

Parish: Sutton-on-the-Forest

Ward: Huby

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Committee Date: 13 October 2016

Officer dealing: Mr A Thompson

Target Date: 12 August 2016

Extension of Time Agreed (if applicable): 14 October 2016

16/01110/FUL

**Change of use of land and construction of 46 holiday lodges, clubhouse (incorporating spa, bistro and reception) and associated infrastructure
At Land to the East of Willow Dene, Sutton on the Forest
For The Luxury Lodge & Holiday Company Ltd.**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site, which covers an area of approximately 4.4 hectares, lies 200m from the south eastern edge of Sutton on the Forest (when measured in a direct line). The land is currently used for agricultural purposes (classified as grade 3a good quality) and is bounded by mature hawthorn hedgerows to two sides and includes a pond close to the northern edge. The western boundary is formed by a post and wire fence. The southern, roadside, boundary has a line of semi mature trees, most of which lie outside the site on the highway verge. The site is relatively flat, sloping slightly downwards from north to south, with access from the south eastern corner of the field onto Green Lane (also known as Well Lane).
- 1.2 A Site of Importance for Nature Conservation (SINC) lies to the west of the application site. A strip of land to the rear of the dwelling Willow Dene separates the site from the SINC.
- 1.3 It is proposed to change the use of the field to a site for holiday lodges (a Sui Generis use). The application is for full planning permission and includes details of the site layout, the roadways, the access and parking, the position of the lodges and clubhouse building. The submitted drawings also include details of the proposed buildings and lodges. A total of 46 lodges are proposed, which includes 39 two storey and 7 single storey with either two, three or four bedrooms. The lodges range from 57sqm to 124sqm and the total floor space proposed of the lodges is 4,446sqm. The proposed bistro is 162sqm bringing the total floor space to 4,638sqm.
- 1.4 A water feature (pond) is proposed in a central position within the site to accommodate surface water drainage for the development. Several lodges are proposed around the edge of the pond.
- 1.5 The lodges would all be pitched roof structures finished in larch cladding and slate effect roofs and set on natural stone plinths. The clubhouse building is shown as two storey and would be finished in timber and brick in a design of a traditional agricultural barn. A timber framed pergola/balcony/veranda structure is proposed on the northern elevation facing onto the central water feature. The design is amended from the previous, more contemporary design proposals. The roadways through the site would be surfaced with hardcore.
- 1.6 The previously proposed tennis courts at the southern edge of the site are replaced by a "grasscrete" car park with other formalised car parking adjacent to the clubhouse being removed and becoming an "activities area" with alterations to the open parkland and internal road network which would now create a circulatory route through the development. An area of open space to include a play and picnic area in the south western corner of the site is unchanged from the previous submission. There is also the provision of fewer wetland areas on the western and southwestern areas.

- 1.7 Landscaping is proposed throughout the site and along the boundaries of the application site. This includes the planting of deciduous and evergreen trees, grassland and the reinforcement of existing hedgerows.
- 1.8 Parking is proposed within the site for the individual lodges with the provision of a grasscrete (or similar) strip to provide at least two spaces for each lodge.
- 1.9 An unsurfaced public right of way bisects the south western corner of the application site. It is proposed to divert the footpath around the south western edge of the site (through the proposed open space), retaining the existing entry and exit points. Alterations are proposed to the existing public right of way between the application site and Carr Lane, to upgrade the surface by installing membrane matting that allows grass to grow back through the material.
- 1.10 It is proposed to create a passing place on Green Lane between the application site and the junction with Carr Lane.
- 1.11 Lighting is proposed within the site using low level bollards although a specific scheme has not yet been provided and would be expected to be provided as a planning condition should permission be granted.
- 1.12 It is proposed to drain the site to the main foul drainage system with a connection into the sewer on Carr Lane, at a point approximately 350m northwest of the application site. This would require a connection to be made across adjacent farmland that lies outside the application site boundary but confirmation has been received from Yorkshire Water that they would provide a sewer requisition to link the development site to the existing sewer network. A pumping station would be required on site and foul water drainage would be restricted to 3 litres per second.
- 1.13 The application was submitted with and supplemented by, the following documents:
 - Planning application form
 - Location plan
 - Site Layout plan
 - Topographical Survey
 - Elevation drawings and floor plans
 - Agricultural Land Classification Report (Soil Environmental Services Ltd)
 - Consultation Statement (SHA)
 - Counsel's Advice (Kings Chambers) [Not submitted with the previous application]
 - Design & Access Statement (Aspect Architecture) [Updated]
 - Drainage Strategy (JNP) [Updated by the addendum]
 - Economic Impact Report (Cloud Consulting)
 - Economic Impact Report – Rebuttal (Cloud Consulting)
 - Ecological Assessment (Naturally Wild)
 - Ecological Assessment – Update Letter (Naturally Wild) [Not submitted with the previous application]
 - Great Crested Newt Assessment (Naturally Wild)
 - Hydrogeological Impact Assessment (SM Foster Associates Limited)
 - Landscape & Visual Impact Assessment (Camlin Lonsdale)
 - Phase 1 Desktop (JNP Group)
 - Phased Construction and Planting Programme (Aspect Architecture) [Not submitted with the previous application]
 - Planning Statement (SHA) [Updated by the addendum]

