPF.

12. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason:

In the interest of satisfactory and sustainable drainage, in order to comply with Policy ENV1 of the Selby District Local Plan.

13. Within 3 months of the permission a scheme for the provision of surface water drainage works shall be submitted to the Local Planning Authority for approval. Any such Scheme shall be implemented prior to the development being brought into use. The following criteria should be considered:

- Any proposal to discharge surface water to a watercourse from the redevelopment of a brownfield site should first establish the extent of any existing discharge to that watercourse.
- Peak run-off from a brownfield site should be attenuated to 70% of any existing discharge rate (existing rate taken as 140lit/sec/ha or the established rate whichever is the lesser for the connected impermeable area).
- Discharge from “greenfield sites” taken as 1.4 lit/sec/ha (1:1yr storm).
- Storage volume should accommodate a 1:30 yr event with no surface flooding and no overland discharge off the site in a 1:100yr event.
- A 20% allowance for climate change should be included in all calculations.
- A range of durations should be used to establish the worst-case scenario.
- The suitability of soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 or other approved methodology.

Reason:

To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding.

14. The suitability of new soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 to the satisfaction of the Local Authority. If the soakaway is proved to be unsuitable then in agreement with the Environment Agency and/or the Drainage Board, as appropriate, peak run-off must be attenuated to 70% of the existing rate (based on 140 l/s/ha of connected impermeable area). If the location is considered to be detrimental to adjacent properties the Applicant should be requested to re-submit amended proposals showing how the Site is to be drained.

The suitability of any existing soakaway to accept any additional flow that could be discharged to it as a result of the proposals should be ascertained.

Reason:

To ensure that the installation of soakaways provide an adequate method of surface water disposal and reduce the risk of flooding.

15. The windmill and/or extension shall not be occupied or brought into use until the site is connected to the Package Treatment Plant for the disposal of foul water.

Reason:

To ensure that no foul water discharges take place until proper provision has been made for its disposal.

16. The site shall be constructed in accordance with the published specification of the Highway Authority and the following requirements:

- a) The access shall be improved to give a minimum carriageway width of 4 metres, and that part of the access road extending 6 metres into the site shall be constructed in accordance with Standard Detail number E50A.

- b) Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
- c) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway and shall be maintained thereafter to prevent such discharges.

#### INFORMATIVE

You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

#### Reason:

In accordance with Policies T1, T2 and H12 of the Local Plan and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

- 17. There shall be access or egress by any vehicle between the highway and the application site until splays are provided giving clear visibility of 160 metres in a westerly direction and 160 metres in an easterly direction measured along both channel lines of Old Road from a point measured 2.4 metres down the centre line of the access road, Once created, these visibility spays shall be maintained clear of any obstruction and retained for their intended purpose at all times.

#### Reason:

In accordance with Policies T1, T2 and H12 of the Local Plan and in the interests of road safety.

- 18. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved have been constructed in accordance with the submitted drawing (Reference 7 of 20). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times

#### INFORMATIVE

The proposals shall cater for all types of vehicles that will use the site. The parking standards are 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)

#### Reason:

In accordance with Policies T1, T2 and H12 of the Local Plan and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

- 19 The development shall be carried out in complete accordance with the recommendations set out in the Bat Survey dated July 2021 and Extended Phase 1 Habitat Survey dated December 2015 both by Wold Ecology Ltd

which were as received by the Local Planning Authority on 6 June 2016 under 2016/0673/FUL.

Reason:

In the interests of biodiversity and nature conservation and in order to comply with the advice contained within the NPPG.

20. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

Informatives:

- NPPF – No Changes
- All leadwork should follow the Codes and details recommended by the Lead Sheet Association.

## **8 Legal Issues**

### Planning Acts

This application has been determined in accordance with the relevant planning acts.

### Human Rights Act 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

### Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

## **9 Financial Issues**

Financial issues are not material to the determination of this application.

## **10 Background Documents**

Planning Application file reference 2021/0347/FUL and associated documents.

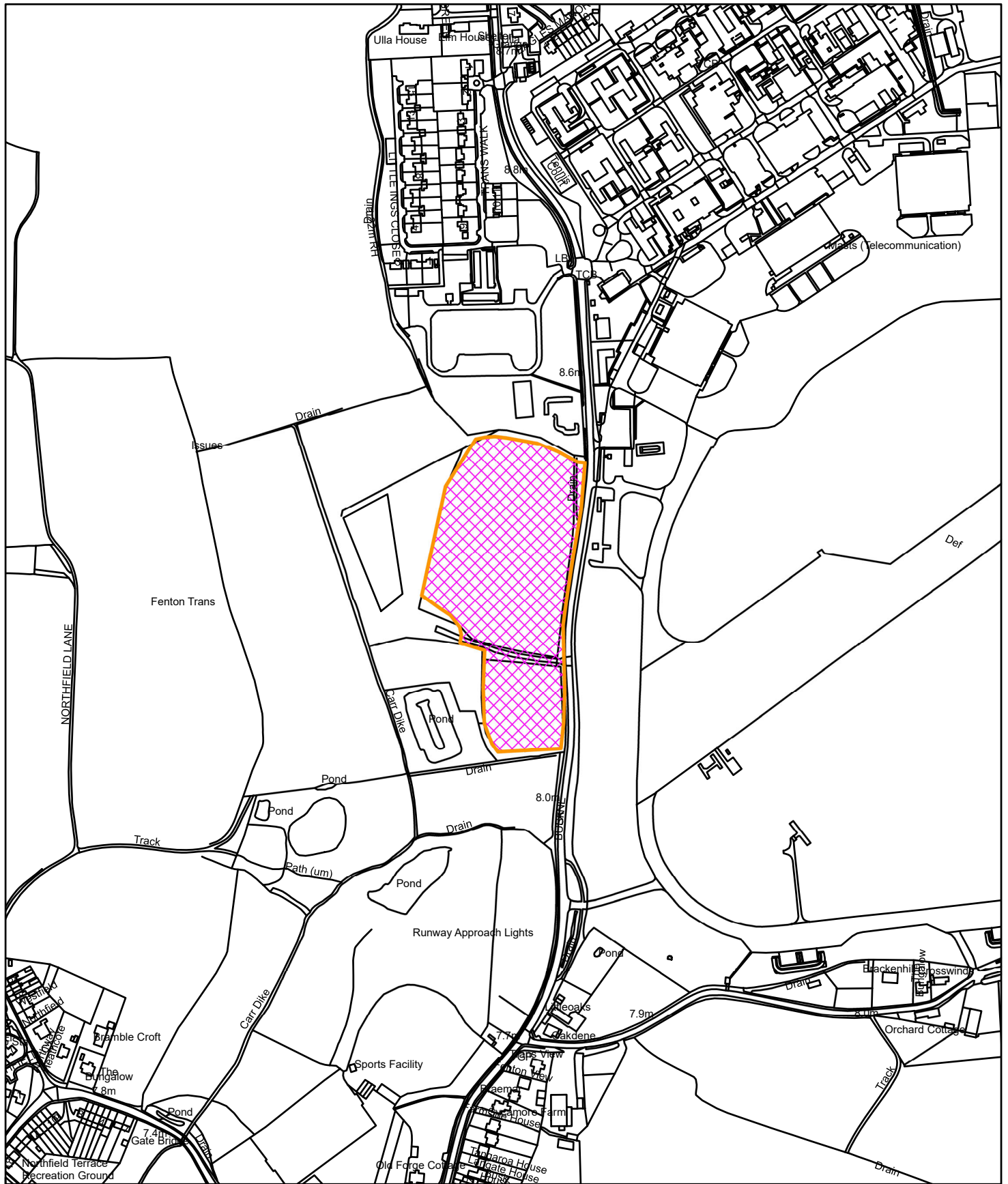
**Contact Officer: Yvonne Naylor (Principal Planning Officer)**

**Appendices:** None

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# Agenda Item 5.3

Land South of Gloster Close, Busk Lane, Church Fenton  
2020/0225/FULM



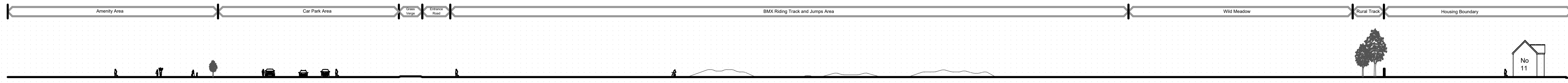
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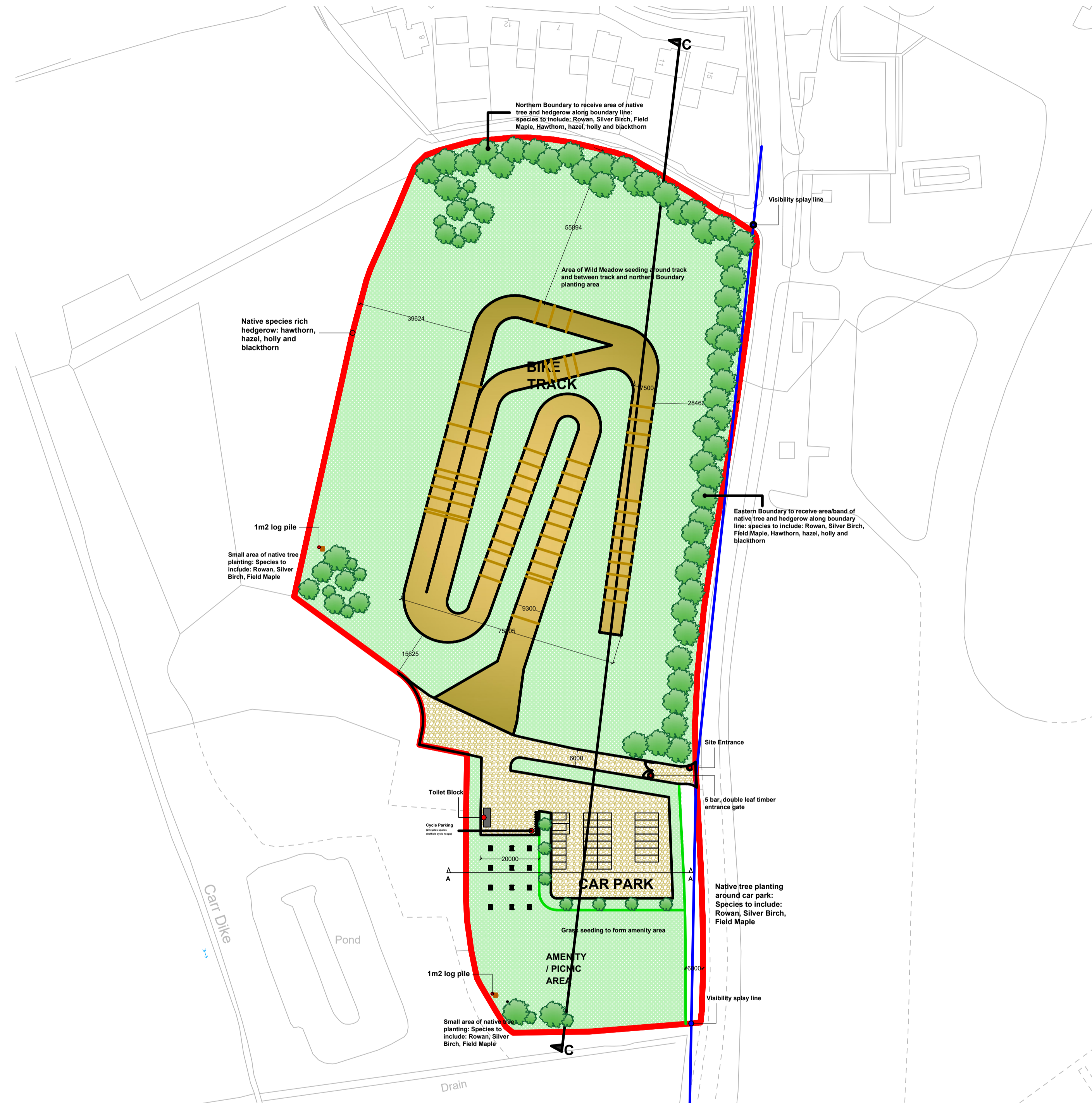
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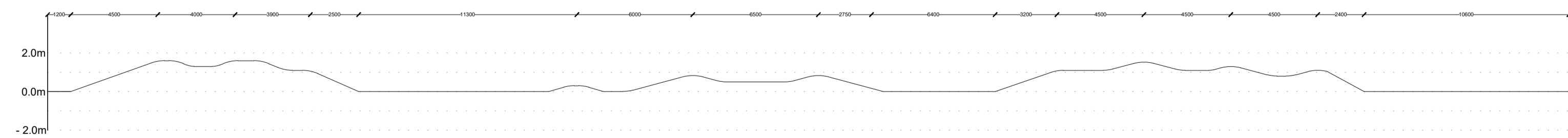




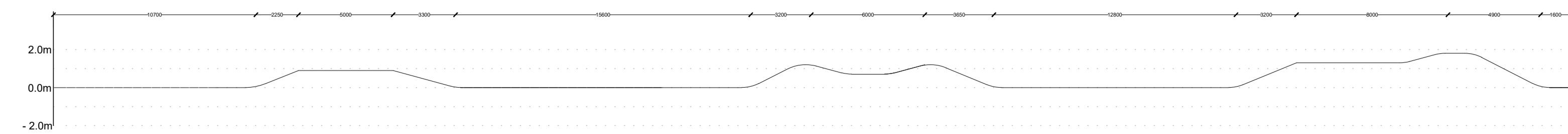
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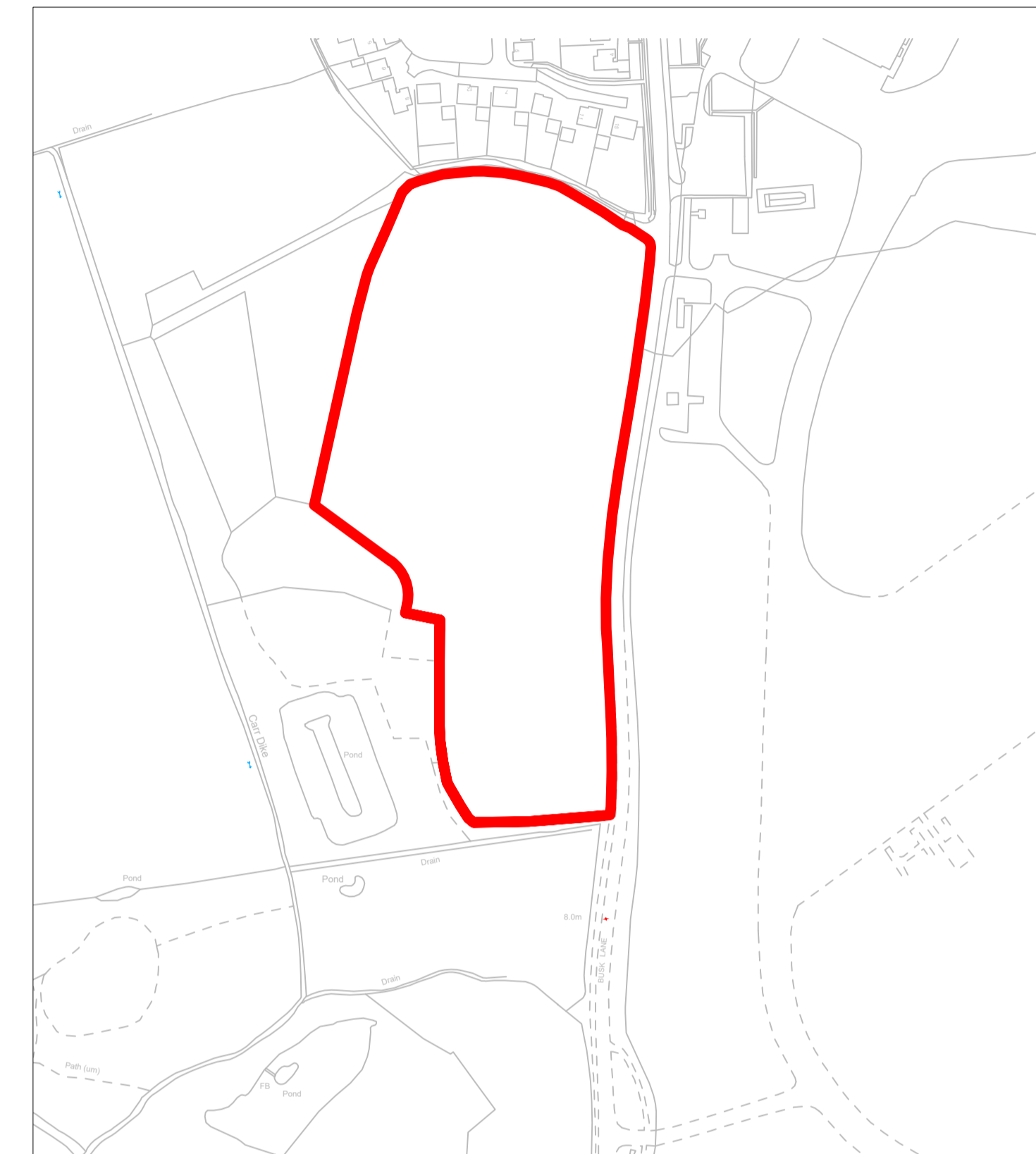
**PROPOSED SITE PLAN - 1:1000**



