

Parish: Newby Wiske
Ward: Morton on Swale
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Committee date: 29 May 2019
Officer dealing: Peter Jones
Target date:

17/01285/FUL

Change of use to a residential training centre (Class C2), incorporating up to 550 guest bed spaces and staff accommodation (as amended by revised details received on 8 August 2018 and 5 February 2019)

**At Newby Wiske Hall, Newby Wiske
For PGL Travel Limited**

1.0 BACKGROUND

1.1 Applications for planning permission and listed building consent (17/01285/FUL and 17/01286/LBC), seeking to convert Newby Wiske Hall into a Children's Residential Centre for PGL, were submitted to the Council on 12 June 2017. The applications were presented to Planning Committee on 9 November 2017 and at that time the Committee resolved to approve both applications. The decision notices were issued on 6 December 2017 following consideration of additional representations.

1.2 Proceedings were then brought against the Council seeking a Judicial Review of the decisions made. The claim had identified the following five areas of concern with regard to the determination of the two applications:

Ground 1: Failure to properly assess the significance of, and impact on, the setting of Newby Wiske Hall.

Ground 2: Failure to understand the scope of the works which required listed building consent.

Ground 3: Failure to give considerable weight and importance to, or apply a strong presumption against, any harm to the Hall and its setting.

Ground 4: Failure to consider the potential impact of the development on other heritage assets.

Ground 5: Failure to disclose supporting documents submitted by the applicant and relied on by the officer report in recommending approval.

1.3 The Council accepted that two of these grounds had merit and agreed that the decisions should be quashed on that basis. The Order quashing the planning permission identified the two grounds as:

- i. The officer's report in respect of the application for planning permission (Reference 17/01285/FUL) did not properly assess the significance of, and impact on the setting of Newby Wiske Hall; and
- ii. The Council failed to give considerable weight and importance to any harm to Newby Wiske Hall caused by the proposed development the subject of the application for planning permission (reference 17/01285/FUL).

1.4 The applications for planning permission and listed building consent must be re-determined as a result. Through the preparation of this report Officers have taken into account the arguments raised in the previous Judicial Review and the reasons for the Council consenting to the judgment. As such this report has

been drafted with those points in mind and Officers invite Members to carefully consider the original judicial review grounds and Officers' response to them.

- 1.5 The applicant has provided an up-dated suite of supporting information for both applications.
- 1.6 The Council has contracted AECOM to assist in the assessment of heritage matters.
- 1.7 A full re-notification and re-advertising of the Planning Application and the Listed Building consent application was undertaken with new site notices posted on 17 August 2018 and a press advertisement being placed on 24 August 2018. A further period for comment was allowed in February 2019 following receipt of an amended Noise Management Plan, additional arboricultural information and the applicant's response to Sport England's comments.
- 1.8 The report that follows below includes consideration of the up-dated information provided by PGL. Please note that **all** representations made on the application both before and since the Committee resolution of 9 November 2017 are to be taken into consideration in the determination of the application.
- 1.9 The submission refers to two phases, incorporating 350 bed spaces in phase one, rising to a maximum 550 bed spaces in phase two (limited to 500 guests at any one time). For the avoidance of doubt, the applicant states that this planning application covers both phases.
- 1.10 The application was due to be considered by Planning Committee on the 21 March 2019. Consideration was deferred at that time to allow residents sufficient time to consider the revised report and supporting information.

2.0 SITE, CONTEXT AND PROPOSAL

- 2.1 The site comprises a parcel of land approximately 14.5ha in size, situated at the western fringe of the village of Newby Wiske, approximately 500m to the west of the A167 which runs through the neighbouring village of South Otterington. Northallerton lies approximately 5km to the north and Thirsk is situated approximately 7.5km to the south east. The site is accessed from a junction with Newby Wiske Village Street. The site can be accessed from the north from the A684, via Warlaby Crossroads and from the east from the A167 from South Otterington over the listed River Wiske Bridge. There is no other access point into the site and no additional access is proposed in the application.
- 2.2 The village street runs along much of the eastern boundary, with a number of houses between it and the site. Maunby Lane runs alongside the southern site boundary and a number of substantial detached residential properties lie between the eastern corner of the site and Maunby Lane and the village street. The River Wiske lies approximately 200m to the east of the site boundary.
- 2.3 The site is dominated by Newby Wiske Hall which is a Grade II Listed Building, originally constructed in 1684 by Northumbrian landowner William Reveley. The Hall and its gardens and associated parkland dominate the Newby Wiske Conservation Area, of which the application site forms a significant proportion.
- 2.4 The site became a police training centre and the grounds were transformed into playing fields in the 1950s. The Hall and its grounds became the North Yorkshire Police Headquarters in the 1970s, although the force relocated to new headquarters in Northallerton during the course of the application. Expressions

of interest to purchase the Newby Wiske site were invited by North Yorkshire Police in February 2016 in anticipation of this relocation.

- 2.5 The site as a whole comprises extensive grounds with the listed Hall roughly centrally located. The Hall has been much altered and extended. To the north of the Hall there are a number of houses within the site, along with a former Coach House and other ancillary buildings. Within the grounds there are areas of open grassland, woodland and a small lake in the northwest corner. There are a number of interesting statues and other historic ephemera throughout the site. Owing to the historical development of the Hall and the wider site, the setting of the Hall is considered to include much of the wider hinterland in terms of the village to the north and east and the farmland to the south and west along with the gardens and parkland immediately around the Hall. Accordingly there is the potential for development in this wider area to affect the setting of the Hall.
- 2.6 A permissive footpath which ran around part of the perimeter of the site was closed following the relocation of the Police HQ. This route was not on the Definitive Rights of Way map and is therefore not considered to be a Public Right of Way. A submission has been made by a third party to the County Council requesting that the route be included as a Public Right of Way. This matter is yet to be resolved and a decision is still pending. The applicant has offered public access (on a temporary basis to allow assessment of its impact on their operations) to an area of land to the south of the site entrance, comprising a roughly rectangular area south of the entrance, bounded by the existing car park to the west and then extending to the south in a narrow strip to the southern boundary of the site.
- 2.7 The development would make provision for up to 350 guests on opening, but allows for capacity to increase to 500 guests through a second phase of development involving the further refurbishment of buildings on the site. It is noted in the submission that the 500 figure results from an assumed 10% under occupancy rate for the 550 bed spaces proposed. The application as originally submitted included additional accommodation for up to 200 further guests in tents over the summer months. This was deleted from the proposal prior to Planning Committee considering the application in November 2017.
- 2.8 The applicant has agreed to the imposition of a condition limiting the number of guests to 500.
- 2.9 The application proposes no new buildings although new structures are proposed within the grounds of the Hall. The proposed uses and alterations to the existing buildings are set out below:

Building 1 (the main Hall): Three large class rooms, five offices, two guest WCs and a staff WC, a fencing hall, guest waiting hall, a server room, two standard store rooms, a kitchen with three associated stores, a large dining area with a servery along with associated staff WCs, lockers etc. The first floor would be mostly bedrooms for staff, including four en-suite bedrooms along with 19 standard bedrooms and a staff lounge. This floor would also include shared WC/shower rooms for guests of those bedrooms without sanitary provision.

Alterations proposed: reversible wall partitions at first floor to create corridors and introduce accommodation. Some windows would be obscured using opaque film to provide privacy to washrooms; the application of opaque film to existing windows is reversible. The proposed works on the ground floor would include the removal of a modern partition wall to increase the size of the dining room.

The works would require the removal of several wooden cupboards located either side of chimney breasts in several of the rooms. The cupboards are modern interventions. Insertion of service runs and connection to existing services.

Building 2A and 2B (a block immediately to the rear of the main Hall): Accommodation for guests in a mixture of four, six and eight bunk bed rooms along with eight single teacher rooms and two double teacher rooms. No external changes are proposed for this building.

Building 3 (a 1950s block on the north side of the main hall, adjoining Building 2A): Accommodation for guests, incorporating a mixture of four, six and eight bunk bed rooms on the ground floor. Also included are five single teacher rooms. The floor plan would be altered by sub-dividing rooms. No external alterations are proposed.

Building 4 (a modern open plan office to the west of the main hall): Guest accommodation incorporating a mixture of six bunk bed rooms and a disabled access room per floor. Also included would be six single teacher rooms and three twin rooms per floor.

The elevations would be altered by way of additional windows on the ground floor, replacement window panels on the first and second floors to allow for some opening windows and the obscuring of some windows using opaque film to mask new wall construction behind. Ground floor alterations also include the removal of a door and external air conditioning equipment.

Building 5 (the former police control room): A welcome point for guests after alighting their coach, a sports hall for indoor games and an entertainment area for communal purposes in the evening and during inclement weather. It would also include a small ancillary shop for guests to access basic provisions.

Buildings 6 and 10 (the former police forensic block): Guest accommodation; no changes proposed.

Building 7 (former stables and Coach House last used as print rooms): Guest accommodation. The elevations would be altered through the application of opaque film to windows of WC areas.

Buildings 8 and 9 (Gate Lodge): Staff accommodation. No external changes.

Building 11 (former store): Internal air rifle range. No external changes.

Buildings 12 – 16 (former police houses and interview rooms on the north side of the site): Staff accommodation. Buildings 12 and 13 would be altered externally by removing two external doors from the front elevation and replacing them with windows to match existing. The elevations to Building 16 would be altered through the application of opaque film to windows of WC areas.

- 2.10 The applicant's supporting statement comments that all existing buildings would be retained with the sole intention of changing the site's overall use from offices and non-residential training centre to a residential training centre accompanied by a range of outdoor activity equipment to be located within the grounds.
- 2.11 PGL provides organised activity holidays, mostly to school groups, for the full age range of 7-17 years, although PGL does also offer independent holidays for children who are not part of a larger group.

- 2.12 The applicant states that the residential courses would enable engagement in a variety of organised sporting and outdoor adventure activities which test both physical and mental abilities while helping to improve a young person's social skills by engendering teamwork. Courses offered are typically three, five or seven days in length with the shorter stays more popular from March-June and September-October and the longer weekly stays generally more popular over July and August.
- 2.13 As part of the development alterations are proposed to the lake, along with the removal of a number of trees. The lake would be drained, dredged, lined and refilled in order to make it suitable for water-based activities. The lake currently covers 3,220 square metres and would be approximately 1.5m deep once dredged. Phase 2 would see the lake extended by an additional 550 square metres eastwards. The lake would also be generally cleared of detritus in order that it can be used for water-based activities. New staging would be constructed to facilitate access to the water. The area of the site within the woodland would house a number of activity bases, which would require the removal of a number of trees. Following concerns raised by the Council's arboricultural consultant the applicant has undertaken a further survey and has clarified that the number of individual trees to be removed has increased from 8 to 17. However, they have also clarified that the number of groups of trees that would be removed has reduced from three to one. In effect, the tree removal previously identified by group is now reported as individual trees. There are no proposals to remove any category A (i.e. best quality) trees and the veteran tree identified by the Council's arboricultural advisor (and highlighted in representations) has been considered. Other trees within the site that would need to be pruned to facilitate the development are also identified in the submission.
- 2.14 The application as amended includes the following main elements;
- Up to 550 guest bed spaces;
 - Staff accommodation;
 - Alterations to parking arrangements;
 - A new coach passing place;
 - A new boundary fence for the public access area;
 - An outdoor games area and;
 - One multi use games area (MUGA);
 - An outdoor sports area;
 - Four back-to-back giant swings;
 - A four-sided abseil tower;
 - A climbing wall;
 - A four-line zip wire;
 - Challenge courses (variety of obstacles to climb over and under);
 - High linear ropes courses;
 - Activity bases and shelters;
 - A low level ropes course;
 - Problem solving (solving complex puzzles and tasks);
 - A sensory trail;
 - A survivor course (bush skills, shelter building etc.);
 - Use of the lake (with extension) for canoeing, kayaking and rafting;
 - Four-man aeroball (a cross between trampolining, basketball and volleyball); and
 - An archery area.
- 2.15 The supporting statement sets out the nature and form of activities and example timetables outlining the activities that guests would experience. In addition, an

existing store (Building 11) would be used as an indoor air rifle range. The applicant also proposes a number of evening activities within the buildings and grounds of the site.

2.16 Between the hours of approximately 7pm and 9pm guests would have the opportunity to participate in a range of activities carried out both indoors and outdoors. These range from a disco, quiz, robot wars and party games housed within Buildings 1 and 5, to the following organised activities outdoors (weather dependant):

- Ambush – a form of hide and seek using stealth to outflank the other team. Based towards the west of the site predominantly within the woodland;
- Capture the Flag – similar to ‘ambush’, but with the aim of reaching the other team’s base to capture their flag;
- Passport to the World – an orienteering style flag adventure across the site;
- Splash – a team game involving the building of a carrier to transport a water balloon. Based on the hardstanding near Buildings 4 and 5; and
- Wacky Races – a team orientated mini-Olympics based on the outdoor sports area.

Each session would be led by a PGL staff member and another supervising adult charged with ensuring that guests are managed appropriately.

2.17 The following documents have been submitted in support of the application, many of which have been up-dated since the quashing of the decision:

- Planning and heritage statement; (updated August 2018)
- Heritage Statement; (updated August 2018)
- Arboricultural report; (updated August 2018 with further additional information January 2019)
- Transport assessment; (updated August 2018)
- Bat survey; (updated August 2018) Ecological report; (updated August 2018)
- Ecological Impact Assessment report (updated August 2018)
- Great Crested Newt Survey up-dated May 2019.
- Environmental site investigation;
- Noise assessment; (updated August 2018 and Noise Management Plan incorporated)
- Landscape Mitigation and Ecological Enhancement Plan; Ecological Impact Assessment report (updated August 2018); and
- Supporting drawings - amended through minor changes to the layout.

2.18 Alterations have been made to the content of the planning application since its submission as follows:

- The removal of multi-use games area pitches from the eastern part of the site reducing the number of pitches from three to one (one remaining to the west of the site on the site of a former car park);
- The removal of the proposed tented area with an associated reduction in the overall maximum number of people on site at any one time;
- A reduction in the number of trees to be removed;
- Amendments to the alterations to the Listed Buildings;
- Amendments to the equipment including the formation of a 4 line zip wire in place of the two separate zip wires; and
- Amendments to the supporting reports as set out above.

- 2.19 The submitted noise assessment now includes a Noise Management Plan (NMP) for consideration as part of the submission. Formerly this was recommended to be conditioned for later submission. The stated objectives of the NMP are to:
- Identify and employ “all appropriate measures” to minimise the generation of noise and subsequent exposure/impact;
 - Prevent exposure of people outside the site to levels of noise which would result in complaints; and
 - Minimise the risk of unplanned ‘noisy’ events which have the potential to result in off-site noise complaints.
- 2.20 The NMP is intended to be a working document with the specific aims of ensuring:
- Noise impact is considered as part of routine operations;
 - The minimisation of the risk of unplanned ‘noisy’ events that could result in off-site complaints;
 - Noise is primarily controlled at source by good operational practices, the correct and orderly supervision of guests during all times of the day and operator training; and
 - All appropriate measures are taken to prevent or, where that is not reasonably practicable, to minimise noise emanating from the site.
- 2.21 The NMP would form part of the centre’s operating procedures and would form part of the site’s Management System. It is intended to be a live document and as such, would be updated if:
- Significant changes are made to the activities and/or working methods within the site;
 - The local planning authority requests that the NMP is updated, in their role as regulator; or
 - Complaints are received, which on subsequent investigation result in the identification of further control measures or remedial action, in addition to those set out within the NMP.
- 2.22 The NMP sets out all of the activities proposed to be operated on the site:
- Children would be supervised at all times by their teachers/leaders or PGL staff, meaning any control measures put in place are straightforward to action and to manage;
 - The normal operational use of the Activity Bases would typically be between the hours of 09:00 and 17:00. In some instances there may be the requirement to use the Activity Bases between 17:00 and 21:00. This would not be a routine occurrence and is included to offer a degree of flexibility if other activities are not available. Where required, towers would be secured and covers placed over certain equipment to prevent the highly unlikely instance of unauthorised use which could have the potential for noise impacts during unsociable hours;
 - The Noise Management Plan now creates a Quiet Zone extending to approximately 60m from the south eastern part of the site boundary where no access by children would be allowed. A second zone, extending to a line approximately 130m from the same boundary would allow limited access, where previously it was proposed to allow relatively uncontrolled access outside of formal activity time. Although louder activities such as quad biking are offered by PGL at its sites elsewhere in the country, these activities will not take place at Newby Wiske;

- Where evening entertainment activities that could involve optional noise (like the use of a whistle) take place, these optional items will not be used; and
- PGL will commit to working with their suppliers to encourage them to avoid deliveries / waste collection before 8am.

2.23 The applicant has confirmed that the following procedures would also form part of the everyday operation of the outdoor education centre, with the potential to minimise further noise impacts:

- All evening activities would be scheduled to take place to the north west of the site as far as is practicable from the nearest noise sensitive receptors;
- Due to the average age of the guests, most pupils are tired and quickly return to rooms after the programmed outdoor activities have finished. There would certainly be no further activity taking place in outside areas after 21.30 hours;
- The participants in the activities would be mainly from schools and are a part of a local community and therefore are used to ensuring respect for neighbours. Pupils are directly supervised by either their own teaching staff, and/or by PGL staff during activities/evening entertainment;
- Each activity session has an operating procedure - a typical session will have an explanation, demonstration and instructional aspect before participation, followed by a de-brief. All these aspects are led by the PGL Activity Instructor(s);
- Between sessions, groups are led from one activity base to another, via the meeting points, by the instructor and under the supervision of the accompanying teacher; and
- A complaints system would be maintained by PGL for the duration of operation of the site, ensuring that any complaints relating to noise are recorded and investigated as appropriate.

2.24 It has also been confirmed that the following measures would be implemented at the site regarding public relations:

- The Centre General Manager will actively engage with the local community and be readily available to receive feedback about the operation of the centre, its impact on the local community and how PGL can be a good neighbour;
- Managers will attend Parish Council meetings as necessary and will be involved with other local initiatives where there is a need to do so;
- The centre will have a Duty Phone available 24/7 to receive calls of an urgent nature. The number will be made readily available to the local community so that they can report any urgent concerns;

2.25 Following consultation responses from the Council's Environmental Health Officer, the applicant has re-assessed and amended the content of the Noise Management Plan (NMP). The revisions to the Noise Management Plan are mainly around the use of the playing fields and land to the south east corner of the site, closest to nearby dwellings. As noted above, the Noise Management Plan now creates two zones where the use of the land will be closely controlled, in response to concerns raised by the Environmental Health Officer about the use of these areas. As noted above, the Noise Management Plan now creates a Quiet Zone where no access by children would be allowed and a second zone where limited access would be allowed. The applicant now proposes no access by children to this area other than for formal games or evening entertainment (limited to 80 children twice a week) effectively allowing for formal activities in this area, for example a football match.

- 2.26 The Newby Wiske Action Group (NWAG) has raised further concerns about the impact of the proposal, following the revised Noise Management Plan; these views are reported in section 5 below.

3.0 RELEVANT PLANNING HISTORY

- 3.1 There is an extensive planning history relating to the police's occupation of the site. A summary of the more significant applications is set out below:
- 3.2 76/0164/CCC - Alterations and extensions to buildings to form new County Police Force Headquarters; Granted 10 March 1976.
- 3.3 76/0155/CCC - Listed building consent for alterations and extensions to buildings to form new County Police Force Headquarters; Granted 21 June 1976.
- 3.4 94/50812/C - Conservation Area Consent for the demolition of a former canteen/kitchen building; Granted 12 October 1994.
- 3.5 94/50813/P - Siting of a mobile office unit; Granted on a temporary basis, 3 November 1994.
- 3.6 01/00481/FUL - Slimline telecommunications tower; Granted 26 November 2001.
- 3.7 03/00263/FUL - Additional car parking areas; Granted 7 April 2003.
- 3.8 03/02205/FUL – Three-storey office building; Granted 15 March 2004.
- 3.9 08/01746/FUL - Siting of a chemical store; Refused 5 August 2008.
- 3.10 08/02623/FUL - Siting of a chemical store; Granted 1 October 2008.
- 3.11 09/01904/LBC - Listed building consent for alterations to roof; Granted 24 September 2009.
- 3.12 09/02290/FUL - Installation of a satellite dish; Granted 13 October 2009.
- 3.13 10/01498/FUL - Formation of an area of eco-block paving to be used as a car park; Granted 25 August 2010.
- 3.14 10/02831/FUL - Alterations to lean-to extension; Granted 17 March 2011.
- 3.15 11/02774/FUL - Revised application for alterations to lean-to extension; Granted 14 February 2012.
- 3.16 17/01285/DCN - Discharge of conditions 3 (archaeological investigation), 5 (drainage), 10 (HGV routing) and 14 (tree protection) for application 17/01285/FUL; pending decision on 17/01285/FUL.
- 3.17 17/01286/LBC - Listed Building Consent for Internal and external alterations to Buildings 1, 2A, 2B, 3, 4, 7, 8 and 9.; Pending consideration, elsewhere on this agenda.
- 3.18 There have also been applications for works to be carried out to trees within the Conservation Area but these have no bearing on the current application.

4.0 RELEVANT PLANNING POLICIES

- 4.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
 Core Strategy Policy CP2 – Access
 Core Strategy Policy CP3 – Community assets
 Core Strategy Policy CP4 - Settlement hierarchy
 Core Strategy Policy CP12 - Priorities for employment development
 Core Strategy Policy CP15 - Rural regeneration
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
 Core Strategy Policy CP17 - Promoting high quality design
 Core Strategy Policy CP18 - Prudent use of natural resources
 Core Strategy Policy CP19 - Recreational facilities and amenity open space
 Core Strategy Policy CP21 - Safe response to natural and other forces
 Development Policies DP1 - Protecting amenity
 Development Policies DP3 - Site accessibility
 Development Policies DP4 - Access for all
 Development Policies DP5 – Community facilities
 Development Policies DP6 - Utilities and infrastructure
 Development Policies DP10 - Form and character of settlements
 Development Policies DP16 - Specific measures to assist the economy and employment
 Development Policies DP17 - Retention of employment sites
 Development Policies DP25 - Rural employment
 Development Policies DP28 - Conservation
 Development Policies DP29 - Archaeology
 Development Policies DP30 - Protecting the character and appearance of the countryside
 Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
 Development Policies DP32 - General design
 Development Policies DP33 - Landscaping
 Development Policies DP36 - Waste
 Development Policies DP37 - Open space, sport and recreation
 Development Policies DP38 - Major recreation
 Development Policies DP44 - Very noisy activities
 National Character Area profiles 30 September 2014
 Hambleton Landscape Character Assessment and Sensitivity Study 2 (2016),
 National Planning Policy Framework
 Newby Wiske Conservation Area Report 1985
 Ancient Tree Inventory – Woodland Trust
 Convention on the Rights of the Child

5.0 CONSULTATIONS

5.1 Maunby, Newby Wiske and South Otterington Parish Council – Objected to the original submission on the following main, summarised grounds:

- Impact on the Conservation Area;
- Impact on the landscape character of the area;
- Impact on trees, in particular due to the number of trees that would be removed to accommodate equipment;
- Impact of noise on residential amenity; and
- Detrimental impact on road network due to use by coaches.

The Parish Council has submitted an additional detailed statement following the up-dated submission; this is set out in full below:

The Parish Council has major concerns in relation to the impact of the current planning applications for Newby Wiske Hall on the Historic Environment of both the Hall and its associated grounds, as well as on the wider Conservation Area.

A major feature of the civil parish of Newby Wiske is the designated Conservation Area. The current planning application involves a single site that comprises nearly 60% of the whole Conservation Area. These applications will also directly, and adversely, affect the remainder of the Conservation Area.

The Conservation Area was established by Hambleton District Council to act as:

- *A statement of intent by the local authority, who.... Must pay 'special attention' to protecting or improving the conservation area; and*
- *An expression of confidence in the future of the area, offering encouragement to owners and residents who choose to invest time and / or money in their property or the area as a whole.*

The Parish Council feels that the current planning application will severely compromise these key issues as originally stated by Hambleton District Council.

Although the Parish Council understands that the members of the Planning Committee cannot take property values into account in considering planning applications, they would like to point out that a local estate agent has stated that property values in the village will be adversely affected by a 10 to 15% drop in value if this application is approved.

The Newby Wiske Conservation Area was first designated in 1985 by Hambleton District Council, and since then there has been no updated Conservation Area Appraisal/Management Plan. This is contrary to Sections 71 and 72 of the Planning (Listed buildings and Conservation Areas) Act 1990 which clearly states that all Conservation Areas should undergo regular appraisals. The regularity of these appraisals is suggested as every five years in the Government's Planning Policy Guidance note.

This means that under Section 71 of the above Act Hambleton District Council have failed in their statutory duty to draw up and publish proposals for the preservation and enhancement of the Conservation Area for Newby Wiske. Their failure to do this means that the local planning authority does not have an up to date Conservation Area appraisal/ Management Plan against which to set current (and potentially past) planning applications. This would mean that as there is an infringement of the 1990 Act any decisions regarding planning within the Conservation Area are potentially unsound.