- Planting Plan (Camlin Lonsdale) [Revised]
 - Public Right of Way Report (Fairhurst)
 - Topographical Survey (First Point Surveys)
 - Transport Statement (Milestone TP) [Not submitted with the previous application]
 - Travel Plan (Milestone TP) [Not submitted with the previous application]
 - Tree Survey (Elliott Consultancy)
- 1.14 The submitted applicant's Counsel's advice considers the previous reasons for refusal. It is noted that in relation to Reason 1, Counsel is of the view that this reason for refusal is inconsistent with the development plan and planning policy. Indeed, he advises that the policies in the development plan that have been cited do not lead to the refusal of consent.
- 1.15 Furthermore, consistent with NPPF 29, the NPPG provides that new tourism developments should, where reasonable, encourage the use of sustainable modes of transport. It follows, therefore, that the need for sustainable modes of transport, in the context of tourism developments, is a relative (not absolute) requirement. As demonstrated by the Transport Plan and Transport Assessment, the proposed development does comply with the development plan and does facilitate sustainable modes of transport in any event. Accordingly, Counsel advises that this reason for refusal cannot be substantiated and cannot reasonably be relied upon in respect of the amended scheme.
- 1.16 In relation to Reason 2: Counsel is of the view that in light of the substantial amendments to the design of the clubhouse, as detailed in the planning statement, it is considered that the Planning Committee's concerns in this regard have now been addressed. Accordingly, little else needs to be said in respect to this reason for refusal, save as for Counsel stating that this reason for refusal is not justified in respect to the amended scheme.
- 1.17 Considering Reason 3: Paragraph 109 of the NPPF states that the planning system is intended to protect and enhance "*valued landscapes*". Counsel is of the view that there is no evidence to substantiate the view that the appeal site is a valued landscape. Indeed, as stated in the Committee report for the original application, the site is not in an area of special landscape designation and "*is not of a high standard with landscape features*" and "*is not prominent from the road due to the well-established landscaping along the roadside*". Rather, the evidence robustly demonstrates that the scheme does not have an adverse landscape impact. Indeed, the independent expert landscape and visual impact assessment (LVIA) produced by Camlin Lonsdale reaches this conclusion. Moreover, in respect to the original application, Natural England advised the Council that the proposed development was unlikely to affect any statutorily protected sites or landscapes. If, which is not accepted, there is any residual landscape concern, it can be addressed through conditions. This is not, therefore, a robust basis for a refusal of consent in Counsel's view.
- 1.18 For all these reasons, therefore, Counsel is of the view that there is no reasonable planning basis upon which consent should be refused. The resubmitted scheme is in accordance with the development plan and the NPPF. It represents sustainable development. It also improves upon the original application, which was deemed to be acceptable by the Head of Planning. Counsel is, therefore, of the view that the Planning Committee should grant consent for the scheme, subject to appropriate conditions and contributions.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 14/02450/FUL - Change of use of land and construction of 46 holiday lodges, clubhouse (incorporating spa, bistro and reception) and associated infrastructure; Refused 20 October 2015.
- 2.2 There were three reasons for refusal:
1. The application site is in an unsustainable location remote from public transport; users and staff at the development would therefore be overly dependent on the use of the private car as a means of transport, limiting accessibility for those without access to a car and therefore would not reduce the need for travel contrary to the provisions of the National Planning Policy Framework and Hambleton Local Development Framework Policies CP1, CP2, DP3 and DP4.
 2. The proposed buildings are of inappropriate design due to their height, massing and detailing that fails to pay due regard to traditional designs of the area and the form of the development does not respect local character and distinctiveness such that the proposed scheme is contrary to the Hambleton Local Development Framework Policies CP17, DP30 and DP32.
 3. The proposed development would have a detrimental impact on the openness of the landscape that would not be adequately mitigated by the proposed landscaping proposals and the harm would not be outweighed by any compensatory measures. The proposed development would therefore result in harm to the natural asset of the District contrary to the Hambleton Local Development Framework Policy CP16 and DP30. Furthermore the proposal conflicts with the National Planning Policy Framework that states at paragraph 28 the requirement for rural tourism and leisure developments to respect the character of the countryside.
- 2.3 Regard is had to planning application 07/02061/FUL (change of use of agricultural land for the siting of 100 log cabins, formation of 5 lakes and a new vehicular access) at Goose Wood Holiday Park, Carr Lane, Sutton-the-Forest; Refused 20 November 2007, Appeal Allowed 22 May 2008.

3.0 RELEVANT PLANNING POLICIES

- 3.1 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 CP14 – Retail and town centre 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 DP8 – Development Limits
Development Policies DP9 - Development outside Development Limits

Development Policies DP10 – Form and character of settlements
Development Policies DP25 - Rural employment
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 DP34 - Sustainable energy
Development Policies DP38 – Major outdoor recreation
Development Policies DP39 – Recreational links
Development Policies DP43 – Flooding and floodplains
National Planning Policy Framework – published 27 March 2012
Written Ministerial Statement on Landscape Character – March 2015
Environmental Impact Assessment Regulations 2011 (as amended)

4.0 CONSULTATIONS

- 4.1 Parish Council – The amendments are relatively minor and in our view do not significantly address the reasons for refusal. Ask that all previous objections be reconsidered but in specific reference to the three previous reasons for refusal:

Reason 1: Location

The Travel Plan submitted reiterates the existing public transport provision which would be unavailable in the evening. The applicant has offered no significant additional evidence by way of ministerial statement, guidance or appeal decisions to support their assertion that the proposal now meets the NPPF.

Reason 2: Design

Any significant amendments submitted relate solely to the proposed clubhouse which the applicant suggests now look like a traditional barn. These proposed amendments are an unsuccessful attempt to address the former reason for refusal. Placing a two storey barn like structure rising out of the midst of ultra-modern lodges exacerbates rather than ameliorates the incongruous clash of styles which led to the original reason for refusal.

Reason 3: Landscape impact

The LVIA is not a competent and robust piece of work based on current industry standards. The viewpoints used are biased and the purported visibility from these viewpoints misrepresented. The conclusions of the LVIA were previously rejected and have not been reworked with respect to the amended building designs.