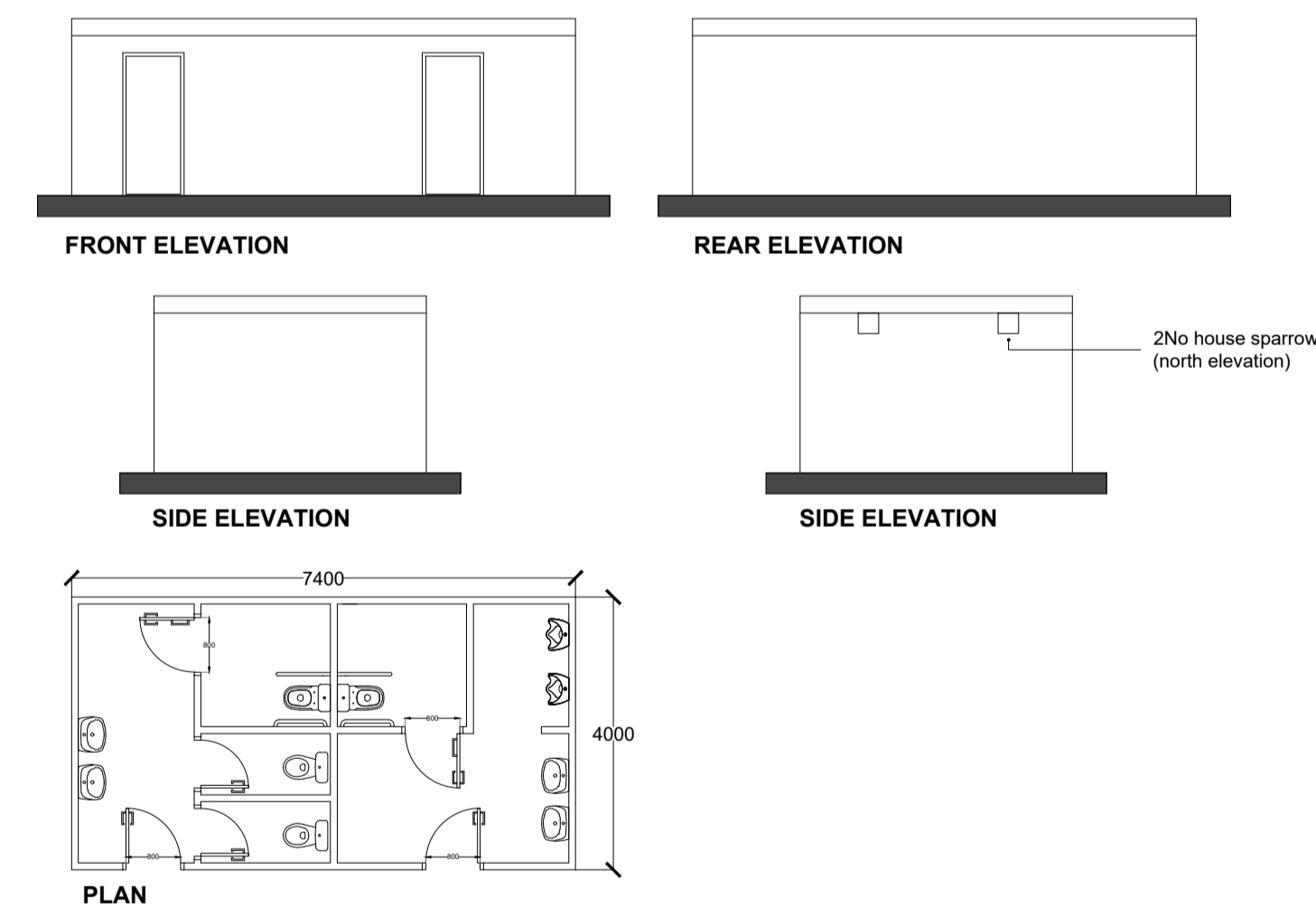
**PROPOSED TRACK LEVEL INFORMATION - 1:200**



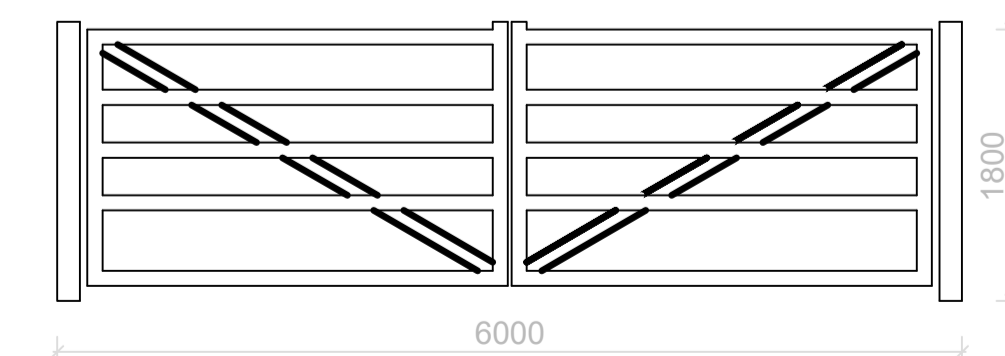
**PROPOSED TRACK LEVEL INFORMATION - 1:200**



**SITE LOCATION PLAN - 1:2500**



**TOILET BLOCK - 1:100**



**ENTRANCE GATE - 1:50**

**KEY**

**NOTES:**

Entrance Track, Parking area and Amenity area will be made good with permeable hard standing

Top soil to be imported and scultures to form outdoor cycle track

**Landscaping Notes:**

- Hard Landscaping: MOT Type 1 well compacted stone, compacted in layers of 150mm. Car park and track road to be self draining permeable surface.
- Soft Landscaping: Wild Meadow seed to be spread on North Side of site to provide soft screen between existing housing and proposed track area
- Small native tree line to define car park and amenity areas

5 Bar, double leaf, timber entrance gate

Sheffield Cycle Hoop

REV.	DESCRIPTION:	STATUS	BY:	DATE:
H	Landscaping areas added. Tree and Hedgerow areas added to Northern Boundary and Eastern Boundary. Wild meadow and grass seeding areas added	P1		Jan 21
G	Ecological enhancements added	P1		Nov 20
F	20 Sheffield Hoops added for Cycle Parking	P1		Oct 20
E	Track size reduced.	P1		Oct 20
D	Track size reduced. Bunds and willow removed. Wild meadow added. Site section added	P1		Sep 20
C	Car Parking reduced. Amenity space increased. Site entrance gate added	P1		Jun 20
B	Sections added. Landscaping notes added. Toilet block details provided	P1		Mar 20
A	Client track updates	P1		Feb 20

**REVISIONS**

DRAWING STATUS:  
**PLANNING**

AMENDED  
DRAWING

CLIENT:

PROJECT TITLE:  
BUSK LANE, CHURCH FENTON

DRAWING TITLE:  
PROPOSED SITE PLAN, SITE LOCATION PLAN AND LEVEL INFORMATION

DRAWING SCALE: AS INDICATED    DRAWN BY:    DRAWN DATE: 31.01.2020    CHECKED:    PAPER SIZE: A1    APPROVED BY:

DRAWING NUMBER: BL001    SUITABILITY: P1    REVISION: H

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**Report Reference Number:** 2020/0225/FULM

**To:** Planning Committee  
**Date:** 18 August 2021  
**Author:** Fiona Ellwood (Principal Planning Officer)  
**Lead Officer:** Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2020/0225/FULM	PARISH:	Church Fenton Parish Council
APPLICANT:	Busk Lane Outdoor	VALID DATE:	1st April 2020
		EXPIRY DATE:	1st July 2020
PROPOSAL:	Proposed change of use from grazing agricultural land to BMX cycle track with toilet block, picnic area and car park		
LOCATION:	Land South of Gloster Close Busk Lane Church Fenton Tadcaster North Yorkshire		
RECOMMENDATION:	APPROVE		

This application was deferred at the meeting of 30<sup>th</sup> June 2021 for a committee site visit.

This application was originally brought before Planning Committee due to the significant number of representations both in support and opposition to the application, which raise material planning considerations and that Officers would otherwise determine the application contrary to some of these representations.

## 1. INTRODUCTION AND BACKGROUND

### Site and Context

- 1.1 The application site area covers approximately 1.6 hectares of agricultural grazing land to the west of Busk Lane, opposite the east-west runway of Leeds East Airport. The site is roughly rectangular in shape and is relatively open being bounded by a variety of small unmanaged mounds (primarily to the road frontage), post and wire mesh or post and rail fencing. Beyond the site to the north is an unmade access track running in front of the rear garden boundary fencing of a recent housing development. A number of mature trees sit alongside the fencing.

- 1.2 The site is accessed through a metal gate and an unmade agricultural access track leading off Busk Lane.
- 1.3 The site lies outside but adjacent to the development Limits of Church Fenton Airbase and is therefore classed as open countryside.

### **The Proposal**

- 1.2 The application seeks permission for the change of use from grazing agricultural land to BMX cycle track with toilet block, picnic area and car park. The proposal is being promoted as a community facility that will be managed by the landowner who lives locally. The site will be accessed from the existing access at the southern end of the site from Busk Lane. Key elements of the proposal include;
  - BMX Track and associated jumps made from soil
  - Associated access works and parking and cycle parking area
  - Boundary treatment and Landscaping
  - Small toilet block

### **Relevant Planning History**

- 1.3 The following historical application is considered to be relevant to the determination of this application.

2017/0833/DOC: Discharge of conditions 10 (Highways), 11 (Access) and 15 (Travel plan) of approval 2015/0318/FUL Erection of 39 dwellings, construction of access roads and associated recreation open space: Busk Lane, Church Fenton, North Yorkshire, LS24 9SE: COND, 28-SEP-17

2017/0832/MAN2: Non material amendment of approval 2015/0318/FUL for erection of 39 dwellings, construction of access roads and associated recreation open space: Busk Lane, Church Fenton, North Yorkshire, LS24 9SE: PER, 13-OCT-17

2017/0591/DOC: Discharge of conditions 02 (materials), 03 (landscape), 06 (surface water), 07 (foul and surface water drainage), 20 (surface water watercourse), 09 (ground works engineering), 12 (groundworks), 14 (construction method), 16 (site clearance), 17 (flood risk assessment), 18 (energy renewal), 19 (noise) and 22 (lighting) of approval 2015/0318/FUL for erection of 39 dwellings, construction of access roads and associated recreation open space: Busk Lane, Church Fenton, North Yorkshire: COND, 28-SEP-17

2016/0444/FUL: Proposed erection of an accommodation block in connection with an outdoor pursuits activity centre on land west of Busk Lane, Church Fenton, North Yorkshire: REF, 15-SEP-16

2015/0846/FUL: Creation of new field access off Busk Lane, Church Fenton, North Yorkshire: PER, 19-NOV-15

2015/0318/FUL: Erection of 39 dwellings, construction of access roads and associated recreation open space: RAF Church Fenton, Busk Lane, Church Fenton, North Yorkshire, LS24 9SE: PER, 21-DEC-15

2013/0285/FUL: Formation of a caravan and camping site in conjunction with existing fishing lake including construction of amenity block: Land off Busk Lane, Church Fenton, North Yorkshire: REF, 25-JUL-13

2012/1103/FUL: Construction of 28 dwellings, associated access road and landscaped areas on land at the former Officers Mess: RAF Church Fenton, Busk Lane, Church Fenton, North Yorkshire, LS24 9SE: PER, 02-OCT-14

2010/0528/FUL: Erection of 9 live/work units and 4 affordable houses and associated access road and landscaped areas on land at the former officers' mess: RAF Church Fenton, Busk Lane, Church Fenton, North Yorkshire: PER, 18-FEB-11

## **2. CONSULTATION AND PUBLICITY**

- 2.1 **NYCC Highways** - initially considered that the information provided was not sufficient to fully assess the planning application in terms of the highway impact and sought a Transport Assessment giving details of likely vehicle trips to and from the site and accidents within the area in the last 5 years. It was noted that 102 car parking spaces were proposed and therefore it was anticipated that significant vehicle movements would be created. The existing access is deteriorating and should be brought up to NYCC's specification and, as the site is located within the 40mph speed limit, visibility splays of 2.4m x 120m are required.

Following the submission of further information and a reduction in the number of proposed parking spaces to 30, the Highway Authority has confirmed that it has no objections subject to a number of conditions in respect of; improvements to the access, the provision of visibility splays and a Construction Management Plan.

### **2.2 Environment Agency**

Response 30<sup>th</sup> July 2021- No comments on the proposal. Our Flood Risk Standing Advice should be followed.

**Yorkshire Water Services** - no comments to make.

- 2.3 **Selby Area Internal Drainage Board** - give the following comments and recommendations;

If the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year. If surface water is to be directed to a mains sewer system the IDB would again have no objection in principle, providing that the Water Authority are satisfied that the existing system will accept this additional flow. If the surface water is to be discharged to any ordinary watercourse within the Drainage District, Consent from the IDB would be required in addition to planning permission and would be restricted to 1.4 litres per second per hectare or greenfield runoff. No obstructions within 7 metres of the edge of an ordinary watercourse are permitted without Consent from the IDB.

Following receipt of further information and re-consultation, no comments have been received from the IDB.

2.4 **Local Lead Flood Authority** – initially commented that the submitted documents were limited and failed to acknowledge paragraph 165 of the NPPF which states that "Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. It was also noted that the submitted drainage statement stated: "Due to the nature of the proposed development a detailed drainage scheme is not proposed at this stage as it would cost a significant amount of money for what is at this stage essentially a community project. Notwithstanding this it is indicatively proposed to provide permeable surfacing of access and parking areas and with a proposed landscape and boundary treatment scheme more vegetation will be added to aid in water retention. We would be happy to enter into an appropriate condition if needed as at this point in the process we could commit to more financial expense." In the absence of any form of assessment of the baseline site conditions, or any proposed means of disposing of the site runoff, the LLFA felt unable to provide any meaningful comments and could not be satisfied that any condition attached could be discharged. As a minimum, it was suggested that the applicant should determine where and how surface water would be disposed of as the proposal will involve a significant amount of bare soil which can result in significant uncontrolled runoff from the site unless carefully managed. The LLFA recommended that the applicant provide further information.

Following receipt of further information and re-consultation, no comments have been received from the LLFA. An update will be given at the Committee Meeting.

2.5 **Environmental Health** - is aware nearby residents have raised concerns over the potential impact of development on the residential amenity of the area, including impacts due to noise emissions. Alternative legislative regimes do exist in relation to noise recreational land use, mainly noise nuisance as defined by the Environmental Protection Act 1990. It is worth noting that Nuisance is broadly defined as an unlawful and/or unreasonable interference with the enjoyment of land whereas the Planning regime seeks to protect residential amenity in terms of observable effect level. In view of the differences between the regimes, it is recommended that the alternative regime should not be relied upon to achieve Planning objectives. Consequently, the applicant is required to consider the proposals with respect to noise impact in terms of the NPPF, PPG and relevant local policies and submit further information to demonstrate compliance with the relevant policies including an assessment of the likely impact together with any proposals for mitigation.

In considering the subsequently submitted Environmental Noise Assessment, which recognises that the proposed development does have the potential to have a negative impact on residential receptors, it is agreed that there is no guidance available which specifically deals with the case at hand and it is difficult to carry out an assessment. The assessment proposes three planning conditions designed to mitigate the impacts of the development. The first condition seeks to ensure that the track is only used by bicycles and that motorcycles must not use the track which is agreed. The second condition seeks to restrict the hours of operation between 0800 and 2200 based on the assumptions contained within the assessment, mainly that operational noise is below the proposed 50dB<sub>L</sub>A<sub>eq</sub> criterion. The assessment states that "Given the community owned nature of the development it is probably not appropriate to set noise limits within a planning condition since there is no business owner who can be held responsible for the site and is therefore not really enforceable". The condition proposed therefore is based on a number of assumptions, should those assumptions prove to be an underestimate of the noise emissions then the criteria could be exceeded with no means to exercise control.

This gives rise to the potential for an unacceptable impact on residential amenity in terms of noise, particularly in the evening time. It is therefore recommended that the applicant is asked to consider restricting the opening times in the evening to protect the residential amenity of the area, alternatively it may be necessary to impose a suitably worded condition that does achieve the boundary level derived in the assessment. The third condition seeks to restrict motorised earth moving equipment between the hours of 0800 and 2200. It is questioned whether it is really necessary to use earthmoving equipment in the evening and it is recommended that the hours are restricted to between 0800 and 1800 by way of a suitably worded condition.

Further consultation with EHO

If there is no control over the operator being community owned then Recommends use restricted to hours of 0800 to 1800 similar to non motorised uses.

2.6 **Natural England** - has no comments to make.

2.7 **North Yorkshire Bat Group** – no comments received.

2.8 **Yorkshire Wildlife Trust** - noted that the application is supported by a Preliminary Ecological Appraisal (PEA) and that the ecologist has recommended surveys for protected species, specifically that great crested newt surveys of the four ponds close to the site should be undertaken. Given the proximity of ponds to the application site, and the presence of records in the area, The Trust considered it likely that great crested newts could be present on the site. Full landscape proposals, to allow sufficient assessment and recommendations for impacts upon habitats to be made, were also suggested. The Preliminary Ecological Appraisal states that the site offers potential habitat for ground nesting birds and brown hare but no mitigation is proposed. The planning statement says the development will provide a significant amount of net gain which is encouraging and any new planting should use a mix of native species appropriate to the area.

Having reviewed additional information submitted by the applicant, specifically the Drainage Technical Note and Environmental Noise Assessment, the Trust noted it is intended that runoff generated by the development will ultimately be discharge to Carr Dike via the existing drainage ditch just outside the site's southern boundary and any potential ecological implications (including to protected species) of the drainage strategy will need to be explored prior to determination. The revised plans incorporate a smaller car park area, resulting in an area which is now labelled as an amenity/picnic area which seems an ideal location for habitat creation, for example a wildflower grassland. The Trust also considered that areas between the tracks could be developed as wildflower grassland and the proposed willow planting could be replaced with a native species rich hedgerow, if appropriate to the local area. In its current form there are missed opportunities to incorporate habitat for wildlife into the design, which would enrich the environment for visitors, particularly children.

2.9 **County Ecologist** –

First response-7 Sept 2020

No GCN detected. Would like to see PEA updated to reflect the details of the planning application and clarifies what the applicant is undertaking in terms of ecological enhancement.

Second response- 30 Sept 20

Further ponds identified by local resident need to be considered. But we consider it unreasonable to delay determination until next spring for these to be surveyed because;

(i) the site is poor habitat so if GCN's are present in these other ponds they would not be dependent on the application site. Therefore, in terms of the Habitat and species Regs 2017 the proposed development would not be detrimental to the conservation status of the GCN,

(ii) reasonable avoidance measure could reduce the risks but need to be set out in the Ecological Impact Assessment.

(iii) One of the three ponds contained large numbers of 3-spined sticklebacks and GCN rarely breed near these.

Adjoining habitat- land to the south contains fen and appears to be a remnant of the once extensive tract know as Fenton Trans. It could qualify for a SINC & should be considered to be of county wide value for biodiversity. The applicants ecological survey didn't identify this. It could be damaged by any alteration to its current hydrology. SDC must therefore ensure any drainage arrangements don't impact upon it. Drainage requirements-Same applies for toilet block

Third Response- 11<sup>th</sup> Jan 2021

Comments on the new PEA.

- The ecological enhancements in the new PEA include planting native species trees and a species rich hedge with a wildflower area and bird nest boxes – these offer net gains for Biodiversity.
- The PEA does not include reasonable Avoidance Measures for GCN's
- More detailed spec on the meadow area needed

Final response- 23 Feb 21-Re-consultation -The PEA has now been revised to include Reasonable Avoidance Measures to minimise risks of accidental harm to amphibians and other small wildlife during construction. As such a condition is recommended requiring adherence to the ecological mitigation and enhancement measures set out in section 4.2 (Recommendations) and Appendix 3, Figure 2 (Ecological Enhancement Plan) of the PEA report (*land off Busk Lane, Church Fenton, North Yorkshire- Preliminary Ecological Appraisal, January 2021 by Quants Environmental*)

2.10 **Designing Out Crime Officer** - the overall design and layout of the proposed scheme is considered acceptable. The Revised National Planning Policy Framework states that planning policies and decisions should aim to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. The most significant crime issues that could affect this development are auto crime and cycle theft. It is noted that no lighting is proposed for the site and that the opening hours will be based around natural daylight. However, with no opening hours being stipulated there is the potential for the site to be used well into the night during the summer; which could be to the detriment of residential amenity in the area. Consequently, it is recommended that opening hours are set to manage the impact the proposal may have on residential amenity. It is also noted that it is proposed to have three part time staff employed at the site. This is to be commended as it will provide capable guardianship at the site and help prevent crime and disorder.