The Parish Council therefore urges HDC to undertake, as a matter of urgency, Conservation Area Appraisal for Newby Wiske before any potentially unsound planning decisions are made.

In addition to the Hall and the whole of the village being a designated Conservation Area, there are 14 Listed Buildings within the settlement that are all Designated Heritage Assets as defined by the National Planning Policy Framework (NPPF). There will be a severe and adverse impact on the setting of these Heritage Assets should the current proposals be approved.

The impact of inappropriate apparatus on the historic parkland; even though it is made of wood, it is not in keeping with its setting. The above ground structures may be considered as temporary as they are made of wood, but the large concrete foundations are not temporary.

The increase in large vehicles will have a detrimental impact on the setting of the Conservation Area and the Listed Buildings within it. The increase in large vehicles will have a detrimental impact through vibration and pollution on the fabric and structure of the Listed Buildings in the village.

Impact of long term usage of the grade II listed Hall by young people on the surviving historic fittings – e.g. doors, door furniture, fireplaces etc.

Hambleton District Council's Core Strategy DPD (2007) states: *'Development that would significantly harm the natural or built environment, or that would generate an adverse impact will not be permitted.'*

Policy CP1 supports proposals if they promote and encourage or protect and enhance: *'the character and quality of local landscapes and the wider countryside and; the historic and cultural features of acknowledged importance.'*

It could be argued that the current proposals do not do this and that insufficient heritage or economic gain has been demonstrated to offset the loss of amenity.

Core Policy CP16 states that development or other initiatives will be supported where they preserve and enhance the District's natural and man-made assets. Development will not be supported if it: *"has a detrimental impact on the interest of a natural or man-made asset; is inconsistent with principles of an asset's proper management."*

Core Policy CP17 seeks to promote high quality design of both buildings and landscaping in the case of all development proposals. Support will be given for proposals that: *"provide an attractive, functional, accessible safe and low maintenance development; respect and enhance the local context and its special qualities, including its urban design, landscape, social activities and historic environment, and incorporate public art where appropriate; adopt sustainable construction principles; facilitate access through sustainable forms of transport; and secure improvement to public spaces."*

Development Policy DP28 notes that heritage will be ensured by: *"Preserving and enhancing Listed Buildings; identifying, protecting and enhancing Conservation Areas; protecting and preserving Historic Battlefields and Historic Parks and Gardens; and protecting and preserving any other built or landscape feature or use which contributes to the heritage of the District."*

These policies will obviously be contravened by the current application through –

- The increase in heavy vehicles;
- The development of an activity centre within Newby Wiske Hall is not in keeping with it having historically been a 'country residence'; and
- Wear and tear on the historic building and fabric by 500+ children.

It is worth noting that Hambleton District Council Planning Committee refused planning consent in relation to a recent planning application at Brafferton, near Helperby (application reference 16/01142/OUT) for the following reasons:

The application was contrary to CP16 and CP17 and 'failed to respect the character of the settlement of Brafferton or the setting of the neighbouring properties'

'The failure to preserve or enhance the character and appearance of the Conservation Area is in conflict with the Local Development Framework Core

Strategy Policies CP16, and: DP28 the scheme would harm the setting of the Conservation Area due to the scale, form and density of the proposed development.'

NOTE: This proposed development was actually outside the Conservation Area.

(Officer Note: This application was subsequently approved on Appeal.)

Narrow Access Roads

Residents of Newby Wiske have adhered to the spirit of the Conservation Area designation over the last 30 plus years, and resent the pertained threat to the Conservation Area if PGL are granted planning permission for this development.

The Parish Council would wish to draw attention to the traffic problems that have been highlighted previously, on numerous occasions, associated with roadside parking at South Otterington Primary School at lunchtime and the end of the school day. PGL and their consultant have indicated that coaches are advised to arrive before lunchtime when collecting guests to enable drivers to have a suitable rest break before heading home after lunch. However, their arrival could well coincide with pre-school and playgroup children being collected from the Primary School.

The Parish Council also wish to draw attention to the problems of air pollution from the diesel fumes of coaches travelling to and from the proposed PGL site.

In relation to noise if this development is allowed to proceed, the Parish Council would contend that the use of BS8233:2014 is inappropriate given the noise source of human voices. This is not a steady source of noise without character, as defined by BS8233. WHO guidelines are also generally aimed at steady continuous noise sources, and there is recognition that lower noise levels than this specified in the applicant's noise assessment may be disturbing depending on the nature of the noise.

It is likely that residents in the area of the proposed site will notice noise of this type as being more obvious, based on the fact that the parkland has not historically been used in conjunction with regular school use or children playing etc.

Hambleton District Council policy CP1 states that proposals will be supported if they promote and encourage or protect and enhance: iii) the health, economic and social wellbeing, amenity and safety of the population.

The application is contrary to this section of CP1 in relation to both noise, and the effects of diesel fumes from coaches travelling through the village to the PGL site.

Maunby, Newby Wiske and South Otterington Parish Council therefore request the members of the Planning Committee to REFUSE planning permission in relation to both of these applications.

- 5.2 Newby Wiske Action Group - Separately from the Parish Council the Action Group (NWAG) has presented a detailed objection to the proposed development. The action group has provided documentary evidence that shows eight full members and 121 associate members. The Group has submitted reports on various topic areas; those reports are summarised below:

Planning Consultant's Report

- Notes that the objection is to both Planning and Listed Building applications
- Noted that the policy position has changed owing to the new NPPF being adopted in July 2018;
- Outlines the planning policy position with reference to the relevant Core and Development Policies within the Hambleton Local Development Framework along with the relevant paragraphs of the National Planning Policy Framework;
- The Development will result in a significant negative impact on the residential amenity of residents of Newby Wiske through:
 - Noise from outdoor activities;
 - Disturbance from vehicle movements; and
 - Increase in large vehicles using the local road network;
- Outdoor areas will be used for longer periods than suggested owing to use informally before and after formal activities;
- Evening entertainment outside until 9:30 pm;
- No mention of time limits for activities not using the formal equipment;
- The applicant has failed to provide an appropriate noise assessment in accordance with BS4142:2014;
- The character of the noise created has not been properly assessed;
- Noise Management Plan is considered to be inadequate based on the flawed methodology of quantifying the magnitude of impact based upon guidance that is specifically designed for classifying increases in road traffic noise, not noise from outdoor activity;
- The Noise Management Plan will be impossible to enforce;
- Temporary bunds to mitigate noise issues are unrealistic and inappropriate;
- Another PGL site at Bawdsey Manor in Suffolk has caused numerous noise issues for local residents;
- Conditions about operating times would be impossible to enforce;
- Changes to traffic patterns would be harmful to residential amenity;
- The change to the type of vehicles has not been properly addressed;
- Impact from vehicle noise, vibration and air pollution;
- Owing to road restrictions in the area, vehicles will be impeded negatively impacting on the amenity of local occupiers;
- It is considered that the applicant has under-estimated the number of vehicle movements; off-site visits are not accounted for in the vehicle movements;
- Controls on the direction and time of travel of vehicles would not be enforceable owing to it being reliant on third parties not bound by a S106 or conditions;
- It is unrealistic that a significant proportion of staff would travel to the site by bike or on foot;
- Significant loss of trees and ground flora and habitat;
- Harm to the special interest of the listed and curtilage listed buildings and conservation area;
- Cumulative impacts on heritage assets;
- No evidence that this is the optimum use of the site;
- Introduction of large alien structures;
- Alterations to the pond harmful to the historic significance of the pond; and
- There has been no complete landscape assessment of the site.

Heritage consultant's letter

- The proposal will result in harm to the internal and external character of the Grade II listed buildings;

- The development will have a harmful impact on the designed landscape and curtilage listed buildings and therefore the significance derived from its setting;
- The proposal fails to preserve and enhance the character and appearance of the Newby Wiske Conservation Area;
- The letter sets out the policy background both local and national, assesses the heritage assets and identifies significance in terms of the listed buildings, curtilage buildings, park and gardens and the Conservation Area;
- The proposal is contrary to section 16(2), section 66(1) and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as they do not preserve or enhance the listed building, its setting or the conservation area. Indeed harm is caused to all these elements;
- The proposal is contrary to paragraph 193 of the National Planning Policy Framework as they fail to conserve the heritage assets and result in harm to their significance;
- The proposal fails to comply with paragraph 200 of the National Planning Policy Framework as they fail to preserve or enhance the conservation area or elements that positively contribute.
- The proposal is contrary to Core Policy CP1 within the Core Strategy Development Plan Document (DPD) (2007) as they fail to protect and enhance the character and quality of local landscapes and the historic and cultural features of acknowledged importance.
- The proposal does not comply with Core Policy CP16 as they neither preserve nor enhance the District's natural and man-made assets having a detrimental impact upon the listed building, its designed landscape, its curtilage listed buildings and the character and appearance of the Conservation Area;
- The proposal does not comply with Core Policy CP17 as the proposed children's play equipment is unsuitable in this country house setting, does not reference the designed landscape setting, does not provide an attractive environment and does not respect the local context and its special qualities;
- The proposal fails to comply with Development Policy 28 within the Development Policies DPD (2008), as it does not preserve or enhance the listed building at Newby Wiske Hall and does not protect or enhance the conservation area. The numerous pieces of children's play equipment and associated shelters/structures – in particular the zip wire - introduce incongruous alien features that pay no reference to the historical landscape and built heritage context. They will result in increased traffic movement, coach parties and noise from activities on site, which will all erode the tranquillity of the Conservation Area; and
- The proposal fails to comply with Development Policy 30 as the openness, character and quality of the historic park and garden associated with the country house is detrimentally impacted upon and there is an adverse impact upon long distance views to the site from the road at the south.

Newby Wiske Hall Conservation Area Heritage Assessment – report by JB Archaeology Ltd

- A heritage assessment of Newby Wiske Hall, its grounds and the Conservation Area of Newby Wiske was undertaken on behalf of the Newby Wiske Action Group in order to establish a baseline of information on the surviving historic features within the Conservation Area;
- Also identified areas for the potential survival of buried archaeological remains and areas for further research and investigation;
- An assessment of assets was undertaken including their setting and significance;

- The village was first recorded in the 12th century with elements of the current Hall dating from at least the 17th century;
- The results of the assessment of the site showed that there are substantial and significant remains of the designed landscape associated with the early 19th century Hall;
- There is a good to high potential for elements of 17th century features to survive as well;
- The surviving features include: specimen and exotic tree plantings; formal and informal gardens; garden features along with large areas of landscaping which includes planned vistas and walks;
- There is potential for elements of a later pre-historic field system to survive in part of the grounds. The study of the Hall, its grounds and the wider Conservation Area recorded a total of 36 archaeological or historic sites, many of which would be directly and indirectly affected by the proposals; and
- The Hall and its grounds are considered to be of regional significance due to their Grade II Listing.

Newby Wiske Hall Setting and Significance – Report by JB Archaeology analysing the setting and significance of heritage assets and their setting in Newby Wiske

- The application covers over 50% of the Conservation Area;
- High potential for harm to occur to the setting of the Hall, its Grounds and the wider Conservation Area;
- Additional evaluation was required in order to more fully assess the nature, location, condition and significance of any surviving archaeological remains and the historic buildings within the Conservation Area;
- There is a total of 35 archaeological or historic sites (heritage assets) within the Conservation Area including a significant number of Listed Buildings along with surviving elements of 17th century and later designed landscapes;
- There is unknown potential for buried archaeological remains within the Conservation Area;
- The Conservation Area as a whole has a significance that is greater than the sum of its parts;
- The form of the village is primarily the result of it having been an ‘estate village’ to the adjacent Hall and its current form is little changed from at least the mid-19th century Hall and its grounds, as well as the village, retain a high degree of inter-relationship;
- 14 Listed Buildings within the Conservation Area dating from the 17th century onwards;
- All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not;
- Newby Wiske is a small but pleasant village consisting of small brick buildings, fine wide grass verges and mature trees;
- The wider landscape can also be considered an important part of the process when considering the setting;
- The range and quality of both the designated and non-designated heritage assets across the whole of the Newby Wiske Conservation Area have an important bearing on the assessment of the impacts that any potential developments within the grounds of the Hall will have;
- The setting of the Hall and grounds are inextricably linked with the adjacent village and its 14 Listed Buildings and associated, non-designated heritage assets. This connection can be seen between both the buildings in the village (their design and location) and the form of the designed landscape around the Hall;

- The fact that there have been unsympathetic developments to the rear (west) of the Hall in the past does not mean that further developments which detract from the overall setting should be permitted;
- The Conservation Area as a whole has a significant historical value in that it retains clear, well preserved and widespread evidence for the development of the village in tandem with the Hall and its Grounds. The surviving designed landscape and buildings all form part of the overall 'narrative' of this development;
- There is a high potential for the grounds of the Hall to yield new evidence about the development of the 17th century designed landscape;
- There is a high aesthetic value to the Conservation Area that has resulted from its development as an estate village, which has seen little change in the 20th century. There is also a high aesthetic value to the Hall and its grounds which was part of its original design;
- There is a high communal value to the grounds of the Hall which has resulted from a combination of public access to the grounds from the 1950s onwards coupled with the use of the Plantation as part of the Forest School for the local primary school;
- The importance of designed landscapes in relation to the setting of the associated 'grand houses' has been recognised from at least 1983 with the creation of the Register of Historic Parks and Gardens;
- An integral part of the designed landscape for the Hall is the Lake. As a man-made feature within a designed landscape, there are important considerations to be made in relation to any impact upon the current form of the Lake in respect to its historic development. A full assessment of the Lake, its evolution, setting and any deposits in and around it should be made;
- There has been no detailed assessment of the buildings within the curtilage of the Hall;
- Any change in the type and level of traffic affecting heritage assets and Conservation Areas should form an important part of assessing the impact;
- The quantitative assessment of vibration and noise impacts will derive from specialist studies in those topics. It is not only the level of noise but the type that is also important;
- Elevated potential of traffic collision with the Grade II Listed Otterington Bridge;
- As no assessment of the potential for buried archaeological remains has been undertaken within the grounds this would seem to represent an unacceptable level of potential harm to the historic environment;
- The impact of the erection of seven sets of apparatus between 15.5m and 17m high on the visual setting of the Hall in its associated designed landscape will be significant and detrimental. The towers will effectively curtail, interrupt or destroy the planned vistas which are an integral part of the designed landscape;
- Disruption of the continuity of the woodland by the creation of clearings for activities would also degrade the overall setting of the grounds;
- The application simply does not provide sufficient, convincing justification for the level of impact on not just the Hall and grounds but on the wider Conservation Area as well;
- In the case of the proposed alterations to the Grade II Listed Newby Wiske Hall, the current application does not contain sufficient information on the details of the architectural history; phasing and condition of the various incarnations of the Hall from the 17th century onwards or the details of current proposed alterations and their impact (if any) on surviving historic features, and any mitigation strategy to reduce or ameliorate any potential harm to the historic fabric of the buildings within the Listed Building curtilage; and

- There is no assessment of the buildings directly joining on to the main Hall or is there an assessment of all of the buildings within the curtilage that would be affected by the proposals – for example the 19th century lodge.

Complaint to the Chartered Institute for Archaeologists

NWAG has included a copy of its complaint to ClfA with regard to the applicant's agent's submission and assessment of heritage matters. This is not considered to be directly material to the consideration of this application as it is concerned with the agent's professional conduct which is a matter only for the Chartered Institute for Archaeologists.

(Officer Note: The Council employed AECOM to provide advice on the historic environment and the adequacy of the applicant's submission. AECOM advises that whilst there had been errors and omissions within the submissions, none were sufficiently serious so as to result in an alternative conclusion.)

Noise and acoustics consultant's report

- The applicant's noise monitoring stations were located close to the treeline between the development site and receptor locations;
- Analysis of met station data indicates that wind speeds at the time of the noise survey were too high given the nature and level of noise in the study area;
- It is concluded that there will have been an overestimation of the background levels;
- Recorded levels suggest the following discrepancies:
 - Daytime LAeq = 5 to 7dB lower than the applicant indicates
 - Daytime LA90 = 7 to 10dB lower than the applicant indicates
 - Daytime LAmax = 6 to 23dB lower than the applicant indicates
 These variances are considered to be significant;
- No data is provided with regard to weekend levels despite a request by HDC;
- The applicant indicates that cumulative noise levels (existing background) are approximated at 45dB LAeq (but with no weekend data);
- Modelling fails to account for the change in the character of the noise. Reliance on the WHO guidance as a reason for this is not appropriate in this case;
- The noise modelling section is considered to be significantly deficient in detail, relies too much on assumptions and approximations, and for the purpose of predicting noise impact can provide little in the way of credible information; and
- WHO 1999 notes the following with regards to 'Specific Health Effects': "Annoyance. The capacity of a noise to induce annoyance depends upon its physical characteristics, including the sound pressure level, spectral characteristics and variations of these properties with time. During daytime, few people are highly annoyed at LAeq levels below 55 dB(A), and few are moderately annoyed at LAeq levels below 50 dB(A). Sound levels during the evening and night should be 5–10 dB lower than during the day. Noise with low frequency components requires lower guideline values. For intermittent noise, it is emphasized that it is necessary to take into account both the maximum sound pressure level and the number of noise events. Guidelines or noise abatement measures should also take into account residential outdoor activities";
- A thorough review of literature has demonstrated that, in addition to opposing the requirements of both National and Local Planning Policies, this approach is also clearly contrary to the guidance contained within BS8233:2014 and WHO:1999, with numerous references provided that confirm the capacity of a

noise to induce annoyance depends upon its physical characteristics, including the sound pressure level, spectral characteristics and variations of these properties with time’;

- Reference has been made to The Chartered Institute of Environmental Health guidance which emphasises the importance of anticipating and preventing noise nuisance as a statutory duty under the Environmental Protection Act 1990 and the Pollution Control and Local Government (NI) Order 1978;
- Evidence provided in the form of a Freedom of Information Request from an equivalent site in East Suffolk has confirmed that noise complaints are likely as a result of a development of this scale and proximity to residential receptors; and
- The noise management plan submitted by the applicant is considered to be wholly inadequate; based on a flawed methodology of quantifying the magnitude of impact based upon guidance that is specifically designed for classifying increases in road traffic noise, not noise from outdoor activity centres. Furthermore, the use of ‘temporary bunds’ to mitigate noise following complaints or noise compliance failures has been shown to be unrealistic and inappropriate for the nature of the development.

NWAG has raised further concerns about the impact of the proposal, and its assessment by the Council, following re-consultation on the revised Noise Management Plan summarised below:

- For the purpose of absolute clarity, the conclusions reached in its noise consultant’s reports regarding the unsuitability of the noise assessments presented by the Applicant remain unchanged;
- The document lacks any specific or meaningful way to identify or define a particular impact, and therefore the requirement to manage it;
- NWAG is pleased to see that the Applicant is no longer intending to adopt entirely irrelevant guidance; it is troubling to see that no alternative has been proposed;
- As no criteria are proposed for defining “moderate” or “major” impacts, suggest that it is now seemingly impossible for a non-compliance event to occur, and thus no remedial activity would seemingly ever be required;
- There is no description of as to what the survey entails, indicating that the entire complaints procedure for the site is potentially a process that is entirely at the discretion of management;
- It is troubling that the NMP still refers to the use of “temporary screening mounds” as a means of mitigation, despite no attempt from the Applicant to define firstly, what the screening mounds are or how they would be erected/built, nor how effective they may be in controlling noise;
- The mound would have to be of a significant height to be remotely effective. The proposed “temporary screening mound” is therefore not seen as a realistic solution to mitigating noise from the site, and in the absence of any other viable alternatives aside from ceasing operations, the measures proposed by the NMP are considered to be essentially meaningless;
- It is therefore suggested that such a condition is in no way enforceable, as the NMP provides no means of defining the magnitude of impact, and also provides no evidence that the proposed mitigation is either realistic or effective;
- It is noted in correspondence between the Applicant and HDC that the removal of any noise criteria from the NMP was actually endorsed by the Environmental Health; a situation that NWAG finds “quite astounding”;
- The Environmental Health Service now appears to be promoting free rein for the developer to generate objectionable noise; and

- A Noise Management Plan with no criteria for defining impact, no requirement for any particular action and no evidence of credible control measures is not an effective means of managing noise, and instead cannot be deemed to be anything more than unenforceable hyperbole.

Travel and Transport report prepared by Donna James

- There are inconsistencies in the submission regarding sustainable transport, in particular cycles;
- The transport assessment is contradictory in that it states that school drop off and collection times will be avoided and yet suggests arrivals between 3 and 5 pm;
- It appears that the peak time for traffic movements from the site coincides with the peak operational times of the school;
- The transport assessment suggests that vehicle movements will be more flexible than the former police HQ and yet surely arrival times will be timed to meet the requirements of activity or meal start times;
- The transport assessment significantly downplays the number of vehicle movements;
- The transport assessment suggests that the Travel Plan will ensure that vehicle movements are evened out through the day. This is plainly not possible given the arrival and departure times likely as a result of the proposed programme;
- An image of the empty road outside the school is disingenuous and not time or date stamped;
- The issues of parking and traffic congestion outside the school are very serious;
- The proposed routes for coaches in and out of the site are not included in the submission, shedding doubt on the Travel Plan;
- Information provided with regard to public transport is misleading;
- Figures for the number of service vehicles seem very low, especially when compared to the numbers found at Carlton Lodge, which is significantly smaller;
- Baseline assessments for the Travel Plan are suggested as being undertaken during a neutral month. This is not acceptable as it will not show how bad the situation is during the worse times;
- In the monitoring proposals there is insufficient emphasis on clear targets;
- There are a large number of incorrect statements and inaccuracies throughout the transport submission;
- There is no estimate made of the pollution impacts of the proposals;
- The full, social and environmental impacts of transport resulting from the development have not been assessed;
- Most people will come to this site by coach and car and not by more sustainable modes of transport; and
- The accident data used to demonstrate low risks does not show up the large number of near misses and small collisions common on the local road network.

Health and Safety – report by Martin Gibb Associates

- The report identifies that the boundary wall on the Maunby Lane is 2.4m high on the road side but only 0.5m high on the other;
- Activity equipment would be 5 metres from this; and
- An operator would have to carry out a suitable risk assessment in respect of potential falls from height.

(Officer Note: the report confirms that this issue is covered by health and safety legislation and it is therefore not considered to be a planning matter.)

Amenity, Health and Wellbeing – Report Prepared by Donna James

- The PGL proposals contravene the principles of sustainable development as set out in Government planning policy and guidance;
- Numerous Hambleton District Council policies would be contravened if the development were approved including but not limited to: HDC Core Policy (CP) 3, CP15, CP16, CP 17, CP19, CP 21 and Development Policy (DP) 1, DP5, DP 28, and DP 31;
- The poor quality of submissions, containing errors, omissions and contradictions – some of which are highlighted in this report - indicate a lack of consideration and respect for the Planning Committee and any potential future neighbours;
- The intrusion of noise above previous ambient noise levels, particularly 'sudden' noise, can cause harm to physical and mental wellbeing. PGL have not responded to requests from HDC to provide noise measurements at the weekend. Without this data, it is impossible for an assessment of the impact (change) of the busy PGL weekend activity on residents enjoying their amenities at the weekend, a time which hitherto has been a quiet recreational time for villagers to spend in their gardens etc. Thus, without adequate data, a decision to proceed should not be made;
- The Noise Assessment has been shown to be deficient in other ways, a similar result to the reaction to the applicant's Heritage Statement which has been deemed to be flawed by HDC and NWAG consultants alike. The poor quality of submissions, including methodologies and subsequent conclusions, will cause serious concerns for decision makers;
- The need for nuisance management plans to accompany the proposals (noise and traffic) for a Conservation Area is an indication that the proposals are not suitable for the location. Furthermore, evidence from other established PGL sites show that the management plans are not at all effective;
- HDC designated the village of Newby Wiske, the Hall and Grounds as a Conservation Area (CA) as confirmation of the area's special architectural or historic character; as a statement of intent by the local authority, who.....must pay 'special attention' to protecting or improving the Conservation Area; and as an expression of confidence in the future of the area, offering encouragement to owners and residents who choose to invest time and/or money in their property or the area as a whole. The PGL proposals contravene the 'contract' between HDC and with residents contained in the CA document of 1985;
- PGL propose the removal of access to a footpath that has been in constant documented use for over 30 years. An application has been lodged for the footpath to be designated as a public footpath. This application is accompanied by all the necessary evidence to enable designation as a public right of way;
- To replace the amenity of the footpath through the woods and past the lake, PGL are making a conditional trial offer of a temporary, restricted area within the grounds, (fenced in) of 2.8 acres which is around the size of a large football field and smaller than the size of a local prison's exercise facility (6.42 acres);
- The removal of access to this public amenity contravenes national and local policy guidelines;
- Part of the amenity of the Conservation Area of Newby Wiske is the freedom to enjoy the quiet of the evening and weekend. The proposals submitted on behalf of PGL include a Noise Assessment with Noise Management Plan Appendix. The methodology within the Noise Assessment for measuring

baseline ambient noise is fundamentally flawed. The applicant's consultant failed to comply with a request to submit baseline measurements for the weekend period, making it impossible to measure any impact on weekend amenity. There are differences in the methodology between the baseline noise measurement method and the proposed monitoring method, without an adequate explanation of why this is so;

- There is a growing body of evidence to show that noise has an adverse impact on physical health and wellbeing; and
- The PGL proposals will have an adverse impact on wider community health and wellbeing through spoiling enjoyment of the quiet roads for recreational purposes such as cycling and horse riding, and reduction in a community asset by the closure of the footpath in the Hall grounds.