Other matters:

- The proposal is a measure to circumvent more stringent controls on housing development. It is intended that the lodges would be developed for a longer period of time and as investment opportunities as holiday lets;
- Concern about the impact on the Moor End Nature Reserve in particular as a result of site drainage resulting in severely fluctuating water levels in the protected wetlands and unrestricted access;
- No offer of financial assistance to the Parish has been agreed or formalised; and
- The level of objection and lack of support should be noted.
- The Counsel advice should be disregarded as flawed

As requested, the Parish Council's previous grounds of objection (to application 14/02450/FUL) are summarised below:

1. The development is of a disproportionate scale to the village and will have a harmful effect on the setting of the village and impact negatively on its character;
2. The proposal will not benefit the community and there is nothing within the context of the application which can be perceived as a benefit;
3. Whilst some tourist related development can lead to economic benefits, this has not been evidenced within the Parish itself;
4. By the very nature of the use proposed, future occupiers would be transient and would not be in a position to develop strong community links with the village and therefore the chance of integrating with the village is very limited;
5. There is little by way of existing landscaping to rely on to minimise the visual harm the proposal would create and the development demonstrably harms the setting of the village;
6. There are existing facilities within 3 miles of the village which all serve to meet demand for tourism;
7. Reliance is made upon the Inspector's decision at Goosewood to justify the assertion that Sutton on the Forest is a sustainable location for tourism development. When read as a whole, the Inspector was mindful that the proposal was an extension to an existing facility, the boundaries to the site were established and it was well screened and that the location of the site was in proximity to other economic uses. None of these points are readily applicable to this proposal and no weight can be given to it in reaching a decision on this application;
8. Policy DP30 seeks to safeguard the openness and intrinsic character of the landscape and explains it should be respected. It is difficult to understand how 46 lodges on this small site can achieve the same aim;
9. To subject the occupiers of Moored Villa to the additional burden of traffic (one additional car movement per 6 minutes) is to harm their levels of amenity and therefore the proposal should be refused;
10. There is also little detail of site or property external lighting in general. This could have a very damaging and urbanising effect on the locality when in use if not adequately screened, bearing in mind that the village is a low light area at the wish of residents;
11. Given the alignment of the road, vehicles speeds are high. It is unlit and there is no footway. It is well used by agricultural and commercial vehicles which take up the full width of the road. It will be dangerous for non-vehicular traffic to use from this development and has the potential to cause a lot of conflict;
12. Access to the bus stop is via the Public Right of Way. This is unlit and not an attractive route;
13. The design and style of the proposed buildings do not in any way relate to the local distinctiveness. The materials are alien to the village as is the attempt at a contemporary design;
14. The apparent loose grouping of buildings around a simple road layout is poor and uninspiring;
15. The drain emerging near the footpath sign takes surface water from the Sterne Way/Stillington Road end of the village and crosses the field due to be developed. Should building work damage this drain there would be severe consequences for that part of the village. It is noted that the culvert for this drain is damaged as can be seen from the dip in the road at this point;
16. It is unlikely that the existing drainage system along Well Lane will cope;
17. Policy DP34 of the LDF requires all developments of 1,000 sqm or more to address sustainable energy issues, by reference to accredited assessment schemes and incorporate energy efficient measures which will provide at least 10% of their on-site renewable energy generation, or otherwise demonstrate

- similar energy savings through design measures. This should be considered at an early a stage as possible. The visual effect of solar panels could be harmful and if additional landscaping is proposed, rendered unsuitable;
18. It is adjacent to Moor End which is the village's only nature reserve and is one of the remaining parts of the Forest of Galtres and is a rare wet woodland habitat. This is a sensitive location which could potentially be damaged by changes in the eco system and the close proximity of housing;
 19. Analysis of the figures within the Tourism and Economic Impact document shows it is deeply flawed;
 20. The proposed site is very different to the 3 other caravan sites mentioned by the applicant, which are either in mature woodland or the National Park and not within the York commuter belt as is this site;
 21. A traffic count undertaken by residents demonstrates that Well Lane is not a safe and acceptable access route due to the hazard posed by the speed and volume of traffic on this narrow country lane;
 22. The planting scheme is not accurate and would result in much less planting than is proposed;
 23. The applicant has concentrated on improving the short footpath bordering the Moor End nature Reserve despite the comments made by his own ecology report regarding the possible harm caused by increased footfall;
 24. The foul drainage in Sutton on the Forest is a sensitive subject because of a history of problems and there is considerable public interest in the possible consequences of connecting another 46 large properties to the system;
 25. The detrimental effect identified by Naturally Wild should be taken into account when deciding the suitability of locating such a development adjacent to a SINC;
 26. The details of the surface water drainage within the application site are not well defined, and have not been subjected to the scrutiny of an experienced hydrologist to identify any impact on the SINC, despite concerns expressed by the councillor with responsibility for Moor End;
 27. The field has not been ploughed in the last four years and probably not for several years before that. Thus the conclusions regarding its natural value may be flawed;
 28. Sutton on the Forest is now a commuter village serving York, with little activity during the day and no amenities or attractions for visitors. However, it has negligible unemployment. Thus, by definition it cannot benefit from tourist revenue in any way;
 29. The interesting working rural village has long gone, and it is arguable that there are very many more suitable sites in Hambleton, with significant unemployment, attractive tourist venues and a shortage of holiday accommodation which desperately need this kind of development;
 30. The submitted appeal statement in support of the application relating to the development of high grade agricultural land for housing is not relevant to an application for holiday lodges;
 31. Yorkshire Water accepts the proposed drainage from domestic development but the proposed bistro is very different and would be more heavily contaminated;
 32. Yorkshire Water's agreement to the connection of a further 46 properties to the Carr Lane sewer is concerning. This decision was made in response to the Environment Agency's refusal to contemplate an on- site sewage treatment plant because of pollution risk. An event recently occurred; the EA's fear of pollution is therefore already occurring; and
 33. The hydrology report assumes the proposed scheme for surface water drainage is viable. Questions remain about the responsibility and effectiveness of the existing system.