- 2.11 **North Yorkshire Fire & Rescue Service** - the North Yorkshire Police, Fire and Crime Commissioner Fire and Rescue Authority have no objection/observation to the proposed development.
- 2.12 **Public Rights of Way Officer** - no comments received.
- 2.13 **HER Officer** - there are no known archaeological sites in the area indicated or within the immediate vicinity and there are no objections to the proposal.
- 2.14 **Waste and Recycling Officer** - no comments received.
- 2.15 **Ulleskelf Parish Council** - have considered the re-consultation of the application and, as the proposed development is on the opposite side of the road to the majority of the residential properties on Busk Lane, the Parish Council would like to request that a pedestrian crossing is installed along Busk Lane to allow residents to safely cross the road to the facility.
- 2.16 **Church Fenton Parish Council** - the application was discussed at the ordinary Parish Council meeting on 16 April 2020 and the Council are in favour of supporting the application.

18 Feb 2021- Observations made;

- Improvement to plans acknowledged.
- Urbanisation should be kept to a minimum in line with the ethos of the River Wharfe Regional Corridor within which it is identified in NDP as falling within.
- Welcome the reduction in scale of facility, size of track, amount of car parking and additional landscaping which will help it remain a more local facility.
- Equal number of positive and negative responses within the community. Negative ones are mostly from those most directly affected.
- Newly designated SINC should be taken into consideration.

## 2.17 **Representation**

- 2.18 The application has been statutorily advertised by site and press notice and by letter to adjoining properties.
- 2.19 Letters of objection have been received from 28 individuals and one Business on the following summarised grounds:

### General

- Conflicts with Green Belt Policy
- Contrary to the Local Plan Policy
- Planning site notices not seen
- Lack of professional application details
- Site may be contaminated and an assessment should be undertaken
- Site is a gift from a recent local resident and this use is a minority activity which benefits only a small number in this community
- Reference made to the applicants use of other sites and lack of regard for the impact of schemes on the locality
- Work has already commenced and is causing noise and disturbance

## Ecology

- Revised plans and details don't overcome previous concerns
- Latest ecology statement incorrect- re SINC now designated,
- Ecology statement -Number of ponds incorrect- at least one has been omitted.
- Newt survey incorrect, species list
- Ecology statement – not clear if Ditch 1 and Carr Dyke are one and the same
- Harm to wildlife from the development and the subsequent use.
- Lack of features to promote wildlife
- No consideration of how it might affect protected species
- Applicant deals with waste soil and any imported to the site could be contaminated

## Impact on Locality/management

- Adverse Impact on character and visual amenity of quiet rural countryside
- No information on the height of the jumps
- Additional vehicular traffic on an overburdened road.
- Noise and Disturbance
- Lack of noise impact assessment
- Query whether speaker systems would be installed or required
- Question the viability and need for the facility
- If it fails the land should be re-instated to former condition so it's not a lasting eyesore
- No details of proper community engagement.
- The village already has enough recreational facilities- and other facilities in the larger settlements are within easy distance.
- Focal point for antisocial behaviour
- No clarification on insurance and liability
- Permeable surfaces are stated but the site is not suitable and has been under water
- Management – the resolve for proper operation, maintenance, security and sympathetic integration with community and environment cannot be relied upon
- Reference to a community owned or community facility is not correct as the PC are not involved in the maintenance or management. Suggest planning condition to ensure community use only.
- This is not a beginners track and is unsuitable for children
- Concerns over the hours of opening and the hours when excavators can work
- Query whether the track will be lit during the evenings
- No reception or facilities which may subsequently be required
- Concerns over potential injuries and whether first aid skills are readily available
- Disproportionate for small village. It is larger than others provided for settlements the size of Selby or larger.
- other comparable sites offer less parking. The 30 parking spaces is inappropriate and excessive to the size of this site. Should be reduced to 10 or less.
- This will quickly turn into a crime hotspot for quad and off-road motorbikes adding to noise and adverse effect on quality of life for the residents
- Inadequate security
- The track design is well in excess of Olympic Standards according to the BMX Track Design Guide and is therefore excessive for a village facility.
- Current skate park in the village is underutilised and suggests there will be few interested in this facility

- Footpath which purports to link the site to the settlement is narrower than the stated 2m and is substandard
- No information on the toilet block
- No information on future maintenance
- Entrance is close to the emergency services access for Church Fenton Airfield
- Lack of economic benefit and no information on whether residents would be charged to use the facility
- Reference to a refused application 2016/0444/FUL (accommodation block and outdoor pursuits activity centre at an existing fishing lake)
- Could be used for competitions and events

#### Landscaping

- Query whether the proposed planting on the N & E boundaries is in addition to the existing row of long willows and the newly planted ones?
- Bund purpose is unclear
- Planting which has occurred so far is inadequate

#### Drainage Issues

- Drainage is preliminary and there is a Lack of appropriate drainage investigation and planning
- Object to drainage in southern end of the site.
- Manhole cover exists in vicinity of proposed trees. Planting may have adverse effect and increase risk of flooding.
- Structures or ramps could channel and force water towards the Rowley Fields Development
- Giant soakaway under carpark would leach into sectors of the sink and ponds.

#### Flood Risk

- Application requires a full Flood Risk Assessment due to being in Zone 2.
- EA, NPPF & SDC policy require Flood Risk Assessment
- Soil mounds would increase flood risk elsewhere.
- Main flooding risk is from the Wharfe at Ulleskelf and local land drainage
- Applicants infilled this and adjacent land with soil from airfield resulting in loss of flood catchment area.

2.20 Letters of support have been received from 40 individuals on the following summarized grounds;

- An easily accessible outdoor exercise facility for the local community
- Reduced parking supported as most visitors will be local on foot.
- Support but the scale is too big
- Good to see this rather than more housing
- Suggest change 40mph to 30mph in the vicinity
- Nothing the objectors say give cause for concern, all impacts are far less than housing
- Its not designed as an Olympic BMX, rather an open space for children to learn to cycle in safety
- Better to have more car parking than not enough
- Suggest another activity such as roller skating is included
- Picnic area great for families
- Health and social Benefits to children

- 2.21 Detailed comments received making suggestions to incorporate planning conditions.
- 2.22 Many of these comments were received prior to the revised scheme which took into account many of the issues raised.

### **3 SITE CONSTRAINTS**

- 3.1 The application site lies within Flood Zone 2, which has a medium probability of flooding. The site does not contain any protected trees and there are no statutory or local landscape or heritage designations. A recently designated Site of Importance for Nature Conservation (SINC), known as Fenton Trans, lies immediately south of the application site and features species rich wetland.

### **4 POLICY CONSIDERATIONS**

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.
- 4.2 The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.
- 4.3 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options took place early in 2020. Consultation on preferred options took place in early 2021. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.
- 4.4 The National Planning Policy Framework (July 2021) (NPPF) replaced the February 2019 NPPF, first published in March 2012. The NPPF does not change the status of an up-to-date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2021 NPPF.
- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

*"213. ....existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."*

## **Selby District Core Strategy Local Plan (CS)**

4.6 The relevant CS Policies are:

SP1 - Presumption in Favour of Sustainable Development  
SP2 - Spatial Development Strategy  
SP15 - Sustainable Development and Climate Change  
SP18 - Protecting and Enhancing the Environment  
SP19 - Design Quality

## **Selby District Local Plan (SDLP)**

4.7 The relevant SDLP Policies are:

ENV1 - Control of Development  
ENV2 - Environmental Pollution and Contaminated Land  
RT3 - Formal Sport and Recreational Facilities  
T1 - Development in Relation to the Highway Network  
T2 - Access to Roads

## **Church Fenton Neighbourhood Plan 2020-2027 (CFNP)**

AS2: New Community Facilities  
EGS2: Protecting Biodiversity and Habitats  
F1: Flood Risk  
EGS3: Green Infrastructure and corridors

## **5 APPRAISAL**

5.1 The main issues to be taken into account when assessing this application are:

- The Principle of the Development
- Design and Impact on the Appearance of the Area
- Impact on Highway Safety
- Impact on Residential Amenities
- Flood Risk and Drainage
- Ecology

### **The Principle of the Development**

5.2 CS Policy SP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Paragraph 12 of the NPPF re-emphasizes that the Development Plan is the statutory starting point for decision making, adding that where a planning application conflicts with an up-to-date Development Plan permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

5.3 The site is outside the redeveloped Church Fenton airbase site on land that for planning purposes is open countryside. CS Policy SP2 states that the majority of new development will be directed to the towns and more sustainable villages with

development in the countryside being limited to “the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13; or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances”. The proposal is not considered to fall into any of the listed forms of development. However, in terms of SP2, the development is the use of the land with minimal development in the way of structures other than the toilet block. The development comprises mainly the track and the car park. It is considered that the use will contribute to the local economy and the vitality of the community given its recreation use. Moreover, given the nature of the proposal, it is appropriate to consider the Development Plan as a whole and particularly those policies dealing specifically with sport and recreational uses. The VDS for Church Fenton was adopted as Supplementary Planning Guidance in 2012 and provides useful contextual information for Church Fenton but no policies directly relevant to the consideration of this proposal.

- 5.4 SDLP Policy RT3 states that “Proposals for sport and recreation development will be permitted, provided:
- 1) The proposal would not be so intrusive as to seriously detract from the character of the area by virtue of its appearance or associated noise;
  - 2) The proposal would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity;
  - 3) New buildings or structures would be well designed and appropriately landscaped; and
  - 4) The facilities are designed in such a way as to allow easy access and active participation by disabled people in sport.
- 5.5 The NPPF at para 83 and 84 accepts that sites may have to be found adjacent or beyond settlements sets out that Planning decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside. However, it states that it is important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on roads and exploits any opportunities to make a location more sustainable. The use of sites that are well related to existing settlements should be encouraged where suitable opportunities exist.
- 5.6 The Church Fenton Neighborhood Plan (CFNP) has now been examined. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a post-examination draft neighbourhood development plan, so far as material to the application. At the time of writing this report the plan is approaching a referendum which will be held on 3<sup>rd</sup> August 2021. Some weight for the policies of the plan is now appropriate. The site lies within the extent of the plan area.
- 5.7 Policy AS2 of the CFNP relates to new community facilities and sets out that these will be supported where these can demonstrate community support through public consultation and engagement. The supporting text also states that any new facility should not disrupt other aspects of community life, in particular residential amenity. The application details indicate that a various community engagement with residents and councillors has taken place. In consultation with the Parish Council the applicant undertook a community engagement consultation exercise which

included presentation of the proposal, and which is stated to have received positive feedback. Although there has been both support and opposition to this application, it is considered that the proposal meets the requirements of Policy A2 of the CFNP in this respect. In principle the development complies with this policy subject to the impacts on residential amenity or other aspects of community life. These are considered in subsequent sections of this report. The site lies within an area identified as the River Wharfe Regional corridor in the CFNP where Policy EGS3 seeks to ensure development proposals don't disrupt its functioning. The policy indicates that development proposals should seek to integrate strong green infrastructure including, new accessible public green spaces for formal and informal recreation, retention of trees, hedges and landscape features and corridors for wildlife to move through.

- 5.8 Overall it is recognized that, by their very nature, some forms of organized sport and recreation require extensive amounts of land and may need to be accommodated outside towns and villages in the countryside. As such this proposal which is a large site but is adjacent to and adjoining the Church Fenton Airbase settlement is acceptable in principle provided that it is not intrusive, doesn't affect sensitive landscapes, amenity or ecological interests. These aspects are considered in other sections of this report.

### **Design and Impact on the Appearance of the Area**

- 5.9 SDLP Policy ENV1 requires the effect of new development on the character of the area and the standard of design in relation to the site and its surroundings to be taken into account when considering proposals for new development. Similarly, CS Policy SP19 expects new development to have regard to the local character, identity and context of its surroundings. Paragraph 127 of the NPPF states that planning decisions should ensure that developments; are visually attractive as a result of layout and landscaping; sympathetic to local character, while not preventing change, and; establish a sense of place. RT2 requires proposals for sport and recreation not to be so intrusive as to seriously detract from the character of the area due to appearance or noise.
- 5.10 This scheme comprises 1.6 hectares of land on the edge of Church Fenton Airbase which has been largely redeveloped for housing. The site is currently an open grass field. The extent of the BMX track and parking area have been significantly reduced since the original submission so that a robust landscaping scheme can take place and to take account of ecological interests. The track itself comprises earth mounds around which the green appearance of the site will be maintained. Landscaping is proposed with areas of native trees and hedgerow along the northern and eastern boundaries. On the west boundary a native species hedgerow would be provided and a small copse of native trees in the southwest corner of the BMX track and another southwest of the car parking. In addition, trees would be planted around the car park. The access into the site is proposed to be re-surfaced in crushed hardcore/ aggregate rather than tarmac to avoid an urban appearance. However, the Highway Authority do require the visibilities splay to required standards and the 1st 20 metres into the site to be made up in accordance with a highway specification. Notwithstanding this the overall appearance of the site subject to the landscaping being implemented will retain a rural and undeveloped appearance.

- 5.11 Overall, the impact of the development on the landscape and visual amenity of the area would be acceptable and meets the requirements of ENV1, SP19 and RT2 in these respects.

### **Impact on Highway Safety**

- 5.12 SDLP Policy T1 requires new development to be well related to the existing highway network and Policy T2 states that development resulting in the intensification of the use of an existing access will be supported provided there would be no detriment to highway safety. The NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.13 Amended plans have now been received which satisfy the highway requirements in terms of the access standards and parking. The amended scheme includes a number of measures and reduces the car parking area and provides cycle parking hoops. Subject to conditions to secure that these are implemented to the required standards, the development is acceptable in these respects. In addition, due to the nature of the road network in the vicinity of the site, it is advised that a construction management plan be submitted with details of any temporary access, wheel washing facilities, parking of contractors and visitors' vehicles, storage of plant and materials and details of a responsible site manager.
- 5.14 It is noted that the PC request a pedestrian crossing due to the majority of dwellings being on the other side of the road. The Highways Authority have made a request for a pedestrian assessment to determine whether a crossing facility is required in the area. However, the Traffic Engineer has indicated that a full assessment is not possible given the anticipated pedestrian flows are not known. Given that the speed limit is to remain as a 40MPH speed limit and would not meet the criteria for reducing to a 30MPH limit, a zebra crossing is concluded to be unsuitable. This is also backed up by the fact that the BMX facility will be limited to certain opening times, a Zebra or Signal-controlled crossing would be therefore used infrequently. Caution should be exercised where pedestrian flows are generally light, or light for long periods of the day, as would occur at this location. Motorists who become accustomed to not being stopped at the crossing may begin to ignore its existence, with dangerous consequences. Given the limited information provided on vehicle trips in the Highway Statement and the level of car parking proposed on site, it is anticipated that that vehicle flows will be relatively light, and so people should be able to cross when there are gaps in the flow. Low pedestrian and vehicle flows really rule out the installation of a signal-controlled crossing. Subject to adherence to the above-mentioned conditions, it is considered that an acceptable scheme can be achieved in terms of road safety requirements and would be compliant with LP Policies ENV1, RT3,T1 and T2.

### **Impact on Residential Amenity**

- 5.15 SDLP saved Policy ENV1 requires a good standard of layout and design and that the effect of new development upon the amenity of adjoining occupiers to be taken into account. AS2 of the CFNP requires new community facilities. Not to disrupt community life including residential amenity. Paragraph 127 of the NPPF similarly seeks to ensure that developments create places that are safe, with a high standard of amenity for existing and future users. It advocates early discussion between the community to clarify expectations and reconcile local and commercial interests.



Criteria 1) and 2) of Policy RT3 seek to ensure that proposals would not be so intrusive as to seriously detract from the character of the area by virtue of its appearance or associated noise; and would not have a significant adverse effect on local amenity.

- 5.16 The applicant has in this case undertaken various community engagement with residents to gauge local opinion including a presentation in consultation with the parish council. The level of responses to this scheme suggests both positive and negative response. Many of the points raised have been taken into account in discussing a revised scheme which reduces the scale of the facility, reduces the car parking provision and increased the landscaping and biodiversity.
- 5.17 The site is located adjacent to a number of residential dwellings and has the potential to have significant impacts on the current amenity enjoyed by the occupants in terms of noise and disturbance. In particular the nearest dwelling affected will be those seven on Gloster Close whose rear gardens back on to a track running along the northern boundary of the site.
- 5.18 The layout of the proposal has been designed to minimize the impact on adjacent dwellings. The access and parking area is to the south of the site so that vehicle movements are well away from domestic curtilages. The size of the BMX track has been reduced and pulled further south into the site away from the dwellings. A belt of tree and hedge planting is to be provided along the north and east boundaries which will, in the longer term, provide both visual as well as and some acoustic screening.
- 5.19 The submitted Environmental Noise Assessment (ENA) recognises that the proposed development does have the potential to have a negative impact on residential receptors, although it is agreed that there is no guidance available which specifically deals with the case at hand and it is difficult to carry out an assessment. To mitigate against potential noise nuisance three planning conditions are suggested. The first condition seeks to ensure that the track is only used by bicycles and that motorcycles must not use the track. The second condition suggests restricting the hours of operation between 0800 and 2200 based on the assumptions contained within the assessment, mainly that operational noise is below the proposed 50dBLAeq criterion. However, this is based on the assumption within the ENA that "given the community owned nature of the development it is probably not appropriate to set noise limits within a planning condition since there is no business owner who can be held responsible for the site and is therefore not really enforceable". The condition proposed therefore is based on a number of assumptions, should those assumptions prove to be an underestimate of the noise emissions then the criteria could be exceeded with no means to exercise control. This gives rise to the potential for an unacceptable impact on residential amenity in terms of noise, particularly in the evening time. Moreover, since a planning permission runs with the land not a particular owner, safeguards need to be in place. It is therefore recommended that the opening times are restricted in the evening to protect the residential amenity of the area. Such a condition would be reasonable, enforceable and necessary to adequately ensure the amenity of nearby residents is not harmed from noise in the evenings when it is generally quieter in the neighbourhood. As such it is recommended that the use of the facility be restricted to 0800 to 20:00 hours only. This would still allow early evening use in the summer months whilst stopping later evening noise after 8pm when the general ambient noise levels are low and families require more peace and quiet enjoyment of their homes. The third condition seeks to restrict motorised earth moving

equipment between the hours of 0800 and 2200. The EHO questions whether it is necessary to use earthmoving equipment in the evening and it is recommended that the hours are restricted to between 0800 and 1800 by way of a suitably worded condition in line with the opening hours.

- 5.20 Subject to the above conditions it is not considered that the proposed development would adversely affect the amenity of nearby residents and therefore the scheme complies with SDLP saved policies ENV1, RT3, Policy AG2 of the CFNP and with the NPPF.

### **Flood Risk and Drainage**

- 5.21 SDLP Policy ENV1 requires account to be taken of the capacity of local services and infrastructure and CS Policy SP19 seeks to prevent development from contributing to or being put at risk from water pollution. Strategy Policy SP15, 'Sustainable Development and Climate Change' commits Selby District Council to:

- Ensure that development in areas of flood risk is avoided wherever possible through the application of the sequential test and exception test; and ensure that where development must be located within areas of flood risk that it can be made safe without increasing flood risk elsewhere
- Support sustainable flood management measures such as water storage areas and schemes promoted through local surface water management plans to provide protection from flooding; and biodiversity and amenity improvements.