Economic and Labour Market Report – Report prepared by Donna James

- PGL is up for sale. Its parent company has been trying to raise funds;
- Local employment will not be diversified. This is a false statement. There are comparable centres operating within Hambleton District, indeed there is a residential children and young people's education activity centre in Carlton Miniott, less than 7 miles away. Other jobs offered by PGL on site are already available within the district;
- Given the precise 'approximation' of the number of jobs to be created at the site (109), it would be usual to see these jobs expressed as Full Time Equivalents (FTEs). There is no data available. Furthermore, these predictions include figures for the 2nd phase which will depend on 'demand and take up of activities'. Types/levels of jobs are not specified. If the jobs are low paid, it is unlikely that there will be much trickle down spend. In addition, given the lack of growth figures for the industry as a whole, it is asserted by extant local activity centres that any new activity centre will result in job losses in the District. Only nett job creation figures provide any meaning;
- PGL contradicts itself in its submissions about the wider impact on the economy of its operation. It is understood that procurement is centrally controlled to reduce costs, as would be expected. While spend of employees is judged to aid the local economy in 5.9 Employment (PLBS), the applicant concurs with anecdotal evidence from other PGL sites, stating that staff and guests are fully catered to on site, in submissions relating to traffic volume. This would preclude any meaningful benefit to local businesses;
- The proposed development falls short on all the measures of sustainable development as set out in the NPPG (2018);
- The proposed development does not meet local needs in terms of economic diversification; labour market demand or supply; or other factors e.g. local health and wellbeing; local access to existing amenities, environment and nature conservation, amongst others;
- The development is not environmentally sensitive. It will, however, have a negative impact on the burgeoning cycling tourism industry within the local area, Hambleton and North Yorkshire which is both environmentally sensitive and bringing in tourists year-round; and
- The proposed development does not meet any of the priority areas identified in DP16. In particular, the proposals fail to meet clause i "diversification in the range of economic activities, in particular encouraging employment opportunities in higher skilled jobs which are better able to capitalise on the skills of the resident population". There is no diversification and a mismatch between the requirements of this development and the local labour supply is evident.

Scoping Study – an examination of alternative uses for the site carried out by the Parish Council

- The Parish Council proposes a development for the Hall that would appear to be acceptable to local residents;
- Support for any proposal which results in increasing the heritage value of the site by returning the Hall to its former glory;
- The site could be used to meet a growing housing need with the Hall converted into luxury apartments or offices;
- Further housing could be added on the existing built footprint, including affordable housing for rural young people;
- The 1950s and later additions to the rear of the hall could be converted or demolished;
- Six existing structures in the Paddock and around the Stables could be modified to turn into further domiciles including affordable housing;
- The grounds could be maintained, if required, by the Parish Council, this can be agreed with the developer, thereby enhancing the attractiveness of the site to housing developers and reducing any service charges;
- The preservation of the grounds and nature trail could ensure that the heritage setting of the Hall is maintained and is in keeping with the Conservation Area status of the Hall and village;
- The local primary school's forest school could be accommodated;
- Mixed housing could support local businesses, could support the vibrancy of the local communities and also support the local primary school;
- The mixed development would not be in conflict with recent housing developments in the area;
- Traffic volume and type could be reduced to that of the Police HQ;
- There might be a very small but acceptable increase in the level of noise in the village due to additional dwellings but these would be in the 'normal' range and, importantly, would have similar properties to the existing type of background noise experienced by residents; and
- Developers have expressed interest informally so the potential to expedite this proposition is high.

Carlton Lodge Transport Issues – copy of an email from the Chief Executive of the Carlton Lodge Activity Centre

- The email documents traffic movements associated with Carlton Lodge, located in Carlton Miniott, near Thirsk, which is noted as being 1/5th the size of the proposed development;
- It concludes that the service vehicle movements proposed by the applicant are surprisingly low; and that vehicle movements may be higher owing to family deals and individual visits for activities.

Bawdsey Manor - letter provided by a resident close to this PGL site in Suffolk

- Noise issues from equipment;
- The Noise Management Plan is useless and does not work;
- Children on the site are encouraged by the leaders to make noise; and
- Noise controls on activities must be absolute. If the noise rises above the "acceptable" level then the activity must be shut down immediately.

(Officer Note: alleged problems at sites elsewhere in the country are not considered to carry significant weight in the determination of this application, although the relevant Local Planning Authority has confirmed that planning permission was not required for the use, because the site was previously used for residential institution purposes. The implications of the proposed use of Newby Wiske Hall must be considered on their merits alone.)

Social and Economic Needs Analysis - James Lambley and Associates

- There is evidence of a shortage of high quality mixed housing and of affordable mixed tenure dwellings in Hambleton and in rural villages in particular. This unmet need exists in Newby Wiske and surrounding villages;
- There is no evidence of unmet supply for outdoor activities. Indeed, there are concerns that local businesses offering the same product will be edged out by a new development for outdoor activities. A net impact assessment should be undertaken to ascertain potential job and revenue losses of existing local businesses that would suffer this adverse impact;
- Peripheral businesses should be included in a net impact assessment to account for any adverse impacts on visitor activities and spend due to the change in character of the area, particularly the quiet atmosphere and low traffic particularly at weekends;
- The supply of land for housing is problematic. The use of Newby Wiske Hall and its footprint to develop high quality apartments and affordable housing for younger people would meet many local and district needs;
- There is a significant proportion of children in the local villages who might wish to be able to afford housing in their villages in the future;
- A local school would benefit from the release of large homes occupied by single people or couples who wish to downsize locally, enabling families to move into the villages;
- A sympathetic development of mixed housing would not only not contravene the principles of the Conservation area but align with paragraph 1.1.1 of HDC's 1985 Conservation Area Report stating that that conservation should also "ensure that settlements remain alive and prosperous";
- PGL's proposed development would contravene the same paragraph 1.1.1: "...the local authority will be particularly concerned with character and appearance [- paying special attention to detail - materials, colour, height, proportion, design, siting -] to ensure that new development can be properly integrated into the established local scene" as well as the basic designations set out below (confidence in the future of the area for property owners; confirmation of the area's special character).

5.3 Highway Authority – No objection to the original submission subject to conditions. The following response supersedes the previous Highway Authority recommendation dated 27 September 2017 and has been updated to reflect the information contained in the amended documents submitted by the applicant.

The applicant has carried out an automated traffic count that showed that when the Police Headquarters was fully operational there was an average of 997 vehicle movements per weekday associated with the site with 42 of these movements classed as HGV. The submitted Transport Assessment includes a proposed traffic forecast which is based on the applicant's existing operations throughout the UK and includes all visitors and service vehicles (waste collection, deliveries etc.). This shows that on the busiest day (a Saturday in July) the total vehicular movements associated with the site would be 370 of which 16 (8 arrivals and 8 departures) would be HGV/ coaches. The majority of the visitors to the site would arrive by coach and on the busiest day for coaches (a Friday in June/July) there would be 34 coach movements (17 arrivals and 17 departures) with arrivals likely between 10:00am-12:00pm and departures between 1:00 p.m.- 1:30 p.m. to avoid peak travel and school start/finish times.

The Transport Assessment does not specify which route drivers will use to arrive at or depart from the site. The site is accessed via a "C" classified road known as the C10 and it is assumed that traffic will travel in both available directions to and from the site. The site is approximately 800 metres from the junction of the A167

at South Otterington and 4.9 kilometres from the junction of the A684 north of Warlabby. The C10 is generally of good width (5.5 metres wide or greater) but there are some areas of localised narrowing. To the north of the village, past Newby Foods to the junction of Back Lane, the road narrows over a length of approximately 600 metres. The width varies between 5.2 metres to a minimum of 3.6 metres single carriageway for a distance of approximately 60 metres. There are widened areas up to 7.0 metres wide within this overall length of road to allow vehicles to pass. The road also narrows slightly through Warlabby to a minimum of 5.2 metres for a distance of approximately 170 metres. "Road narrows" signs are in place to warn drivers at these locations.

For information, the following is an extract from Manual for Streets illustrating what various carriageway widths can accommodate.



Figure 7.1 illustrates what various carriageway widths can accommodate. They are not necessarily recommendations.

To the east of the site, the road crosses the River Wiske and the carriageway narrows to 4.3 metres on the bridge. There is no weight restriction and drivers have to give way to others on the bridge as required. A driver of a coach has an elevated driving position and better forward visibility across the bridge as a result. The road also passes South Otterington C of E Primary School where there have been concerns raised about on-street parking at the start and finish of the school day. As stated previously it is likely that the coach movements associated with the proposal would be outside these times. An assessment of the recorded accident data over the last 5 years shows that there have been no accidents at any of these areas of concern.

A HGV routing plan has been submitted as part of the application which indicates that the HGVs associated with the construction phase of the development will not pass the primary school. As such there are no concerns from the Highway Authority with respect to this element of the application.

Whilst there would be an increase in vehicular traffic on a weekend compared to when the Police Headquarters was fully operational, on all other days there would be a decrease and overall this proposal would result in a significant reduction of vehicular movements associated with the site. As previously mentioned there are proposals to manage the arrivals and departures of the coaches so they do not coincide with the opening/ closing times of the primary school. It is therefore considered that a recommendation of refusal on highway grounds would not be appropriate or sustainable. It is recommended that the following conditions are attached to any permission given:

Provision of approved access, turning and parking areas

No part of the development shall be brought into use until the approved parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference "Proposed Site Plan 1:500 Project 2086 Drawing 2040 Revision P6"). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Travel Plan

Prior to the development being brought into use, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include:

- (a) The appointment of a travel co-ordinator;
- (b) Vehicle trip routing and timings;
- (c) A partnership approach to influence travel behaviour;
- (d) Measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site;
- (e) Provision of up-to-date details of public transport services;
- (f) Continual appraisal of travel patterns and measures provided through the travel plan;
- (g) Improved safety for vulnerable road users;
- (h) A reduction in all vehicle trips and mileage;
- (i) A programme for the implementation of such measures and any proposed physical works; and
- (j) Procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.

The Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the Travel Plan.

Additional Comments

Following concerns raised in representations about the Highway Authority's response, further advice has been received, set out below:

With regard to the comments in relation to the arrival of coaches to the site between 3 and 5pm the Highway Authority has recommended that vehicle trip routing and timings are stipulated as part of an ongoing travel plan for the site. It is envisaged that the Highway Authority would seek to limit the arrivals to after 4pm to avoid the school picking up time. It is also envisaged that it would be recommended to the operators that any arrivals before this time should use the C10 via Warlabby which could be communicated as part of the joining instructions that PGL would provide operators as part of their administration. Whilst there may be some vehicles associated with out of school clubs this will be minimal compared to the traffic associated with end of school picking up time.

With respect to the comments in relation to the assumed use of the C10 road to Warlabby to access and egress the development, the Highway Authority have stated in the response that "it is assumed that traffic will travel in both direction to and from the site" and a description is given of the C10 for each route.

The width of a coach and a HCV are comparable and the Highway Authority are not aware of any issues of such vehicles using the C10 to access Newby Foods, the former Police HQ and other rural businesses operating in and around the area.

The contents of Table 4 show that between November and April (and August) there will be a reduced number of coaches visiting the site. The criticism has pointed out that there will be a sustained period where there will be more coaches visiting the site which is acknowledged. However, there are still days where there are no coaches associated with the operation. The peak days for coaches are Monday and Friday, it is envisaged that the arrival and departure times will be adequately managed within the final Travel Plan.

Whilst it is acknowledged that there are traffic concerns with regard to this development, the predicted traffic generation is overall a net reduction to the existing/former use as the Police HQ.

- 5.4 Ministry of Defence – No safeguarding objections.
- 5.5 Yorkshire Water – No objection subject to conditions relating to surface and foul water disposal.
- 5.6 NYCC Archaeology – No objection subject to an archaeological watching brief and a suitable condition with regard to ground works.

No further comments in response to subsequent consultation.

- 5.7 Campaign to Protect Rural England – Originally objected to the proposal and has made the following additional comments since the last Planning Committee meeting (summarised):

- CPRE North Yorkshire neither supports nor objects to the proposed development;
- It has considered the submitted Transport Assessment and understands the purported differences between the movements associated with the Police Headquarters facility (averaging 997 per day) and the proposed busiest day in the operational period (168 movements – 34 of which would be associated with coaches);
- Whilst generally a much smaller number of movements (weekdays) has been suggested than those experienced presently, this number increases at weekends to 370 total movements on a Saturday during school holiday periods;
- An enforceable Traffic Management Plan would ensure appropriate times for arrival / departure from the site;
- Local roads are typically rural in nature, (narrow and ‘bendy’) and the addition of 34 daily coach movements on to this network, could cause congestion and intimidation;
- The NPPF states that development should only be refused on highway grounds if there would be an “unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”;
- The applicants have proposed an activity exclusion zone for an area closest to a potential sett and Natural England have not objected or stated a requirement for a permit for works, therefore, this must be considered an acceptable approach;
- The applicant’s proposal to create a Wildlife Awareness Plan to inform staff and visitors to the facility about the types and needs of species present at the site is a reasonable approach;
- The site is heavily screened which provides a natural visual and noise buffer between the site and neighbouring properties. If approved, however, noise conditions should be implemented to ensure that the proposal does not

impact detrimentally on neighbouring properties in line with guidance provided by the PPG;

- The application does not propose to extend the footprint of the site beyond that which is already developed, nor does it propose to demolish or significantly alter the Grade II Listed Building of Newby Wiske Hall;
- CPRE does not object to the sympathetic placement of opaque window coverings in washrooms within the main hall, removal of several cupboards within the hall or the insertion of a new door casement within the ledge;
- Conditions should be attached to the permission setting out clearly that the above alterations should be undertaken as presented to the Council in the relevant drawings;
- The majority of outdoor equipment is to be sited within the wooded area and some to the south west of the Hall;
- The buildings and gardens within the curtilage of the Hall should be considered within the listed curtilage of the Hall, some of which are registered as non-designated heritage assets;
- The buildings, views and open areas are considered an important heritage resource to the Conservation Area.
- It is important that the Council are satisfied that the proposals will not harm the setting of the Heritage Assets;
- The NPPF places great importance in the setting of Heritage Assets, setting out at paragraph 194 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”*;
- This site has not been promoted through the Local Plan Call for Sites process presumably because it would not be ordinarily considered for residential development given its location within the open countryside;
- The site is not considered to be in a sustainable location and would not ordinarily be considered suitable as a rural exception site due to the specifics of the site;
- Due to the importance of the heritage assets, conversion to fit-for-purpose modern office infrastructure would require significant investment from a developer and promoter;
- If not approved the Grade II Listed Building and curtilage may not be maintained in an appropriate manner and may attract inappropriate development;
- The NPPF sets out that planning decisions should enable (inter alia) *“the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings”*; and *“sustainable rural tourism and leisure developments which respect the character of the countryside”*;
- It is recognised that the proposed site is suitable in planning terms for the proposed activity;
- This is a significant application for the re-use of previously developed land in a suitable rural location which must be weighed accordingly in the planning balance; and
- To be fully compliant with local policies the Council would need to be satisfied that the proposals will not harm the amenity of neighbouring residents, impact upon the local highway network (including matters of congestion and highway safety), impact significantly on Heritage Assets or impact upon protected species and ecological resources.

5.8 Environmental Health Officer

Initial response:

I believe residents are likely to be affected by noise from the proposed development, in particular from raised voices and shouting associated with the outdoor sporting activities in the sports area and MUGA pitches. How intrusive and disturbing this will be is difficult to assess and will depend partly on the management of the site, the location of the activities and when they occur.

The noise reports provided by the applicant and the Newby Wiske Action Group come to different conclusions but do agree that there will be an increase in noise levels during the day, the greatest increase + 4.7dB LAeq. However, I do not believe this is the main issue; it is the nature of the noise from the proposed development. Its intermittent nature and different character to the existing noise environment means the development will impact on residential amenity, particularly as outdoor events will often occur at the same time as residents wanting to use their gardens at weekends and Bank Holidays.

I also believe it's important to consider the existing background levels. Taking the applicant's figures, noise from the development would be over 10dBA above the measured background (LA90 level) during the day. This would again indicate that noise from the development will be heard by residents. Sport England Guidance also supports the assumption that residents close to the sports pitches will be affected by noise from it and that the most significant impact will be from the raised voices.

BS4142, although not directly applicable, can still be used to give an indication of impact on residents and I believe the applicant's consultant should have made reference to this method for the activities on site. The Wardell Armstrong report does make reference and it would suggest again that the residents will be impacted by noise.

In comparison the applicant's consultant's report refers to BS 8233: 2014 but this standard states it is for 'the design of new buildings, or refurbished buildings undergoing a change of use, but does not provide guidance on assessing the effects of changes in the external noise levels to occupants of an existing building', which shows reference to standards not directly applicable are made.

There may be some scope for re-siting the sports area and MUGA pitches further away from residential premises but the applicant would have to consider if this is feasible. However, as the application stands Environmental Health would object to the application due to noise impact it is likely to have on residents.

Response following initial inclusion of acoustic barrier to MUGA area:

The report dated 18th September addresses my main concerns about the sports area, which will now be moved away from the neighbouring residential premises and that a noise barrier/bunding will be used around the south and east of the MUGA pitches to again reduce noise levels at the nearest residential premises. The design of the barrier is important if one is used to prevent it becoming a source of complaint itself when balls are kicked/thrown against it and so it doesn't get damaged, which would significantly reduce its effectiveness but I'm sure this can be done.

Very important is their proposal to produce a Noise Management Plan and for this to be a condition on any approval. I believe if they can show there will be effective management of the site and supervision of those on it in terms on noise then the proposal could be acceptable to Environmental Health.

Following the withdrawal of camping area and MUGA pitches from the proposed application the Officer made the following comments:

The absence of the MUGA pitches and camping area from the scheme and the re-siting of the sports area further from the nearest residential premises are positive changes in terms of noise from the development impacting on residents. These changes do address the principal concerns raised by this Department, I would however recommend that the applicants are required to provide a Noise Management Plan and this is agreed by and conditioned on any approval. I believe if they can show there will be effective management and supervision of the remaining activities on the site in terms on noise, particularly as activities will occur at the same time as residents wanting to use their gardens, then the proposal could be acceptable to Environmental Health.

Further response following receipt of September 2018 amendments:

This service has considered the potential impact on amenity and likelihood of the development to cause nuisance. I have assessed the applicant's acoustic scheme, associated noise management plan and had regard to the residents NJD Environmental Associates report and objections. I have the following observations to make:

Due to the large numbers of people involved in mainly outdoor pursuits, this development has the potential to cause a noise disturbance. The development site is large in scale and many of the activities can be positioned at a reasonable distance away from residents or positioned close to existing buildings which will help to screen events and lessen impact. The activities themselves are organised and controlled. Further impact can be mitigated through the application of time restrictions and event number controls delivered through the suggested noise management plan. The effectiveness of these controls is reliant on the good management of the site, controls being implemented, actively managed and how receptive the management team is to responding to noise concerns raised by local residents.

A further concern about the application is the use of the open park land to the front of the development referenced as the 'outdoor sports area'. The applicant has advised this area will be used for general 'free time' serving about 100 guests for 'informal activities, traditional team orientated ball games and for evening activities of 'wacky races' between the hours of 19:00 to 21:00'. Although the acoustic report submitted by the applicant details that combined noise levels from the sporting activities will not exceed existing background noise levels measured as an LAeq, I have concerns that the very nature of the noise being created - which at times will include peak unpredictable noise such as a shout or a scream, will be out of character with the existing environment and will be noticeable to local residents. The development site has not been previously used this way, to this extent.

I have concerns this may cause general disturbance to the existing external amenity of residents who have gardens sharing the boundary. The applicant suggests that as part of the noise management plan noise monitoring at the boundary could be carried out. Noise monitoring is just a snap shot and can be affected by background noise levels for example road traffic noise or the source noise itself. It is best used for a constant noise source such as a fan or road traffic noise rather than impulse noise such as a shout or laughter which can easily be averaged in a LAeq 1hour and hide its true impact.

I would recommend that rather than apply a decibel level to the general use a more practical approach would be to designate this area for set activities, for example a football match, and have them limited to a set number of events per week over a set time period as part of the noise management plan. I would also

support the use of the demarcation line as referred to in the report to deter guests going too close to the boundary line.

In order to support the management of the site to prevent nuisance I would recommend the following matters be addressed:

1. Prior to outdoor activities taking place a revised noise management plan is submitted to and agreed in writing by the Local Planning Authority. The noise management plan shall include; how agreed occupant numbers to outdoor activities would be managed, how noise from the general site is managed, actions to be taken following a complaint and other issues as proposed / agreed by the Local Planning Authority. The noise management plan shall also include a twice yearly meeting to be held with local residents to discuss the plan and to respond to issues arising from the use of the site.
2. Once the Local Planning Authority is satisfied that the noise management plan has been effectively implemented, the proposed second stage of the development to 550 guest space and staff accommodation shall commence.
3. The position of the outdoor activity equipment or provisions shall be conditioned as referenced in the planning application.
4. Designated outdoor area for 'free time' shall be identified (area within the blue line) and agreed in accordance with the Local Planning Authority. These areas shall incorporate some form of containment to prevent open access to the rest of the site and shall be used between the hours of 8am – 5pm, 7days per week. This shall be managed and incorporated into the Noise Management Plan.
5. The outdoor sports field shall be designated for use of specified activities only such as organised communal games as agreed by the Local Planning Authority. Each activity shall last for 2 hours and be limited to 7 events per week Monday to Saturday. Activity on a Sunday shall be restricted to 5 events per year with prior notice given to the Local Planning Authority as to when these will take place. This shall be managed and incorporated into the Noise Management Plan.
6. The demarcation line identified within the application shall be clearly identified within the open park area. Occupants using the proposed development shall be prevented from encroaching past the demarcation line as part of the Noise Management Plan.
7. Evening events for up to 150 people shall be distributed over 5 external activity areas and shall take place no later than 21:00 Monday to Friday. These external night time activities have been identified as 'Ambush', 'Capture the flag', 'Passport to the world', 'Splash' and 'Wacky races'. The activity 'Wacky races' taking place within the designated outdoor sports field shall be restricted to a maximum of 80 occupants two times per week. Evening events shall be reduced to 50 people on Saturday and Sunday and shall take place no later than 21:00.
8. Access to any external areas of the site by guests shall not take place before 08:00 Monday to Sunday. This shall be managed and incorporated into the Noise Management Plan.

9. Deliveries, waste collection and other service provision etc. shall not take place on site between the hours 18:00 – 08:00 Monday to Saturday, with no deliveries on a Sunday. This shall be managed and incorporated into the Noise Management Plan.
10. If the existing carpark to the rear of the proposed rifle range is to be used in association with residential staff accommodation, additional acoustic screening shall be placed along to boundary shared with residents. The background levels within the area are very low and movement of staff vehicles in the early hours of the morning or late at night would be noticeable when compared to how the site has been operating previously.
11. Non-residential staff vehicles accessing the site before 08:00 shall use the car park furthest into the site away from residential boundaries. This shall be managed and incorporated into the Noise Management Plan.
12. Noise from the rifle range shall not exceed the existing background noise levels at the nearest noise sensitive boundary. This shall be managed and incorporated into the Noise Management Plan.
13. Noise from any plant, equipment or machinery shall not exceed the existing background noise levels at the nearest noise sensitive boundary. This shall be managed and incorporated into the Noise Management Plan.
14. No "adult only" groups shall be permitted to use the facilities.
15. The development shall be used for 'residential groups' only with the exception of access to facilities provided to a local school as agreed with the Local Planning Authority.
16. No coaches shall access the site before 08:00. This shall be managed and incorporated into the Noise Management Plan.

(Officer Note: It is noted that some of these matters would not form conditions in their own right, but would be incorporated within the Noise Management Plan and are reflected in the submitted revised Noise Management Plan. It should be further noted that the Noise Management Plan is intended to be subject to revision and change, in effect a dynamic document, capable of refinement or response to changes in circumstance.)

Further comments following receipt of the revised Noise Management Plan:

I have assessed the Noise Management Plan submitted by the applicant. The document includes all relevant noise issues discussed. I would recommend that the section on "relevant guidance" is removed because I do not agree the standards referred to are the most appropriate to determine impact to amenity within an existing residential area. These references already exist within the applicant's acoustic scheme as their opinion.

I would recommend that details on who will be overseeing this document on behalf of the Council are determined at this stage because it refers to a 6 monthly and annual review.

I would also recommend that the proposed second phase of the development that will increase capacity to 500 guests (550 bed spaces), will not commence unless the Local Planning Authority has confirmed that it is satisfied the NMP has been effectively implemented during Phase 1 of the proposed development.