4.2 NYCC Highways and Public Rights of Way - This application is very similar to the previous application reference 14/02450/FUL. A passing place is to be provided as

are improvements to the existing public right of way which links the site to the village. Conditions are recommended.

- 4.3 Ramblers Association - We understand the Open Space public area, play area and picnic site are to be available to the general public, as well as residents. As such there is no need to divert the Public Footpath round the south and west of this space, but rather along the north east edge of the Open space.

There seems to be no indication of the proposed 'improvement' to this footpath over the next field and Nature reserve in this application and we refer you to Fairhurst's letter dated 12/5/15 within the previous application.

A new stile on the boundary is not adequate – we seek minimum requirements of a gate suitable for disabled buggies on both ends of this cross field path.

We do not support the fencing off of this path, unless legislation permits the Park to maintain this path, as fencing the path would remove liability for maintenance from the farmer to North Yorkshire County Council. The Council have no money to increase their maintenance liability

In our previous submission we forgot to mention that there is already a bus stop at the end of the lane and an improvement to the northern verge to a satisfactory standard for pedestrians is an essential condition. This would also be of benefit to people wishing to partake of a circular walk to the village and back.

We note reference is made to cycling and at present Carr lane is used by cyclists from York and district as part of several routes in the area.

- 4.4 Yorkshire Water - No objection - Foul water domestic waste could discharge to the 150mm diameter public foul water sewer recorded in Carr Lane, at a point approximately 250 metres north-west from the site. From the information supplied, it is not possible to determine if the whole site will drain by gravity to the public sewer network. If the site, or part of it, will not drain by gravity, then it is likely that a sewage pumping station will be required to facilitate connection to the public sewer network. The peak pumped foul water discharge must not exceed 3 (three) litres per second. An off-site surface water sewer may be required. This may be provided by the developer and considered for adoption by means of a sewer adoption agreement under Section 104 of the Water Industry Act 1991. Alternatively, the developer may in certain circumstances be able to requisition off-site sewers under Section 98 of the Water Industry Act 1991. Foul water from kitchens and/or food preparation areas of any restaurants and/or canteens etc. must pass through a fat and grease trap of adequate design before any discharge to the public sewer network. The public sewer network is for domestic sewage purposes. Land and highway drainage have no right of connection to the public sewer network. A water supply can be provided under the terms of the Water Industry Act, 1991. Conditions are suggested.
- 4.5 Kyle & Upper Ouse Internal Drainage Board (IDB) – The application relates to work near and discharging into a watercourse within the IDB drainage district. Consent will be determined by the IDB under Section 23 of the Land Drainage Act (LDA) 1991 (as amended) and the Drainage Byelaws created under Section 66 of the LDA.
- 4.6 Foss IDB - No objection to the development in principle but note that the application site is close to the Foss (2008) Internal Drainage Board district. The Board have assets adjacent to the site in the form of Whitecarr Beck and Aerodrome Beck; these watercourses are known to run at high flows during storm events.

The Board wishes to state that where possible the risk of flooding should be reduced and that, as far as is practicable, surface water arising from a developed site should be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. This should be considered whether the surface water discharge arrangements from the site are to connect to a public or private sewer before outfalling into a watercourse or to outfall directly into a watercourse.

The site is in an area where drainage problems exist and development should not be allowed until the Authority is satisfied that surface water drainage has been satisfactorily provided for. Conditions are recommended.

- 4.7 Environmental Health Officer (Contaminated Land) - The Desk Top Study Report (JNP Group, report B20073, September 2004) submitted in support of the above scheme is acceptable. The report recommends that an intrusive investigation should be carried out on an infilled pond located near the north western boundary of the development. I can confirm that I agree with this recommendation and look forward to receiving detailed site investigation proposals prior to the investigation commencing. In light of the potential unknown contamination on site a condition is recommended.
- 4.8 North Yorkshire Police – Have updated the crime and disorder assessment for the area which remains low. Makes suggestions regarding crime prevention and recommends a condition requiring the submission of further details to address these points and notes that these have not been taken on board in terms of the revised submission. Particular attention to the secure storage of bicycles is important.
- 4.9 Network Rail - no observations
- 4.10 Yorkshire Wildlife Trust - Object to the above application on the basis of insufficient ecological information and lack of mitigation for the development. The application is very similar to 14/02450/FUL which the Yorkshire Wildlife Trust also objected to in February 2015. The Trust are concerned that the submitted information is not of sufficient quality to know what habitats and species are present so that any plans for mitigation are successful. Protected species have also not been fully considered in the application. Sutton-on-the-Forest Common Site of importance for Nature Conservation (SINC) is immediately adjacent to the proposed development site and the potential impacts have not been fully considered in the application and adequate mitigation has not been proposed. The Design and Access Statement does not even mention the adjacent SINC. Sutton on the Forest Common is of particular value as it is owned by the parish council and there is access to the site for local residents. The SINC has been designated by North Yorkshire County Council and is of regional importance for biodiversity. The very large proposed pond for the development site and runoff from the site could impact on the water levels and water quality of the good quality pond within the proposed development site or on the ponds in the SINC. The existing ponds are important for biodiversity in general and also for Great Crested Newts. In terms of mitigation planting a far wider mix of species is needed which are appropriate in the area and of local provenance. A study of surrounding semi natural areas such as other SINC sites would provide a suitable planting scheme. Once appropriate landscaping and planting mixes have been decided a fully funded Ecological Management Plan needs to be conditioned and drawn up for the site to ensure that long term, biodiversity will be enhanced but the basis for this has not been achieved.
- 4.11 Public comment - a significant number of objections have been received from residents of the village and the surrounding area and from others who are visitors to the area. Approximately 270 objections have been received from the local community, raising concerns regarding the following matters. Approximately 220

objections have been received using a standardised letter. One of the principal objections is that very little has changed from the previous application:

Sustainability

- Local amenities and facilities would be adversely impacted by the proposal; and
- The number of lodges is excessive for a country village.