Policy F1 of the CFNP sets out that development proposals should not add to the overall level of flood risk in the parish and sets out a number of principles to be adhered to relating to avoiding Flood zone areas, surface water management, permeable surfaces and soakaways, sustainable drainage systems and a presumption against culverting or restricting watercourses.

- 5.22 Paragraph 158 of the NPPF states that "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Paragraph 159 of the NPPF states that "If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance". The site is in Flood Zone 2 and there are no other sites reasonably available for this type of facility in lower flood risk areas in the district. The facility uses a large area of land close to the edge of the settlement and would be difficult to accommodate on alternative sites. This land has uniquely been made available for the use by the landowner.

- 5.23 In terms of vulnerability, Table 2 of the National Planning Policy Framework (NPPF) Flood Risk and Coastal Change Matrix outlines the flood risk vulnerability classification of land. These range from 'highly vulnerable' uses such as basement dwellings to 'water compatible' uses. Amenity open space and outdoor sports and recreation uses fall within this latter category of water compatible.

- 5.24 As such, although in FZ2, neither a sequential test nor an exceptions test is necessary. Given the appropriateness of the location of the site adjacent to an existing settlement and the lack of opportunity or availability of other sites for such uses, the proposed development of this facility within this site in Flood zone 2 is considered acceptable. Due to the lack of infrastructure, buildings, or surfacing, it is not considered that this development will increase the risk of flooding elsewhere. Moreover, the proposed landscaping scheme will increase vegetation on the site and improve the sites overall water retention and biodiversity
- 5.25 A Flood Risk Assessment (FRA) is required for all proposals for new development located in Flood Zones 2 and 3 as designated by the Environment Agency. A FRA should identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed, taking climate change into account. It should identify opportunities to reduce the probability and consequences of flooding. The FRA should include the design of surface water management systems including Sustainable Drainage Systems (SUDs) and address the requirements for safe access to and from the development in areas at risk of flooding. A FRA was submitted as part of the original application details. A subsequent Preliminary Drainage Strategy and a Drainage Technical Note have also submitted. The EA have been consulted regarding these submissions and have no comments to make on the proposal. They advise flood risk standing advice should be followed. This relates to the vulnerability of developments and sets out advise to follow for surface water management, access and evacuation and floor levels.
- 5.26 The Standing advice in terms of access and evacuation, relates mainly to buildings and floor levels and design details to make buildings incorporate flood resistance and resilience measures and due to the lack of structures these are not required on this site.
- 5.27 In terms of surface water management, a condition can be imposed to meet the IDB's surface water requirements. It is noted that the County Ecologist has concerns to ensure sustainable drainage systems are in place to avoid harm to the hydrology of the Fen which is now a SINC. There is nothing to suggest these concerns cannot be addressed through the submission of a suitable scheme via a planning condition.
- 5.28 As such the scheme is considered to be acceptable in terms of Flood Risk and Drainage and complaint with SDLP Policy ENV1, CS Policy SP19, F1 of the CFNP and with the NPPF.

## **Ecology**

- 5.29 SDLP Policy ENV1 states that proposals should not harm acknowledged nature conservation interests and CS Policy SP18 seeks to safeguard the natural environment and increasing biodiversity. These policies are consistent with NPPF paragraphs 170 and 175 which seek to protect and enhance sites of biodiversity value. Policy SP15 of the CS promotes sustainable development and SP15B (c) seeks to ensure development incorporates water -efficient design and sustainable drainage systems. SP15B d) seeks to protect, enhance and create habitats to both improve biodiversity resilience to climate change and utilize biodiversity to

contribute to climate change mitigation and adaptation. Policy EGS2 of the CFNP (Protecting Biodiversity and Habitats) seeks to enhance and support wildlife and/or biodiversity on development sites. The Fenton Trans is specifically referred to in this policy.

- 5.30 Following consultation, with the Yorkshire Wildlife Trust and the County Ecologist, an amended scheme and an updated new Preliminary Ecological Appraisal has been provided. This includes for the planting of native species trees and a species rich hedge with a wildflower area and bird nest boxes – these offer net gains for Biodiversity.
- 5.31 The PEA has also now been revised to include Reasonable Avoidance Measures to minimise risks of accidental harm to amphibians and other small wildlife during construction. As such a condition is recommended requiring adherence to the ecological mitigation and enhancement measures set out in section 4.2 (Recommendations) and Appendix 3, Figure 2 (Ecological Enhancement Plan) of the PEA report.
- 5.32 It has been noted that the adjoining habitat- land to the south contains fen and is a remnant of the once extensive tract known as Fenton-Trans. The site has now been ratified (November 2020) under the SINC guidelines for designation. The main feature is 'Rich-Fen' as in an area of species rich fenland (primarily wetland/marsh in character). Concerns were expressed by the NYCC Ecologist and Yorkshire Wildlife Trust that the applicants ecological survey didn't identify this. Further, it could be damaged by any alteration to its current hydrology and SDC must therefore ensure any drainage arrangements for the site as well as the toilet block do not impact upon it. The YW Trust also noted it is intended that runoff generated by the development will ultimately be discharge to Carr Dike via the existing drainage ditch just outside the site's southern boundary and comment that any potential ecological implications (including to protected species) of the drainage strategy will need to be explored. A revised drainage strategy has been submitted but no response has been received from the drainage Board. A further prompt has been sent at the time of writing this report and an update will be given.
- 5.33 Notwithstanding the submitted drainage details it is advised that a condition be imposed to ensure the full drainage details are agreed by both IDB and the NYCC Ecologist to ensure no harm to the water course or Hydrology systems which might adversely affect the Fen.
- 5.34 Subject to the conditions mentioned above and subject to the development complying with the recommendations, mitigations and enhancements of the updated PEA the development is considered to be acceptable in terms of its ecological impact and complaint with SDLP Policies ENV1 and CS Policies SP15 & SP18 and EGS2 of the CFNP.

### **Other matters**

- 5.35 A suggestion has been made by Councillors and members of the public that a condition be imposed that the land must revert to its current agricultural use if the use as a BMX track ever ceases. Officers have considered this suggestion in consultation with Legal Officers and consider this would fail the tests of reasonableness, necessity, conciseness and would be difficult to enforce. It would be difficult to assess at what point the use had ceased. There could be temporary

interruptions, seasonal interruptions or minimal usage for long periods. The definition of whether it had 'ceased permanently would be hard to assess and owners or operators may be unwilling to co-operate in agreeing that a use had permanently stopped. Reversion back to agricultural land could be problematic due to landscape features, car park areas, earthworks, and possibly the landscaping itself. Removal of features to facilitate agricultural use may be required and this would incur expense of the landowner.

- 5.36 Condition 16 below limits the use to a BMX facility only and for no other purpose within Use Class F. Use Class F was introduced in September 2020 and covers the uses previously defined in the revoked Class D1 which included outdoor sports. Since the new Class F encompasses a wider range of uses, most of which would be unlikely to be considered acceptable on this site outside the development limits it is considered, reasonable and appropriate in the interests of protecting the countryside and the character and appearance of the area to impose this limitation on usage.

## 6 CONCLUSION

- 6.1 Having had regard to the development plan, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the proposal, whilst being contrary in principle to CS Policy SP2 it is considered to be consistent with the aims of Policies RT3, the Development Plan as a whole and with the NPPF. The development is considered acceptable subject to conditions in terms of the impacts on Highway safety, the character and appearance of the area, Residential Amenity, Flood Risk, Drainage and Climate Change, Ecology and Biodiversity and is consistent with CS Policies SP1, SP15, SP18, and SP19 together with SDLP Policies ENV1, RT3, T1 & T2, the Church Fenton NDP and the NPPF.

## 7 RECOMMENDATION

- 7.1 This application is recommended to be **approved** subject to the following conditions;

01. The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

Reason:

In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

02. The development hereby permitted shall be carried out in complete accordance with the plans/drawings listed below: (to be inserted)

Reason:

For the avoidance of doubt.

03. The development must not be brought into use until the access to the site at Busk Lane has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements:

- (i) The access must be formed with 6 metres radius kerbs, to give a minimum carriageway width of 5.5 metres, and that part of the access road extending 20 metres into the site must be constructed in accordance with Standard Detail number A2 and the following requirements.
- (ii) Any gates or barriers must be erected a minimum distance of 10 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway
- (iii) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway and must be maintained thereafter to prevent such discharges
- (iv) Measures to enable vehicles to enter and leave the site in a forward gear.

All works must accord with the approved details

#### Reason

To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.

#### INFORMATIVE

Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out.

04. There must be no access or egress by any vehicles between the highway and the application site at Busk Lane until splays are provided giving clear visibility of 120 metres measured along both channel lines of the major road from a point measured 2.4 meters down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times. An explanation of the terms used in this condition is available from the Local Highway Authority.

#### Reason

In the interests of highway safety.

05. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:
- (i) details of any temporary construction access to the site including measures for removal following completion of construction works;
  - (ii) wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
  - (iii) the parking of contractors' site operatives and visitor's vehicles;
  - (v) areas for storage of plant, machinery and materials (including stockpiling of earth or materials) used in constructing the development clear of the highway and away from the northern end of the site adjacent to dwellings;
  - (vi) contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
  - (vii) Dust Management
  - (viii) Hours of working during construction to be limited to Monday to Friday 08:00 to 18:00 Monday to Friday, 09:00 to 13:00 on Saturdays and no work on Sundays or Bank Holidays

Construction of the permitted development must only be undertaken in accordance with the approved Construction Management Plan.

Reason

In the interest of public safety and amenity.

06. Prior to the commencement of the development full drainage plan shall be submitted for the written approval of the Local Planning Authority in consultation with the Drainage Board and the NYCC Ecologist and should provide for details of the surface water disposal in a manner which does not harm the nearby Fenton Trans. The details should include;

- Details of runoff destination
- Details of flow control
- Exceedance flow path
- Confirmation of responsibility for maintenance

If the surface water were to be disposed of via a soakaway system percolation tests must be undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year. If surface water is to be directed to a mains sewer system the Water Authority must be in agreement that the existing system will accept this additional flow. If the surface water is to be discharged to any ordinary watercourse within the Drainage District, Consent from the IDB would be required in addition to runoff being restricted to 1.4 litres per second per hectare or greenfield runoff.

Informative -There must be no obstructions within 7 metres of the edge of an ordinary watercourse without Consent from the IDB.

Reason

To ensure the site is acceptably drained and does not harm the Fenton Trans Site of Importance to Nature Conservation

07. The BMX track and facilities hereby approved shall be only be used by non-motorised bicycles. There shall be no motocross bikes or any other motorised vehicle using the tracks at any time.

Reason

In the interests of residential amenity and to accord with Policies ENV1 and RT3 of the SDLP.

08. The track and the associated facilities shall only be used during daylight between the hours of 08:00 to 20:00 hours Monday to Saturday, 10:00 to 20:00 on Sundays and Bank Holidays. Outside of these hours, access to the site will be restricted through locking the entrance gates shown on the approved plans.

Reason

In the interests of residential amenity and to accord with Policies ENV1 and RT3 of the SDLP.

09. Any maintenance to the track requiring motorised earth moving equipment will only be carried out during the hours of 08:00 to 18:00 hours Monday to Fridays and 09:00 to 13:00 hours Saturdays and not on Sundays or Bank Holidays.

Reason

In the interests of residential amenity and to accord with Policies ENV1 and RT3 of the SDLP.

10. The development shall be carried in full accordance with the recommendations, mitigation measures and enhancement measures set out in section 4.2 (Recommendations) and Appendix 3, Figure 2 (Ecological Enhancement Plan) of the PEA report (*land off Busk Lane, Church Fenton, North Yorkshire- Preliminary Ecological Appraisal*, January 2021 by Quants Environmental) and shall thereafter be operated and maintained in accordance with the above report.

Reason

In the interests of ecology and biodiversity and to comply with Policies ENV1 & RT3 of the SDLP and Policies SP15, SP18 & SP19 of the CS.

11. There shall be no artificial, solar or electric lighting within the site.

Reason

In the interests of visual amenity the character or the area and the Ecological interests of the site and to comply with Policy ENV1 of the SDLP.

12. Before any work starts on the construction of the BMX track, a fully detailed landscaping scheme in accordance with the landscaping indicated on Plan Ref BL001/P1/Revision H (Proposed Site Plan, Site Location and Level Information) which is consistent with the recommendations, mitigation measures and enhancement measures set out in section 4.2 (Recommendations) and Appendix 3, Figure 2 (Ecological Enhancement Plan) of the PEA report (*land off Busk Lane, Church Fenton, North Yorkshire- Preliminary Ecological Appraisal*, January 2021 by Quants Environmental), shall be submitted to and approved in writing by the local planning authority to include;

- Details of the species, location, planting density and stock size on planting of all trees and shrub and meadow planting
- Details of the measures for the management and maintenance of the approved landscaping.

The approved scheme shall be implemented in full before the BMX facility is brought into use or, if by agreement with the Local Planning Authority if the facility is ready to use outside the planting and seeding season, it shall be implemented in full in the first planting and seeding season thereafter. The approved implemented scheme shall be retained for the lifetime of the development.

Reason:

In the interests of visual amenity Ecology and to enhance the Biodiversity of the site and in order to comply with Policy ENV1 and RT3 of the SDLP and SP15, and SP19 of the CS.

13. Any trees, shrubs, plants or seeding implanted in accordance with condition 12 above which dies, fails to thrive, are removed or become seriously damaged or diseased within the first five years shall be replaced in the next planting season with others of similar size and species.



Reason

To ensure successful establishment of the approved landscaping scheme in the interests of visual amenity, Ecology and to enhance the Biodiversity of the site and to comply with Policy ENV1 and RT3 of the SDLP and SP15, and SP19 of the CS.

14. Before the facility is brought into use, details of the gates to be provided at the site entrances shall be submitted for the written approval of the local planning authority and shall be installed before the facility is brought into use and kept closed and locked outside of the hours of use as specified in condition 08 of this permission.

Reason

To safeguard the site and to prevent use outside of the operational hours in the interests of the amenity of the area and to comply with Policy ENV1 and RT3 of the SDLP.

15. Before the facilities are brought into use, the parking area and cycle parking facilities shall be installed and made available for use and shall thereafter be maintained for the lifetime of the development.

Reason

To ensure adequate parking facilities for car users and cyclists on site in the interests of amenity and road safety requirements and to comply with Policy ENV1 and RT3 of the SDLP.

16. The use of the site shall be limited the BMX facility hereby granted and as limited by these conditions and shall not be used for any other use with Class F of 'The Town and Country Planning (Use Classes) Order 1987 (as amended) or any other order revoking or re-enacting this Order.

Reason

In the interests of residential Amenity and the character and appearance of the area.

## **8 Legal Issues**

### **8.1 Planning Acts**

This application has been determined in accordance with the relevant planning acts.

### **8.2 Human Rights Act 1998**

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

### **8.3 Equality Act 2010**

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However, it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

## **9 Financial Issues**

9.1 Financial issues are not material to the determination of this application.

## **10 Background Documents**

Planning Application file reference 2020/0225/FULM and associated documents.

**Contact Officer:** Fiona Ellwood (Principal Planning Officer)

**Appendices:** None

# Agenda Item 5.4

Hazel Grove Farm, Weeland Road, Hensall  
2021/0668/FUL



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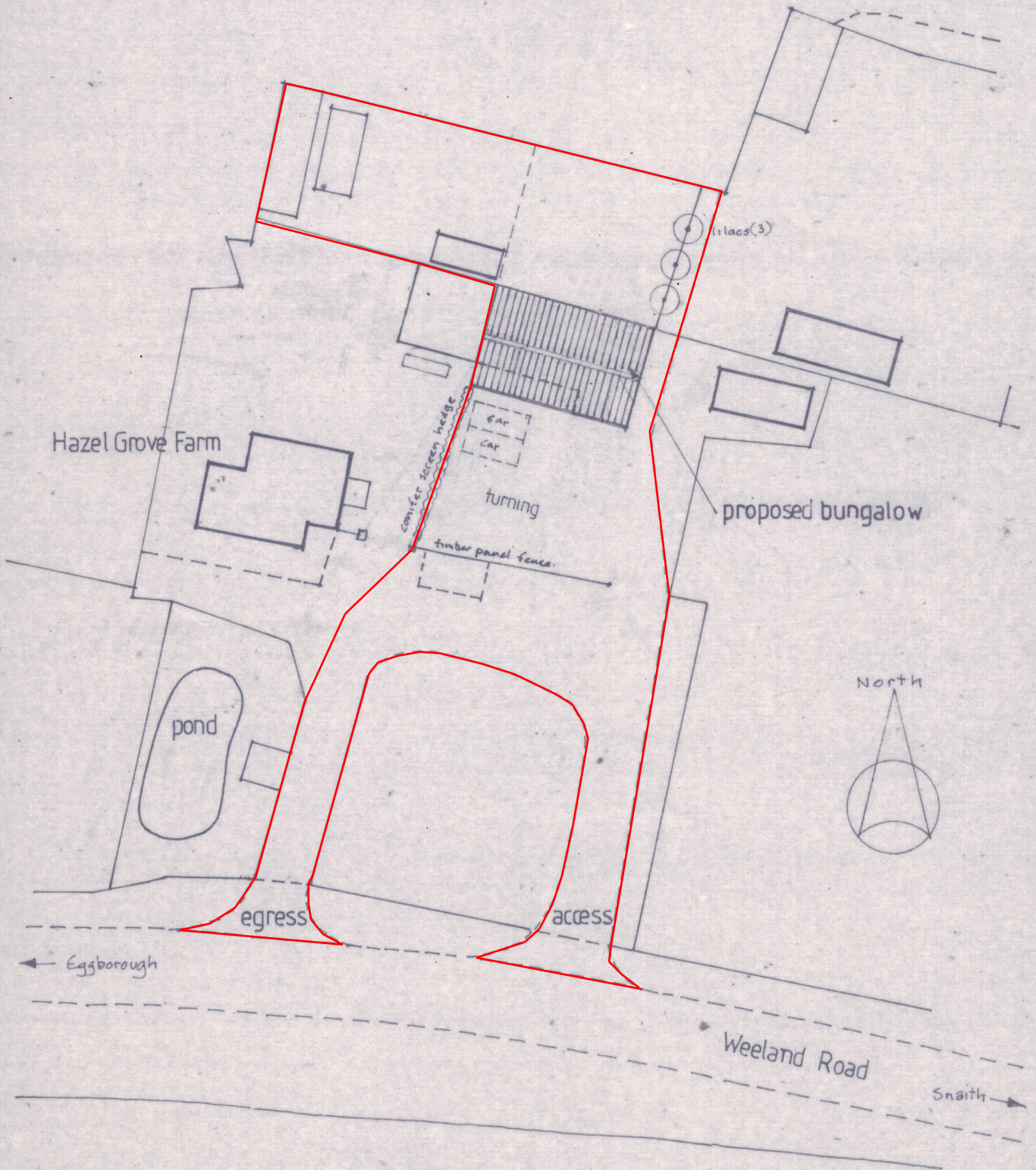


demolition of former showroom and erection of bungalow on majority footprint of former structure · Hazel Grove Farm · Weeland Rd · Hensall

dwg. 211048-3

SITE PLAN

scale 1:500





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**Report Reference Number:** 2021/0668/FUL

**To:** Planning Committee  
**Date:** 18 August 2021  
**Author:** Diane Holgate, Principal Planning Officer  
**Lead Officer:** Ruth Hardingham Planning Development Manager

APPLICATION NUMBER:	2021/0668/FUL	PARISH:	Hensall
APPLICANT:	Mr & Mrs C Welsh	VALID DATE:	27.05.2021
		EXPIRY DATE:	EOT agreed to 23.08.2021
PROPOSAL:	Erection of a detached bungalow following demolition of former showroom previously approved for the change of use to a dwelling under application 2018/1220/FUL		
LOCATION:	Hazel Grove Farm Weeland Road Hensall Selby North Yorkshire DN14 0RL		
RECOMMENDATION:	Planning permission be <b>GRANTED</b> subject to conditions.		