This has not been mentioned in the Noise Management Plan but this may be a planning consideration outside the scope of the Plan.

I would also recommend that the position of the outdoor activity equipment and activity areas shall be conditioned as referenced in the planning application.

5.7 Yorkshire Wildlife Trust - The Trust would like to see a condition for a Construction Ecological Management Plan to ensure that habitats and wildlife are not damaged during the construction period. The Trust would also recommend conditioning a long term Ecological Management Plan so that the suggested biodiversity gains can be realised.

5.8 Sport England – Holding objection.

Sport England has considered the application in light of the National Planning Policy Framework and its own Playing Fields Policy. Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all or part of a playing field, unless one or more of the five exceptions stated in its policy apply.

(Officer Note: the five exceptions are, in summary:

1. A robust and up-to-date assessment demonstrates that there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted, and the site has no special significance to the interests of sport;
2. The proposal is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use;
3. The proposed development affects only land incapable of forming part of a playing pitch and does not: reduce the size of any playing pitch; result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas); reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality; result in the loss of other sporting provision or ancillary facilities on the site; or prejudice the use of any part of a playing field and any of its playing pitches;
4. The area of playing field to be lost will be replaced, prior to the commencement of development, by a new area of playing field of equivalent or better quality, and of equivalent or greater quantity, and in a suitable location, and subject to equivalent or better accessibility and management arrangements; and
5. The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.)

The proposal includes a number of structures on the playing field to the south of the existing buildings including a four line zip wire, climbing wall, abseil tower and giant swings.

Sport England considers its policy to protect playing fields to cover what it calls "the entire playing field site" and not just the areas currently marked out with a pitch. This is because a playing field is seen as a resource for pitches to be

marked out on, pitches to be changed from one pitch sport type to another, or to allow areas of the playing field to rest from over play. It also allows the potential for non-pitch sports such as athletics to be marked out.

Aerial images show that the playing field to the south of the buildings has been marked out with pitches over the years and there is an evidence of a cricket wicket. The Planning Statement supports this, stating: "The Site has subsequently included outdoor activities including a football pitch, hockey pitch, cricket pitch and goalpost structures that can be seen on aerial photography".

Therefore all of the grassland to the south of the buildings meets the definition of playing field, including the areas not currently marked out with a pitch.

The proposed zip wire and climbing wall will result in the loss of playing field. The giant swings and abseil tower are located on part of the playing field that due to the presence of trees and surrounding constraints is land incapable of forming a pitch or part of a pitch and therefore the giant swings and abseil tower element of the proposal has the potential to meet exception 3 of Sport England's Playing Fields Policy.

The Planning Statement confirms that the existing football pitch in front of Middlebrough Plantation would be replaced by a larger outdoor sports area suitable for the marking out of two youth sized pitches (measuring 85m x 95m) situated on existing amenity grassland to the south west of the main building envelope of the Hall.

Although described as amenity grassland, this is existing playing field as explained above. Even if pitches are marked out on the remaining playing field, the loss of the football pitch still represents a net loss of playing field in area terms. Existing playing field cannot be used a replacement for playing field that will be lost to a development.

From the information available within the planning application, Sport England is unable to find any reference to a robust and up to date Playing Pitch Strategy that provides clear evidence that the playing field is surplus to both current and future sporting requirements.

As the proposal currently stands, it does not accord with any of the exceptions in Sport England's Playing Fields Policy nor with Paragraph 97 of the NPPF.

Sport England would like to provide the applicant the opportunity to amend the application or provide further documentation with a view to meeting our Playing Fields Policy. In light of the above, Sport England therefore wishes to submit a holding objection to this application.

Sport England would be pleased to review the holding objection if the applicant could provide one or more of the following potential options:

1. Evidence from an up to date Playing Pitch Strategy that clearly references the playing field as being surplus to both current and future sporting needs.
2. Details of replacement playing field including any associated planning application. Replacement must represent a genuine replacement i.e. creation of a new playing field. Improvements to existing playing field do not represent a genuine replacement because the quantity element of the exception has not been addressed only the quality element. The quantity element can be addressed by bringing into use areas of an existing playing field that are currently incapable of supporting a pitch or pitches without

significant works, or creating new playing field on land that is not currently playing field. These areas must be assessed by a suitably qualified sports turf specialist/agronomist to provide the evidence required to show these areas will represent a genuine replacement of playing field.

3. Explore options to relocate the zip wire and climbing wall onto another part of the site where it will not impact upon the usable playing field with a view to meeting exception E3.
4. Any other design solution or mitigation that the applicant wishes to proposed with a view to meeting the Playing Fields Policy.

(Officer Note: the applicant has responded to these comments and further advice from Sport England was sought. Members of the public have also been afforded the opportunity to comment on the applicant's response.)

Following the applicant's response, Sport England has sustained its objection. Their further response is set out below:

The additional information from the applicant states that exception E1 of Sport England's Playing Fields Policy has been met as it reviews the Hambleton Playing Pitch Strategy (PPS) in relation to football only. Sport England has shared this information with the Football Association (FA). The comments of the FA have been summarised as:

- *Further consultation has taken place with the local league (Hambleton Combination League) who have confirmed that the site was last used by one of their member clubs in the 2016 – 17 season, but folded at the end of that season due to reduced player numbers. Irrespective of the team folding, that does demonstrate recent demand for the site in question.*
- *The League have highlighted that within their current 25 member teams, 13 play within the Northallerton area. Whilst the site in question falls within the Thirsk analysis area from a PPS perspective, it does sit on the border between there and the Northallerton analysis area and the League have highlight challenges in their clubs finding accessible pitches to play from within the Northallerton area. As noted within the PPS, there are a total of 17 adult male teams within Northallerton with an additional 7 Youth teams playing 11v11 football. The analysis area is limited to having 12 adult 11v11 and 3 Youth 11v11 pitches. The loss of a pitch that could be accessed by teams playing 11v11 football in the Northallerton area would have a detrimental impact on football in the area.*
- *Given the above point, we would request that as part of this proposal, the applicant re-provides the lost playing field area elsewhere on site.*

As can be seen from the National Governing Body for football above, they do not consider that the football pitch is surplus and state that its loss would have a detrimental impact on football in the area. The FA suggest that it should be replaced. Furthermore, the additional information from the applicant only examines football. The applicant has not examined other pitch sports that could be played on the playing field that will be prejudiced by this planning application. Although marked out for football, it could be marked out for another pitch sport.

In light of the above, Sport England does not consider that the proposal meets exception E1.

The additional information states that the four line zip wire does not strictly accord with exception E5 and Sport England agrees with this view. Sport

England's exception E5 deals with planning proposal for indoor or outdoor sport facilities on playing field.

Sport England lists the sports that we recognise and zip wire is not listed as a recognised sport and therefore exception E5 is not applicable.

In light of the above, the applicant has not demonstrated that the proposal meets any of the exceptions in Sport England's Playing Fields Policy. In Sport England's representation of the 25 January we submitted a holding objection to provide the applicant the opportunity to amend the application or provide further documentation with a view to meeting our Playing Fields Policy. The additional information has not met the exceptions.

In light of the above, Sport England **objects** to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 97 of the NPPF.

Sport England would suggest that the applicant revisits options to explore E3 or E4 (contained within the earlier response).

5.9 Interim Director of Leisure and Community Services

The Hambleton District Playing Pitch Strategy (2017) was undertaken by 4 Global Consulting, an independent company. As part of the strategy the company appraised the quantity and quality of football pitches within the district and assessed the level of provision against estimated future need. This evaluation included the football pitch at the North Yorkshire Police Headquarters, Newby Wiske.

With regards to grass pitches the study concluded:

The data illustrates that there is currently an over-supply for grass pitches across the Local Authority, which is influenced by the large number of rural pitches that are typically not well used...The current quality of pitch supply is standard, with multiple cases of severe drainage issues and waterlogging. The quality of ancillary and changing facilities is relatively poor, with a number of users citing this as a key issue...There is currently enough grass pitches to meet the need, assuming that the current stock can be re-marked to better meet the need of residents. To address the issues of capacity at peak demand, floodlit 3G AGP provision is required to reduce the 'bottle-neck's' of supply, especially in mid week evenings.

With regards to the pitch at the Police Headquarters, the study rated the pitch as "Poor" (from three options of Good, Standard and Poor). The study remarked that the pitch was privately owned and only used by police teams and that there were plans to sell the site which may have resulted in it falling out of use. On this basis, and the lack of community use, the study proposed that the site be re-designated as open space. Our local knowledge informed us that the pitch was used by "The Police", a name given to a local Sunday morning men's football team. The team contacted the Council to enquire as to potential use of a pitch at Stone Cross, Northallerton as they were concerned about the risk of future access to the Newby Wiske pitch, the quality of the surface and the fact that most of their players were from the Northallerton area. The Council agreed to provide a pitch to The Police for future use; however the team then folded and didn't take up the offer of pitch use.

In relation to future football pitch development in Hambleton the Council is developing Sports Villages in Sowerby near Thirsk (seven miles from Newby

Wiske) and North Northallerton (six miles from Newby Wiske) – both master plans include a full size all-weather pitch and grass pitches. These will be new facilities, with appropriate ancillary and changing facilities, delivered to a high standard in line with FA standards and requirements. There are currently four grass pitches located at Stone Cross in Northallerton (six miles from Newby Wiske) that are not at full capacity and the Council is currently working with the FA on a project to improve the quality of the pitches in association with the Institute of Groundsmen.

Further a field there are plans to build two additional full size 3G pitches in Easingwold (funding has been secured for this) and Stokesley (with funding applications to be submitted).

The Playing Pitch Strategy was signed off by Sport England's Planning Manager on 20 November 2017.

5.10 Public comments - A total of 221 objections were received at the time of the previous Committee resolution. A further 158 objections have been received since the Committee resolution, some before the subsequently quashed decision was issued. The issues raised are summarised below:

- Poor quality of submission, including errors and omissions which results in an application which should not be considered for determination;
- Detrimental impact on the character of the Conservation Area in particular through a loss of tranquillity;
- Road safety impacts due to large number of vehicles, in particular coaches, using the site;
- The road network is narrow and not suitable for coaches, in particular the bridge over the Wiske;
- Impact on the character of the site and surrounding area through loss of tree cover;
- Tree planting will result in a loss of sunlight;
- Impact on the ecology of the site due to harm to trees and level of noise and disturbance;
- Detrimental impact on aquatic ecology due to the proposed alterations to the lake;
- Loss of residential amenity due to level of noise from the site emanating from outdoor activities, coaches entering and leaving the site and evening noise from un-supervised children once activities have ended;
- If the proposal goes ahead there should be restricted times for outdoor activities, high fences or hedges to stop noise travelling and restricted drop offs/pick-ups and deliveries to reduce noise from traffic;
- Detrimental impact on similar businesses in the area;
- Detrimental impacts are not offset by economic benefits to the area;
- Jobs would be seasonal;
- The applicant's noise assessment report fails to take account of all of the activity areas;
- Surface water and foul water capacity is insufficient for the development;
- The number of beds is larger than that quoted at the pre-application meeting;
- The applicant's ecology report fails to set out how the bats and badgers will be protected;
- This is not a suitable location for adrenaline fuelled sports;
- Current public access to the grounds will be curtailed;
- Due to the level and period of use, the footpaths in the site are lawful rights of way;

- The noise assessment does not take into account of the tented area or weekend background noise levels which are lower than weekday levels;
- The outdoor equipment will be overbearing, out of scale and out of character for the Conservation Area and the setting of the listed building;
- The staff numbers alone will lead to a 60% increase in the population of the village;
- In peak season coaches will travel through the village 40 times per day;
- The suggestion that most staff will be able to cycle to site as they live locally is unjustifiable;
- Congestion around the school will lead to traffic problems for coaches;
- The development will contribute nothing positive to the area;
- The village will be overwhelmed by the proposal;
- The building is currently the Police HQ and not a training centre;
- Great Crested Newts and bats will be harmed by the development;
- The development is too close to residential properties;
- Two multi use games areas are proposed in close proximity to housing;
- The development will result in a loss of access to the site for the local school;
- There should be compensation for the loss of habitat if approved;
- What will the children do in the evening when not undertaking activities?;
- Pollution from heavy vehicles;
- Trees will be set alight by children;
- The development will be harmful to the physical and mental health of residents;
- Evening activities will be extremely intrusive;
- PGL's site at Marchant Hills registered noise levels between 86.8 and 99.6db. A 98 decibel level at source would require around 400m of distance travelled to reduce to 45 decibels;
- The local water main will be fractured by heavy coaches;
- The development will result in 919 people on site, which is 5 times the population of Newby Wiske;
- The development will be like having a theme park in a small village;
- An area of over 9,000m² would be disturbed for the construction of the various items of outdoor equipment;
- The development will result in disturbance to archaeological remains;
- Potential harm to nearby historic buildings through vehicular vibration;
- The recent leaving party and accompanying singer highlighted the way in which noise travels from the site;
- Development will lead to increased isolation for elderly or infirm residents;
- Lack of transparency in the sale process;
- Lack of clarity or detail with regard to external lighting;
- Coaches using the road will have a detrimental impact on the ability of people to walk to South Otterington, particularly school children;
- Misleading information at the pre application meeting;
- PGL keep changing the information on their website about the proposal; and
- Access onto Maunby Lane is inappropriate due to the dangerous drop from the site onto the road.
- Consideration must be given to the Convention on the Rights of the Child.
- Consider that the failure of the company to comply with planning conditions in the area of another Local Planning Authority is a material consideration with regard to the Newby Wiske applications.
- Concerns over the distance to Accident and Emergency facilities following the downgrading of facilities at Northallerton.

Seven representations supporting the proposals were received at the time of the earlier Committee resolution. The comments made are summarised below:

- The proposal is a good alternative use of the site;
- Economic development will be good for the area;
- It will improve job opportunities in the area;
- PGL sites are well run, well organised, disciplined outdoor activity centres;
- The development will bring joy and life experience to the lives of many children;
- The proposed development would be a brilliant use for this building;
- The life skills that this development would bring would outweigh the arguments of objectors;
- Children would not be allowed unsupervised off site;
- A local school would be noisier than the proposal;
- Access to this site would benefit a multitude of youngsters who are not fortunate enough to live in this sort of environment;
- A great opportunity to offer outdoor training facilities for young people;
- PGL sites are managed for the benefit of wildlife; and
- We should not be objecting to children laughing and enjoying outdoor activities.

6.0 OBSERVATIONS

6.1.0 Introduction

6.1.1 As noted earlier, Newby Wiske Hall is a grade II listed building and this designation also applies to several structures within its grounds. The site forms a significant part of the Newby Wiske Conservation Area and there are several listed buildings nearby within the village. All of these are designated heritage assets. In addition, a number of local features may constitute non-designated heritage assets. This means that the impact of the proposal on heritage assets (both designated and non-designated) must be a very significant consideration in the determination of the application, as required by paragraphs 193 and 197 of the NPPF, which state:

193: 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

197: 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 directly or 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.

6.1.2 Alongside consideration of the heritage issues, the Council must identify and give appropriate weight to all other material planning considerations. Whilst the precise test where a designated heritage asset is concerned varies depending on whether it is considered that the proposal would cause "substantial harm" or "less than substantial harm" to that asset and the test where a non-designated heritage asset is concerned is different, in all cases it is necessary to identify and assess the potential harm to the asset in question. Whilst the NPPF refers to total loss of a heritage asset, that is not considered to be an outcome where re-use and adaptation are proposed, as in this application. Any harm will need to be weighed against any public benefits that the development would bring in deciding whether or not to grant permission.

- 6.1.3 The remainder of this section will therefore first consider the non-heritage issues and identify any public benefits that should be weighed against any harm to heritage assets. It will then consider the impact on heritage assets, identifying any harm that would arise, and weigh that harm against identified public benefits.
- 6.1.4 The main issues to consider are: (i) the principle of development; (ii) noise and residential amenity; (iii) design; (iv) tree impacts; (v) highway and rights of way impacts; (vi) ecology; (vii) flood risk and drainage; (viii) economic impacts; and (ix) heritage issues; (x) impact on community and sports facilities. It will also be prudent to confirm whether the nature and scale of the proposed development are such that the application should be subject to Environmental Impact Assessment. Finally, for completeness, issues that have been raised but which are not considered to be material planning considerations are identified with explanation as to why they are not considered material.
- 6.2.0 Principle of development
- 6.2.1 The application is for the change of use of the site from an office use to a residential training centre, along with the construction of associated equipment.
- 6.2.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine planning applications in accordance with the Development Plan, i.e. the Local Development Framework, unless material considerations indicate otherwise.
- 6.2.3 Paragraph 38 of the NPPF states that Local Planning Authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- 6.2.4 Paragraph 80 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. 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. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.
- 6.2.5 Paragraph 83 states that 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.*

- 6.2.6 Local Development Framework policy DP28 is supportive of the re-use of listed buildings in order to ensure their continued beneficial use.
- 6.2.7 The site is in a location where development is only supported by Core Policy CP4 and Development Policy DP9 if one of six exceptions listed in policy CP4 applies. The following four exceptions allowed for by that policy are considered to apply (in whole or in part) to this development:
- i. It is necessary to meet the needs of farming, forestry, recreation, tourism and other enterprises with an essential requirement to locate in a smaller village or the countryside and will help to support a sustainable rural economy; or*
 - ii. It is necessary to secure a significant improvement to the environment or the conservation of a feature of acknowledged importance; or*
 - iv. It would re-use existing buildings without substantial alteration or reconstruction, and would help to support a sustainable rural economy or help to meet a locally identified need for affordable housing; or*
 - vi. It would support the social and economic regeneration of rural areas.*
- 6.2.8 In terms of criterion i, the other centres the applicant operates within the UK are in rural areas and whilst it is not argued that a countryside location is strictly necessary to accommodate the proposal, it is clear that from an operational standpoint the locational requirements of the business are complex in as much as the applicant requires a site with sufficient open space to accommodate recreational areas and climbing and other equipment, along with extensive residential accommodation. It is difficult to see how this might be accommodated within the Development Limits of larger settlements. As such it is accepted that the development is likely to require a rural location.
- 6.2.9 With regard to criterion ii, there is no evidence of market interest in continued office use and the only known interest in the site, and therefore the only known opportunity for the future maintenance of the heritage assets within it, is through development requiring planning permission. An alternative use is therefore necessary to secure the conservation of the listed building. The development is considered, in principle, to result in the conservation of a feature (the grade II listed Hall and its setting) of acknowledged importance, a matter considered in greater detail later in this report. It would make use of existing buildings without substantial alteration or reconstruction and support the rural economy (criterion iv).
- 6.2.10 Subject to the detailed requirements of other policies relating to heritage and the rural economy and other impacts considered below, the principle of the development is considered to accord with policies CP4 and DP9 and to be acceptable in this location.
- 6.3.0 Noise and residential amenity
- 6.3.1 Core Policy CP1 creates a framework for the assessment of proposals for the use and development of land and, specific to residential amenity, criterion iii of the policy expects developments to promote and encourage or protect and enhance “the health, economic and social well-being, amenity and safety of the population”.
- 6.3.2 Policy DP1 builds on this by stating “All development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight.” The policy also requires that developments “must not ... unacceptably affect the amenity of residents or occupants”.

- 6.3.3 NPPF paragraph 127 (f) sets an expectation that planning decisions ensure that developments “create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience”. Paragraph 170 (e) requires that planning decisions should prevent new development from contributing to unacceptable levels of - inter alia - noise pollution. Paragraph 180 (a) and (b) also require decisions to:
- (a) Mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life; and*
 - (b) Identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.*
- 6.3.4 Noise and the assessment of noise in terms of both its character and level have been central to the analysis of this application. The potential noise impacts from the development are perhaps the most emotive and difficult to quantify and assess. Two potentially significant noise generators, the two multi-use games areas to the front of the site and the proposed tented area within the main field, were deleted from the proposal prior to the earlier Committee resolution.
- 6.3.5 There are a number of potential sources of noise generation associated with the proposed use. These range from noise from coaches and other vehicles coming to and from the site to noise generated by children participating in on-site activities and informal recreation, through to specific noise sources, including the proposed rifle range in Building 11 and noise from on-site recreational equipment, for example zip wires and swings.
- 6.3.6 The applicant submitted a detailed assessment of noise and has provided an updated noise report incorporating a Noise Management Plan (described in section 2 of this report) which has been subject to consultation with the Council's Environmental Health Team. As noted earlier, the Noise Management Plan has undergone further amendment following consultation responses from the Environmental Health Officer. NWAG has submitted a detailed report from an independent noise consultant in support of its objection, which alleges deficiencies in the applicant's noise assessment and suggests that the impact of noise in terms of levels and character will be far more significant than suggested within the applicant's submission.
- 6.3.7 The applicant's noise assessment sets out the methodology used for measuring the background noise levels, identifying receptors and assessing the likely noise levels in sensitive locations as a result of the development. This assessment has been updated through the course of the application, to take account of comments from the Environmental Health Team and other interested parties.
- 6.3.8 At the time of the earlier Committee resolution NWAG had contracted Wardell Armstrong to undertake a review of the applicant's noise report and the impact that the development would have on local residential occupiers. Wardell Armstrong also undertook their own baseline monitoring of background noise levels in the vicinity of the survey locations identified in the applicant's report in order to evaluate the levels presented in the applicant's report. NWAG has supplemented this with a new report prepared by NJD Environmental Associates.

- 6.3.9 The reports submitted by objectors to the scheme argue that the applicant's noise assessment significantly overestimates the baseline noise levels associated with the existing acoustic environment. It suggests that the outdoor equipment is most likely to be used when weather conditions are good and therefore when residents are most likely to use and enjoy their gardens. It is further argued that these conditions are likely to result in the lowest residual and background noise levels, making any noise from the development appear more pronounced and noticeable to a noise sensitive receptor.
- 6.3.10 The applicant's noise report is also criticised on the grounds that noise measurements were taken during unsuitable conditions, because it does not refer to critical pieces of guidance, and that the noise models used lack detail and transparency. The objector's report concludes that the applicant's findings result in flawed conclusions that construct a highly misleading narrative. Grave concern is expressed by NWAG about the character of the resultant noise environment which it considers has not been properly assessed in the submission.
- 6.3.11 This was put to the applicant, who provided a detailed rebuttal, which concludes that "it is [our consultant's] professional opinion that the findings of our assessment are representative of the potential noise impacts from the proposed [development] and are therefore robust". The following reasons are given for that view:
- The baseline survey and assessment methodologies were scoped and confirmed with the EHO in advance of the assessment;
 - The noise sources levels used for the various activities associated with the development were determined through an operational noise survey;
 - The noise levels were predicted using an appropriate noise modelling software programme using the appropriate calculation algorithms; and
 - The predicted noise levels were assessed using the correct and most appropriate British Standards and guidance.
- 6.3.12 The Environmental Health Team has examined all submissions in relation to the noise assessments and raised a number of questions through the course of the application, which resulted in changes to the methodology of the noise assessment.
- 6.3.13 In seeking to address the concerns of local residents the applicant amended the proposal through the removal of the two multi-use games areas that would have been located closest to the boundary with residential properties and the removal of the large tented area located within the playing field to the south west of the Hall, which would have accommodated up to 220 additional guests, in tents, during the peak summer period.
- 6.3.14 The applicant has stated that the timetabled outdoor activities would run from 9am until 5pm with low key activities until 9.30pm. These matters would be managed, and if necessary amended, through the Noise Management Plan.
- 6.3.15 Local residents have asked that the timing for these activities be restricted to 9pm. The Environmental Health Team considers that it would be difficult to argue a case to limit outdoor activities to 9pm (as opposed to 9:30pm) on amenity grounds and advises that this matter would be better dealt with through a definition of low key activities in the Noise Management Plan, something which can be secured by planning condition. The applicant has provided a breakdown of activities likely to be run indoor and outdoor during the evenings and none of these are considered to be unacceptable in terms of noise generation.