Visual and landscape impact

- The design, especially the clubhouse, is inappropriate for the village and would be a carbuncle;
- The village would be swamped and lose its character;
- The site is currently a flat featureless field;
- With the exception of the Moorend local nature reserve there is little or no tree coverage and the hedgerows are broken and sparse. There is little or no intervening vegetation between the proposed development and those local houses which are noted in the landscape assessment as overlooking the site; Indeed many other houses would be able to overlook the site from Carr Lane and the end of The Gowans than is indicated in the landscape assessment;
- In such a flat unscreened landscape the magnitude of change resulting from the introduction of 46, mainly two storey houses could not in any stretch of the imagination be as negligible as implied in the landscape impact report;
- Creation of an artificial hill from the excavated material from the pond would be an incongruous intrusion into such a sensitive landscape, though of a lesser extent than the house building, spa and bistro construction; and
- It would take 20 years for adequate screening to grow to an effective size.

Residential amenity

- Noise nuisance;
- Affect on views;
- The village supports and is recognised as a low light level area. Any proposed lighting scheme for this development will inevitably be intrusive;
- Principle of development on greenfield land;
- Unsustainable; no nearby attractions;
- Viability of scheme questioned;
- No benefit to village; negative impact - competition with existing businesses; and
- No need due to existing provision in locality.

Traffic and access

- Increased amount of traffic in the locality;
- Danger to pedestrians;
- This is a narrow single track country lane, but not a quiet backwater as depicted. It forms part of a rat run from the A64 via Flaxton and Sheriff Hutton to the York Road and thence to Clifton Moor;
- The junction of Well Lane and Carr Lane is dangerous, particularly for vehicles turning towards the village, as it is necessary to pull out into Carr Lane to get an unobstructed view in the York direction;
- Given the poor condition of local roads, particularly at the edges, and the amount and speed of traffic, this is not a safe area for family cycling;
- Although the developer clearly states their intention to integrate with the local community, no footway is being required along Green Lane to meet the requirement for pedestrian safety and convenience; and

- Lack of car parking.

Drainage

- Additional properties into a near capacity system is not appropriate;
- A day of moderate to heavy rain results in very soggy ground conditions and areas of standing water which take several days to drain; and
- Cleaning and ongoing maintenance of the culvert, pipe and ditch required to ensure that the drainage water from the development flows unhindered into ultimately White Carr Beck.

Economic impact

- Sutton on the Forest is not a tourist village;
- Not been demonstrated that this site rather than any other is essential to support tourism;
- Larger centres would benefit; no economic benefit to the village;
- Goosewood seems to have persistent problems in recruiting staff;
- The village has a high proportion of white collar workers, both currently working and retired, and they and their dependants are unlikely to seek employment as cleaners, kitchen staff etc. Permanent staff seem to be sourced from York City or possibly Easingwold and their travel is not by sustainable means;
- Nearby Goosewood which has planning permission for 100 holiday homes, but has had to scale this back down to just 34 because of lack of any real demand;
- The houses would be self-contained and not part of a larger tourist offer;
- Any economic benefit would be marginal and more than outweighed by the harm arising from other aspects of the development;
- The presence of the spa and bistro is by no means guaranteed. (Officer note: there is no spa and bistro in this scheme). They will be separate business ventures dependent on the proven custom from the lodge occupiers. No planning agreement can force the operation of an uneconomic business; and
- Rather than benefitting the Rose and Crown in the village the development may even draw custom away.

Biodiversity

- The proposed site is adjacent to the Moor End Nature Reserve. This is an important site for breeding Great Crested Newts because the conditions are perfect for them;
- There are rare orchids in this area which take 15 years for seeds to develop together with great crested newts which follow the culverts;
- Complaints about adjacent agricultural and industrial uses;
- Loss of agricultural land on the edge of the village;
- Moor End is the only example of Lowland Heath in Hambleton; and
- The presence of rare Northern Marsh Orchid and other rare plants.

Issues have also been raised regarding the loss of property value, the occupancy of the buildings as unrestricted dwellings and the phasing of the development.

- 4.12 One comment has been received in support of the development, which state it would bring jobs and revenue without disruption to the village and that the development might assist in saving the village pub.

- 4.13 The following consultees have not responded to the current application. Their comments on the previous application can be read on the previous file. In summary the positions are set out below.
- 4.14 Welcome to Yorkshire – supports high quality visitor accommodation provision.
- 4.15 Natural England - Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.
- 4.16 NYCC Countryside Service - there is potential for indirect impacts during both the construction phase and on-going impacts once the holiday park is in operation on the Site of Importance for Nature Conservation (SINC)

5.0 OBSERVATIONS

- 5.1 The main planning issues are (i) the principle of the proposed development in this rural location and the sustainability of Sutton on the Forest and the sustainability of the proposals taking in to account the three strands of sustainability environmental, community/social and economic (ii) the impact it would have on the local economy and the community; (iii) the impact on the character and appearance of the landscape and the character of the settlement; (iv) the impact on biodiversity; (v) the effect of noise and activity on the surrounding locality including the impact on local residents and local businesses; (vi) drainage; (vii) highway matters; and (viii) community engagement. The previous refusal of planning permission is material to the decision to be made.
- 5.2 There are no heritage assets in the locality that would be directly affected by the proposed development with the nearest heritage asset being Sutton on the Forest Conservation Area over 330m to the north west of the application site.