This application has been brought before Planning Committee as the site is located outside of development limits, in the open countryside, as defined by the Selby District Local Plan 2005. Technically, the proposal is contrary to policies SP2 of the Core Strategy H13 of the Local Plan which permits replacement dwellings subject to certain exceptions. The application does not fall within the exceptions as it does not replace an existing dwelling, but replaces a building approved to be converted to a dwelling. As such the determination of the application falls outside the remit of the delegation agreement (c ii).

## 1. INTRODUCTION AND BACKGROUND

1.1 This application is for the erection of a single storey dwelling following the demolition of the existing former showroom. Planning permission was approved (24.4.2019) under application 2018/1200/FUL for the change of use of the showroom to a dwelling along with the construction of a pitched roof. The approval secured a further residential use on site and therefore provides a fallback position for the replacement of this building with a purpose-built bungalow.

1.2 The application is supported by the following plans and reports:

Application Form – certificate A signed by agent confirming ownership  
 Location Plan Loc1  
 Existing Floor Plan 02  
 Existing north and south elevations 03  
 Existing east and west elevations 04  
 Existing Plans Title Box 211048.1  
 Proposed floor plan 05  
 Proposed east and west elevations 06  
 Proposed north and south elevations 07  
 Proposed sections 211048.2  
 Proposed layout plan 211048.3  
 Supporting Statement 2rbplanning March 2021  
 Contaminated Land Screening Assessment Form  
 Bat and GCN Survey MAB Environment and Ecology Ltd May 2021

1.3 The site is located on the A645 Weeland Road to the southwest of Hensall and to the southeast of Eggborough. The site consists of an existing dwelling and caravan storage business.

There are a variety of commercial uses to the east along the A645. There is an ornamental pond to the front of the site which is bound by hedgerows and trees.

The site benefits from two existing accesses allowing an in/out arrangement for vehicles entering and leaving the site.

**Relevant Planning History**

- |     |               |  |
|-----|---------------|--|
| 1.4 | 2021/0360/FUL | Erection of bungalow following demolition of former showroom approved under 2018/1220/FUL for change of use to residential. Subject to ongoing appeal. AP/2021/0017/8WEEK. |
|     | 2018/1220/FUL | Proposed construction of pitched roof and conversion of former showroom to create a dormer bungalow. Granted 24.04.2019.   |
|     | CO/1993/0767  | Proposed erection of two industrial starter units on land adjacent to Hazel Grove Farm. Refused 15.04.1993.  |
|     | CO/1992/0769  | Erection of a showroom, office and toilets with car park. Permitted 21 Jan 1993  |

**2. CONSULTATION AND PUBLICITY**

Consultation Responses

2.1 Consultations were undertaken on the 03.06.2021 with the following:

Parish Council (PC)	No comments
NYCC Highways (Highways)	No objections
Yorkshire Water (YW)	No comments



Ainsty IDB (IDB)	Wrong IDB consult with Danum IDB
SDC Environmental Health (EHO)	Surrounded by commercial uses which may affect residential amenity, however, is the site is in the same ownership there are no objections. If to be sold off noise impact assessment would be required.
Natural England	No comments
NY Bat Group (NYBG)	No comments
Yorkshire Wildlife Trust (YWT)	No comments
City of York Public Protection (Contamination)	No significant potential contaminant sources identified through the screening assessment. Conditions recommended.
Ecology	No objections

### Representations

- 2.2 The application has been advertised by posting a site notice outside the site on the 11.06.2021 expiring on the 02.07.2021 and press notice in the Pontefract and Castleford Express expiring on the 08.07.2021.

No letters of representation have been received.

## **3 SITE CONSTRAINTS**

- 3.1 The site is located in the open countryside off the A645 Weeland Road to the southwest of Hensall and to the southeast of Eggborough. The site consists of an existing dwelling and caravan storage business.

There is a variety of commercial uses to the east along the A645. There is an ornamental pond to the front of the site which is bound by hedgerows and trees.

The site benefits from two existing accesses allowing an in/out arrangement for vehicles entering and leaving the site.

## **4 POLICY CONSIDERATIONS**

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not

change the statutory status of the development plan as the starting point for decision making.

- 4.2 The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.
- 4.3 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options took place early in 2020. Consultation on preferred options took place in early 2021. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.
- 4.4 The National Planning Policy Framework (July 2021) (NPPF) replaced the previous versions. The NPPF does not change the status of an up-to-date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2021 NPPF.
- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

*“213. ....existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”*

### **Selby District Core Strategy Local Plan**

- 4.6 The relevant Core Strategy Saved Policies are:
- SP1 Presumption in Favour of Sustainable Development
  - SP2 Spatial Development Strategy
  - SP15 Sustainable Development and Climate Change
  - SP18 Protecting and Enhancing the Environment
  - SP19 Design Quality

### **Selby District Local Plan**

- 4.7 The relevant Selby District Local Plan Saved Policies are:
- ENV1 Control of Development
  - ENV5 Flood Risk
  - ENV2 Environmental Pollution and Contaminated Land
  - T1 Development in Relation to the Highway Network
  - T2 Access to Roads

## National Planning Policy Framework (July 2021)

- 4.8
2. Achieving sustainable development
  4. Decision Making
  5. Delivering a sufficient supply of homes
  8. Promoting healthy and safe communities
  9. Promoting sustainable transport
  11. Making effective use of land
  12. Achieving well designed places
  14. Meeting the challenge of climate change, flooding and coastal change
  15. Conserving and enhancing the natural environment

## 5 APPRAISAL

- 5.1 This report will consider the harms and benefits of the proposal and the main issues are considered to be:
- The Land Use and Principle of Development
  - Design and Visual Impact
  - Residential Amenity
  - Ecological Impact
  - Access and Transport

### Land Use and Principle of Development

- 5.2 Paragraph 2 of the NPPF confirms the legal position that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 re-emphasises that an up-to-date development plan is the starting point for decision-making, adding that development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should not usually be granted, unless other material considerations indicate otherwise.
- 5.3 Hensall is defined as a Secondary Village with defined Development Limits. The site is located outside of the development limit of the settlement as defined by the Selby District Local Plan 2005. The site is therefore located in the open countryside.
- 5.4 The Selby District Local Plan Core Strategy 2013 sets out the overall settlement hierarchy directing growth sequentially to the principal town of Selby, the Local Service Centres, Designated Service Villages and Secondary Villages with defined development limits.
- 5.5 Policy SP1 of the SDCS aligns with the NPPF 2021 in considering a positive approach to development proposals that reflect the presumption in favour of sustainable development.
- 5.6 The Core Strategy makes it clear that development in the countryside will generally resisted unless it involves the replacement or extension of existing buildings as set out in policy SP2.

- 5.7 Paragraph 80 of the NPPF states that planning decisions should avoid the development of isolated homes in the countryside, unless certain circumstances apply. Paragraph c) provides an exception for the re-use of redundant or disused buildings and where development would enhance the immediate setting.
- 5.8 Planning permission was approved under application 2018/1220/FUL, for the conversion of the existing building on site, which was formerly used as a show room in connection with the business on site. This permission is capable of implementation and provides a fallback position for the principle of the residential development on site. The applicant has submitted an appeal against the Council for the non-validation of application 2021/0360/FUL which is running in tandem with this application. The proposals are the same. The Council requested ecological assessments as the proposal involves demolition of an existing building and there is a pond on site. The applicant refused to provide the information stating that it was not necessary. The appeal is ongoing. Saved policy H13 of the Selby District Council Local Plan 2005 supports replacement dwellings in the countryside subject to meeting the criteria set out regarding whether the dwelling has been abandoned, the original dwelling is not of architectural merit, the size and scale would be similar and the design and materials are appropriate for the character of the area.
- 5.9 Whilst the existing building is not a dwelling, planning permission has been approved to convert the building to a dwelling, the permission is extant and there is reasonable prospect that the building would be converted.
- 5.10 The proposed dwelling is very similar in size and scale and the proposed design and materials are similar to the existing building. The design is considered to be appropriate to the character of the area, which is surrounded by caravan storage and other commercial uses. Further assessment with regards to the design and visual impact is set out below.
- 5.11 The site could be considered as isolated away from local facilities within the settlement, the NPPF states that planning decisions should avoid isolated homes and whilst the proposal does not meet with the circumstances set out as it is not for the conversion of an existing building, significant weight is attached to the fact that there is an extant permission for residential use on the site which has secured the principle of residential use. Significant weight in favour of the proposal has been attached to this in considering the planning balance.
- 5.12 It is on this basis that the principle of development and the use of land is considered to be acceptable and in accordance with the relevant local and national planning policies set out above.

### Design and Visual Impact

- 5.13 Saved policy H13 (Replacement Dwellings in the Countryside) of the Local Plan 2005 and Policy SP19 (Design Quality) of the Core Strategy 2013 set out the key considerations with regards to design, along with Chapter 12 of the NPPF in achieving well designed places.
- 5.14 The proposed dwelling would be sited on the same footprint of the building approved for conversion, there would be small increase to the frontage of the building with the floor area and height less than the previously approved dormer bungalow conversion. The building for conversion measured around 14.15 metres

x 8.92 metres. Around 5 metres in height to the ridge and 2.2 metres to the eaves. The proposed dwelling is around 14.36 metres x 9.07 metres. The height is consistent with the existing building. The proposal is therefore considered to be of a similar size and scale to the building approved under application 2018/1220/FUL.

- 5.15 The existing building is no of particular architectural merit, it is single storey, flat roofed, rendered and painted white. The proposal puts forward a red brick dwelling with terracotta pantile pitched roof, which is in keeping with the existing residential development on site and considered appropriate for the character of the area.
- 5.16 Boundary treatment in the form of a timber panel fence, conifer screen hedge and existing trees on site will assist in defining the boundaries and softening the appearance of the caravan storage site to the rear.
- 5.17 The proposal will be seen in context with the existing buildings and caravans on site, which extend to the north beyond the site and as such there will be no detrimental visual impact on the character of the countryside.
- 5.18 Taking into account the above on balance it is considered that the proposal complies with the aforementioned policies and paragraph 130 b) of the NPPF which states that development should be visually attractive as a result of good architecture, layout and appropriately landscaping.

#### Residential Amenity

- 5.19 Saved policy ENV1 of the SDLP states that proposals take account of the effect upon the character of the area or the amenity of adjoining occupiers and paragraph 130 f of the NPPF states that development should create places with a high standard of amenity for existing and future users.
- 5.20 The proposed dwelling layout includes a shared kitchen living and dining area, two bedrooms- one with dressing room and en-suite, a separate bathroom and utility room along with a home office. An assessment has not been made with regards to the Nationally Described Space Standards, whilst they are a material planning consideration they do not form part of the adopted plan and as such the need is not considered to be justified in this instance and the layout appears to provide a good standard of residential accommodation and is well spaced. An area is identified on the plan for a private garden space and parking for at least two cars which is considered sufficient for one dwelling.
- 5.21 The Council's Environmental Health Officer (EHO) has provided advice with regards to residential amenity. The proposed dwelling is to be sited in the middle of a commercial enterprise site which will experience a variety of comings and goings and potential noise impact. However, as the proposal is to be occupied by family members that are part of the commercial enterprise the EHO is comfortable that there would be no unreasonable impacts given the circumstances.
- 5.22 The EHO has suggested that a condition should be imposed requiring a Noise Assessment if the property is to be occupied separately. This has been taken into account, however, it is not considered to be reasonable or necessary on the basis that other legislation is available to manage unreasonable noise impact and future occupiers would be well aware of the commercial enterprise.

- 5.23 Taking into account the above, the proposal is considered to be acceptable in terms of residential amenity.

#### Ecological Impact

- 5.24 Saved policies ENV1 (5) with regard to loss or adverse effect on wildlife habitats, SP18 (Protecting and Enhancing the Environment) of the Core Strategy and Chapter 15 of the NPPF set out the key considerations with regard to the impact of development on the environment, trees and ecology.
- 5.25 The site is located in a rural area, there are trees on site and a pond. A Bat and Great Crested Newt survey has been undertaken and the outcomes submitted for consideration. The survey outcomes conclude that eDNA results confirm that the pond is not suitable habitat for GCN's and the visual assessment has concluded that the building to be demolished is not suitable habitat for bats.
- 5.26 Public bodies have a duty under the Wildlife and Countryside Act 1981 and The Natural Environment and Rural Communities Act 2006 to have regard to biodiversity conservation when carrying out their functions. The NYCC Ecologist has been consulted and is happy with the outcomes of the survey.
- 5.27 The NYCC Ecologist advises that *'the survey reports that the building is of negligible potential for bats and as such no further survey work is required and no specific mitigation is necessary. It is recommended that an integral bat box is included in the new development and I would support this proposal, however it is not necessary to make the application acceptable and as such it could be included as an informative'*. The bat box would provide a net gain for biodiversity and whilst the NYCC Ecologist considers it is not necessary to make the development acceptable and the Council do not have an adopted up to date policy for delivery of biodiversity net gain, this would be supported by paragraph 174 d) of the NPPF 'minimising impacts on and providing net gains for biodiversity and as such it is considered reasonable to impose a condition requiring the installation of a bat box
- 5.28 Taking account of the above, it is considered that the proposal would not significantly harm the habitat and biodiversity and as such is considered to adhere to the principles set out in paragraph 180 of the NPPF which states that where significant harms cannot be avoided, adequately mitigated or compensated for, then planning permission should be refused.

#### Access and Transportation

- 5.29 Saved policies T1 and T2 of the SDLP set out the key considerations with regards to access and transportation. Development should be well related to existing highways network and will only be permitted where existing roads have capacity. Development proposals that involve new accesses or intensification of the use of an existing access will only be permitted if there would be no detriment to highway safety. Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
- 5.30 The site has an existing in and out access, two parking spaces can be provided and turning within the site, the proposal is for a two-bedroom property and as such the

proposal is not considered to significantly increase the comings and goings to site. NYCC Highway Officers have been consulted and raise no objections.

- 5.31 On this basis it is considered there are no concerns with regards to the access and highways matters and the proposal meets with saved policies T1 and T2 of the SDLP and paragraph 111 of the NPPF.

#### Sustainability and access to local facilities

- 5.32 Paragraph 80 c) of the NPPF (2019) states that the development of isolated homes should be avoided in the countryside unless the development would re-use redundant or disused buildings.
- 5.33 The nearest bus stop is around 10 minute walk in Hensall which also has a train station. The A645 is subject to a 40 mph speed limit but is well used and without any footpaths.
- 5.34 Whilst the site is not ideally located to access local facilities and public transport options, the previous application approved the conversion of the existing building to residential use and as such secures a fallback position as discussed above in consideration of the principle of the development.
- 5.35 The balance here lies with the fallback position despite the isolated location of the site and as such significant weight is attached in favour of the proposal.

#### Previously Developed Land

- 5.36 The proposal is considered to make effective use of Previously Developed Land. (PDL) as defined in the NPPF (2021) Annex 2, '*Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.*' The application is for the replacement of an existing building of permanent construction and is therefore defined as Previously Developed Land. The NPPF attaches substantial weight to the value of using suitable brownfield land within settlements for homes. The site is not within an existing settlement, however, it does make use of PDL for the delivery of a home which weighs in favour of the of application.

#### Other Matters

##### *Flood Risk and Drainage*

- 5.37 The site is located within flood zone 1 as identified by the Flood Maps for Planning website. Paragraph 159 of the NPPF states that inappropriate development should be avoided by directing development away from areas of highest risk of flooding. Given the flood zone 1 status, no sequential or exception test is required.
- 5.38 The application states that foul sewerage will be disposed of via the existing mains sewer, Yorkshire Water have been consulted and raise no objections.

- 5.39 Surface water is to be disposed of via soakaways. There is no evidence available to suggest that there are any critical drainage issues in the locality. It is therefore considered that a condition requiring drainage details is not necessary due to the scale of the development and drainage will be approved under the Building Regulations.
- 5.40 The proposal is therefore considered to be acceptable with regards to flooding and drainage.

#### *Contaminated Land*

- 5.41 Relevant policies in respect of land contamination include Policy ENV2 of the Selby District Local Plan and Policy SP19 "Design Quality" of the Core Strategy. Paragraph 183 of the NPPF states that planning decisions should ensure that the site is suitable for its proposed use taking account of the ground conditions. The proposal is for a sensitive end use and as such the application is supported by a contaminated land screening assessment form. Advice has been sought from the Council's contaminated land consultant, who raised no objections subject to the imposition of a condition requiring investigation and remediation should unexpected contamination be found.
- 5.42 Paragraph 184 of the NPPF states that 'where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

## **6.0 Conclusion**

- 6.1 The proposal puts forward a replacement dwelling in the countryside for which a previous approval for conversion has enabled a fallback position. No concerns have been raised with regards to environmental impact, residential amenity or highway safety. The proposal is considered to comply with both local and national planning policies. No representations have been made from interested parties.
- 6.2 It is on this basis that it is recommended that planning permission be granted subject the reasonable and necessary conditions set out below.

## **7.0 RECOMMENDATION**

- 7.1 It is recommended that the application is **GRANTED** subject to the following conditions:

- 1 The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

#### **REASON:**

In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the plans/documents listed below:

Location Plan Loc1  
Proposed floor plan 05



Proposed east and west elevations 06  
Proposed north and south elevations 07  
Proposed sections 211048.2  
Proposed layout plan 211048.3  
Supporting Statement 2rbplanning March 2021  
Contaminated Land Screening Assessment Form  
Bat and GCN Survey MAB Environment and Ecology Ltd May 2021

REASON:

To define the permission and for the avoidance of doubt.

- 3 In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

REASON:

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

4. Bat boxes

Prior to the first occupation of the dwelling an integral bat box shall be fitted to the dwelling and retained for the lifetime of the development.

REASON:

In the interest of providing a net gain for biodiversity in accordance with paragraph 174 d) of the NPPF.

- 1 INFORMATIVE

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

- 2 INFORMATIVE

The safe development of the site rests with the applicant and/or developer, as outlined in paragraph 184 of the NPPF. During the development of the site any contamination found must be notified to the Local Planning Authority and work must cease until the extent of the contamination has been investigated and remedial action, which has been agreed in writing with the Local Planning Authority, has been completed.

## 8 **Legal Issues**

### 8.1 Planning Acts

This application has been determined in accordance with the relevant planning acts.

### 8.2 Human Rights Act 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

### 8.3 Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However, it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

## 9 Financial Issues

Financial issues are not material to the determination of this application.