- 6.3.16 PGL states that its centres operate with managed groups of 12 guests doing up to five activity entertainment sessions per day (including evening activities) with a total of 14 sessions per week. School groups are supervised by both visiting school staff and PGL staff at a ratio of 1:8 for the overall occupation of the site. On arrival, children join a small group of similarly aged children in the care of a Group Leader responsible for the children's social welfare. Group Leaders supervise their group of children at all times when not on an activity or in their rooms at night time. During the day and evening, children would be supervised by activity instructors during activity times and by their Group Leader during all other times. At all times, the minimum supervision ratios are as follows:
- For children aged 7-13 ratio is 1:12;
 - For children aged 13-17 ratio is 1:24; and
 - During activities, the minimum ratio is 1:12, although this may increase depending on the nature of certain activities.
- 6.3.17 Following consultation responses from the Council's Environmental Health Officer, the applicant has re-assessed and amended the content of the Noise Management Plan. These revisions are mainly around the use of the playing fields and land to the south east corner of the site, nearest to dwellings. The Noise Management Plan now creates two zones where the use of the land will be closely controlled. This was owing to concerns raised by the Environmental Health Officer about the use of these areas. The Noise Management Plan now creates a Quiet Zone extending to approximately 60m from the site boundary nearest dwellings where no access by children would be allowed. The second zone, extending to a line approximately 130m from the same boundary would allow limited access, where previously it was proposed to allow relatively uncontrolled access outside of formal activity time. This area now proposes no access by children other than for formal games or evening entertainment (limited to 80 children twice a week) effectively allowing for formal activities in this area, for example a football match.
- 6.3.18 The details of the delineation between these zones will be determined through details to be submitted and required by condition. However, through discussion with the applicant it is likely that the Quiet zone would be delineated by signage and through allowing the grass in this area to grow out into a meadow character. The second zone is largely delineated by the land form along the boundary of the zone, being the change of levels between the playing field and the bank to the west and north of the playing field. Information about these areas will be provided to clients on arrival at the site, as part of their briefing procedures.
- 6.3.19 The Environmental Health Officer also recommends that a review of the implementation of the Noise Management Plan takes place before the development expands from Phase 1 (350 guests) to Phase 2 (500 guests). The applicant proposes a first review of the Plan after six months of operation, before Phase 2 is implemented. However, given that the principles set out in the Noise Management Plan are considered to be acceptable and appropriate to prevent unacceptable noise from the site and given that the Noise Management Plan is a dynamic document which is designed to respond to issues as they arise, it is considered that a prohibition on moving to Phase 2 is not considered to be necessary or justifiable.
- 6.3.20 In conclusion, policy DP1's expectation that development "must not ... unacceptably affect the amenity of residents or occupants" recognises that there may be an impact on residential amenity but that planning permission should not be refused unless that impact is judged to be unacceptable. Similarly, the logic

of NPPF paragraph 127 (f) is not that there should be no loss of residential amenity but that an acceptable level of amenity must remain.

6.3.21 The Environmental Health Team's judgment is clear that whilst the proposed development would result in changes to the noise profile and levels in the area, subject to appropriate controls, in part through the implementation of the Noise Management Plan, the development would not unacceptably affect residential amenity. A condition is recommended requiring compliance with the submitted Noise Management Plan. On the basis of this assessment and advice it is concluded that the scheme can comply with the relevant local and national policies regarding neighbour amenity. As recommended by the Environmental Health Officer, a planning condition can require that the Noise Management Plan is followed, including its review and amendment as necessary.

6.3.22 In order to be acceptable, the conditional requirement for the Noise Management Plan, must meet the six tests for conditions set out in the National Planning Policy Framework.

Paragraph 54 of the NPPF states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions."

Paragraph 55 of the NPPF states that planning conditions should only be imposed where they are:

1. Necessary;
2. Relevant to planning;
3. Relevant to the development to be permitted;
4. Enforceable;
5. Precise and;
6. Reasonable in all other respects.

6.3.23 The Noise Management Plan is relevant to planning and the development and in view of the detailed advice from the Environmental Health Officer there is no doubt that a condition relating to it would be necessary. In terms of the implementation of the Plan, the main areas of note are in terms of enforceability and precision.

6.3.24 It is considered that the process for complaints within the Plan, involving the community and the operator in the first instance, and the creation of a reactive process, combined with the absolute elements within the Plan including the number of people, timings and locations on site, results in a suitably precise and enforceable form of control. In response to the Environmental Health Officer's question about oversight of the Plan, including the initial six-monthly and subsequent annual reviews, this would be a matter for the Council as Local Planning Authority, although expert advice would be necessary from the Environmental Health Officer at key stages.

6.3.25 As noted in section 1, the applicant expects to have no more than 500 guests on site at any time due to an assumed 10% under occupancy rate for the 550 bed spaces that are proposed. The applicant has confirmed that a planning condition limiting guest numbers to 500 would therefore be accepted.

6.3.26 Officers are satisfied that the proposed Noise Management Plan is enforceable and will be effective in allowing the site to be managed without significant loss of amenity owing to the noise implications of the proposed development.

6.4.0 Design

- 6.4.1 The site lies within National Character Area (NCA) 24, Vale of Mowbray (NE442). The Vale of Mowbray lies immediately to the north of the Vale of York, occupying the undulating flood plains associated with the rivers Swale, Wiske and Cod Beck. It is framed by the uplands of the Pennines to the west and the North York Moors to the east. The whole NCA overlies the Sherwood Sandstone aquifer, the second largest aquifer in England and a major drinking water supply. The orientation of the Vale and its position between the Pennines and North York Moors, have made it a significant transport and communications route between north and south. The route of the A1 today is largely the same as that of the Roman Dere Street, along which Roman settlement and military activity were concentrated. According to the Hambleton Landscape Character Assessment and Sensitivity Study 2 (2016), the site lies within Character Area 14 Swale Lowlands. This character area covers the low-lying farmed landscape east of the River Swale, at the centre of the District. It includes the market town and administrative centre of Northallerton, as well as the villages of Romanby, Ainderby Steeple, and Yafforth, west of the town, South Otterington and Kirby Wiske to the south, and the large village of Brompton to the north. It forms part of the Settled Vale Farmland Landscape Character Type (LCT) at a county scale, which extends east across much of the Vale of Mowbray.
- 6.4.2 It is considered that owing to the scale and form of development proposed, particularly the limited built development proposed, there would be no detrimental impact on the landscape character of these national and local character areas.
- 6.4.3 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 6.4.4 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space. In this instance no new buildings are proposed, although the various recreational structures proposed in the grounds, including games areas, swings, towers, climbing wall, zip wire and challenge courses need to be considered. These are of functional design, meeting operational requirements, and do not lend themselves to design adaptation to reflect local identity and distinctiveness. However, it is considered that the applicant's proposals for restoring the lake (with enlargement) and for maintaining woodlands within the site would take account of local character and settings.
- 6.4.5 Core Policy CP17 commits the Council to supporting development proposals that:
- i. Provide an attractive, functional, accessible, safe and low maintenance development;*
 - ii. Respect and enhance the local context and its special qualities, including its urban design, landscape, social activities and historic environment, and incorporate public art where appropriate;*
 - iii. Optimise the potential of the site;*
 - iv. Minimise the use of scarce resources;*
 - v. Adopt sustainable construction principles;*
 - vi. Facilitate access through sustainable forms of transport; and*
 - vii. Secure improvements to public spaces.*

6.4.6 Development Policy DP32 expands upon this but with a clear reference to built development, which is only a small proportion of this proposal. However, the following extracts are considered to merit consideration:

Development should seek to support the creation of sustainable communities that respect their local context. Mixed use developments will be encouraged where the uses are complementary to each other and to those in the existing community, and where the development is capable of supporting a range of services and public transport (criterion i);

Proposals must respect local character and distinctiveness (including that of the surrounding landscape, in accordance with Policy DP33) by enhancing its positive attributes whilst mitigating its negative aspects (criterion vi);

Development should relate to and respect any historic context of the site, including plot patterns, street layout and block size (criterion viii); and

Development should take every opportunity to create good design that respects and safeguards key views, roofscapes, landmarks, and focal points (criterion ix).

6.4.7 Policy DP33 is specific to landscaping and whilst phrased in terms of new developments (rather than changes of use) some requirements of the policy should be considered in the assessment of this proposal, particularly whether it:

Creates a visually pleasant, sustainable and biodiversity-rich environment (criterion i);

Protects and enhances key landscape features (criterion iii); and

Contributes to character, appearance and sense of place (criterion v).

6.4.8 The National Planning Policy Framework supports this approach and, at paragraph 130, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraph 128 sets an expectation that applicants engage with the local community in drawing up the design of their schemes:

Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.

6.4.9 The Council's Statement of Community Involvement, adopted in 2013, requires applications for major development or other proposals likely to have any significant impact to explain how public comments have influenced the development proposals.

6.4.10 In this case the applicant undertook pre-application community consultation by way of an open day held at Newby Wiske Hall on 9 May 2017 between 1pm and 7pm. Invites went out to residents of both Newby Wiske and South Otterington, along with the Parish Council and Ward Member. An advert detailing the public consultation event was placed in the Darlington & Stockton Times on Friday 5 May 2017. In total 120 individuals attended the consultation event, of whom 76 completed a questionnaire.

6.4.11 The applicant has included a Statement of Community Involvement in their submission which highlights concerns raised through consultation including:

- Loss of access to the site and nature trail for walking and recreation;
- Noise and disturbance from children across the site;

- The effectiveness of soundproofing an indoor rifle range;
- The number of vehicle movements;
- The size of coaches and their potential to generate noise and air pollution;
- Insensitive siting of the multi-use games area close to residential properties towards the north eastern corner;
- Activity bases in woodland would result in the loss of habitat;
- Young people leaving site and behaving badly in the village;
- The local road network is unsuitable for large vehicles;
- The nature of local employment opportunities;
- The potential for conflict with local school traffic;
- The potential for coaches to be waiting on the local highway outside of the site; and;
- Whether fencing would be erected around the site perimeter.

6.4.12 The Planning Statement is very detailed and sets out the character and form of the wider area and the site specifically and sets out how the design has evolved in an attempt to address the issues raised through the consultation. It is considered that the applicant has carried out sufficient local consultation in order to meet the requirements of local policy and the NPPF and has included measures within the application to address issues raised in consultation, primarily through details of site management including the Noise Management Plan.

6.4.13 It has been stated in representations that the information provided through the consultation process was not representative of the submitted application, in particular in terms of the overall number of guests on site at any one time. The presentation material did not include a specific number and it appears that the confusion has arisen, at least in part, over the different numbers of guests that would be on site in phases 1 and 2 of the development. Phase 1 of the development is for 350 bed spaces, building up to 550 bed spaces (but with a limit of 500 people) in Phase 2, all of which is covered by this application.

6.4.14 The nature of the proposal, in which there is limited built development, does not provide many opportunities for the requirements of policies CP17, DP32 and DP33 to be met. However, the absence of significant built change means that current aspects of the site that are attractive, functional, accessible, safe and low maintenance can be maintained and that, in physical terms, the local context and its special qualities can be respected and, as a result of measures such as the lake restoration, enhanced. The application presents an opportunity to secure the future maintenance and management of an extensive area of open space, including woodlands, associated with the listed building and within the Conservation Area which is considered to be a key landscape feature in the terms set out in policy DP33.

6.4.15 Accordingly the proposal is considered to avoid conflict with Development Plan and national policy on design and to provide opportunities to secure improved management of features important to local character.

6.5.0 Highway and Rights of Way impacts

6.5.1 Paragraph 108 of the NPPF states that in assessing specific applications for development, it should be ensured that:

- Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- Safe and suitable access to the site can be achieved for all users; and*

- (c) *Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

6.5.2 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 110 of the NPPF follows this stating that; within this context, applications for development should:

- (a) *Give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
- (b) *Address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
- (c) *Create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
- (d) *Allow for the efficient delivery of goods, and access by service and emergency vehicles; and*
- (e) *Be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.*

6.5.3 Paragraph 111 of the NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan and such applications should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

6.5.4 Core Policy CP2 of the Hambleton Local Development Framework states that Development and the provision of services should be located so as to minimise the need to travel. Convenient access via footways, cycle paths and public transport should exist or be provided, thereby encouraging the use of these modes of travel for local journeys and reducing the need to travel by private car and improving the accessibility of services to those with poor availability of transport. In considering development proposals, the potential for more sustainable means of transport related to the uses and users of the development must be addressed, including through the preparation of travel plans.

6.5.5 Development Policy DP3 states that all proposals for new development must include provision for sustainable forms of transport to access the site, and within the development. Measures commensurate with the development proposed must be incorporated as an integral part of the design of all development proposals, and could include where appropriate:

- i. Footpaths, cycleways, safe provision for cycle parking and cycle shelters;*
- ii. Bus stops/shelters and transport information;*
- iii. Support for sustainable forms of transport (e.g. community transport schemes, workforce buses);*
- iv. Preparation and implementation of Travel Plans;*
- v. Minimum levels of car parking, commensurate with road safety, the reduction of congestion, and the availability of alternative means of transport.*

- 6.5.6 Development Policy DP4 states that development proposals must ensure that safe and easy access is available to all potential users, regardless of disability, age or gender. Proposals must identify all possible barriers to access by different users, and demonstrate where appropriate how specific measures have been incorporated to ensure high standards of access for all.
- 6.5.7 Approval of this scheme would result in a change to the nature of vehicle movements around the site. The current lawful use, effectively as an office, had resulted in high numbers of car movements, mostly - although not exclusively - to and from the site at the start and end of the working day. Whilst the site is currently unused, it could return to office use without the need for planning permission, although there is no evidence of occupier interest.
- 6.5.8 The proposed development would introduce a focus on coaches bringing guests into and out of the site, but would involve other vehicle movements associated with staff and ancillary services and deliveries coming to the site.
- 6.5.9 There are two likely ways for vehicular traffic to enter the site: from the north from Warlabby Crossroads on the A684 via the C10 and from the east from the A167 at South Otterington. Both routes are relatively narrow and have places where large vehicles may have difficulty passing one another, in particular the listed bridge over the River Wiske between South Otterington and Newby Wiske.
- 6.5.10 The applicant has submitted a detailed transport assessment which has been updated through the course of the application. Automatic traffic counters were installed on the main street and the site access in order to determine the traffic conditions that existed while the Police HQ was still fully operational. This allowed a detailed assessment to be made of the number and type of vehicles using the village street and the number of these vehicles coming to and from the Police HQ.
- 6.5.11 The traffic count showed that the village street experienced an average of 1,416 vehicle movements per weekday, of which 131 were classified as HGVs. Peak traffic movements occurred between 7am and 9am and between 4pm and 5pm. Of these movements, 997 (70%) were attributed to vehicles entering and leaving Newby Wiske Hall, of which 42 were classified as HGV (32%).
- 6.5.12 Vehicle movements at the weekend were much less with 626 vehicle movements on Saturday, of which 16 were classified as HGV, and 597 vehicle movements on Sunday, of which 7 were classified as HGV. A total of 43 of these movements were attributed to Newby Wiske Hall traffic on Saturday and 44 on Sunday with only one or two HGV movements.
- 6.5.13 The traffic generation projection in the original transport assessment assumed a worst case scenario with the site fully occupied. The assessment states that PGL is able to provide an accurate projection of traffic movement, based on its experience of operations at other sites.
- 6.5.14 On that basis it is stated that the majority of the visitors to the site would arrive by coach and on the busiest day for coaches (Fridays in June and July) there would be 32 coach movements (16 arrivals and 16 departures) with arrivals likely between 10am and midday and departures between 13:00-13:30pm to avoid peak travel and school start and finish times.
- 6.5.15 The Highway Authority goes on to say whilst there would be an increase in vehicular traffic on a weekend compared to when the Police HQ was fully operational, on all other days there would be a decrease and overall this proposal would result in a significant reduction of vehicular movements

associated with the site. Given this, the Highway Authority considers that a recommendation of refusal on highway grounds would not be appropriate or sustainable.

- 6.5.16 The Parish Council and local people have questioned the ability of the local road network to accommodate the traffic that the proposed use would generate, in particular due to the reliance on coaches. The Highway Authority has also considered issues around the width of the roads to the site and questions raised in representations about the ability of two large vehicles to pass one-another. The Highway Authority advises:

The site is accessed via a "C" classified road known as the C10 and it is assumed that traffic will travel in both available directions to and from the site. The site is approximately 800 metres from the junction of the A167 at South Otterington and 4.9 kilometres from the junction of the A684 north of Warlabby. The C10 is generally of good width (5.5 metres wide or greater) but there are some areas of localised narrowing. To the north of the village, past Newby Foods to the junction of Back Lane, the road narrows over a length of approximately 600 metres. The width varies between 5.2 metres to a minimum of 3.6 metres single carriageway for a distance of approximately 60 metres. There are widened areas up to 7.0 metres wide within this overall length of road to allow vehicles to pass. The road also narrows slightly through Warlabby to a minimum of 5.2 metres for a distance of approximately 170 metres. "Road narrows" signs are in place to warn drivers at these locations.

- 6.5.17 The Highway Authority is satisfied that the proposed development would raise no highway safety issues in these terms.

- 6.5.18 Some representations have commented on the width and form of the nearby bridge over the River Wiske and potential conflict with people and parked cars outside the school at South Otterington. Again the Highway Authority has looked at these issues and advises:

To the east of the site, the road crosses the River Wiske and the carriageway narrows to 4.3 metres on the bridge. There is no weight restriction and drivers have to give way to others on the bridge as required. A driver of a coach has an elevated driving position and better forward visibility across the bridge as a result. The road also passes South Otterington C of E Primary School where there have been concerns raised about on-street parking at the start and finish of the school day. As stated previously it is likely that the coach movements associated with the proposal would be outside these times. An assessment of the recorded accident data over the last 5 years shows that there have been no accidents at any of these areas of concern.

- 6.5.19 The Highway Authority recommends a number of conditions including the conditioning of compliance with the submitted Travel Plan, which covers the following matters:

- The appointment of a travel co-ordinator;
- Vehicle trip routing and timings;
- A partnership approach to influence travel behaviour;
- Measures to monitor and encourage modes of transport other than the private car;
- Provision of up-to-date details of public transport services;
- Continual appraisal of travel patterns and measures provided through the travel plan;
- Improved safety for vulnerable road users;

- A reduction in all vehicle trips and mileage; and
- A programme for the implementation of measures and physical works.

- 6.5.20 It is clear from the assessment and from the response of the Highway Authority that the proposed development would not result in an unacceptable impact on highway safety or a severe cumulative impact on the road network and as such the requirements set out in the relevant development plan policies and paragraph 109 of the NPPF are considered to be met. Additionally, given the location of the development the proposal is considered to adequately address the questions of access to the site, transport and the need for a travel plan set out in the NPPF and Development Policies.
- 6.5.21 In conclusion, it is considered that the proposed development would result in significant changes to the nature of traffic movements in the vicinity of the site, with an overall reduction of vehicle movements from when North Yorkshire Police was in full occupation. This is considered to be a public benefit that should be weighed against any harm to heritage assets. It is also considered that, whilst there would be an increase in coach movements, the local highway network has the capacity to accept these traffic movements without detriment to road safety. It is clear that the Highway Authority has carried out a full and proper assessment of the proposal in coming to its conclusion and it is considered, taking account of the Highway Authority's advice, that the proposal would comply with Development Plan policies on access.
- 6.5.22 It is known that North Yorkshire Police had allowed local people to use a footpath within the site. This path was not recorded as a Public Right of Way and was therefore understood to be a permissive path, available at the landowner's discretion. The Police closed the path during the course of this application and the County Council has been asked to determine whether a public right of way had become established. The County Council has yet to reach a determination. As matters stand, the path is not considered to constitute a recreational facility or amenity open space subject to policy CP19 in its own right, although the grounds of the Hall may be viewed as an amenity asset owing to their contribution to the character and appearance of the Conservation Area. As indicated elsewhere in this report, there would be limited change to the openness of the grounds overall and the policy objective is to maintain the space, not determine rights of entry.
- 6.5.23 It is considered that, if the path were to re-open, either by agreement or as a result of having been found to constitute a public right of way, there would be no significant harm to users of the path arising from the proposed development. The claimed right of way, if proved, would be subject to protection under rights of way legislation. However, the proposed equipment within the site would not block the path and it is understood that the applicant would be able to accommodate public use of the path if it were confirmed as a Public Right of Way. Furthermore, whilst LDF policies CP3 and DP5 refer to the protection of community assets and facilities, the land is not considered to be a community facility or asset in that sense. Accordingly, this is not considered to be an issue that warrants refusal or delay to the decision on the application.
- 6.5.24 The applicant has offered an area of land within the site covering approximately 2.8 acres for public access. This area is situated adjacent to the main gate then running south along the east boundary of the site, would be fenced to allow unrestricted daytime access to users who have previously registered to use the area (scheme to be set up). It would initially be run on a trial basis to establish feedback from school groups and the local community. As well as having unrestricted access to the area mentioned above, South Otterington C of E Primary School has been offered the supervised use of a section of the site on

one morning and one afternoon per week. PGL states that it would be able to cater for groups of up to 24 young people at a time. Dependant on PGL's timetabled usage, it may also be possible for the school to use other parts of the site, although that would be a private matter between the parties and is not considered material to the planning application. While this is considered a welcome offer, it is not considered necessary in order to make the development acceptable and is not material to the decision.

6.5.25 It is considered that the proposed development is in accordance with relevant policy requirements within the National Planning Policy Framework and Local Development Framework.

6.6.0 Ecology

6.6.1 NPPF Paragraph 170 states that planning policies and decisions should contribute to and enhance the natural and local environment by:

- (a) *Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the Development Plan);*
- (b) *Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- (c) *Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- (d) *Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- (e) *Remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.*

6.6.2 Given the nature and form of the site incorporating grasslands, a lake and woodlands, it is considered to provide a relatively high quality environment for flora and fauna. An Ecological Impact Statement was submitted with the application and the survey work carried out as part of this identified the presence of bats, badgers and breeding birds within the site. The physical scale of development on the site is relatively minimal, with new installations having a relatively small footprint. As such the impacts identified relate to localised habitat removal required in order to establish outdoor play equipment along with the physical impacts that the activity of children and their supervisors would have. This would have an effect upon mixed plantation woodland, neutral grassland, amenity grassland and the ornamental lake. The Yorkshire Wildlife Trust was consulted on the application in recognition of this.

6.6.3 It is considered that the identified small scale habitat losses can be compensated through appropriate woodland management, tree planting and the creation of neutral grassland habitats. In accordance with policy CP16, opportunities to help preserve and enhance the site's natural assets have also been identified in order for the proposal to deliver a net gain for biodiversity at the site.

6.6.4 Bat roost detection surveys were undertaken and set out in the submitted bat survey report (August 2017). The survey identified possible impacts on bats in

terms of disturbance of roosts, loss of foraging grounds and the disruption of flight lines. It is considered that these impacts can each be managed and mitigated through the implementation of the submitted Ecological Enhancement Plan, which could be secured by planning condition. The proposal has been designed in order to mitigate any impact on badgers through careful siting of activity equipment. Concerns have been expressed about the level of occupation of the site and the impact on badgers in particular, but also other wildlife on the site. However, it is considered that with suitable management of the site there would be no detrimental impact on badgers or other wildlife.

6.6.5 Concern has been raised in representations with regard to the methodology used for the survey work which concludes that Great Crested Newts (GCN) are not present within the lake area. The survey was undertaken using DNA surveying techniques and concern has been expressed due to the relatively low temperatures around the time that the survey work took place. The representation cites Natural England best practice, which suggests that surveys should be undertaken at higher temperatures when GCN are likely to be active. It is noted that the Ecological Impact Assessment (EclA) which accompanied the planning application, was prepared by an ecologist with 13 years professional experience, who has held a GCN survey licence since 2007, is a Chartered Ecologist (CEcol), Chartered Environmentalist (CEnv) and Full Member of the Chartered Institute of Ecology and Environmental Management (MCIEEM).

6.6.6 The ecologist's further statement goes into considerable detail about the sampling techniques used and the requirements for such survey work. Their conclusion is that;

The survey work was undertaken in accordance with applicable guidelines at an appropriate time of year to confirm likely absence of GCN. It is also considered that the age of survey data remains appropriate for determination of the application and would do so up until May 2019 on the basis that GCN are likely to be absent and therefore no specific mitigation measures are currently required as the proposal would not adversely affect the conservation status of GCN.

6.6.7 Owing to the delay in the determination of the application, a re-survey for Great Crested Newt has been undertaken in recent weeks as the earlier survey was considered to be out-of-date. This survey work has confirmed the absence of Great Crested Newt from the lake.

6.6.8 However, the further report also recognises that as works to the lake would take place at a later date under Phase 2 of the proposal, the 2017 baseline would need to be reviewed at an appropriate time. This and the submission of a further Great Crested Newt survey prior to any work to the lake taking place can be secured by planning condition.

6.6.9 Overall, it is considered that there are no significant ecological impacts as a result of the development. As such the proposal is considered to be consistent with policies CP16 and DP31, whilst also according with the NPPF.

6.7.0 Trees

6.7.1 The grounds of Newby Wiske Hall contain a wide variety of trees which contribute to the setting of the listed building and to the character and appearance of the Newby Wiske Conservation Area. These include large mature parkland trees and areas of woodland, along with more recently planted amenity trees. There are 26 tree species recorded at the site. The most frequently occurring species is sycamore, followed by larch, hybrid black poplar and oak.

Ash and beech are the next most frequently occurring species. There are other species present including Giant Sequoia and Deodar Cedar.

