

**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 in 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 1.6Wm<sup>2</sup>k 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 CO<sub>2</sub> 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