Principle and sustainability

- 5.3 Paragraph 7 of the National Planning Policy Framework highlights that there are three dimensions to sustainable development: economic, social and environmental.
- 5.4 Paragraph 28 of the National Planning Policy Framework (NPPF) encourages support for a prosperous rural economy requiring planning policies to take a positive approach to sustainable new development. It also requires planning policies to support the sustainable growth and expansion of all types of business and enterprise in rural areas; to promote the development and diversification of agricultural and other land based rural business and to support rural tourism that benefits businesses in rural areas, communities and visitors and where it would respect the character of the countryside. This also includes supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.
- 5.5 The Council has strategic objectives (adopted within the Core Strategy) based on the principles of sustainability. Strategic objective number 1 is to ensure that all development is sustainable, in the interests of existing and future population, and number 2 is to reduce the need for travel. These are key to the policy framework.
- 5.6 The Strategic Spatial Policy, adopted to meet the needs of local development sustainably, includes Policy CP1, which underpins the whole Plan. It includes as its main aims, together with community's housing economic and social requirements and protection of the environment, the minimisation of energy consumption and the need to travel.

- 5.7 Policy CP2 is very specific that development should be located to minimise the need to travel, and convenient access should be available to sustainable means of transport.
- 5.8 Further guidance is now available in the Planning Practice Guidance which states that new tourism developments should, where reasonable, encourage the use of sustainable modes of transport. The need for sustainable modes of transport, in the context of tourism developments, is a planning judgement however this is not the only test of the wider assessment of sustainable development.

Local economy and community

- 5.9 Paragraphs 18 to 22 of the NPPF explain the Government's commitment to securing economic growth in order to create jobs and prosperity and meeting the twin challenges of global competition and of a low carbon future.
- 5.10 The need for this particular type of development has been assessed within the submitted Tourism and Economic Impact Report. The aim would be to “develop green, high-quality tourism with a unique, locally-distinctive offer” as identified within the Strategic Economic Plan for North Yorkshire (produced by the York, North Yorkshire & East Riding Local Enterprise Partnership in March 2014).
- 5.11 The site is located approximately 1km from the centre of Sutton on the Forest and approximately 7km south east of Easingwold, which offers a range of shops, services, attractions and public transport services. Some benefit would arise to local businesses such as the village pub, Sutton Park and businesses within Easingwold and therefore the development is likely to result in some benefits within the immediate locality. One of the attractions of rural tourism developments is the remote location, and they are therefore often sited in areas with limited public transport facilities. There is currently a bus service between Easingwold and York, passing close by the application site, which provides an alternative option to the private car. There is no doubt that the proximity to York would be one of the attractions for the location but there are also attractions in the immediate vicinity such as Sutton Park; specialist retailers and local restaurants such as the Rose and Crown Public House in the Main Street and Pampas on York Road. The wider area offers further tourism opportunities including the attractions of the Howardian Hills AONB and the North York Moors National Park, including Castle Howard and Nunnington Hall.
- 5.12 Limited facilities are proposed to be provided on site and, in this case, there is a balance to be made between providing a sustainable development with on-site provision to reduce the need for visitors to drive away from the site every day and also to encourage visitors to leave the site and spend money in the local community and wider area. Whichever option visitors choose would result in economic benefits, in compliance with aim of the NPPF to build a strong competitive economy.
- 5.13 The applicant's agents previously addressed the points made by the Council's Business and Community Officer by confirming that the on-site facilities would be available for use by the general public and the operation of the business would ensure procurement links with local suppliers. Since then the scale of on-site facilities has been reduced and the number of jobs reduced.
- 5.14 The agricultural land within the application site boundary has been classified as grade 3a, which is good quality land and is therefore the best and most versatile (BMV) category. A detailed search for alternative, lower quality sites has not been undertaken; this is because most of the land within the locality is classified as grade 3

but is not broken down into sub categories and any further investigation would be extremely costly requiring a soil scientist to undertake detailed survey work of a wide area. However, from high-level data that does not distinguish between grades 3a and 3b it would appear that land below grade 3 is not available locally. If it is accepted that the development is appropriate to the locality, in the vicinity of Sutton on the Forest, then it is likely that good quality land would need to be developed.

- 5.15 The perceived benefits include the provision of a bistro and restaurant facility and an upgraded footpath link from the village to the application site.
- 5.16 Concerns have been raised about the proposed development affecting the amenity of local residents and countryside users due to the traffic, activity and noise associated with the proposals. The development is over 50m distant from the nearest neighbouring dwelling to the west and more than 200m from the edge of the village Development Limits. The proposed access is sited further from neighbouring dwellings. It is not considered that the distances involved would lead to an unacceptable degree of noise and disturbance from the site and would not be contrary to LDF Policy DP1.
- 5.17 The social impact of the proposals on community facilities should also be noted, in particular the Parish-run SINC. This is highlighted further below.

Landscape and character

- 5.18 Policy DP30 (Protecting the character and appearance of the countryside) of the Development Policies DPD states that "the openness, intrinsic character and quality of the District's landscape will be respected and where possible enhanced...Throughout the District, the design and location of new development should take account of landscape character and its surroundings, and not have a detrimental effect on the immediate environment and on any important long distance views. The design of buildings, and the acceptability of development, will need to take full account of the nature and distinctive qualities of the local landscape... Where possible opportunities should be taken to add appropriate character and distinctiveness through the contribution of new landscape features..."
- 5.19 The landscape character is formed by the natural landscape and the interaction of this with the built environment of the village. The topography of the area is low-lying and very flat, particularly in the south. In the north there are occasional gentle undulations and localised higher ground. The character of the area includes numerous modified watercourses and drainage ditches cross the landscape, many of which are prone to flooding. These include the River Foss and Whitecarr Beck which flow towards York.
- 5.20 Sutton on the Forest, as with other surrounding villages has a linear form, with modern expansion outside of the historic core. The core of the village that the designed landscape of Sutton Park, an 18th Century house and gardens, are designated as a Conservation Area. There are strip fields around Stillington which are thought to be medieval in origin.
- 5.21 The site is currently open farmland, most recently grazed by sheep. The site is open in nature with landscape features including hedgerows, some trees and a pond adjacent to the northern boundary. The site benefits from well-established landscaping along the roadside but is visible from stretches of Green Lane and from properties on the eastern edge of the village. The site does not lie within an area of special landscape designation.