- 6.7.2 The applicant has submitted a detailed arboricultural impact assessment with the application and the Local Planning Authority has had an independent assessment of this submission undertaken. The applicant has provided updated information on tree removal through the course of the application and as a result of questions raised by the Council's arboricultural advisor. This includes an updated site plan, which for clarity provides an updated overview of the trees to be removed as a result of the proposed development.
- 6.7.3 The applicant notes that the proposal would result in the more extensive use of the site by virtue of the activities proposed but concludes that a more managed approach to the woodland would ultimately have a beneficial effect on the trees as a whole.
- 6.7.4 Concern was expressed by the local community about the loss of trees from the site and the application was amended to significantly reduce the number of trees that would be removed. The area of the site within the woodland would house a number of activity bases, which would require the removal of a number of trees. Following concerns raised by the Council's arboricultural advisor the applicant has undertaken a further survey and has clarified that the number of individual trees that require removal as a result of the proposal has increased from 8 to 17. However, they have also clarified the number of groups of trees that would be removed as a result of the proposal has reduced from three to one. In effect, the tree removal previously reported by group is now reported as individual trees. As before, it is not intended to remove any category A trees as a result of the proposal, and the veteran tree identified by the Council's arboricultural advisor (and highlighted in representations) has been considered. Other trees within the site would need to be pruned to facilitate the development.
- 6.7.5 The majority of trees proposed for removal are for tree management purposes owing to their poor health. Only a limited number, mostly smaller trees, would be removed to facilitate the development of the proposed activity bases within the woodland. Some crown lifting of trees would also be required to facilitate the construction and operation of the proposed zip wires, although this has been further limited through an adjustment to the siting of the zip wire.
- 6.7.6 The Council's arboricultural advisor's report, prepared by Ian Barnes Associates, examines the impacts of the proposal on the trees within the site. This report identified a number of areas of concern which were put to the applicant to address.
- 6.7.7 The report reached the following conclusions (summarised):
- Several areas proposed for development such the lake area have not been included in the tree survey and therefore no comment upon impact or suitability of the proposal can be made;
 - This lake area appears, according to the Veteran Tree Register, to contain an important Oak classed as a Veteran. It should be noted that due to timings of the tree survey and the recording of the tree in the register as well as the revision of the NPPF 2018 this is an omission which requires clarification/updating of plans;
 - The installation of structures and the use of cementing within the root protection area requires updating in the arboricultural method statement;
 - Root investigation to be by air spade along with the use of root detectors or ground penetrating radar, where appropriate not by hand digging;

- The coach drop-off area requires further detailing, levels and drainage which have not been quantified to date and requires details and section drawing. The actual installation method can be further detailed within a condition, but at present there is not enough detail to provide comment on whether this element will be adversely detrimental to the tree;
- Areas of increased usage and access paths to equipment need to be shown and adequately protected when located within the root protection area of retained trees. The compaction of soil close to trees is to be avoided wherever practicable as it is damaging to the health of trees. In a woodland setting, this can be simply addressed, but requires detailing;
- Tree protective fencing close to plantation edge requires amending using average stem diameters;
- To avoid compaction within the root protection area of trees, material for surfacing in this area will be required. As a minimum this should be woodchip mulch layer this requires detailing on plans;
- Of visual importance is tree T19, it is accepted that its removal is required on arboricultural grounds, though consideration to this tree and other trees which are appropriately located could be retained as standing features rather than full removal and this aspect has not been considered;
- Removed trees could be incorporated into the scheme, either as standing elements or relocated, to provide habitat, natural free climbing features and natural elements, this should be detailed in the landscape proposals;
- On balance, a well-presented report and plans though elements require further detailing to provide confidence in respect of the retained trees notably the lake area, coach drop off area and management of the wider plantation area to avoid the effect of compaction which could be dealt with discreet fencing and a base line survey of the compaction to allow for any remedial elevation of compaction to be made; and
- The use of a woodland TPO order for the wider plantation area, outside the trail areas should ideally be considered and would oblige the owner to ensure access is restricted enabling the ground flora to thrive subject to appropriate management proposal and planning agreement.

6.7.8 Following receipt of the Barnes Associates report, the applicant was asked for further clarification and detail. PGL has confirmed that the works to re-line and extend the lake proposed for Phase 2 would be designed such that additional tree removal (in excess of that reported in the 2019 AIA), is not required.

6.7.9 The applicant has also provided an updated Root Protection Area (RPA) for tree T472 to reflect the fact that conditions below the pond would be unfavourable to root growth. The applicant has also made the following statement:

Rooting conditions within the field are likely to be less favourable than those on the lake bank immediately adjacent to the tree due to the annual cultivation and possibly low soil organic matter content. However, we would still expect the tree to be rooting into this space below the level of cultivation and drawing significant resources from it and so we have not offset the RPA from the arable field to the north

The January 2019 revision of the AIA report identified that the lake extension occupied approximately 8% of the circular RPA of the tree. Once the RPA has been offset from the lake, the area of extension represents approximately 18% of the tree's RPA. This is likely to impact on the tree's vigour in the short-term, but it would be possible to ensure that it does not cause a long-term deterioration in the tree's condition if measures are taken to mitigate the loss in area through an improvement in ground conditions within the remaining area through mulching

and other interventions such as temporary partial irritation if suggested by monitoring.

- 6.7.10 The applicant has re-stated their position with regard to the lake extension in that they would like to suggest the agreement of these measures be via a detailed method statement for the works, along with a revised tree protection plan and arboricultural method statement, to be provided to the Council for approval under the terms of pre-commencement conditions.
- 6.7.11 This is considered to be an acceptable course of action that can be secured by condition.
- 6.7.12 It is considered that the proposed Woodland Management Plan should be secured in any grant of permission. This would ensure that the woodland and parkland trees are managed in an appropriate way in order to ensure that the character of the site is not harmed. This would be a public benefit to weigh against identified harm to heritage assets and would contribute to their setting. Furthermore, as recommended by the Council's consultant, a woodland Tree Preservation order would afford protection in the public interest. However, the TPO would have to be pursued separate to this application and cannot be considered in the planning balance in this case.
- 6.7.13 Two Tree Preservation Orders have now been served, covering the Middlebrough Plantation and the poplar trees adjacent to Maunby Lane. A third TPO is in preparation covering other trees on the site. The proposal does not entail removal or excessive works to any trees under consideration for this third TPO.
- 6.7.14 In overall terms the proposed development is considered to result in the positive management of woodland and other trees within the site. A limited number of trees would be felled or pruned to facilitate the development. The degree of change is considered to be minimal, resulting in no significant harmful impact and the proposal is considered to comply with the requirements of Development Policy DP 31.
- 6.8.0 Flood Risk and Drainage
- 6.8.1 The entirety of the site falls within Flood Zone 1, an area at the lowest risk of flooding. As such the site is considered not to be constrained by flood risk. The applicant's supporting statement sets out the current drainage strategy on site, which is not subject to significant change and notes that surface water currently drains from two main areas of the site. From the main Hall and adjoining buildings it routes into the lake and from the northern part of the site it routes to the main street.
- 6.8.2 Foul water from the paddock area and former stable block is routed to a point north of the site access road and then out to the Village Street. From the Main Hall and adjoining buildings it routes to the same point and out to the Village Street. An existing pumping chamber is located on the site which helps route the foul water towards the village street. No objections have been raised from Yorkshire Water in this regard. Yorkshire Water has recommended conditions covering the disposal of foul and surface water from the site.
- 6.8.3 Representations have raised the issue of contaminated water getting into the surface water drainage and hence into the pond and potentially contaminating nearby farmland. Given that this is the current method of surface water management on site and no new contaminants are likely to be introduced to the surface water system the likelihood of contamination is considered to be low.

6.9.0 Economic Impacts

- 6.9.1 Policies CP15 and DP25 give support to the retention of existing businesses in rural areas, although policy DP25 sets a clear expectation that employment development in rural locations is small scale. Therefore, while the police HQ provided valuable employment opportunities, it was not of a scale that was entirely consistent with Development Plan policies in this area. However, the police HQ has relocated to Northallerton and therefore there should be no loss of employment to the district overall arising from the proposed change of use.
- 6.9.2 The proposed development would introduce a new business with its associated positive economic impacts for the area. The applicant states that 81 permanent staff would be employed on site on opening with this increasing further in the fullness of time to about 109.
- 6.9.3 Policy DP25 requires that development should support thriving rural communities and take account of the different roles of areas, recognising the intrinsic character and beauty of the countryside. The NPPF seeks to support a prosperous rural economy, stating in paragraph 83 that planning 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.*
- 6.9.4 Paragraph 84 adds: “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.”
- 6.9.5 The proposed development is considered to assist the rural economy through offering employment opportunities on a long term basis as set out in Development policy DP25. The proposal would also make a significant contribution to the economic wellbeing of the local rural community by creating job opportunities and opportunities for rural businesses to supply goods and services. However, the first criterion of DP25 is that development is small in scale and that cannot be said to be the case in this instance. In this regard, and notwithstanding the support given by other policies, e.g. CP4, the development cannot fully meet this aspect of LDF policy. However, the scale of the proposal is inseparable from the scale of the site and its buildings and it is not considered that policy DP25 intended that larger sites would remain unused where development with economic benefits appears to be the only viable use. The proposal would make a valuable contribution to the rural economy and is

considered to be acceptable in this instance in view of the benefit of achieving viable re-use of the listed buildings.

- 6.9.6 Concern has been raised through representations about the possibility that jobs would be seasonal and as such would not give the benefits to the local community as set out in the supporting statement. Seasonal working is to be expected to some extent in leisure and tourism businesses and national and local policies do not place any lesser value on those enterprises as a result.
- 6.9.7 Furthermore, the applicant contests this view stating: "The proposal would generate 109 permanent jobs during operation and also offer potential work to local contractors during refurbishment/fit-out. It would also support other local business, for instance laundry services and the like."
- 6.9.8 The Newby Wiske Action Group's Social and Economic Needs Analysis examines the social demographics of the area and assesses the provision of outdoor activities, as summarised earlier in this report. It should be noted that several points relate to an alternative of residential development that is not before the Council. Representations have alleged that other businesses would suffer through competition. It is recognised that if other businesses were to shed jobs, that would result in a lower net job increase than stated in the application. However, the representations do not identify which businesses or how many jobs might be affected, so it is hard to afford this issue significant weight.
- 6.9.9 The creation of jobs and opportunities for businesses in the area are considered to be a public benefit that should be weighed against any harm to heritage assets.
- 6.10.0 Heritage matters
- 6.10.1 Local Development Framework Core Policy CP1 states that development that would significantly harm the natural or built environment, or that would generate an adverse traffic impact, will not be permitted. Proposals will be supported if they promote and encourage or protect and enhance: (amongst other things) the historic and cultural features of acknowledged importance.
- 6.10.2 Core Policy CP16 states that development or other initiatives will be supported where they preserve and enhance the District's natural and manmade assets, where appropriate defined in the Development Policies Development Plan Document and identified on the Proposals Map. Particular support will be given to initiatives to improve the natural environment where it is poor and lacking in diversity.
- 6.10.3 The policy continues by stating that development or activities will not be supported which either (i) has a detrimental impact upon the interests of a natural or man-made asset; or (ii) is inconsistent with the principles of an asset's proper management; or (iii) is contrary to the necessary control of development within nationally or locally designated areas. Any necessary mitigating or compensatory measures must be provided to address potential harmful implications of development.
- 6.10.4 Development Policy 28 states that the conservation of the historic heritage will be ensured by (i) preserving and enhancing Listed Buildings; (ii) identifying, protecting and enhancing Conservation Areas; (iii) protecting and preserving Historic Battlefields and Historic Parks and Gardens; and (iv) protecting and preserving any other built or landscape feature or use which contributes to the heritage of the District.

- 6.10.5 The policy continues by stating that development within or affecting the feature or its setting should seek to preserve or enhance all aspects that contribute to its character and appearance, in accordance with the national legislation that designates the feature, and in the case of a Conservation Area, any appraisal produced for that Area. Permission will be granted, where this is consistent with the conservation of the feature, for its interpretation and public enjoyment, and developments refused which could prejudice its restoration. Particularly important considerations will include the position and massing of new development in relation to the particular feature, and the materials and design utilised.
- 6.10.6 Development Policy DP29 states that “the preservation or enhancement of archaeological remains and their settings will be supported, taking account of the significance of the remains” and that, for sites such as this (i.e. not Scheduled Monuments and other nationally important archaeological sites and their settings), development will only be permitted “where the need for development and other material considerations outweigh the importance of the remains” (which should be preserved in situ). Where this is not justifiable or feasible, the policy requires that appropriate and satisfactory arrangements are made for the excavation and recording of the archaeological remains and the publication of the results. In areas of known or potential archaeological interest, an appropriate assessment and evaluation must be submitted to accompany any development proposals. Where appropriate, provision should be made for interpretation and access of remains in situ, and for realising tourism and cultural benefits where public access is possible without detriment to the site. The site is not recorded as being of known archaeological interest; however, its size and the believed presence of medieval remains of the former extent of the village mean that archaeological issues require careful consideration.
- 6.10.7 Paragraph 184 of the NPPF states that heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites, all of which are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 6.10.8 In assessing the impact of the proposal on the built heritage any harm caused to heritage assets must be given great weight and importance in the determination of the application as set out in paragraph 193 of the NPPF.
- 6.10.9 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses.
- 6.10.10 Section 72 of the same Act requires the Council to have special regard to the desirability of preserving or enhancing the character and appearance of the Newby Wiske Conservation Area.
- 6.10.11 NPPF paragraph 189 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. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

- 6.10.12 Paragraph 192 of the NPPF states that in determining applications, Local Planning Authorities should take account of:
- a. *The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - b. *The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
 - c. *The desirability of new development making a positive contribution to local character and distinctiveness.*
- 6.10.13 NPPF paragraph 193 states 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. It is therefore important to ensure that harm to heritage significance is avoided where possible and where it is justified it should have been reduced and mitigated.
- 6.10.14 Paragraph 194 states 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. Substantial harm to or loss of grade II listed buildings, or grade II registered parks or gardens, should be exceptional.
- 6.10.15 Paragraph 195 states that where a proposed development will lead to "substantial harm" to (or total loss of significance of) a designated heritage asset, Local Planning Authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- *The nature of the heritage asset prevents all reasonable uses of the site; and*
 - *No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
 - *Conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
 - *The harm or loss is outweighed by the benefit of bringing the site back into use.*
- 6.10.16 Paragraph 196 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 including, where appropriate, securing its optimum viable use. In the case of this proposal, where "less than substantial harm" is identified in this report, it is considered against identified public benefits at that point and, in conclusion, in section 7 (The Planning Balance).
- 6.10.17 In coming to a decision on this matter Members must understand the significance of the heritage assets (including an indication of the elements contributing to the significance of each affected heritage asset), understand the alterations proposed to the listed buildings and their setting, understand the impact that the alterations and use have on the elements that contribute to the significance of the listed buildings and their setting and other heritage assets in the terms of the NPPF and the Planning Acts and reach a conclusion on the likely impact of the scheme on the significance of the heritage assets. Members must also understand the public benefits of the proposal, in order that appropriate weight can be given to the benefits of the proposal where harm to the significance of any heritage asset is established.

6.10.18 The concept of “significance” underpins current conservation philosophy. The significance of heritage assets is defined in the NPPF as:

The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.

6.10.19 The Heritage Statement submitted by the applicant goes through the process of identifying the heritage assets, and analysing the elements that contribute to the significance of each, including their setting. The Statement then addresses the details of the proposed development and the proposed alterations to each structure or setting of heritage assets and forms conclusions as to impact on the significance of the heritage asset. The Statement then sets out whether the impacts are harmful in terms of the NPPF and seeks to address that harm by justification for the development and through an understanding of the benefits of the scheme both in terms of significance but also in terms of any public benefit accruing from the proposed development, facilitated by the development.

Identifying and understanding the Heritage Assets

6.10.20 In this case there are a variety of different types of asset, whose significance is potentially impacted by the proposed development. These assets include:

- The Grade II listed Hall, its gardens and parkland setting, along with associated structures and statuary;
- Curtilage listed buildings;
- Listed buildings in the locality;
- The Newby Wiske Conservation Area; and
- Other, non-designated, heritage assets in the locality, mainly dwellings within the village and boundary walls.

The buildings considered to be listed within the application site are:

- Building 1 (the main Hall dating from 1684 with 18th and 19th century additions);
- Buildings 2A, 2B, 3 and 4 (20th century additions, connected to Building 1);
- Building 6 (a 19th century building last used as a police forensic laboratory);
- Building 7 (19th century stable block and Coach House);
- Buildings 8 & 9 (the Gate Lodge and its extension); and
- The boundary wall (probably 19th century); and
- Various garden statuary and ha-ha (largely 19th century).

Newby Wiske Hall - Grade II listed building

6.10.21 A variety of interests may contribute to the significance of a heritage asset to this and future generations. 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.

6.10.22 The buildings subject of this application have undergone a number of significant renovations and extensions through the years, including large scale, unsympathetic alterations to the rear of the main Hall. The unsympathetic nature of those alterations, whilst significant in scale and form, does not mean that any less weight should be given to any loss of significance that would result from the current proposal.

Impact of use and physical alteration on the Hall and Curtilage Listed Buildings

- 6.10.23 Representations have raised the issue of the impact that the occupation and use of the site would have on the listed buildings. However, it is considered that the nature of the occupation of the buildings is not significantly different from the permitted office use, or specifically as a police HQ, in terms of the impacts on the significance of the listed building.
- 6.10.24 The physical alterations to the listed buildings through subdivision of spaces, the application of opaque film to windows and other minor alterations including the insertion of new services (eg waste water pipework), are considered to result in only a minor change to the Hall and curtilage Listed Buildings, the majority of which is considered to be reversible. These changes would detract from the significance of the building through the sub-division of spaces and the introduction of modern modular structures within the heritage asset. However, sub-division of spaces using lightweight walls is a commonly used way of adapting historic buildings while allowing their original form to be perceived and thereby minimising the impact on the fabric and character of the building, whilst facilitating an alternative use. The insertion and connection of services is dealt with in more detail in the Listed Building Application. However, the level of change as set out in the applicant's additional supporting statement, dated 31 October 2018, is low. The statement details the nature of these impacts and resultant impact on the significance of the heritage asset. It is concluded that subject to details to be submitted by condition through the Listed Building application, the insertion of services will result in a small degree of harm, which is considered to amount to less than substantial harm in terms of the NPPF. The NWAG argues that this issue has not been properly addressed within either the SLR submission, or the AECOM report. They are concerned that the report makes no mention of the extensive ductwork that will be required for extract ventilation in new shower/bathroom areas or for the fitting of fire dampers which require to be built into walls causing damage that would not be reversible. Works that are subsequently planned by the applicant which require Listed Building Consent and have not been included within the current Listed Building application would require a separate grant of Listed Building Consent.
- 6.10.25 The physical alterations to the Hall and curtilage listed buildings are considered to be in keeping with policies CP16 and DP 28 and to result in less than substantial harm to the significance of those assets. It is considered that the proposed physical alterations to the Hall and curtilage listed buildings result in less than substantial harm to the significance of those assets. It is considered that the harm is at the lower end of less than substantial, is sufficiently off-set by the public benefits of the proposed development as set out by what is the most up-to-date national guidance, within the NPPF. The proposed development is otherwise considered to be in compliance with policies CP16 and DP28, within the Local Development Framework.
- 6.10.26 Paragraph 196 of the National Planning Policy Framework 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, including securing its optimum viable use.
- 6.10.27 It is clear that some aspects of the proposed development would cause no harm to the listed building. It is considered that the development as a whole would result in a minimal level of harm and that harm would constitute less than substantial harm to the listed buildings, in terms of the proposed alterations. Any harm caused to heritage assets must be given great weight and importance in

the determination of the application and the application can only be approved, if the harm can be offset by the public benefits of the proposals.

- 6.10.28 The enabling of a new use for the listed building is considered to aid its preservation, in line with the expectation set in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In terms of the optimum viable use, while it is noted that the Parish Council has outlined the advantages it sees in residential use of the site, there is no evidence that this would be a viable use; Following discussion with North Yorkshire Police, it is understood that PGL's offer was the only realistic one made in response to the marketing of the site, it is further understood that none of the expressions of interest were for housing. No potential residential developer has approached the Council and therefore the current proposal represents the only use that appears viable at present.
- 6.10.29 It is concluded that the proposed physical changes and the proposed use would have a small harmful impact which is considered to result in less than substantial harm to heritage assets. As indicated in paragraph 196 of the NPPF, this harm must be given great weight and importance and to be acceptable would need to be sufficiently offset when weighed against the public benefits of the proposal.
- 6.10.30 It is considered that the less than substantial harm is off-set by the public benefits of the proposal identified in this report.

Setting of the Listed Hall and Curtilage Listed Structures

- 6.10.31 The setting of the listed Hall is of great importance to the significance of the heritage asset as a whole and as such any identified harm to this setting must be given great weight and importance in the determination of the application.
- 6.10.32 It has been shown through the submission that the gardens and parkland were designed to complement the Hall and provide an attractive designed landscape around it and the associated buildings, incorporating formal and informal design themes through the landscape form.
- 6.10.33 The elements of the proposals that are considered to impact on the setting of the listed building and the curtilage structures are:
- The removal of trees within the grounds
 - The introduction of new structures within the grounds
 - The use of the site
- 6.10.34 The proposed new structures, including recreational equipment and fencing to secure the public access area, would be set at a distance from the listed building and as such the main impacts would be to the appearance of the parkland in which the listed building is set. However, the structures would be seen in the same context as the Hall when viewed from Maunby Lane.
- 6.10.35 The parkland setting of the Listed Hall has been established as contributing to the significance of the Hall and in many ways the site is characterised by its tree cover. A number of trees would be removed as a result of the proposal. However, this removal is limited and is not considered to result in a change to the character of the site in terms of the setting of the listed buildings and in this respect is considered to have no harmful impact on the setting of the Listed Hall, such that it is considered there would be no conflict with policies CP16 and DP28.

- 6.10.36 However, the intention to manage woodland within the site, which can be secured by condition, would have a beneficial impact on the setting of the heritage asset and is considered to be a public benefit that should be weighed against any harm to heritage assets.
- 6.10.37 The available evidence suggests that the lake located in the north west corner of the site has grown from a 17th century clay pit into an integral part of the landscaping of the grounds of the Hall and it is therefore important to the setting of the listed building. It is considered that the proposed enlargement of the lake would not change the relationship between the listed buildings and their setting in a significant manner and the resultant size of the lake is considered to be proportionate to the Hall and its setting.
- 6.10.38 The proposed use of the lake requires significant restoration through dredging and clearance of vegetation that currently obscures the lake and thereby diminishes its contribution to the setting of the listed buildings and the Conservation Area. This is considered to be a public benefit of the development that should be weighed against any harm to heritage assets.
- 6.10.39 Due to the introduction of new structures within the grounds which are out of context with the original use of the Hall and grounds, notwithstanding the recent history of the site under the control of North Yorkshire Police, the development results in a change to the setting of the Listed Building which is considered to have a limited, but harmful impact through the introduction of new structures within the landscape. This impact is considered to be less than substantial in terms of the NPPF and sufficiently minor to avoid conflict with policies CP16 and DP28. However, it must be given great weight and importance in decision making and must be considered in the planning balance against the public benefit of the proposals.

Impact on the setting of Listed Buildings in the locality

- 6.10.40 Other than Newby Wiske Hall, Historic England records 12 listed buildings with a Newby Wiske address. Two of these, Sowber Gate and North Sowber Farmhouse, are 1km and 1.7km north of the village respectively and considered too distant to be impacted directly by development or activity on the site itself, although traffic going to or from the site via Warlaby Crossroads would pass them. The nearest listed buildings in South Otterington are St. Andrew's Church and The Rectory, both approximately 300m east of the application site and considered too distant to be impacted directly by development or activity on the site itself, although traffic going to or from the site via South Otterington would pass them. The nearest listed buildings in Maunby, Red House and Maunby Hall, are 900m and 1.2km west and south west of the application site respectively and are considered too distant to be affected by the proposal.
- 6.10.41 The remaining ten listed buildings within Newby Wiske are (i) South Otterington Bridge; (ii) Yew Trees (listed as 6 Main Street); (iii) Cherry Tree Cottage (listed as Cherry Tree House); (iv) Limehurst; (v) the pump in front of the Old School House; (vi) the Methodist Chapel; (vii) Rosebank and Malt House; (viii) Rose Cottage, Pear Tree Cottage and The Cottage; (ix) 1 and 2 Ivy Cottages; and (x) Home Farm Cottage and Stable Flat (listed as Home Farm).
- 6.10.42 Home Farm is closest to the area of the grounds where equipment would be erected but the intervening development that lies at Hallgarth and Parklands would prevent this having any impact on the setting of the listed building. Given the relationship between the site and the ten listed buildings, and the scale and form of the proposed development, including the nature of the use and traffic and

noise generation in the vicinity of the buildings, the proposed development is considered to have no impact on the setting of any of these buildings. Activity associated with the proposed use, including traffic, would be perceived from and in relation to all ten listed buildings but not to the extent that it would affect their settings.