## 10 *Background Documents*

Planning Application file reference 2021/0668/FUL and associated documents.

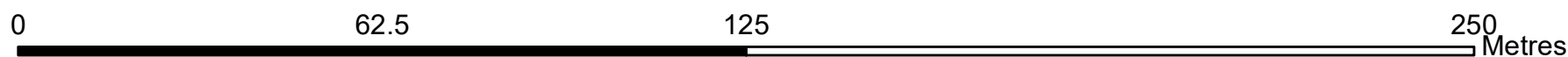
**Contact Officer:** Diane Holgate Principal Planning Officer

**Appendices:** None



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**TPO**  
 ● 4/2021 - T1 Blue Atlantic Cedar



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**Report Reference Number:** TPO 4/2021

**To:** Planning Committee  
**Date:** 18 August 2021  
**Author:** Bethany Harrison (Planning Officer)  
**Lead Officer:** Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	TPO 4/2021	PARISH:	Bilbrough Parish Council
TPO SERVED:	1 <sup>st</sup> April 2021	DEADLINE FOR CONFIRMATION:	1 <sup>st</sup> October 2021
LOCATION:	Old Manor House Main Street Bilbrough York YO23 3PH		
RECOMMENDATION:	To confirm the Blue Atlantic Cedar – Preservation Order 4/2021		

**Summary:**

In exercise of the powers conferred by section 198 of the Town and Country Planning Act 1990 this report will seek the permission of the Planning Committee to “Confirm, with no Modification”, Tree Preservation Order No. 4/2021 to which objections have been received. In accordance with the scheme of delegation, the confirmation of the Tree Preservation Order cannot be issued under delegated powers due to the objections received.

**1. INTRODUCTION AND BACKGROUND**

**The Site**

- 1.1 The Tree Preservation Order (TPO) is located in the southwest corner of the garden space of The Grade II listed Old Manor House.
- 1.2 The tree is located within the Conservation Area for Bilbrough at the eastern end along the main linear core of the village. The site is also washed over by Green Belt. The Bilbrough Village Design Statement (VDS) describes the dwelling with which the tree is associated as being the Grade II listed ‘Old Manor House’ which was once the home of Thomas Fairfax. The tree sits within the curtilage of this

dwelling. This part of the Conservation Area is characterised by two-storey dwellings in traditional styles using traditional materials and having either a Georgian influence or a cottage style in appearance.

- 1.3 Within the Conservation Area, the TPO sits within the setting of several other listed buildings which are sited to the west, including the Grade II listed Church of St James, Rose Cottage, Bilbrough Manor and Bilbrough Grange all of which are also Grade II listed. There are several instances of protected trees close to the site to the north, including Oak, willow, beech, sycamore, horse chestnut, Alder and pine.

#### **1.4 Relevant Planning History**

- 1.5 The following historical application is considered to be relevant to the determination of this application.

- 2019/0996/HPA - Application for a new detached garage with office space above to replace domestic outbuildings – Permitted 5<sup>th</sup> March 2020
- 2021/0145/TCA - on 4<sup>th</sup> February 2021 The Council Received notification of the Onwer's intent to fell 1 Blue Atlantic Cedar within the Bilbrough Conservation Area. Officers served the provisional TPO 4/2021 in response to this as they were resolved to take professional advice and consider further the implications of its removal

#### **2.0 Scope of the Provisional Tree Preservation Order Ref 4/2021**

- 2.1 The TPO was issued on the 1<sup>st</sup> April 2021 in the context of the application 2021/0145/TCA to remove the tree. Having considered the contribution to local amenity and the Conservation Area, it was the Officers' judgement that consideration should be given to the tree's long term protection. The tree is of a large size and is within the curtilage of a Grade II listed building so it was felt that further consideration had to be given to its protection following the expiry of the application.

- 2.2 The Council's decision to serve the temporary TPO was also informed by the findings of a qualified arboriculturist and Planning Officers under application 2019/0996/HPA which noted the trees large size and positive contribution to the Conservation Area and the setting of the listed building.

- 2.3 As such, the TPO as served relates to:

- a) A single Blue Atlantic Cedar (T1)

- 2.4 The plan associated with the TPO is attached with the officers report below (Appendix A)

- 2.5 An Order can be made to protect specific trees, groups of trees or woodlands in the interests of amenity and should be used where the trees removal would have a significant negative impact on the local environment and its enjoyment by the public. The Order comes into effect immediately on the day the Council makes it and this provisional status lasts for six months, unless the authority either confirms the Order to provide long-term protection or decides not to confirm it.

### 3.0 Representations

3.1 The TPO was served in accordance with the Town & Country Planning (Tree Preservation) (England) Regulations 2012/605 on the person interested in the land, who has been identified as the owner of the property The Old Manor House. The Regulations specify that in the case of an order made following service of a notice under section 211(3) (preservation of trees in conservation areas), serve on the person who served that notice;

(a) serve on the persons interested in the land affected by the order—

- (i) a copy of the order; and
- (ii) a notice containing the particulars specified in paragraph (2);

(2) The particulars mentioned in paragraph (1)(a)(ii) are—

- (a) the reasons for making the order;
- (b) a statement that objections or other representations with respect to any trees, groups of trees or woodlands specified in the order may be made to the authority in accordance with regulation 6;
- (c) the date, being at least 28 days after the date of the notice, by which any objection or representation must be received by the authority; and
- (d) a copy of regulation 6 (see Appendix B).

3.2 The Order was served following the advice of a qualified arboriculturist who recommended that further testing be undertaken to establish whether removal of the tree could be supported under 2021/0145/TCA. As the application expired on 26.03.21 and gives deemed consent if the council does not respond with their objection, the TPO was served to give the authority further time to consider the matter. A copy of the TPO notice was displayed on site on the 1<sup>st</sup> April and delivered by hand to the owner of the tree by the officer. Comments were invited on the Provisional Order to be received by Friday 27<sup>th</sup> May 2021.

3.3 Objections to the TPO were received from the owner of the tree, three neighbouring occupants to The Old Manor House and a qualified arboriculturist employed on behalf of the owner of the tree. A letter of support for the TPO was also received to the local authority on behalf of another neighbouring occupant.

3.4 The letter of support for the TPO can be summarised as follows:

- State that the tree positively contributes to the amenity of the area
- State that the tree is visually beautiful and appears healthy
- The tree is a habitat for birds
- Independent inspection of tree has shown that it is not near end of natural life so should not be removed

3.5 The letters of objection to the TPO from the neighbouring occupants and owner can be summarised as follows:

- State that previous owners of the site would not have planted the tree if they had known how large it would grow – not yet fully mature and has grown very high in a short time
- Extreme size outweighs any positive contribution of the tree on the area

- Tree is inappropriate for setting close to a listed building, putting it at risk if a branch were to fall
- The tree is oppressive and overbearing to the listed building
- Danger to neighbouring occupants if a branch were to fall as this species is known for dropping limb – especially in high winds
- The tree is not a native species and could be replaced by a native, more sympathetic species could be planted if removed
- Previous works have caused damage to the tree and the tree is currently deformed due to poor maintenance
- Raised concern over alleged fungus at root

3.6 The letter of objection to the TPO received by a qualified arboriculturist Barnes Associates on behalf of the applicant can be summarised as follows but also contains images which will be circulated to members.

- TPO order poorly prepared, has errors and does not align with recommended model set out in government guidance
- Argue that TPO is poorly located on TPO documentation, which is inaccurate and does not represent the situation
- Visual amenity main reason for temporary TPO – material consideration however this must be that offset against trees suitability for placement and foreseeable damage & maintenance requirements
- Tree has past harsh topping works – will be ongoing issue as the tree has a high potential for growth
- Potential conflict between new garage building and tree
- 15m in height and potential to grow 50% more – inappropriately large for setting
- Tree has potential to cause damage to drive and garage building – nuisance to owner
- Close to listed property- repeated requests for work will be required to avoid damage to property, meaning tree is inappropriately located
- Branch failures in past close to listed property
- Potential for owner to apply for expense claims against local authority for increased management costs and inevitable damage and repair – however further evidence beyond scope of this report required
- Multiple limb failures – deep tears left in tree that may compromise upper canopy – more likely that decay can enter trees vascular system
- FAKOPP microsecond timer used to measure flight times of branches between 2 sensors – times are above average where topping has occurred
- Tree previously topped so may have weaker attachment points
- Works recommended by rosetta landscape are expensive and extensive – also would significantly reduce tree so would reduce amenity given
- TPO served with little consideration to site constraints and trees past and future management requirements or location & positioning of tree
- TPO made under flawed assessment – will restrict and prevent normal management of the tree and will cause foreseeable nuisance
- Asked that TPO removed and alternative planting scheme agreed which could be later subject to protection when suitable size reached



3.7 Comments prepared by a qualified arboriculturist Rosetta Landscapes working on behalf of the local authority can be summarised as follows:

- Describes tree as an early mature specimen 12m in height with a 6m canopy spread north, 7m south, 4.5m east and 5.5m west –
- stem 7m from dwelling – canopy doesn't currently reach buildings
- Some evidence of tearing and works in the past however expected life expectancy of 40 years – tree in good condition and stem is sound timber according to resonance test
- Concern raised over honey fungus – none present on visit however further investigation required to establish whether this would affect tree in future – would need underground investigation and is not reason for removal at this time
- Past evidence of topping does not constitute evidence that tree is ill-suited to location – topping is damaging and inappropriate for coniferous trees. Poor tree work does not suggest bad trees just poor quality work carried out in past
- Feel the tree is manageable for decades to come – suggested reduction was to provide comfort to owner in a less harmful way for tree than removal – works would reduce the likelihood of branch failures
- We advise that when undertaking such work, the shape/form of the canopy should reflect a smaller version of its previous iteration, so that the tree would still retain its aesthetic qualities. This principle is strongly supported by BS3998:2010.
- Potential for ANY damage to occur does not justify complete removal – every tree poses SOME risk to surroundings and intervention should be balanced on situation – removal not proportionate to risk
- Acknowledge previous branch loss due to wind loading – some loss is typical of the species – methods used by barnes associates supported however no evidence of actual decay provided or the extent, just that flight times varied from expected values – this could be for a number of reasons and is not conclusive enough to support removal of valuable specimen tree
- Works recommended would reduce further breakage in any case and would benefit the tree – some tree work being required does not give justification for removal
- Point on expense of works taken – however every tree owner has legal responsibility for management of their trees – inevitable that this should incur costs when professionals required – not considered disproportionate
- TPO would be prudent and appropriate.

## 4 Report

4.1 The Council and their Arboricultural Consultant have considered the submissions made by objectors and the issues presented. It is considered that:

- (a) Adequate justification for removal of the tree have not been given at this point.
- (b) Account should be taken of the fact that the tree has capacity to thrive in its current siting with remedial work, which has been recommended.
- (c) The tree gives a positive contribution to the setting of a listed building and the wider conservation area.
- (d) More testing would be required with regards to fungus and decay to provide evidence which would justify removal of tree.

- (e) Although the tree is large, the Council's independent consultant considered it to be manageable for decades to come.
- (f) Moreover, careful reduction is possible should the tree become too large.

- 4.2 With regards to comments made by an objector regarding the inaccuracy of the TPO as served, this was done in line with government guidelines on Tree Protection Order paragraph 025, which states that when serving a provisional TPO the *'the legislation does not require authorities to describe the trees in the Order with full scientific names or plot them on the map with pinpoint accuracy.'* The correct tree and species had been identified prior to serving of the Provisional TPO, which was plotted in an approximately correct position based on the planning history for the dwelling and the correct owner was served with the order on 1<sup>st</sup> April as identified by the land registry.
- 4.3 Barnes Associates on behalf of the applicant raise the point that harsh topping in the past has led to weak points in the stem of the tree, which could facilitate future branch failure. They also argue that previous works and limb failure from the tree (which is a species prone to dropping limb) would leave the tree open to decay, making it more dangerous. The Council's Arboricultural Specialist has stated that although they acknowledge previous branch loss due to wind loading on the tree, and supported the methods used by Barnes Associates to assess the movement of branches, no evidence of actual decay has been provided as part of their report, just that flight times varied from expected value. This could be for a number of reasons and is not conclusive enough to support removal of valuable specimen tree.
- 4.4 With regards to the comments made by objectors which state that falling branches pose a risk to the safety of the owner, neighbouring occupants and the Grade II listed property, it is considered that the Arboricultural Specialist for the Council has recommended a scheme of works which would improve the appearance of the tree and make instances of limb loss less likely. Therefore, it is not felt that the complete removal of the tree is justified when a scheme of works could ensure its continued health in its current siting and that the instatement of a TPO would not restrict appropriate and proportionate works being done to the tree in the future.
- 4.5 Objectors to the TPO state that any benefit of the tree is outweighed by its sheer size and its potential to grow further. However, it is considered that if this TPO were not to be upheld, the tree could be removed and it positively contributes to the Conservation Area and the setting of a Grade II listed building (as previously considered by officers under 2019/0996/HPA) and adequate justification has not been given to justify the harm to this as set out under Section 66(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990.
- 4.6 With regard to concerns raised by objectors to the TPO regarding the presence of fungus at the root of the tree, photos have been provided to the council's arboricultural specialist of the tree when this was present, however they stated that it could not be seen when a visit was undertaken. Therefore, it was recommended to the local authority that the possible presence of fungus (which is not conclusive at this point) would not be reason to support the potential removal of the tree at this point and that further underground testing would be required to establish if fungus was present. The council therefore does not feel that this is a reason not to confirm the TPO.

- 4.7 With regards to the comments made on behalf of the applicant that the financial expense of repeated maintenance works which would be required if the tree were to be retained would be excessive and cause nuisance to the owner, it is not felt that this is a reason to justify removal and cause harm to the Bilbrough Conservation Area. Furthermore, it is felt that it is reasonable to expect that the owner of the tree should incur some expense occasionally when carrying out routine maintenance of their tree.
- 4.8 Objectors to the application raised concerns regarding the potential conflict of branches leaning towards the Grade II listed dwelling itself and also the new garage building which was permitted under 2019/0996/HPA, as a falling branch could cause injury and damage to property. When assessed at the time, Officers concluded that the garage does not overlap the root protection area or the crown of the tree. A condition was added to the permission to ensure the trees protection during construction. The Arboricultural Specialist for the council more recently (March 2021) concluded that the branches do not reach the house or the new garage building so it is not felt that this is a reason to support removal of the tree.

## **5 Conclusion**

- 5.1 Special attention must be paid to the desirability of preserving the character or appearance of the Conservation Area. It is considered that there is not enough evidence or justification for removal of the tree at this time and the harm to the Conservation Area. Having regard to the above, the proposal to fell 1 Blue Atlantic Cedar in the Conservation Area would have a detrimental impact on the character and appearance of the Conservation Area. TPO 04/2021 would protect an important tree, in the interests of amenity and its contribution to the Bilbrough Conservation Area and the setting of the Grade II listed Old Manor House.

## **6 RECOMMENDATION**

To Confirm the Blue Atlantic Cedar – Preservation Order 4/2021

**Contact Officer: Bethany Harrison, Planning Officer**

**Appendices: None**

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# Annex

## Glossary of Planning Terms

### **Community Infrastructure Levy (CIL):**

The Community Infrastructure Levy is a planning charge, introduced by the Planning Act 2008 as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area. It came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010.

### **Curtilage:**

The curtilage is defined as the area of land attached to a building.

### **Environmental Impact Assessment (EIA):**

Environmental impact assessment is the formal process used to predict the environmental consequences (positive or negative) of a plan, policy, program, or project prior to the decision to move forward with the proposed action. The requirements for, contents of and how a local planning should process an EIA is set out in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

### **National Planning Policy Framework (NPPF):**

The National Planning Policy Framework was published on 27 March 2012 and sets out Government planning policies for England and how these are expected to be applied.

### **Permitted Development (PD) Rights**

Permitted development rights allow householders and a wide range of other parties to improve and extend their homes/ businesses and land without the need to seek a specific planning permission where that would be out of proportion with the impact of works carried out. Many garages, conservatories and extensions to dwellings constitute permitted development. This depends on their size and relationship to the boundaries of the property.

### **Previously Developed Land (PDL)**

Previously developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings), and associated fixed surface infrastructure. The definition covers the curtilage of the development. Previously developed land may occur in both built-up and rural settings.

### **Planning Practice Guidance (PPG)**

The Planning Practice Guidance sets out Government planning guidance on a range of topics. It is available on line and is frequently updated.

### **Recreational Open Space (ROS)**

Open space, which includes all open space of public value, can take many forms, from formal sports pitches to open areas within a development, linear corridors and country parks. It can provide health and recreation benefits to people living and working nearby; have an ecological value and contribute to green infrastructure.

## **Section 106 Agreement**

Planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), commonly known as s106 agreements, are a mechanism which make a development proposal acceptable in planning terms, that would not otherwise be acceptable. They can be used to secure on-site and off-site affordable housing provision, recreational open space, health, highway improvements and community facilities.

## **Site of Importance for Nature Conservation**

Site of Nature Conservation Interest (SNCI), Site of Importance for Nature Conservation (SINC) and regionally important geological sites (RIGS) are designations used by local authorities in England for sites of substantive local nature conservation and geological value.

## **Site of Special Scientific Interest (SSI)**

Sites of special scientific interest (SSSIs) are protected by law to conserve their wildlife or geology. Natural England can identify and designate land as an SSSI. They are of national importance.

## **Scheduled Ancient Monument (SAM):**

Ancient monuments are structures of special historic interest or significance, and range from earthworks to ruins to buried remains. Many of them are scheduled as nationally important archaeological sites. Applications for Scheduled Monument Consent (SMC) may be required by the Department for Culture, Media and Sport. It is an offence to damage a scheduled monument.

## **Supplementary Planning Document (SPD)**

Supplementary Planning Documents are non-statutory planning documents prepared by the Council in consultation with the local community, for example the Affordable Housing SPD, Developer Contributions SPD.

## **Tree Preservation Order (TPO):**

A Tree Preservation Order is an order made by a local planning authority in England to protect specific trees, groups of trees or woodlands in the interests of amenity. An Order prohibits the cutting down, topping, lopping, uprooting, wilful damage, wilful destruction of trees without the local planning authority's written consent. If consent is given, it can be subject to conditions which have to be followed.

## **Village Design Statements (VDS)**

A VDS is a document that describes the distinctive characteristics of the locality, and provides design guidance to influence future development and improve the physical qualities of the area.