- 5.22 A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application, confirming that the site would be visible from close locations such as the public right of way and with transitional views along Green Lane. The impact from further afield would be less with glimpses of the site from the surrounding roads at long range, viewed against a backdrop of the adjacent woodland. The Council have commissioned advice on Landscape Character from Landcare that informs this report.
- 5.23 Intensive arable farmland prevails in the area, and is particularly large in scale on floodplains, with a smaller pattern of arable and pasture emerging around settlements. Modifications to watercourses for drainage are evident in long straight field boundaries and ditches. Hedgerows lining roadsides and marking field boundaries tend to be sparse, with gaps, and there are occasional field trees. Open views are available across large fields, with the flat horizon often formed by field boundary trees and hedgerows. On the more elevated ground in the north more distant views are available to lower-lying areas. This rural character defines the area.
- 5.24 Sutton-on-the-Forest has a defined settlement character being primarily frontage development around the principal road network. The proposals would extend this beyond current development boundaries and to the east which would not be a logical extension to the built form or pattern of development.
- 5.25 The proposed development requires the provision of a landscaped setting to limit its visual impact, as detailed in the application. Other than the existing woodland to the west, which is not directly adjacent, landscaping would have to be provided to add to the setting and supplement existing features. This clearly would take a period of time to become established and effective and the built structures would be visible for a number of years. In order to address this it is proposed to undertake the development in phases and plant the landscaping at an early stage so that it becomes established as the later parts of the development progress. The proposed landscaping provides a significant number of new landscape features including trees, a pond and meadows.
- 5.26 The proposal would cause harm to the landscape and the character of the area and the proximity to the settlement of Sutton-on-the-Forest would have an impact on the setting of the settlement and be read against the character of the area. Harm needs to be balanced against the mitigation measures.
- 5.27 Whilst noting the opinion of the applicant's Counsel it would be inaccurate to assume landscape character only applies to protected landscapes such as Areas of Outstanding Natural Beauty and many appeal decisions consider wider implications of Landscape and Settlement Character. Indeed the Written Ministerial Statement on Landscape Character (March 2015) adds clarification.
- 5.28 Therefore in considering the Authority's reasons for refusing the previous applications set out in paragraph 2.2, the revised submissions do not address the character of the area or the landscape harm previously identified and it is considered, with the support of the Council's consultant's advice, that the refusal reasons are still pertinent.

Design

- 5.29 The second reason for refusal, set out at 2.2 related to the design, scale and bulk of failed to pay due regard to traditional designs of the area and the form of the development does not respect local character and distinctiveness such that the proposed scheme. The proposed clubhouse/restaurant has been amended as part of the amended scheme to reflect a barn-style proposal. The clubhouse design is an improvement to the previous design but the concerns and comments of the Parish and residents are noted.

- 5.30 The individual units are simple timber clad cabin types and the use of timber would be similar to other lodge style development approved in the District but the two storey development would be unusual in this context. The proposed lodges are set around open water features and extensive natural planting is proposed.
- 5.31 The two-storey units proposed have potential to be more imposing but the physical impact could be mitigated. In this instance a majority of the lodges are two-storey with only 7 being single storey. The single storey lodges are on the northern boundary to the development.
- 5.32 Whilst the amended clubhouse is therefore noted the reason for refusal in terms of the bulk and mass of the development has not altered significantly from the previous refusal reason progressed and the layout does not echo the general linear pattern of development of the village.

Biodiversity

- 5.33 LDF Policy DP31 requires locally important sites (such as SINC)s to be protected and enhanced as appropriate to their local importance. Paragraph 118 of the NPPF requires Local Planning Authorities to aim to conserve and enhance biodiversity by applying principles, which include the following:
- If significant harm resulting from a development cannot be avoided then planning permission should be refused
 - Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats
- 5.34 Naturally Wild has supported the applicant's submission. All those recommendations presented within the Ecological Assessment report and associated documents remain relevant and valid to the current design. Further they note that any requirements for updated surveys would be discussed and agreed with Natural England. However detailed objections from the Yorkshire Wildlife Trust have been carefully considered and there is significant concern that the proposed mitigation has not fully assessed the importance or impact on the neighbouring SINC or the impact on protected species.
- 5.35 Overall there is concern that the submitted ecological assessments are not a suitable basis for assessing the application and taking forward appropriate mitigation. This would present as significant environmental harm.

The effect of noise and activity on the surrounding locality including the impact on local residents and local businesses

- 5.36 The development will result in a change in the character of the land beyond the Common. The relative tranquillity of a pasture will be taken over by activity. As noted above the distance from the nearest neighbours is sufficiently great to avoid a loss of amenity as a consequence of noise from the site, however the development would give rise to increased traffic on the highway network with an attendant increase in noise. Whilst the loss of tranquillity is a change in the character there is no LDF policy requirement relating to the preservation of tranquillity and any loss, perceived or real, would not translate in to a reason for refusal of this application. The loss of a view or ability to see the properties from an existing dwelling is not a planning matter.