- 6.10.43 Representations have raised the question of direct impact on these historic assets in terms of damage through vehicle based vibration from the use of the road network by coach traffic. Officers consider that there is no significant likelihood of the use of the road by coaches to result in damage to any listed building. The only listed structure that may be directly affected is the Otterington Bridge. However, the bridge is part of the adopted road network and is the maintenance responsibility of the County Council, which is required to maintain the bridge in accordance with the listed designation. It is noted that the County Council has not objected to the use of the bridge by coach traffic. Taking all of the foregoing into account, it is considered that the impact on nearby listed buildings does not cause any conflict with the requirements of the National Planning Policy Framework or policy CP16 and DP28 contained within the Local Development Framework

Impact on Non-Designated Heritage Assets

- 6.10.44 The applicant's Heritage Statement suggests that 22 other buildings or structures within a 750m radius of the site could be Non-Designated Heritage Assets (NDHA). The NPPF glossary definition of heritage assets indicates that NDHAs are identified by the Local Planning Authority and officers have therefore reviewed the 22 suggested NDHAs along with two others considered to have potential for NDHA status. This assessment has used the Council's nine criteria for identifying NDHAs, which are (i) age; (ii) rarity; (iii) representativeness; (iv) aesthetic value or appeal; (v) townscape or landscape value; (vi) group value; (vii) artistic interest; (viii) historic association; and (ix) archaeological interest. These criteria and guidance on their use are set out in Appendix 1. The process of assessment for a non-designated heritage asset as set out in para 197 of the National Planning Policy Framework is materially different to that set out for designated heritage assets. In weighing applications that directly or 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. There is no requirement to weigh harm against public benefit as is the case for designated assets, nor is there a requirement to give any harm caused "great weight and importance".
- 6.10.45 The exercise identified that some structures suggested by the applicant's survey were in fact curtilage structures of Newby Wiske Hall. Officers consider that the following should be viewed as NDHAs in the assessment of this application: (i) Weighbridge Cottage; (ii) the weighbridge at Weighbridge Cottage; (iii) Well House; (iv) Cobblestones (a house on the western side of Main Street); (v) The Old School House; (vi) an agricultural building to the south west of Home Farm, Maunby Lane; (vii) Bogg Hall, Maunby Lane; (viii) Saltmarsh, the earthwork remains of a former medieval building on the eastern side of Main Street; (ix) Flagstaff Cottages, adjacent to the former railway line approximately 560m west of the application site; (x) a water pump at Flagstaff Cottages; (xi) a railway bridge at Green Lane, Maunby; and (xii) a section of the former Leeds Northern Railway Line to the north of the village.
- 6.10.46 Due to the degree of separation between these buildings or structures and the proposed operational development it is not considered that there would be any impact on their setting except in one case. That concerns the railway bridge at

Green Lane, Maunby, because there are clear views of the modern extensions at Newby Wiske Hall to the east from the bridge and the towers and zipwire structures proposed in the grounds of the Hall would also be visible in the same views. However, this view is already impacted upon by the large extensions at the Hall and the past loss of the fabric of the bridge and given the approximate 580m distance from the bridge to the site, it is considered that any impact on the setting of the bridge would be minimal and result in less than substantial harm, to be weighed against any public benefits of the proposal. Given the limited impact, it is considered that the proposal does not conflict with policies CP16 and DP28 in this regard, nor the requirements of the National Planning Policy Framework.

- 6.10.47 The County Archaeologist raised a number of questions through the course of the application, which have been answered by the applicant. It is now considered that, subject to conditions, there would be no harmful impacts on archaeological remains resulting from the proposed development and the proposal would therefore accord with policies CP16 and DP29.
- 6.10.48 The available evidence suggests that the lake has grown from a 17th century clay pit into an integral part of the landscaping of grounds of the Hall and it is therefore important to the setting of the listed building. It is considered that the proposed enlargement of the lake would not change the relationship between the listed buildings and their setting in a significant manner and the resultant size of the lake is considered to be proportionate to the Hall and its setting and consistent with policies CP16 and DP28.
- 6.10.49 The proposed use of the lake requires significant restoration through dredging and clearance of vegetation that currently obscures the lake and thereby diminishes its contribution to the setting of the listed buildings and the Conservation Area. This is considered to be a public benefit of the development that should be weighed against any harm to heritage assets.

Impact on the Conservation Area

- 6.10.50 The Conservation Area includes the greater part of the village of Newby Wiske along with both the Hall and its associated grounds and parkland.
- 6.10.51 The designation of the Conservation Area in 1985 was accompanied by an appraisal document, although it should be noted that while the appraisal sets out the Council's general approach to future planning applications, it does not provide specific guidance on any particular proposal. However, the appraisal noted that the village consisted mainly of small brick buildings, fine wide grass verges and mature trees. The village was dominated by Newby Wiske Hall, which had determined the layout of the village. It is noted that with the rebuilding of the Hall, after 1850 a number of rows of cottages to the east and west sides of the main street in front of the Hall, were demolished. In 1985 it was noted that to the eastern boundary of the Hall was a tall yew hedge and iron railing.
- 6.10.52 The appraisal notes the presence of modern bungalows but that the older cottages dominate the character of the village, with most being in brick with pantile roofs and date from the 18th and 19th Century. Many of these buildings have good brick detailing, with brick string courses. In particular the appraisal draws on the texture and colour of the local handmade bricks. The Methodist Chapel is considered noteworthy due to its early development and use of imported materials including slate roof.
- 6.10.53 The historical development of the village is seen in a field between Willow Garth, the River Wiske and Rose Cottage, which contains level terraces and platforms,

thought to be the site of demolished houses and gardens indicative of the village shrinking in size.

- 6.10.54 The village school is highlighted as being built in orange brick with stone dressings and slate roof and being developed in a mid Victorian medieval revival style, with decorative bargeboards and finials, which are representative of estate buildings in the village.
- 6.10.55 The appraisal rightly goes into some detail with regard to the Hall itself along with the parkland within which it sits, noting that there is open parkland to the front and south of the Hall, with the parkland nearest the street being graced by fine mature yew, chestnut, sycamore and lime trees; the yew hedge being a dominant feature.
- 6.10.56 The appraisal states that Home Farm, standing at the junction of the roads to Maunby and South Otterington exhibits an outbuilding of “great interest”, dating from the late 17th Century.
- 6.10.57 Since the appraisal was carried out there has been relatively little development within the Conservation Area and the appraisal carried out in 1985 is considered to be relevant to and of value in considering the character and appearance of the Conservation Area now. Boundaries to the Hall are predominantly formed by a combination of historic iron railings, stone walls and modern post and wire or post and rail fencing. The village remains mainly linear in form, with limited intrusions in this form, save for ancillary structures and a small estate development, Hallgarth and Parklands, near the southern boundary of the Conservation Area. The village street is set out with hedging and trees and red brick and pantile dominate with slate roofs to many of the more significant buildings. The wider area is one of a gently undulating landscape which drops away to the River Wiske on the east of the village.
- 6.10.58 Whilst not considered directly relevant to the current application, the criticism that the Council has not reviewed the Conservation Area is noted. However, the legislation and published Government guidance only require that an authority formulates and publishes proposals for the preservation and enhancement of any parts of its area which are Conservation Areas “from time to time”. This indicates that the need for and timing of any review for each Conservation Area is a matter of judgement. In exercising that judgement, and prioritising work, it is reasonable to consider the likelihood of significant change occurring within each designated Conservation Area. As noted already, Newby Wiske has seen relatively little change since the Conservation Area was designated and it is considered that the appraisal carried out then remains relevant. Furthermore, it is also noted that JB Archaeology has undertaken and submitted a detailed appraisal document within the submissions from the Newby Wiske Action Group, summarised earlier in this report.
- 6.10.59 The legislation and guidance do not suggest that a Conservation Area should be reviewed in the context of a planning application but in this case the applicant, specialist advisors and third parties have provided adequate material for the impact of the proposal on the Conservation Area to be appropriately assessed.

Impact of the Development on the Significance of the Conservation Area

- 6.10.60 Concerns have been raised through representations with regard to the way in which the proposed development would impact on the character of the Conservation Area in terms of noise, activity, vehicle movements and physical alterations and loss of trees. Whilst the application is for the change of use of the site, it also includes the construction of a number of pieces of equipment within

the grounds of the Hall, alterations to the lake and the removal of a number of trees.

- 6.10.61 There are three main character areas, in terms of tree cover. The Middlebrough Plantation to the western side of the site, including outlying trees in the near vicinity, the line of poplars along Maunby Lane, and then the more formal areas of planting to the south, east and north of the Hall.
- 6.10.62 It is considered that the limited number and area of trees to be removed would not result in a significant change to the character of tree cover, because over 400 trees would remain and the parkland setting would thereby be maintained. As a result it is considered that this aspect of the proposal would have a neutral impact on the character and appearance of the Conservation Area, thus avoiding conflict with policies CP16 and DP28.
- 6.10.63 The physical changes proposed through the introduction of equipment within the grounds of the Hall and minor changes to listed buildings through the application of obscure film on some windows described elsewhere in this report would have an impact on the character and appearance of the Conservation Area. The scale, form and character of the structures is such that they would result in a change to the character of this part of the Conservation Area which would result in a loss of significance that is considered harmful. Although, this harm is considered to be at the lower end, resulting in a less than substantial harmful impact, that harm introduces some conflict with policies CP16 and DP28 and must be given great weight and importance in the planning balance. In contrast, it is considered that the application of opaque film to some windows would only be apparent at close quarters and would therefore have no discernible impact on the significance of the Conservation Area and raise no conflict with policies CP16 and DP28. The contribution made by the Hall and its grounds to the Conservation Area would continue to be positive. The applicant's intention to manage the woodland within the grounds of the Hall, which can be secured by condition, would enhance the contribution that feature makes to the Conservation Area and this should be considered a public benefit to be weighed in the planning balance.
- 6.10.64 The proposed use would alter the contribution that the Hall and its grounds make to the Conservation Area in terms of the activity associated with it. In particular, the passage of vehicles to and from the site, primarily on Fridays, and through noise generated by recreational activity within the grounds. This is considered in greater detail below.
- 6.10.65 The impact of new structures within the grounds is reduced by the limited number of installations located in the open along with the form of the structures, built mostly in wood, and their context of a woodland backdrop. As such, they are not considered to have a substantial harmful impact on the character or appearance of the Conservation Area. The removal of specific trees and the erection of new structures would both be viewed in the context of a remaining large group of trees (400+) that would maintain the parkland character and the character and appearance of the Conservation Area. These issues are considered in greater detail below.
- 6.10.66 Representations have highlighted the importance that tranquillity has in determining the character of the Conservation Area. It is agreed that tranquillity contributes towards that character, although it is also relevant to note that the permitted office use of Newby Wiske Hall allows for significant activity, primarily in the form of vehicle movements. The question is the degree to which any increase in noise levels or change to the noise profile as a result of vehicular

movements and activities on site would change the levels of tranquillity experienced within the Conservation Area and result in harm to its character.

- 6.10.67 The main change in the experience of an individual enjoying the Conservation Area would be the potential for greater awareness of the development, through the sight and sound of guests participating in activities on the site along with a change in the nature of traffic flows into and out of the site. The current background noise levels in the area are generated through traffic movements, general noise from wind through trees and buildings and the occasional overflying of jet aircraft from nearby airfields, along with any activity on the site that may be expected from the permitted office use. Since the police headquarters moved from the Hall only limited police training activities have taken place on site, including dog training.
- 6.10.68 Concerns have been raised in representations that changes in the noise profile resulting from large vehicle movements would result in a detrimental impact on the character of the Conservation Area. In terms of vehicular movements and associated noise, the proposed development would result in fewer vehicular movements than the Police HQ. The overall number of vehicle movements would decrease fairly significantly. However, there would be a switch in transport mode from cars to coaches. As such the greatest impact would be from coach movements along the road network, manoeuvring on site and entering and exiting the site. The pattern of movements would differ from that currently experienced, with a greater reliance on coach transport and a shift from daily movements of police staff and operational units towards weekly movements of guests and resident staff. There would therefore be an increase in vehicular activity at some times and a decrease at other times. The level and type of noise generated by the use and occupation of the site is again considered to change as a result of the proposals. However, it is considered that this change will not significantly alter the character of the Conservation Area. Overall, the change in pattern is considered to have a neutral impact on the character of the Conservation Area in terms of tranquillity, although greater activity would be perceived at some peak times. It is not anticipated that the noise levels on site would be so high as to result in harm to the character of the Conservation Area. In view of this, and subject to the controls that would be provided by the Noise Management Plan and being mindful of the traffic generation of the former office use, it is considered that the proposal would not conflict with policies CP16 and DP28 in this regard.
- 6.10.69 The physical alterations within the grounds of the Hall also have the potential to impact on the character and appearance of the Conservation Area. The majority of these structures would be built in wood with stainless steel wire and would be mainly sited within or adjacent to trees where they would be partly obscured from public view, or viewed against a backdrop of trees. Only small elements of the proposed equipment would be readily visible from road or other public spaces within the Conservation Area although wider views across the site are available from immediately adjacent the Conservation Area on Maunby Lane.
- 6.10.70 Given the parkland nature of the site at present, these structures would change the character of the space through the introduction of large vertical structures within what was otherwise a designed landscape, which effectively functioned as parkland around the Hall. Accordingly there would be some conflict with policies CP16 and DP28, which will need to be considered alongside the public benefits of the proposal.
- 6.10.71 The structures would all be de-mountable and as such their impact would be relatively transient, although likely to be on site for the duration of the occupation

by PGL. The future maintenance of the site and the provision of employment are considered to weigh in favour of the proposal and are considered to contribute to offsetting the identified less than substantial harm to the character and appearance of the Conservation Area, in line with Section 72 of the same Act.

- 6.10.72 Subject to conditions with regard to the constructional details of structures, they and the proposed use are considered to have a less than substantial harmful impact on the character and appearance of the Conservation Area. This harmful impact, in terms of both use and the implications of new structures, is considered to fall at the lower end of less than substantial harm and is considered in conjunction with the public benefits of the proposal in section 8 below.
- 6.10.73 In terms of compliance with Development Plan policies, it has been noted that some aspects of the proposal introduce conflicts with elements of policies CP16 and DP28. However, when these are viewed in context, it is considered that the proposal achieves broad compliance and that where conflicts are noted, these will need to be weighed against other material considerations. In terms of statutory requirements and compliance with the NPPF, the degree of harm to heritage assets has been identified as “less than substantial” and this harm will be weighed against the public benefits of the proposal.
- 6.11.0 Community and Sport Facilities
- 6.11.1 Sport England raised a holding objection to the proposed development owing to the loss of playing field space.
- 6.11.2 Paragraph 96 of the National Planning Policy Framework recognises the importance of access to a network of high quality open spaces and opportunities for sport and physical activity.
- 6.11.3 Paragraph 97 states that existing open space, sports and recreational spaces should not be built on unless:
- a. *An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
 - b. *The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
 - c. *The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*
- 6.11.4 Core Strategy Policy CP3 of the Hambleton Local Development Framework states that support will be given to proposals and activities that protect, retain or enhance existing community assets, or lead to the provision of additional assets that improve community well-being. Proposals involving the loss of community assets including land in community use, for example relating to facilities such as community/village halls, village shops and post offices, schools, colleges, nurseries, places of worship, health services, care homes, convenience stores, libraries and public houses will not be supported.
- 6.11.5 Core Policy CP19 states that support will be given to proposals and activities that protect, retain or enhance existing recreational and amenity assets, lead to the provision of additional assets, or improve access to facilities, particularly by non-car modes of transport. This will include support for greater access to and enjoyment of the countryside.

- 6.11.6 Development of existing recreational land and buildings and amenity open space will not be supported, unless the asset is no longer required or development secures satisfactory replacement or improvement of the use or amenity of existing spaces that outweighs its loss. Where appropriate, all development will be expected to make provision, or a contribution towards provision, of open space.
- 6.11.7 Development Policy DP37 states that support will be given to sport and recreational activities (and permission will be granted for related development, if also acceptable in terms of other LDF policies) by:
- i. Retaining, protecting and enhancing all types of open space with an existing recreational use; and*
 - ii. Securing additional provision to meet quantity and accessibility standards set out in the policy.*

A third criterion applies to housing development only. The policy also states that development which will result in the loss of public or private land with recreational value will not be permitted, unless it can be shown having regard to the local standards, that the site is no longer needed, or is unlikely to be required in the future, or an alternative facility of equivalent value is to be provided.

- 6.11.8 Development Policy DP5 states that support will be given to the provision and enhancement of community facilities, and to their retention, where these constitute important contributions to the quality of local community life and the maintenance of sustainable communities.
- 6.11.9 Proposals that will lead to the loss of community facilities will only be permitted if:
- i. There is a demonstrable lack of community need for the facility, and the site or building is not needed for an alternative community use; or*
 - ii. Retention of the community facility is clearly demonstrated not to be financially viable when operated either by the current occupier or by any alternative occupier; or*
 - iii. An alternative facility is provided, or facilities are combined with other facilities, which meets identified needs in an appropriately accessible location. The involvement of the local community will be sought in identifying the importance of local facilities and in developing appropriate solutions for their retention and enhancement.*

- 6.11.10 The applicant has set out their position in relation to this matter and has provided information which they claim demonstrates that the playing pitch is surplus to current and future requirements, and considers that its proposal will enhance and protect physical activity provision across the wider site, including the provision of additional sporting facilities including archery, shooting, canoeing and climbing and enlargement of the remaining sports pitches on the site. In summary the applicant states:

- The proposed site layout places the four line zip wire and the climbing wall within the western sports pitch area;
- The abseil tower and giant swings are located within the remaining playing field that, due to the presence of trees and constraints, is land incapable of forming a sports pitch or part of a sports pitch;
- The westernmost playing pitch was used regularly for competitive football matches until May 2016 and has not been used since;
- North Yorkshire Police has confirmed that there have been no other requests to use the pitch; and

- Sport England sets out five exception tests.

6.11.11 The first of Sport England's exception tests is where a robust and up-to date assessment has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted, and the site has no special significance in the interests of sport. The applicant notes that:

- Hambleton District Council's Playing Pitch Strategy (March 2017) does not include the Newby Wiske pitches in its calculations;
- Newby Wiske is in the Thirsk sub-area for the purposes of need;
- The current supply of grass pitches is in excess of both current and future need;
- Accordingly the Sport England exception 1 test is met;
- PGL's proposals result in a net gain in sporting provision as a whole;
- PGL's proposals for alternative sport and recreational provision across the wider site will diversify, enhance and protect, such that the benefits of the scheme will clearly outweigh the loss of a playing field that has not been recently used and can be demonstrated to be surplus to requirements; and
- For the sake of general supervision, safety and child protection provision of the playing field as a community resource is not proposed.

6.11.12 As noted in the advice from the Interim Director of Leisure and Community Services, the 2017 Hambleton District Playing Pitch Strategy identified an over-provision of playing fields within the District and recorded the pitch at Newby Wiske Hall as being poor quality. As noted, this Strategy was accepted by Sport England at the time and it is therefore considered to be robust. There have been no changes since 2017 to suggest that the Strategy is no longer up-to-date. Subject to consideration of any further comments from Sport England, it is considered that the Strategy confirms an exception under Sport England's policy.

6.11.13 When this application was last considered by the Council it was understood that the football pitch had been used by staff at the Police HQ, not by the public. However, it has since been established that a team which used the pitch and called "The Police" was not a staff team, and this constituted public use of the pitch. There is no evidence of any other use of the pitch. It is understood that the other facilities mentioned by the applicant and Sport England and visible in aerial photographs were laid out when the site was a police training centre in the 1950s and there is no evidence of any public access to those facilities.

6.11.14 Policies CP3 and DP5 are intended to protect a wide range of facilities and it is of note that the text of CP3 specifically refers to examples of "community/village halls, village shops and post offices, schools, colleges, nurseries, places of worship, health services, care homes, convenience stores, libraries and public houses". Whilst this may not be an exhaustive list, none of the examples are sports facilities. Policies CP19 and DP37 are specifically concerned with recreational and sporting facilities and are considered to be more relevant to the application, particularly in view of the very limited evidence of community use of the pitch or any other historic sports facilities.

6.11.15 Policy CP19 states that "development of existing recreational land and buildings and amenity open space will not be supported, unless the asset is no longer required or development secures satisfactory replacement or improvement of the use or amenity of existing spaces that outweighs its loss". Policy DP37 adds to this, stating that "development which will result in the loss of public or private land with recreational value will not be permitted, unless it can be shown having regard to the local standards, that the site is no longer needed, or is unlikely to

be required in the future, or an alternative facility of equivalent value is to be provided”.

- 6.11.16 The evidence of the 2017 Hambleton District Playing Pitch Strategy is that there is over-provision of sports pitches and that, within the range of such pitches in the District, the pitch at Newby Wiske Hall is of poor quality. Furthermore, a significant change in sports and recreation provision has taken place since CP19 and DP37 were adopted in 2007 and 2008 respectively. Major new sports facilities have been approved at the Sowerby and Northallerton Sports Villages and phase one of the Sowerby Sports Village is due to be completed in March 2019. Over £200,000 funding has been awarded to phase two, which is to commence in March 2019, and which will provide 11 new grass pitches for rugby and football and a floodlit artificial grass pitch for a range of sports. It is considered that this will provide an alternative facility of greater value, thus surpassing the requirements of policy DP37.
- 6.11.17 Sport England has been re-consulted on the basis of the applicant’s additional submission and it has sustained its objection to the loss of the football pitch, in the absence of alternative provision being made by the applicant.
- 6.11.18 The applicant has provided a further response to Sport England’s concerns, briefly summarised below:
- The area in question is not a formal sports ground and represents a flat area of grassland within the grounds of a Listed Building which have been marked out and used as a football ground intermittently. In all other material terms it is an area of grassland that does not compare to the type of pitch that Sport England appears to be seeking as compensation;
 - North Yorkshire Police has confirmed that this area has not been used as a sports pitch since May 2016 and so there is no displacement of pitch provision;
 - The area has been reviewed by Hambleton District Council’s Leisure Team and rated as ‘Poor’. The area is adjacent to Middleborough Plantation, whereby the edges of the pitch are heavily shaded by the tree canopy which is likely to adversely affect the quality of the turf playing surface. The area is not understood to be drained and does not appear to have been maintained since it was last used for sports;
 - Hambleton District Council’s own planning pitch strategy (which was signed off by Richard Fordham) demonstrates an existing over provision of grass pitches;
 - Notwithstanding the above, Hambleton District Council has already committed to delivering improved new facilities in Sowerby and Northallerton. There are pitches at Stone Cross that are not at full capacity and the Council is working to improve pitch quality across the District;
 - Consider a requirement for a commuted sum to provide an alternative pitch to be unreasonable as it would not meet the tests for contributions; and
 - PGL’s sporting provision on this site should be taken into account and not dismissed.
- 6.11.19 This further statement from the applicant has been forwarded to Sport England and their further response is awaited.
- 6.11.20 The loss of the pitch would result in a reduction in pitches in the Thirsk sub-area. However, it is considered that this would not be harmful in terms of sports provision across the sub-area owing to the current supply of pitches and the replacement of the pitch with alternative sporting activity offer, meaning that the

pitch at Newby Wiske Hall is no longer needed. The proposed development is therefore considered to accord with the requirements of both Local Development Framework policy DP5 and DP37 and that contained within paragraph 97 of the National Planning Policy Framework.

6.11.21 It is noted that a degree of public access had been allowed by means of an informal path while the site was in use as the Police HQ, although this was never formalised. A claim that a Public Right of Way exists has been lodged with the County Council and claim that would be prejudiced by a decision on this application. The applicant has included an alternative area for public access within the site, although this is subject to review to ensure that it proves compatible with its use of the site. Subject to appropriate controls it is considered that this would allow continued informal recreational use for the local community in addition to the more formal recreation that is inherent in the applicant's proposal.

6.11.22 It is considered that the proposed development provides alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use. The proposed development is considered to be in compliance with the National Planning Policy Framework and the requirements of policy CP3, CP19 and DP5 and DP37 of the Local Development Framework.

6.12.0 Environmental Impact Assessment

6.12.1 The application is not accompanied by an Environmental Statement but it has been considered against the requirements of the The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 in order to form a view on whether one should have been submitted. The Regulations require that the relevant planning authority, the Secretary of State or an inspector must not grant planning permission or subsequent consent for Environmental Impact Assessment (EIA) development unless an EIA has been carried out in respect of that development.

6.12.2 The proposed development is considered to be of a form that could be subject to Schedule 2 Part 12 (Tourism and Leisure) of the Regulations as the area of the development exceeds 0.5 hectares in area. However, the judgement as to whether the proposal is EIA development requires more detailed assessment.

6.12.3 Schedule 3 of the Regulations sets out the selection criteria for screening Schedule 2 development. The broad areas covered by the assessment are:

- The characteristics of development
- The location of the proposed development and;
- The types and characteristics of the potential impact.

More detail on the assessment criteria is set out in Appendix 2.

6.12.4 In this case the characteristics of the development in terms of the criteria set out in the Regulations are not considered to trigger the requirement for an EIA. The possibility of risks to human health, one of the criteria, is highlighted by objectors to the scheme. However, the nature of these impacts in this case is not considered to merit a requirement for EIA.

6.12.5 In terms of location, the site is within a site of historical and cultural significance in as much as the site is wholly within a Conservation Area and is occupied by a listed building and as such meets criterion viii) set out in Schedule 3 of the Regulations.