DISTRICT COUNCIL

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# Planning Committee 2021-22

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**List of Planning Applications Determined Under Delegated Powers**  
The following Planning Applications have been determined by officers under the scheme of Delegation

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Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2019/0428/FUL	Eden Mobility	49 Gowthorpe Selby YO8 4HE	Application for replacement of ground floor windows and replacement of first floor windows (Retrospective)	PERMITTED 28 Jul 2021	Jac Cruickshank
2019/1017/DOC	G M Holmes	Lodge Farm Fox Lane Chapel Haddlesey Selby North Yorkshire YO8 8QU	Discharge of conditions 3 (drainage), 4 (surface water) & 7a (highways) of approval 2019/0100/FULM Proposed erection of a livestock unit with associated hard-standings, feed silos, attenuation pond and upgraded highway access on land to northwest	CONDITION DECISION 30 Jun 2021	Ryan King
2019/1237/HPA	Mr Andrew Pearson	Pebble Hall Long Drax Selby North Yorkshire YO8 8NH	Retrospective application for erection of a triple single storey workshop/garage	PERMITTED 21 Jun 2021	Mandy Cooper

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision and Date</b>	<b>Case Officer</b>
2020/0151/FUL	G M Holmes	Lodge Farm Fox Lane Chapel Haddlesey Selby North Yorkshire YO8 8QU	Proposed erection of a cover over existing concrete manure apron	PERMITTED  12 Jul 2021	Mandy Cooper
2020/0272/ADV	Mr James Sanderson	Croft Cottage York Road Barlby Selby North Yorkshire YO8 5JH	Advertisement consent for 1no A-board sign, 1no banner sign and 2no illuminated wall signs	REFUSED  2 Jul 2021	Jac Cruickshank
2020/0777/FUL	Mr Paul & Mrs Jane Ward	China Palace London Road South Milford Leeds West Yorkshire LS25 5DP	Erection of 8 dwellings following the demolition of the existing restaurant building	PERMITTED  7 Jul 2021	Chris Fairchild
2020/0938/REM	Nikle Construction	61 Kirkgate Sherburn In Elmet North Yorkshire LS25 6BH	Reserved matters application including appearance, landscaping, layout and scale of approval 2019/0558/OUT Outline application including access (all other matters reserved) for improvements and erection of 3 detached dwellings	PERMITTED  16 Jul 2021	Gareth Stent

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2020/1034/DOC	Sedamyl UK	Sedalcol UK Ltd Denison Road Selby YO8 8EF	Discharge of conditions 6 (construction management plan) and condition 11 (scheme for the protection of the retained trees of approval 2019/1355/FUL Proposed expansion of the production capacity of the existing agri-processing site, including new wheat intakes and storage, glucose plant, additional distillation and fermentation, additional starch and gluten production, carbon dioxide collection and associated utilities and services	CONDITION DECISION  13 Jul 2021	Yvonne Naylor
2020/1060/HPA	Mr Martin Blades	1 Rose Lane Church Fenton Tadcaster North Yorkshire LS24 9QS	Demolition of existing outbuildings and replacement with a single storey flat roof extension	PERMITTED  28 Jul 2021	Bethany Harrison
2020/1144/DOC	Harworth	Former Kellingley Colliery Turvers Lane Kellingley Knottingley West Yorkshire WF11 8DT	Discharge of condition 17 (surface water) of approval 2020/0155/S73 Section 73 application to vary condition 01 (plans) and 02 (employment use) of planning permission reference 2016/1343/OUTM for outline application including means of access (all other matters reserved) for the construction of an employment park up to 1.45 million sq ft (135,500sq m) gross floor space (GIA) comprising of B2, B8 and ancillary B1 uses, ancillary non-residential institution (D1) and retail uses (A1- A5) and related ancillary infrastructure) granted on 06 February 2019	CONDITION DECISION  28 Jun 2021	Jenny Tyreman

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision and Date</b>	<b>Case Officer</b>
2020/1193/CPE	Mr & Mrs James & Caroline Hollas	Land Off Broad Lane Appleton Roebuck York North Yorkshire	Lawful development certificate for existing use as a manège	PERMITTED  27 Jul 2021	Irma Sinkeviciene
2020/1268/HPA	Ms Susan Coles	11 Kestrel Garth Brayton Selby North Yorkshire YO8 9SJ	Erection of new boundary treatment and creation of hardstanding to the front of the dwelling	REFUSED  28 Jun 2021	Jac Cruickshank
2020/1269/FUL	Mrs Eileen Webster	Fair Oaks Burn Lane Burn Selby North Yorkshire YO8 8LE	Caravan with external deck to be used as a granny annexe (retrospective)	REFUSED  29 Jun 2021	Elizabeth Maw
2020/1380/FUL	Leodis Homes Ltd	191 Leeds Road Selby YO8 4JH	Demolition of existing bungalow and erection of a new 4 bed detached dormer bungalow	PERMITTED  8 Jul 2021	Jac Cruickshank
2020/1411/HPA	Mr Jason Bays	132 Springfield Road Sherburn In Elmet North Yorkshire LS25 6DE	Dropped kerb and driveway	PERMITTED  21 Jul 2021	Mandy Cooper

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision and Date</b>	<b>Case Officer</b>
2021/0057/FUL	Steve Newey	6 The Fossards Osgodby Selby North Yorkshire	Erection of a detached dwelling (Revised layout to planning application 2015/0433/OUT and subsequent variations)	PERMITTED 23 Jun 2021	Rebecca Leggott
2021/0066/HPA	Francesca Prescott & Samuel Osler	Hall Farm Lund Lane Cliffe Selby North Yorkshire YO8 6PD	Erection of a single storey extension to rear of property	PERMITTED 29 Jun 2021	Jac Cruickshank
2021/0075/FUL	Mrs Tina Best	Field Opposite Electricity Sub Station Rawfield Lane Fairburn Knottingley West Yorkshire	Conversion of a single storey stables into a single storey one bedroom detached bungalow	REFUSED 30 Jun 2021	Jenny Tyreman
2021/0079/HPA	Mr Mark Walker	1 Cross Keys Cottages Main Street South Duffield Selby North Yorkshire YO8 6ST	Replacement of existing garage and shed with new dormer garage	REFUSED 13 Jul 2021	Jac Cruickshank

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision and Date</b>	<b>Case Officer</b>
2021/0083/HPA	Mrs Sally Barton	Green Hedges Green Lane Stutton Tadcaster North Yorkshire LS24 9BW	Erection of double storey side and rear extension	PERMITTED  14 Jul 2021	Irma Sinkeviciene
2021/0086/DOC	Whitworth Bros. Ltd	Northside Industrial Park Selby Road Eggborough Goole East Yorkshire	Discharge of conditions 04 (noise assessment and 08 (surface water drainage system) of 2019/0573/S73 Section 73 application for demolition of existing dilapidated concrete building, associated porta-cabins and outbuildings, partial demolition of existing packing, heat treatment plant and warehouse building, construction of a world leading flour production facility, including new mill building, welfare buildings, warehouse, CHP, silos, weigh-bridges and associated hardstanding without complying with conditions 02, 09, 10 and 11 of approval 2018/0872/FULM granted on 22 January 2019	CONDITIONS PART DISCHARGED  27 Jul 2021	Mandy Cooper
2021/0093/FUL	Andrew Boycott	Railway Sidings Main Road Temple Hirst Selby North Yorkshire YO8 8QN	Change of use of land to residential and erection of detached double garage on land opposite	PERMITTED  28 Jul 2021	Elizabeth Maw

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision and Date</b>	<b>Case Officer</b>
2021/0105/HPA	Mr Sean Duggan	1 School House Bungalow Church Hill Stillingfleet York YO19 6SA	Demolition of existing rear extensions, formation of new two storey and single storey rear extension, creation of new first floor with dormer windows, creation of new vehicular access and removal of paint from brickwork	PERMITTED 9 Jul 2021	Jac Cruickshank
2021/0122/FUL	Mr John Jewitt	Blackwood House Farm Market Weighton Road W North Duffield Selby North Yorkshire YO8 5DB	Erection of a Dutch Barn for agricultural purposes ie the storage of straw and agricultural machinery	PERMITTED 2 Jul 2021	Elizabeth Maw
2021/0130/HPA	Mr Robert Walmsley	East Garth Farm Moor Lane Catterton Tadcaster Leeds LS24 8DH	Demolition of attached outbuildings and construction of 2 storey side extension	PERMITTED 22 Jun 2021	Irma Sinkeviciene
2021/0138/HPA	Joe Rodgers	151 Doncaster Road Brayton Selby North Yorkshire YO8 9AU	Erection of ground and first floor rear extension and erection of detached double garage following demolition of 2 single pre-fab garages	PERMITTED 27 Jul 2021	Irma Sinkeviciene

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision and Date</b>	<b>Case Officer</b>
2021/0204/HPA	Mr Jake Dehal-Clark & Justine McEleney	Bridge House Templar Close Whitley Goole East Yorkshire DN14 0HJ	Single storey rear and side extension	REFUSED  1 Jul 2021	Jac Cruickshank
2021/0206/HPA	Mrs Louise Holmes	5 Southfield Grange Appleton Roebuck York North Yorkshire YO23 7EH	Replace existing wooden balcony with a upvc wood effect decking balcony with brick pillars	PERMITTED  6 Jul 2021	Mandy Cooper
2021/0207/DOC	Mr Steve Edwards	Garden House Manor Garth Riccall York North Yorkshire YO19 6QX	Discharge of conditions 06 (Lamp Column) and 11 (driveway construction) of planning approval 2018/0476/FUL Proposed erection of a new dwelling in the grounds of Garden house and the demolition of some outbuildings and the creation of a new access	CONDITION DECISION  25 Jun 2021	Rebecca Leggott
2021/0208/FUL	Mr Richard Gibbons	4 The Fossards Osgodby Selby North Yorkshire	Erection of detached double garage within garden area	PERMITTED  22 Jun 2021	Jac Cruickshank
2021/0210/CPE	Mr & Mrs Adamson	Low Park Farm Chantry Lane Hazlewood Tadcaster North Yorkshire LS24 9NH	Lawful development certificate for existing use of land as residential garden	PERMITTED  28 Jul 2021	Irma Sinkeviciene



Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2021/0211/COU	Clive Watson	39 Bondgate Selby YO8 3LX	Change of use of land to a residential garden, creation of a raised platform, erection of a fence to rear of 39/45 Bondgate, Selby, erection of 1 greenhouse and 1 potting shed (retrospective). Erection of 1 summer house, 1 storage shed, 1 shed/ log store, 1 poly tunnel	PERMITTED  28 Jul 2021	Elizabeth Maw
2021/0233/HPA	Kimberley Benn	1 Malkiln Cottages Bishopdyke Road Sherburn In Elmet Leeds LS25 6EW	Single storey outbuilding used as home office (retrospective)	PERMITTED  1 Jul 2021	Bethany Harrison
2021/0235/FUL	Mr Gary Johnson	Kimberley School Road Hemingbrough Selby North Yorkshire YO8 6QS	Erection of detached dwelling and garage including vehicular and pedestrian access off Poorlands Road on land to the rear of	PERMITTED  30 Jun 2021	Rebecca Leggott
2021/0237/COU	Mr Christopher O'Neill	12 Blackthorn Close Selby North Yorkshire YO8 8FW	Change of use of driveway for horse box selling barista based drinks as well as hot chocolate, teas and bakes	REFUSED  28 Jul 2021	Rebecca Leggott
2021/0282/HPA	Mrs Sarah Rose	3 Barn Elms Camblesforth Selby North Yorkshire YO8 8GY	Erection of a single storey rear extension	PERMITTED  2 Jul 2021	Rebecca Leggott

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision and Date</b>	<b>Case Officer</b>
2021/0289/HPA	Mr & Mrs S Jarvis	112 Leeds Road Selby YO8 4JQ	Proposed two-storey side extension and single-storey rear extension	PERMITTED 28 Jun 2021	Jac Cruickshank
2021/0305/HPA	Mr Andrew Moore	33 Orchard Way Thorpe Willoughby Selby North Yorkshire YO8 9NE	Erection of 4.3 m x 6.86 m 4.7 m high (2.4 m to eaves) rear extension to existing dwelling	PERMITTED 25 Jun 2021	Ellis Mortimer
2021/0307/TPO	Mrs Lucy Carrington	17 Grey Fold Byram Selby North Yorkshire WF11 9AD	Application for consent to remove large over weight limb extending over gardens and remove any dead and damaged limbs 1no Ash tree (T1), remove ivy and low limb extending over alleyway and gardens and remove any dead and damaged limbs to 1no Sycamore tree (T2) covered by TPO 3/2016	PERMITTED 30 Jun 2021	Will Smith
2021/0314/HPA	Mr Simon Peacock	Parsons Pond Church Street Church Fenton Tadcaster North Yorkshire LS24 9RD	Garage conversion and single storey front extension	PERMITTED 28 Jul 2021	Bethany Harrison
2021/0316/FUL	Mr Richardson	Barn at Lodge Farm Wistow Lordship Wistow Selby North Yorkshire YO8 3RS	Conversion of agricultural barn to 3 nos. commercial units (retrospective)	REFUSED 16 Jul 2021	Elizabeth Maw

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2021/0318/HPA	Mr Jamie Donato	25 Weeland Road Eggborough Goole East Yorkshire DN14 0PP	Erection of detached garage and porch	PERMITTED  5 Jul 2021	Ellis Mortimer
2021/0319/ADV	Sherburn Aero Club	Sherburn Aero Club Lennerton Lane Sherburn In Elmet North Yorkshire LS25 6JE	Advertisement consent for 1 No non illuminated fascia sign (retrospective)	PERMITTED  20 Jul 2021	Bethany Harrison
2021/0322/HPA	Mr & Mrs Wilkinson	Hellings House 73 Main Street Escrick Selby North Yorkshire YO19 6LQ	Proposed two storey size extension partly built over existing single storey off-shoot	PERMITTED  13 Jul 2021	Jac Cruickshank
2021/0329/DOC	Edenvale Homes	25 Sand Lane South Milford Selby North Yorkshire LS25 5AU	Discharge of conditions 6 (materials) & 7 (landscape) of approval 2020/0521/REM Reserved matters application including access, appearance, landscaping, layout and scale of approval 2018/1141/OUT demolition of existing buildings and erection of a residential development comprising of 3 No dwellings and associated garage/parking	CONDITION DECISION  7 Jul 2021	Chris Fairchild
2021/0348/SCN	Cleanearth	Newlands Farm Turnham Lane Cliffe Selby North Yorkshire YO8 6EB	EIA Screening opinion request for 5 wind turbines	EIA REQUIRED  25 Jun 2021	Fiona Ellwood

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision and Date</b>	<b>Case Officer</b>
2021/0350/TPO	Mr Paul Graddon	Claire Cottage Gateforth Hall Gateforth Selby North Yorkshire YO8 9LJ	Application for consent to crown lift by 20% and crown thin by 20% to 1no Horse Chestnut tree and 1no Lime tree covered by TPO 17/1980	PERMITTED 23 Jun 2021	Will Smith
2021/0359/COU	Mr Mick Cliff	The Old Fire Station Park Row Selby North Yorkshire YO8 4PR	Change of use of ground floor to domestic	PERMITTED 28 Jun 2021	Jac Cruickshank
2021/0365/HPA	Mr & Mrs George Vincent	Kingfisher Farm Fryston Common Lane Monk Fryston Selby North Yorkshire LS25 5ER	Single storey garden room/conservatory, log store and spiral staircase from first floor annex over farm house garage	PERMITTED 27 Jul 2021	Ellis Mortimer
2021/0367/TPO	Mrs Laura Webb	1 St Johns Court Church Fenton Lane Ulleskelf Tadcaster North Yorkshire LS24 9TU	Application for consent to crown reduction of 30%, branch thinning and removal of dead wood to 1no large Copper Beech tree (T6) covered by TPO 18/1986	PERMITTED 24 Jun 2021	Will Smith
2021/0376/HPA	Steph Smith	2 Birch Close Thorpe Willoughby Selby North Yorkshire YO8 9FB	Increase in ridge height of 0.5m, rear dormer and single storey rear extension	PERMITTED 1 Jul 2021	Jac Cruickshank

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision and Date</b>	<b>Case Officer</b>
2021/0378/HPA	Mr David Jenkins	The Coach House Grimston Park Grimston Tadcaster North Yorkshire LS24 9BY	Erection of a swimming pool enclosure	REFUSED 24 Jun 2021	Irma Sinkeviciene
2021/0382/HPA	Rebecca Castle	14 The Green Wistow Selby North Yorkshire YO8 3FS	Single storey rear extension and single storey front porch	PERMITTED 28 Jun 2021	Jac Cruickshank
2021/0392/TCA	Mrs Sarah McLoughlin	Foxholme 1 Sherburn Street Cawood Selby North Yorkshire YO8 3SS	Application for consent to fell 1No Apple tree in the conservation area	PERMITTED 16 Jul 2021	Will Smith
2021/0405/DOC	Andrew Pocklington	Samling House Park Lane Barlow Selby North Yorkshire YO8 8EW	Discharge of Condition 04 (foul sewage and surface water drainage) of approval 2019/0744/FUL Proposed erection of 1no self build dwelling and raised patio area	CONDITION DECISION 15 Jul 2021	Rebecca Leggott
2021/0407/HPA	Liz Bonallie	Parklands Low Street Carlton Selby North Yorkshire DN14 9LR	Proposed rear garage	PERMITTED 22 Jun 2021	Ellis Mortimer

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2021/0411/HPA	Briadey Greenbank	Cherry Trees 141 Main Road Drax Selby North Yorkshire YO8 8NJ	Proposed first floor extension over existing garage	PERMITTED  21 Jul 2021	Mandy Cooper
2021/0414/HPA	Mr and Mrs Dexter	Station House Wetherby Road Newton Kyme Tadcaster North Yorkshire LS24 9LT	Erection of part two storey, part single storey extension to south east façade	PERMITTED  19 Jul 2021	Mandy Cooper
2021/0417/TPO	Together Housing	2 Laurel Court Leeds Road Tadcaster North Yorkshire LS24 9UW	Application for consent to remove deadwood, crown thin by 10% and crown reduce by 2m in the direction of the property to 1No Sycamore tree covered by TPO 4/1998	PERMITTED  6 Jul 2021	Will Smith
2021/0419/HPA	Mr Stuart Arkley	10 Kirkby Avenue Selby North Yorkshire YO8 3WA	New 1.8m boundary wall with timber gate to replace existing wall	PERMITTED  5 Jul 2021	Jac Cruickshank
2021/0420/COU	Miss Francesca Prescott & Mr Samuel Osler	Hall Farm Lund Lane Cliffe Selby North Yorkshire YO8 6PD	Change of use of land from agricultural to residential (retrospective)	PERMITTED  29 Jun 2021	Jac Cruickshank

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2021/0423/TPO	Mr Burlingham	Scarthingwell West Lodge London Road Barkston Ash Selby North Yorkshire LS24 9PS	Crown lift by 2m, crown clean to 1 No Sycamore (T1), felling of 1 No Sycamore (T2), felling of 3 No Sycamore (G3), felling of 1 No Sycamore (T5), removal of 2 lowest branches to 1 No Cherry (T6), felling of 1 No Lime (T7), crown lift by 2 m to 1 No Ash (T8) and crown lift by 1 metre and thin by 10% to 1 No Sycamore (T9) covered by TPO 4/1985	PERMITTED  29 Jun 2021	Will Smith
2021/0427/HPA	Neil Johnson	1 Volta Street Selby North Yorkshire YO8 8DE	To build a new brick garage replacing the existing prefabricated concrete garage at the end of the back garden	PERMITTED  1 Jul 2021	Josh Turner
2021/0432/HPA	Mr & Mrs Miller	The Fairway Marsh Lane Bolton Percy Selby North Yorkshire YO23 7BA	Extension to existing first floor dormer over an existing ground floor extension	PERMITTED  29 Jun 2021	Bethany Harrison
2021/0440/DOC	Mr Ian Preston	The Hall Cottage North Milford Lane North Milford Tadcaster North Yorkshire LS24 9DQ	Discharge of Condition 03 (materials) of approval 2017/0124/HPA Proposed two storey rear extension, insertion of roof lights to the rear elevation, window to the front elevation, front porch extension, alterations to the existing driveway, the erection of a double garage and the conversion of existing Dovecote to provide additional living accommodation	CONDITION DECISION  15 Jul 2021	Mandy Cooper