Drainage

- 5.37 Details have been received that propose to drain the foul sewage into the main sewer on Carr Lane. Yorkshire Water has confirmed that if an existing drainage system is not capable of accepting additional foul sewage it is an operational requirement that needs to be addressed. In any event, in this case the additional number of units is considered to be small scale and the introduction of a pumping station to limit the rate to 3 litres per second results in a marginal increase in the overall system and would be acceptable.
- 5.38 Surface water is proposed to be drained into the central pond created within the site. Yorkshire Water recommends a condition to establish a satisfactory outfall for this discharge. The Foss IDB also recommends conditions for this reason as the site is within an area where drainage problems exist and therefore discharge should be managed to reflect existing surface water flows.
- 5.39 The site lies within Flood Zone 1, which is the area with the lowest probability of flooding. The Internal Drainage Boards and Yorkshire Water raise no objections.

Highways

- 5.40 There is significant concern regarding the use of the local roads in the area to serve the proposed development. Green Lane onto which the site would access is a narrow single track road. Any widening of the road, which is not proposed, would give rise to other issues such as the impact of the alterations on the rural appearance of the locality. The road has good forward visibility and it is suggested that any widening of it would possibly increase vehicle speeds thereby making it less safe.
- 5.41 For the previous application a traffic count was undertaken by local residents counting a total of 611 traffic movements within a 12 hour period, with the peak hour of between 1700 - 1800 hours producing 80 movements. The peak hour for the proposed development is anticipated as between 1300 -1400 on a weekend, producing 11 vehicle trips. Concerns have been expressed by neighbours and the Parish Council with regard to highway safety at the junction of Green Lane with Carr Lane. There is only one recorded incident (using Crashmap data) at the junction which was a non-fatal but serious incident relating to a motorcycle accident.
- 5.42 The Highway Authority has no objections to the proposed development and the proposed access onto Green Lane. There is no evidence to support a refusal on the grounds of highway safety.
- 5.43 It is proposed to divert and upgrade the public right of way connecting the site and Carr Lane, adjacent to the Nature Reserve. The North Yorkshire County Council's Footpaths Officer has no objections and would agree to the provision of reinforced membrane matting and new gates and fencing.

Community Engagement

- 5.43 Public consultation should be a genuinely meaningful exercise and must be guided by the Council's Statement of Community Involvement (SCI) and paragraph 66 of the NPPF.
- 5.44 Paragraph 66 of the NPPF sets an expectation that developers should work closely with those affected by their proposals to evolve designs that take account of the views of the community. This is reflected in the Council's SCI, which requires that communities are offered genuine choice and a real opportunity to influence proposals in consultation exercises. The NPPF states that proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.

- 5.45 Whilst the response to the applicant's consultation exercise is considered modest with an 11% turnout of those invited to a public exhibition and it would appear that the majority of those who commented are opposed to the proposals. The major concerns appear to relate to drainage, increased traffic and the impact on the existing SINC. However it should be noted that a more significant response has been received to the application and to the previous application.

Occupancy controls

- 5.46 There is a suggestion that the buildings would be occupied as unrestricted housing rather than as holiday accommodation but the proposal as set out above seeks to provide holiday homes and not dwellings for permanent residential occupation. New homes in this location would be contrary to the LDF Policies and those of the NPPF and this matter could be addressed by the imposition of a planning condition. Further the proposed use class would be Sui Generis so a change of use would be required for any building.

Overall Planning Balance

- 5.47 The Local Planning Authority's concerns with the previous application are set out in three reasons for refusal listed in paragraph 2.2. This application should be determined on the basis of whether there is new evidence or amendments to the proposal that address those objections.
- 5.48 Evidence has been submitted in relation to recent appeal decisions which have highlighted that rural tourism and consideration of sustainable transport are not in themselves a fundamental barrier to the acceptability of tourism development. Counsel's advice (prepared for the applicant) raises doubt on the sustainability of the first reason. In officers' view, the Committee's reason for refusal remains relevant but should be amended to reflect the balance of the principles of sustainable development.
- 5.49 The proposed design of the development has remained largely unchanged in term of height massing or detail. The clubhouse, however, has been significantly altered to a more traditional agricultural barn and this is noted. The NPPF states that "Planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles"
- 5.50 In this regard whilst improvement to the clubhouse should be noted, the scale and mass of the lodges, particularly the two storey aspects are not altered. The proposal has therefore not overcome the previous reason for refusal.
- 5.51 There has also been no significant change to the proposal in relation to the impact on landscape character. Settlement character is also a significant consideration that should also be addressed. The comments of Yorkshire Wildlife Trust have been carefully considered. It is therefore proposed to amend and update the reason for refusal to include relevant ecological considerations.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the planning application is **REFUSED** for the following reasons:
1. The application presents unsustainable development when considered against the three principles of sustainable development set out at Paragraph 7 of the NPPF and

that the environmental and social harm caused by the development in terms of the location, the community asset of the SINC, settlement and landscape character, likely prominence of car-based travel in relation to tourism outweigh the economic benefits arising from the proposals. The proposals would be contrary to Policies CP1, CP2, CP4, CP5, CP16, CP17, DP1, DP3, DP4, DP5, DP30, DP31, DP32 and DP33 and the aims and objectives of the NPPF to deliver sustainable rural tourism.

2. The proposed buildings are of inappropriate design due to their height, massing and detailing that fails to pay due regard to traditional designs of the area and the form of the development does not respect local character and distinctiveness such that the proposed scheme is contrary to the Hambleton Local Development Framework Policies CP17, DP30 and DP32.
3. The proposed development would have a detrimental impact on the openness of the landscape, the neighbouring SINC and ecology of the area and the settlement and built form character. The proposals fail to deliver adequate mitigation by the proposed landscaping proposals and the harm would not be outweighed by any compensatory measures. The proposed development would therefore result in harm to the natural asset of the District contrary to the Hambleton Local Development Framework Policy CP4, CP16, CP17, DP10, DP30, DP31, DP32 and DP33 and the aims and objectives of the National Planning Policy Framework (in particular Paragraphs 28, 109 and 118) and the Written Ministerial Statement on Landscape Character.