- 6.12.6 It is considered that the types and characteristics of the potential impacts are not of sufficient scale, magnitude or complexity such as to meet the criteria set out in Schedule 3. In conclusion the proposed development is not considered to be EIA development.
- 6.13.0 Matters not considered material
- 6.13.1 A number of representations have raised questions around child protection and health and safety on site including issues around changes to the accident and emergency facilities at the Friarage Hospital and the resultant distance to Accident and Emergency in Middlesbrough. These representations have raised matters including the implications of a significant drop from the site perimeter onto Maunby Lane and a believed necessity to build a security fence, potentially harmful to heritage assets, around the site to protect children. The application does not include any significant fencing of the boundary of the site, although fencing is proposed to provide security between a proposed area of public access and the remainder of the site, which is considered elsewhere in this report. Matters relating to health and safety and child protection would be for the applicant to deal with under their risk assessments and operational procedures and with regard to separate legislation where relevant. In general they are not considered to be material planning considerations.
- 6.13.2 A third party has raised the question of the Convention on the Rights of the Child and whether this Convention raises the status of safety relating to children in terms of it being a material planning consideration.
- 6.13.3 Article 3, paragraph 1, of the Convention on the Rights of the Child gives the child the right to have his or her best interests assessed and taken into account as a primary consideration in all actions or decisions that concern him or her, both in the public and private sphere.
- 6.13.4 One of the four general principles of the Convention for interpreting and implementing all the rights of the child states that it is a dynamic concept that requires an assessment appropriate to the specific context.
- 6.13.5 The concept of the child's best interests is aimed at ensuring both the full and effective enjoyment of all the rights recognized in the Convention and the holistic development of the child.
- 6.13.6 It is considered that in order for a Planning Decision, to be in conformity with the Convention on the Rights of the Child, due consideration should be given to whether or not the best interests of the child have been considered in the determination of the application
- 6.13.7 In this case, there are a number of areas of legislation in place, which seek to provide that protection. It is not the place of planning to over-ride these other areas of legislation, which include child protection and health and safety legislation.
- 6.13.8 It is important that in the determination of this application it is understood whether or not there is a role for Planning in this regard. Officers are satisfied in this case that the best interests of the child has been considered and is dealt with through other areas of legislation, implemented through other agencies and through the processes and procedures set in place by the operator of the site.
- 6.13.9 Returning to the specific question of health and safety and the Maunby Road boundary, it is noted that the applicant has stated that equipment built on the site

would be locked down when not in use and would be otherwise under the supervision of staff. The erection of fencing exceeding one metre in height on the Maunby Road boundary would require planning permission and could therefore be assessed on its own merits should an application be made.

- 6.13.10 NWAG has included within its representation a copy of a complaint made by the group to the Chartered Institute for Archaeologists (CIfA). It is understood that this complaint has yet to be considered by CIfA and is not considered to be material to the determination of this application. The Council (with the benefit of AECOM's advice) must weigh the competing assessments and reach a judgment. By itself, the fact that a complaint has been made to a professional body does not demonstrate that an assessment is wrong. The Council will have to decide whether or not it accepts the assessment's approach and findings.
- 6.13.11 NWAG has raises issues around the compliance with conditions on other PGL sites and the relationship to the determination of this application. It is considered that matters of Planning Enforcement are considered on a case by case basis in the light of the Council's published Planning Enforcement Charter, the level of harm and the expediency of taking enforcement action in that particular case. Moreover, it would not be reasonable to consider this application on the basis that there are doubts about the applicant's ability to comply with conditions especially given the fact that planning permission runs with the land and the particular applicant.

7.0 THE PLANNING BALANCE

- 7.1 National Planning Policy Framework policies on heritage assets are relevant because (i) they constitute up-to-date national policy which is a significant material consideration; and (ii) conflict with national policy may indicate that planning permission should be refused even if there is compliance with the development plan.
- 7.2 The proposed development has been assessed against the requirements of the National Planning Policy Framework and it has been established that areas of the proposed development result in less than substantial harm. It is considered that this harm is sufficiently off-set by the Public Benefits of the proposals and as such the proposed development is considered to have met the tests set out in the National Planning Policy Framework in terms of impact on designated heritage assets.
- 7.3 Having established that the proposals are compliant with the National Planning Policy Framework in terms of the impact on designated heritage assets the proposals falls to be assessed against the requirements of policy within the Local Development Framework Core Strategy and Development Policies Documents.
- 7.4 As set out in earlier paragraphs the proposed development is considered to comply with the requirements of the Development Plan as a whole. However, the proposal is considered to gain only limited support from DP25 owing to the large scale of the proposal because DP25 seeks to support small scale development. However, as set out in earlier paragraphs this lack of compliance is not considered to weigh heavily against the proposal. The principle of the development is considered to comply with the requirements of policies CP4 and DP9 and the principle of the development is considered acceptable in this location.
- 7.4 A major question in this application is clearly the potential impact of noise on local residents. Whilst the proposed development would have an impact on the residential amenity of a small number of properties in the vicinity of the

application site, it is considered that this impact can be mitigated to an acceptable level by the Noise Management Plan. Whilst it is accepted that the development would alter the noise environment it is considered that it would not unacceptably affect the amenity of residents or occupants and that the opportunity to review the Noise Management Plan will allow for improved protection where this is feasible. As such the proposal is considered to comply with the provisions of Development Policy DP1.

7.5 The proposal has raised a number of questions around trees, woodland and ecology. It is considered that the proposal would have a positive impact overall in terms of ecology, trees and woodlands, owing to bringing these matters into active management. As such the proposed development is considered to comply with Core Policy 16 and Development policy DP31.

7.6 Another significant consideration in this proposal has been around the impacts of transport and road safety. The conclusion has been reached that whilst the character of vehicles using the local highway network would change, that change would have a neutral impact owing, in part, due to the overall reduction in vehicle numbers. The proposed development is considered to accord with the requirements of DP3 and DP4.

7.7 The proposed development would result in limited harmful impacts on heritage assets, considered to result in less than substantial harm, which is sufficiently justified in the applicant's submission and would be otherwise off-set by the public benefits of the proposal. As set out in earlier paragraphs the proposed development is considered to comply with the requirements of the National Planning Policy Framework in terms of impacts on heritage matters along with the requirements of Core Policy CP17 and DP28 again in terms of the impact on heritage assets.

7.8 The limited harm caused through noise and traffic movements is considered to be capable of sufficient mitigation by use of planning conditions enforcing the proposed Noise Management and Travel Plans.

7.9 The proposed development is considered to accord with the requirements of the Development Plan other than the identified minor breach of DP25 in terms of the scale of the proposed development. However, it is considered that this breach is acceptable in this instance, owing to other identified benefits which weigh positively in the Planning Balance.

7.10 In summary, the assessment of the application identified areas of concern with regard to the content of the submission and the impact of the proposals. Taking into consideration the amendments to the submission and the proposed conditions set out in the recommendation along with a recognition that the proposed development is not small scale and as such does not wholly comply with DP25, it is considered that the proposed development accords with the requirements of the Development Plan.

8.0 Public Benefits of the Proposal

8.1 In assessing the proposal against the requirements of both Local Development Framework policies and the NPPF, the public benefits need to be understood and given due weight. Public benefits are a material consideration and must be given due weight in the planning balance as in any planning decision. In terms of harmful impact on the significance of heritage assets, that harm can only be accepted if there are sufficient public benefits to off-set that harm.

- 8.2 The public benefits are considered to be significant and relatively wide ranging in terms of the areas of public interest covered.
- 8.3 Firstly, it is considered that the re-use of the listed building, which would be retained in a single viable use consistent with the conservation of the building should be given considerable weight as a public benefit. The proposed use would allow the whole of the site to be managed in single use with no division of the grounds and only limited internal division of the main Hall, which would be expected from other potentially viable alternative uses, such as housing.
- 8.4 The retention of the site in a single use would also allow the grounds of the Hall to remain as a coherent and functional part of the estate, enhanced through the future maintenance of the site, the grounds of which have not been actively managed of late.
- 8.5 Retention of the site as a single entity would also allow the enjoyment of the grounds along with the listed Hall which is part of the experiential significance of the heritage asset.
- 8.6 The proposed management of the site, controlled by condition, would ensure the implementation of management regimes for parts of the site, including the lake, and the opportunity to secure a Woodland Management Plan, which would benefit the setting of the listed buildings and the appearance of the Conservation Area through improved management of the woodland area.
- 8.7 It is considered that the proposed development would result in an overall reduction in vehicle movements compared with full reoccupation of the site for office use, which would not require planning permission.
- 8.8 The generation of jobs in the rural economy, which could directly benefit local people, is considered to be a significant public benefit. Whilst representations have cast doubt on the level of benefit that would be generated, it is clear that the development would result in the creation of a significant number of jobs, which would be open to local people to apply for. This type of development generates a wide variety of jobs, from part time cleaning jobs through to full time instructor posts, along with general administration roles. This range of jobs would provide opportunities for local people, allowing them to continue to live and work in the area.
- 8.9 The wider economic benefits associated with the development should not be underestimated, both in terms of support for companies providing services to the site, but also in terms of the provision of a high quality children's holiday offer within Hambleton District and the benefits that would bring to the profile and economy of the District.
- 8.10 The applicant's offer to allow limited public access to a specified part of the site may be viewed as a public benefit but as it is subject to review it is not considered to be permanent and is therefore not considered here.

Heritage Assets and Public Benefit

- 8.11 In assessing the planning balance of public benefit against harm to heritage assets, it is not necessary to first carry out the act of balancing other material considerations against one another. Rather the NPPF requires the Council to carry out a direct balance between harm to heritage assets and public benefit.
- 8.12 It has been established that the harm to the significance of the Listed Buildings, their setting and to other heritage assets in the form of the Conservation Area is

considered to amount to less than substantial harm. It is clear that any harm must be given great weight and importance in the planning balance when considering whether or not the public benefits of the scheme reasonably offset that harm.

8.13 The public benefits of the proposal as set out above are considered to weigh significantly in the planning balance.

8.14 It is considered that the less than substantial harm that would be caused to heritage assets would be outweighed by the public benefits of the development and as such the proposed development is considered to meet the requirements of the NPPF and the adopted Hambleton Local Development Framework, particularly in respect of amenity (CP1 and DP1), access (CP2 and DP3), community facilities (CP3 and DP5), rural regeneration (CP15 and DP25), heritage assets (CP16, DP28 and DP29) and recreation and open space (CP19 and DP37).

8.15 In reaching this view it has been noted that:

- The detrimental impacts of noise on local residents can be mitigated to an acceptable level by the Noise Management Plan;
- The impacts of heavy vehicle movements in the vicinity of the application site can be mitigated by the Travel Plan;
- There would be less than substantial harm, (which has been given great weight and importance) caused by the alterations to the listed buildings and;
- There would be less than substantial harm to the setting of the heritage asset caused by the development of structures in the parkland.

9.0 RECOMMENDATION

9.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:

Timescales

1. The development hereby permitted shall be begun within three years of the date of this permission.

Drawings

2. The permission hereby granted shall not be undertaken other than in complete accordance with the following drawings:

<u>Drawing Number</u>	<u>Description</u>	<u>Date Received</u>
2039 Rev P1	Location Plan	13 October 2018
2040 Rev P34	Proposed Site Plan	13 October 2018
2004 Rev P1	Manor House, Proposed Ground Floor Plan	13 October 2018
2005 Rev P1	Manor House, Proposed First Floor Plan	13 October 2018
2007 Rev P1	Proposed Manor House Elevations	13 October 2018
2036 Rev P1	B15 Proposed Plans and Elevations	13 October 2018
2044	High Linear Ropes	13 October 2018
2041	Giant Swing	13 October 2018
2042 -	Four sided Abseil Tower	13 October 2018
406.06654.00004- EC04	Landscape Mitigation and Ecological Enhancement Plan	13 October 2018
EC03	Building Locations	13 October 2018

2024 Rev P1	B7 Proposed Plans	13 October 2018
2026	B7 Proposed Elevations	13 October 2018
2017 Rev P1	Building 4 Proposed Plans	13 October 2018
2019 Rev P1	Building 4 Proposed Elevations	13 October 2018
2013 -	Building 3 Proposed Floor Plans	13 October 2018
2015 -	Building 3 Proposed Elevations	13 October 2018
2009 -	Building 2 Proposed Plans	13 October 2018
2011 Rev P1	Proposed Building 2A and 2B Elevations	13 October 2018
2038 -	Building 16 Proposed Plans and Elevations	13 October 2018
2034 -	Building 14 Proposed Plans and Elevations	13 October 2018
2032-	Building 13 Proposed Plans and Elevations	13 October 2018
2086 -	Building 12 Proposed Plans and Elevations	13 October 2018
	Noise Management Plan	13 October 2018
	Travel Plan	13 October 2018
	Ecological Enhancement Plan	13 October 2018

Written Scheme of Archaeological Investigation

3. No excavation works associated with the development hereby approved shall commence until a Written Scheme of Archaeological Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and: (a) the programme and methodology of site investigation and recording; (b) the programme for post investigation assessment; (c) provision to be made for analysis of the site investigation and recording; (d) provision to be made for publication and dissemination of the analysis and records of the site investigation; (e) provision to be made for archive deposition of the analysis and records of the site investigation; and (f) nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation. No demolition or development shall take place other than in accordance with the approved Written Scheme of Archaeological Investigation. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Archaeological Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Surface Water Disposal

4. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the local public sewerage, for surface water have been completed in accordance with details submitted to and approved in writing by the Local Planning Authority. The approved details shall be retained thereafter.

Foul Water Disposal

5. No occupation of the development hereby approved shall take place until details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works, off-site works and implementation of any necessary additional infrastructure to serve the development, have been submitted to and approved in writing by the Local Planning Authority. Furthermore, unless otherwise approved in writing by the Local Planning Authority, no buildings shall be occupied

or brought into use prior to completion of the approved foul drainage works. The approved foul drainage works shall be retained thereafter.

External Lighting

7. No external lighting shall be installed except in accordance with a lighting scheme approved in writing by the Local Planning Authority. Prior to the installation of any external lighting, full details of the lighting shall first be submitted to and approved in writing by the Local Planning Authority. The lighting shall then be installed in complete accordance with the approved details.

Recreational Equipment Details

8. Prior to the installation of any external recreational equipment (including but not limited to climbing towers and zip lines), full details of that equipment, including micro-siting, shall be submitted in writing and approved in writing by the Local Planning Authority. The equipment shall then be installed in full accordance with the approved details.

Parking and manoeuvring areas

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

HCV Routing

10. Unless otherwise approved in writing by the Local Planning Authority, there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until details of the routes to be used by HCV construction traffic and the measures that will be taken to promote the use of those routes have been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. Thereafter the use of the approved routes by all vehicles connected with construction on the site shall be promoted in accordance with the approved details.

Woodland Management Plan

11. Prior to the first occupation of the development hereby approved a woodland management plan setting out the short term, medium term and long term management of the woodland and trees on the site shall be submitted to and approved in writing by the Local Planning Authority. The site shall then be managed in accordance with the approved plan.

Ecological Enhancement Plan

12. Prior to the first occupation of the development hereby approved an ecological enhancement plan setting out a programme of ecological enhancement for the site shall be submitted to and approved in writing by the Local Planning Authority. The site shall then be managed in accordance with the approved Plan.

Construction Ecological Management Plan

13. Prior to construction works within the grounds of the Hall commencing, a Construction Ecological Management Plan shall be submitted in writing to and

approved, by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.

Tree Protection Plan

14. Prior to the commencement of any construction or excavation works a tree protection plan providing for the protection of trees to be retained in the proximity of any new equipment to be installed shall be submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall then be implemented in accordance with the approved tree protection plan. .

Maximum Number of Guests Limit

15. The maximum number of guests on site shall not exceed 500 at any time.

Lake Method Statement

16. Prior to the commencement of any work to dredge, clear or extend the lake to the north west corner of the site, a full method statement for the work shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be implemented in accordance with the approved details.

Noise Management Plan

17. The residential training centre hereby approved shall only operate in accordance with the Noise Management Plan submitted on 5 February 2019 or an amendment to this plan which has first been submitted to and approved in writing by the Local Planning Authority.

Travel Plan

18. The development hereby approved shall only be implemented in accordance with the Travel Plan submitted on the 13 August 2018 or amendment to this plan, which has first been submitted to and approved in writing by the Local Planning Authority.

Public Access Area

19. The proposed Public access area, as set out on the site plan (Drawing Number 2040 P1) and labelled "Public Access Area", shall be made available for public use, on first occupation of the site unless otherwise agreed in writing by the Local Planning Authority.

Public Access Area Fence

20. Should the public access area as set out on the submitted layout plan no longer be required, the proposed fence bounding this area to the west shall be completely removed and the site of the fence returned to its condition prior to the commencement of development within six months of the public access ending.

Great Crested Newt Survey

21. Prior to any work comprising dredging, clearing of silt, or extension of the Lake in the north west corner of the site taking place, a further Great Crested Newt survey shall be undertaken, submitted to and approved in writing by the Local Planning Authority. The works to the Lake shall then be carried out in accordance with the requirements of the approved report.

Noise Control Areas

22. For the avoidance of doubt, no guests shall occupy the area titled Quiet Zone, detailed in the Site Plan set out in the Noise Management Plan, received on the 05 February 2019. The site shall not be open to guests until details of measures to ensure that guests do not occupy the Quiet Zone have been submitted to and approved in writing by the Local Planning Authority and the approved measures have been implemented in full. The approved measures shall be retained at all times that the site is open to guests.

The reasons for the proposed conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies DP28 and DP32.
3. In order to protect Archaeological remains on the site and in order to accord with the requirements of Development Policy DP29 and Section 16 of the NPPF as the site is of archaeological significance.
4. To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network and to accord with Development Plan Policy DP6.
5. To ensure that no foul water discharges take place until proper provision has been made for their disposal and to accord with the requirements of Development Plan Policy DP6.
7. In order to protect the amenity of the area and to accord with the requirements of Development Policy DP1.
8. In order that the proposed equipment is compatible with the character and appearance of the area and to accord with the requirements of Development Plan Policies DP28 and DP32.
9. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development and to accord with the requirements of Development Plan Policy DP3.
10. In the interests of highway safety and the general amenity of the area and to accord with the requirements of Development Plan Policy DP3.
11. In order to ensure the protection and good management of on-site trees and woodlands and to accord with the requirements of Development Plan Policies DP28 and DP31.
12. In order to ensure the protection and good management of on-site ecology and to accord with the requirements of Development Plan Policies DP28 and DP31.
13. In order to ensure the protection and good management of on-site ecology and to accord with the requirements of Development Plan Policies DP28 and DP31.
14. In order to protect all retained trees within the development and to accord with the requirements of Development Plan Policy DP28.

15. In order to protect the amenity of the area and to accord with the requirements of Development Plan Policy DP1.
16. In order that the proposed development is not harmful to the ecology or hydrology of the area and to accord with the requirements of Development Plan Policy DP31.
17. In order to protect the amenity of local residents and to comply with the requirements of Development Plan Policy DP1.
18. In order to both protect the amenity of the area and in the interests of road safety and to accord with the requirements of Development Plan Policies DP1 and DP3.
19. In order to ensure that the proposed public access area is provided and to accord with the requirements of Development Plan Policy DP37.
20. In order to protect the visual amenity of the area and to accord with the requirements of Development Plan Policies DP28 and DP32.
21. To ensure that the proposed development results in no harm to protected species and to comply with the requirements of Development Plan Policy DP31.
22. In order to protect the amenity of local residents and to comply with the requirements of Development Plan Policy DP1.

Appendix 1: HDC criteria and guidance for non-designated heritage assets

Criterion	Description
1 Age	Usually more than 30 years old as it takes time for something to be appreciated and valued. However, in some cases there may be justification to include assets much earlier in their lifecycle.
2 Rarity	Not many examples locally. This can include unusual assets i.e. pinfolds, cast iron bridges, traditional signage etc. or more common ones of unusual architectural style or materials.
3 Representativeness	May be representative of a particular architectural period, Architect, movement, company or group of its time i.e. Victorian terraces, railway buildings etc.
4 Aesthetic value/appeal	Relates to local styles, materials or other distinctive local characteristics and may have a positive impact on street scene. May invoke positive feelings of worth by reason of its architectural, design or artistic quality or in its form and layout.
5 Townscape or Landscape value	Key landmark buildings/structures, buildings which strongly contribute to a view or roofscape vista, valued open spaces, including designed landscapes, streets, squares, parks, gardens, amenity/green spaces, walls, fences, railings, street surfaces i.e. cobbles, setts and grass verges. Street furniture i.e. signposts, streetlights, benches, post boxes, telephone boxes etc.
6 Group value	Groupings of assets with a clear visual, design or historic relationship i.e. farm yards, terraces, form and layout, contribution to street scene and perception, roofscapes etc.
7 Artistic Interest	An asset with artistic interest will exhibit some degree of creative skill, including sculpture, painting, decoration, diapering, pargetting, advertisements, memorials, gates, railings, gargoyles, door surrounds, finials, signage etc.
8 Historic Association	Associated with a historical person or event of acknowledged local or national note, including important local figures or events i.e. landowner, commemorative event, charity, religious (churches) or other group, former resident etc. It is highly unlikely that this would apply to assets associated with a living person.
9 Archaeological interest	There may be evidence to suggest that a site is of significant archaeological interest. Identification to be done in conjunction with NYCC Archaeology.

Significance can be enhanced by a significant written record e.g. Pevsner, Local Amenity Society records, published articles etc.

If the potential asset meets two or more of the criteria set out in the table above then it should be considered a NDHA.

Appendix 2 – Environmental Impact Assessment

1. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 require that the relevant planning authority, the Secretary of State or an inspector must not grant planning permission or subsequent consent for Environmental Impact Assessment (EIA) development unless an EIA has been carried out in respect of that development.
2. Where a relevant planning authority or the Secretary of State has to decide under these Regulations whether Schedule 2 development is EIA development, the relevant planning authority or Secretary of State must take into account in making that decision—
 - (a) Any information provided by the applicant;
 - (b) The results of any relevant EU environmental assessment which are reasonably available to the relevant planning authority or the Secretary of State; and
 - (c) Such of the selection criteria set out in Schedule 3 (of the Regulations) as are relevant to the development.
3. The proposed development is potentially a form that could be subject to Schedule 2 Part 12 (Tourism and Leisure) of the Regulations as the area of the development exceeds 0.5 hectares in area. However, the judgement as to whether the proposal is EIA development requires more detailed assessment.
4. Schedule 3 of the Regulations sets out the selection criteria for screening Schedule 2 development. The broad areas covered by the assessment are:
 - The characteristics of development
 - The location of the proposed development and;
 - The types and characteristics of the potential impact.
5. The characteristics of development must be considered with particular regard to—
 - (a) The size and design of the whole development;
 - (b) Cumulation with other existing development and/or approved development;
 - (c) The use of natural resources, in particular land, soil, water and biodiversity;
 - (d) The production of waste;
 - (e) Pollution and nuisances;
 - (f) The risk of major accidents and/or disasters relevant to the development concerned, including those caused by climate change, in accordance with scientific knowledge;
 - (g) The risks to human health (for example, due to water contamination or air pollution).
6. The environmental sensitivity of geographical areas likely to be affected by development must be considered, with particular regard, to—
 - (a) The existing and approved land use;
 - (b) The relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground;
 - (c) The absorption capacity of the natural environment, paying particular attention to the following areas—
 - (i) Wetlands, riparian areas, river mouths;
 - (ii) Coastal zones and the marine environment;

- (iii) Mountain and forest areas;
 - (iv) Nature reserves and parks;
 - (v) European sites and other areas classified or protected under national legislation;
 - (vi) Areas in which there has already been a failure to meet the environmental quality standards, laid down in Union legislation and relevant to the project, or in which it is considered that there is such a failure;
 - (vii) Densely populated areas;
 - (viii) Landscapes and sites of historical, cultural or archaeological significance.
7. The likely significant effects of the development on the environment must be considered in relation to criteria set out in paragraphs 1 and 2 above, with regard to the impact of the development on the factors specified in regulation 4(2), taking into account—
- (a) The magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected);
 - (b) The nature of the impact;
 - (c) The transboundary nature of the impact;
 - (d) The intensity and complexity of the impact;
 - (e) The probability of the impact;
 - (f) The expected onset, duration, frequency and reversibility of the impact;
 - (g) The cumulation of the impact with the impact of other existing and/or approved development;
 - (h) The possibility of effectively reducing the impact.
8. In this case the characteristics of the development in terms of the criteria set out in the Regulations are not considered to trigger the requirement for an Environmental Impact Assessment. The possibility of risks to human health, one of the criteria, is highlighted by objectors to the scheme. However, the nature of these impacts in this case is not considered to merit a requirement for Environmental Impact Assessment.
9. In terms of location, the site is within a site of historical and cultural significance in as much as the site is wholly within a Conservation Area and is occupied by a listed building and as such meets criterion viii) set out in Schedule 3 of the Regulations.
10. It is considered that the types and characteristics of the potential impacts are not of sufficient scale, magnitude or complexity such as to meet the criteria set out in Schedule 3. In conclusion the proposed development is not considered to be EIA development in this instance.