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision and Date</b>	<b>Case Officer</b>
2021/0451/HPA	Mr & Mrs Green	4 Old Lane Court Colton Tadcaster North Yorkshire LS24 8JQ	Removal of black iron infill railing sections and build up between existing piers with matching brick and addition of an electric sliding entrance gate	PERMITTED 2 Jul 2021	Bethany Harrison
2021/0453/SCN	UKPA EnergyMF Ltd (UKPA)	Rawfield Lane Fairburn Selby North Yorkshire	EIA Screening opinion request for Zero-Carbon Energy Storage and Management Facility on land adjacent to Monk Fryston Substation, Selby	EIA NOT REQUIRED 24 Jun 2021	Fiona Ellwood
2021/0454/HPA	James Carrington	4 Vicars Croft Brotherton Selby North Yorkshire WF11 9ET	Rear single storey extension with internal works and enclosure to porch area	PERMITTED 28 Jul 2021	Jac Cruickshank
2021/0456/HPA	Mrs A Hornshaw	25 Hillside Close Hillam Selby North Yorkshire LS25 5PB	Single storey front/porch extension, single storey extensions to rear and side of dwelling	PERMITTED 8 Jul 2021	Jac Cruickshank
2021/0464/DOC	Mr Dave Nice	Country Living Campsite Westfield Lane Thorganby Selby North Yorkshire	Discharge of conditions 04 (Highways), 05 (onsite vehicle facilities), 06 (drainage), 07 (arboricultural) & 08 (landscape) of approval 2019/1216/COU Change of use of land to form a 12-pitch touring caravan site including the siting of shower and toilet facilities, new internal access track and associated works	CONDITION DECISION 25 Jun 2021	Rebecca Leggott



<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision and Date</b>	<b>Case Officer</b>
2021/0467/HPA	Mr Ian Jones	3 Station Cottages West End Ulleskelf Tadcaster North Yorkshire LS24 9DJ	Demolition of existing single storey rear extension and proposed single storey rear extension	PERMITTED 21 Jun 2021	Bethany Harrison
2021/0468/TPO	Mrs Kathryn Craven	Chatsworth Park Lane Burn Selby North Yorkshire YO8 8LW	5 metre crown lift to 1 No Sycamore (T1) covered by TPO No 11/1986	PERMITTED 23 Jul 2021	Ellis Mortimer
2021/0471/OUT	Mr Stuart Fielding	Land adjacent Pasture Cottage Main Street Great Heck Goole East Yorkshire	Outline application for erection of 1 No detached dwelling to include access (all other matters reserved)	PERMITTED 9 Jul 2021	Elizabeth Maw
2021/0477/FUL	Mr A Usher	Adamson House Hall Garth Osgodby Selby North Yorkshire YO8 5SR	Erection of wooden building to incorporate mechanical shed and storage (part retrospective) and change of use of land to residential	REFUSED 8 Jul 2021	Rebecca Leggott
2021/0484/HPA	Mr & Mrs Carling	The Lyndens Station Road Hensall Selby North Yorkshire DN14 0QU	Demolition of existing single storey side garage and proposed single storey side extension	PERMITTED 24 Jun 2021	Ellis Mortimer

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2021/0494/HPA	Mr Dean Youngs	10 The Meadows Monk Fryston Selby North Yorkshire LS25 5PJ	Single storey rear extension to garage	PERMITTED  24 Jun 2021	Ellis Mortimer
2021/0498/TPO	Ian Mcaleese	Westfield House 45 Westfield Lane South Milford Selby North Yorkshire LS25 5AW	Crown lifting to give 5m clearance over the road and 3m over the drive, removing epicormic shoots from the base, and removing all major dead wood to 2 Lime trees (T2 & T3), crown lifting to 5m over the road and 3m over the drive as well as removing any dead wood to an Acer tree (T1), crown lift all trees to 5m and remove deadwood, remove epicormic shoots from the Lime as well as tidying up old pruning points from over the neighbour's property to a Lime tree and 2 Sycamore trees located in area G2, remove epicormic shoots, dead wood and tidy up and poor pruning wounds from previous pruning work to 2 Sycamore trees (T15 & T16), remove the Ivy, dead wood and epicormic shoots from another Sycamore tree (T18), relocate a small Beech tree, which was a replacement for a felled TPO'd Sycamore tree (T20), to a better location which will give it improved space to grow covered by TPO 9/1987	PERMITTED  20 Jul 2021	Will Smith
2021/0500/FUL	Mr Madapatha	Byram Park Stores Byram Park Road Byram Selby North Yorkshire WF11 9DZ	Erection of single storey side extension	PERMITTED  29 Jun 2021	Ellis Mortimer

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2021/0501/CPE	Mr T Ellwood	Melton Cottage Hillam Road Gateforth Selby North Yorkshire YO8 9LQ	Lawful development certificate for existing use of land as garden	PERMITTED 15 Jul 2021	Elizabeth Maw
2021/0502/HPA	Laura Earnshaw	19 Westfield Lane South Milford Selby North Yorkshire LS25 5AP	Two storey front and single storey rear extension	PERMITTED 22 Jun 2021	Ellis Mortimer
2021/0503/HPA	Philip & Elaine Johnson	9 Queen Margarets Drive Byram Selby North Yorkshire WF11 9HR	Erection of ground and first floor side extension	PERMITTED 19 Jul 2021	Ellis Mortimer
2021/0515/TCA	Mr Ronnie Aitchison	The Old School Escrick Park Gardens Escrick Selby North Yorkshire YO19 6LZ	Application for consent to reduce by 2m, crown thin by 10% and remove deadwood from 1No Ash tree (T1) and reduce height of 1No Pine tree (T2) by 2m in the conservation area	PERMITTED 13 Jul 2021	Will Smith
2021/0521/HPA	Mr & Mrs Bailey	Garden House Howden Road Barlby Selby North Yorkshire YO8 5JE	Part two storey part single storey rear/side extension	PERMITTED 28 Jun 2021	Jac Cruickshank

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2021/0526/HPA	Mr Simon Stock	1 The Charters Barlby Selby North Yorkshire YO8 5JD	Proposed single storey side extension	PERMITTED  28 Jun 2021	Jac Cruickshank
2021/0527/TPO	Mr Chris Treble	17 Grove Park Barlby Selby North Yorkshire YO8 5LP	Application for consent to crown clean to remove dead, diseased and dysfunctional material over 25mm diameter within the canopy, sever and remove the ivy from the main stem to 1no Sycamore tree (T1) and to crown lift by 8m above ground level and remove dead, diseased and dysfunctional material over 30mm diameter, remove low level/basal regrowth and crown thin by approx 30% to 1no Lime tree (T2) covered by TPO 10/1985	PERMITTED  30 Jun 2021	Will Smith
2021/0532/HPA	Jawad Kadhim	Charnwood 27 Wenlock Drive Escrick Selby North Yorkshire YO19 6JB	Two storey/single storey rear extension	PERMITTED  2 Jul 2021	Jac Cruickshank
2021/0536/TCA	Mr Paul Feldhahn	7 Dunelm Farm Close Riccall Selby North Yorkshire YO19 6FB	Application for consent to remove to 2no Cherry trees within the conservation area	PERMITTED  6 Jul 2021	Will Smith
2021/0537/HPA	Emma Taylor	21A The Fairway Tadcaster North Yorkshire LS24 9HL	Erection of single storey side extension	PERMITTED  29 Jun 2021	Bethany Harrison

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2021/0540/HPA	David Birchill	6 Meadow Garth Tadcaster North Yorkshire LS24 8LY	Alterations and extension to form enlarged kitchen/dining room and enlarged first floor bedroom	PERMITTED 25 Jun 2021	Irma Sinkeviciene
2021/0541/TCA	Mr & Mrs McCloud	Beech Tree House The Green Stillingfleet Selby North Yorkshire YO19 6SF	Application for consent to remove 1no Silver Birch (T1) within the conservation area	PERMITTED 29 Jun 2021	Will Smith
2021/0558/HPA	J Greaves	Stickle Barn Haverland Farm Stewart Lane Stillingfleet Selby North Yorkshire YO19 6HP	Erection of double garage with 'work from home' office over	REFUSED	Jac Cruickshank
2021/0566/HPA	Chris Lawson	11 Flaxley Road Selby North Yorkshire YO8 4LG	Single storey rear/side extension	PERMITTED 13 Jul 2021	Josh Turner
2021/0567/TPO	Mark Fuller	4 The Limes South Milford Selby North Yorkshire LS25 5NH	Application for consent to crown reduce 1No Walnut tree (T1) by 15% and crown thin 1No Horse Chestnut tree (T2) by 20% covered by TPO 10/2002	PERMITTED 19 Jul 2021	Will Smith
2021/0578/HPA	Amanda Wright	3 Egremont Place Sherburn In Elmet Selby North Yorkshire LS25 6FY	Single storey rear extension and alteration to existing side door	PERMITTED 20 Jul 2021	Bethany Harrison

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2021/0579/ADV	EJOT UK Ltd	Unregistered Unit Hurricane Close Sherburn In Elmet North Yorkshire LS25 6PB	Advertisement consent for 2 No high level fascia signs (non-illuminated)	PERMITTED  30 Jun 2021	Irma Sinkeviciene
2021/0580/FUL	Fairfax Plant Hire	Fairfax Plant Hire Old Brickworks Hull Road Hemingbrough Selby North Yorkshire YO8 6QG	Erection of 3 No new sheds for plant hire machinery maintenance	PERMITTED  27 Jul 2021	Elizabeth Maw
2021/0585/ADV	Persimmon Homes	40 Staynor Link Selby North Yorkshire YO8 8GE	Advertisement consent for 1no fascia sign	PERMITTED  22 Jul 2021	Josh Turner
2021/0586/PPP	Mr I Rollinson	34 Manor Garth Kellington Selby North Yorkshire DN14 0NP	Lawful development certificate for erection of double garage, garden store and games room	PERMITTED  5 Jul 2021	Ellis Mortimer
2021/0592/HPA	Mr Jason Lane	66 Moat Way Brayton Selby North Yorkshire YO8 9TE	Proposed two storey side extension to existing detached dwelling to create additional living accommodation	PERMITTED  21 Jul 2021	Josh Turner

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2021/0594/HPA	Thomas Morris	Prospect House Main Street Hillam Selby North Yorkshire LS25 5HG	Erection of double garage following demolition of existing garage	PERMITTED  19 Jul 2021	Ellis Mortimer
2021/0597/TCA	Selby District Council	Micklegate Selby North Yorkshire	Application for consent to fell 1No Alder tree in the conservation area	PERMITTED  16 Jul 2021	Will Smith
2021/0598/TCA	Selby District Council	Church Hill Selby North Yorkshire	Application for consent to fell 1No Alder tree in the conservation area	PERMITTED  16 Jul 2021	Will Smith
2021/0599/TCA	Selby District Council	Church Avenue Selby North Yorkshire	Application for consent to pollard 1No Weeping Willow tree in the conservation area	PERMITTED  29 Jun 2021	Will Smith
2021/0603/DOC	SM Chapel Developments Limited	The Old Methodist Church 7 High Street South Milford Leeds West Yorkshire	Discharge of condition 06 (windows) of planning approval 2019/0638/FUL Proposed conversion of South Milford Methodist Church into 4 town houses	CONDITION DECISION  7 Jul 2021	Jenny Tyreman
2021/0605/HPA	Daniela Grant	15 Wharfedale Crescent Tadcaster North Yorkshire LS24 9JH	Proposed pitched roof single storey wrap around (side and rear) house extension and proposed pitched roof double storey rear house extension following demolition of existing garage	PERMITTED  19 Jul 2021	Irma Sinkeviciene

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2021/0606/DOC	P M & J Cawthorne	Corner Farm Gateforth New Road Gateforth Selby North Yorkshire YO8 9LF	Discharge of condition 03 (materials) of planning approval 2020/0874/HPA Erection of two storey extension to attached annexe (known as Corner farm Cottage) following demolition of existing single storey section of annexe	CONDITION DECISION  21 Jun 2021	Ellis Mortimer
2021/0611/S73	Mr David Draper	7 Byram Park Avenue Byram Selby North Yorkshire WF11 9EH	Section 73 application to vary condition 02 (drawings) on approval number 2020/0469/S73 Section 73 to vary/remove condition 03 (tree/root protection plan) of approval 2019/0748/HPA for proposed erection of single storey rear extension with a raised platform and a pergola granted on 15 January 2020 granted on 12 July 2020	PERMITTED  12 Jul 2021	Irma Sinkeviciene
2021/0612/HPA	Mr Oliver Johnson	2 Top Stone Close Burton Salmon Selby North Yorkshire LS25 5JT	Ground floor extension to rear of property	PERMITTED  27 Jul 2021	Ellis Mortimer
2021/0618/MAN2	Mr Nick Fisher	The Bungalow Rawfield Lane Fairburn Selby North Yorkshire WF11 9LD	Non material amendment of 2020/0955/FUL Demolition of existing dwelling and outbuilding, rebuilding dwelling to same footprint and layout including single storey rear extension, new loft accommodation, new garage and materials and formation of new access from Rawfield Lane	PERMITTED  24 Jun 2021	Chris Fairchild
2021/0628/HPA	Alison Townsend	3 Station Road Womersley Selby North Yorkshire DN6 9BL	Proposed single and two storey rear extension to existing dwelling	PERMITTED  14 Jul 2021	Ellis Mortimer



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2021/0630/DOC	Mr A Clarke	Cherryholme 1 Main Street Newton Kyme Tadcaster North Yorkshire LS24 9LS	Discharge of condition 4 (dormer materials) of approval 2020/1349/HPA Erection of two storey rear and side extension	CONDITION DECISION  19 Jul 2021	Irma Sinkeviciene
2021/0631/HPA	Mr Steve McGaritty	2 Coupland Mews Selby North Yorkshire YO8 3AQ	Proposed single storey rear extension	PERMITTED  26 Jul 2021	Josh Turner
2021/0634/CPE	Mr Martin Ainsworth	Waterside Spring Lodge Lake Northfield Lane Womersley Selby North Yorkshire DN6 9BB	Lawful development certificate for an existing residential dwelling	PERMITTED  15 Jul 2021	Jenny Tyreman
2021/0639/HPA	Angela Thistlewood	12 Orchard Close South Milford Selby North Yorkshire LS25 5BQ	Erection of two storey side and front extension to existing dwelling	PERMITTED  16 Jul 2021	Ellis Mortimer
2021/0642/FUL	Buddy Dogs	Gay Lane Church Fenton Tadcaster North Yorkshire	Change of use of agricultural land to dog exercise/activity area with fence enclosure, hardstanding for 2no vehicles and erection of 1no timber shed for use as a store/shelter	PERMITTED  22 Jul 2021	Irma Sinkeviciene

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2021/0653/TELB	Openreach	Hazelmere Field Lane Hensall Selby North Yorkshire DN14 0RE	Install 1 x 9m wooden pole (7.2m above ground)install 1 x 9m wooden pole (7.2m above ground)	TELECOMMU NICATIONS - NOT REQUIRED  21 Jun 2021	Chris Fairchild
2021/0663/DOC	Mr R Burdett	Margyl Cottage 40 Main Street Monk Fryston Selby North Yorkshire LS25 5EG	Discharge of Condition 06 (boundary treatment) of approval 2018/0482/FUL Proposed erection of detached two storey dwelling house and garage	CONDITION DECISION  5 Jul 2021	Diane Holgate
2021/0667/HPA	Mrs Shirley Wilson	44 Auster Bank Road Tadcaster North Yorkshire LS24 8AX	Erection of glazed Garden room to rear patio	PERMITTED  20 Jul 2021	Bethany Harrison
2021/0674/HPA	Mr Andy Atkinson	31 Pasture Close Sherburn In Elmet North Yorkshire LS25 6LJ	Proposed extension to front	PERMITTED  21 Jul 2021	Bethany Harrison
2021/0682/HPA	Mr Nick Houlden	59 The Haywain South Milford Selby North Yorkshire LS25 5GE	Erection of single storey rear extension	PERMITTED	Ellis Mortimer
2021/0722/DOC	Natindarjit Kaur	Shepherds Croft 38 Wrights Lane Cridling Stubbs Selby North Yorkshire WF11 0AS	Discharge of condition 03 (materials) of planning permission 2020/1240/HPA First floor extension to side and single storey extension to rear	CONDITION DECISION  28 Jun 2021	Elizabeth Maw

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2021/0734/DOC	St Francis Group (Eggborough) Ltd	Eggborough Power Station Selby Road Eggborough Selby North Yorkshire DN14 0BS	Discharge of condition 05 (verification report) of approval 2019/1344/FULM Proposed change of use of land, formation of sports pitches and the erection of pavilions (use class D2) with car parking, landscaping and access on sites A and B off Wand Lane and Hazel Old Lane	CONDITION DECISION  9 Jul 2021	Gareth Stent
2021/0741/MAN2	Mr Ian Preston	The Hall Cottage North Milford Lane North Milford Tadcaster North Yorkshire LS24 9DQ	Non material amendment of 2017/0124/HPA Proposed two storey rear extension, insertion of roof lights to the rear elevation, window to the front elevation, front porch extension, alterations to the exiting driveway, the erection of a double garage and the conversion of existing Dovecote to provide additional living accommodation	PERMITTED  30 Jun 2021	Irma Sinkeviciene
2021/0754/MAN2	Trustees Of Portholme Church	Portholme Church Portholme Road Selby North Yorkshire YO8 4QH	Non material amendment of 2020/0260/FUL Proposed installation of new roof covering	PERMITTED  16 Jul 2021	Josh Turner
2021/0762/MAN2	Mr Martin Charlton	The Corner House 10 Laurels Farm Drive Church Fenton Selby North Yorkshire LS24 9FS	Non material amendment of 2020/0787/HPA Erection of a first floor extension above existing garage	PERMITTED  13 Jul 2021	Irma Sinkeviciene

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2021/0800/TELB	Openreach	The Barn Hagg Bush Farm Hagg Bush Lane Burn Selby North Yorkshire YO8 8LE	Installation of 1No pole	TELECOMMUNICATIONS - NOT REQUIRED  21 Jul 2021	Jac Cruickshank
2021/0803/TCA	Mr Richard Lee	Carrick Cottage York Road Stillingfleet Selby North Yorkshire YO19 6SJ	Application for consent to remove 1no Ash (T1) within the conservation area	PERMITTED  6 Jul 2021	Will Smith
2021/0837/TNO2	Mr Stuart Evison	Womersley Park Park Lane Womersley Selby North Yorkshire DN6 9BH	Five day notice to fell 1No Black Pine tree in the conservation area	PERMITTED  13 Jul 2021	Will Smith