

**Item Number:** 9  
**Application No:** 19/01393/FUL  
**Parish:** Staxton/Willerby Parish Council  
**Appn. Type:** Full Application  
**Applicant:** Staxton Playing Field Association  
**Proposal:** Formation of 2no. cess pools with cable service trench , installation of 9no. above ground electrical service bollards and 1no. electrical distribution unit. (part retrospective)  
**Location:** Staxton Sports Pavillion Church Walk Staxton Scarborough North Yorkshire  
**Registration Date:** 23 December 2019  
**8/13 Wk Expiry Date:** 17 February 2020  
**Overall Expiry Date:** 13 November 2020  
**Case Officer:** Niamh Bonner **Ext:** 43325

#### CONSULTATIONS:

|  |                            |
|--|----------------------------|
| <b>Environmental Health</b>            | Recommendation Condition   |
| <b>Internal Drainage Board</b>         | Recommend Condition        |
| <b>Archaeology Section</b>             | No objection               |
| <b>Staxton/Willerby Parish Council</b> | Objection                  |
| <b>Highways North Yorkshire</b>        | No objection with comments |
| <b>Sports England</b>                  | Recommend condition        |
| <b>Staxton/Willerby Parish Council</b> | Objection                  |

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#### SITE:

The application site relates to Staxton Playing Fields, located to the northern edge of Staxton Village. The area indicated under the Site Location Plan incorporates the full extent of the Playing Fields, including the Club House to the west and a dedicated children's play area to the north eastern corner.

The playing fields are accessible through Church Walk or via and lane to the west of the land, Willerby Carr Lane.

The site falls within an area of archaeological interest and outside of the village development limits. This land is designated as 'Playing Field' within the Ryedale Plan.

#### PROPOSAL:

This application seeks permission for the "*formation of 2no. cess pools with cable service trench, installation of 9no. above ground electrical service bollards and 1no. electrical distribution unit. (part retrospective)*"

The underground cabling work has been carried out and is therefore retrospective. At this point in time the above ground structures and the cess pools have not been installed, however the holes for the cess pools have been dug and are presently fenced off awaiting conclusion of this application.

This proposal was updated during the determination period to highlight the proposed above ground elements. Furthermore, a revised application form was submitted to formally alter the Applicant to 'Staxton Playing Fields Association, with Mr Mick Witty as the Agent (Trustee of and working on behalf of the Staxton Playing Fields Association.) This procedural amendment was accompanied by supporting documentation that appropriate notice had been served on the Cricket Club as tenant at the site. This amendment was reviewed by the Council's Solicitor who agreed this has been submitted

properly and in accordance with the legal requirements.

This application was subsequently fully readvertised on the 19th October 2020 for three weeks, by letter to direct neighbour and all persons who by that point made formal consultation responses, by 2no. site notices, one at each of the access points of the grounds and by consultation with the Parish Council and other Statutory Consultees.

It must be noted that this application does not relate to the siting of caravans and does not seek approval for a change of use of the land. Therefore this proposal is currently being made on the basis of the operational development outlined within the description of the proposal only. Consequently, the Local Planning Authority can legally only consider the application as it has been applied for and cannot consider the potential future use of the site as part of the determination of this application, as this is not a material planning consideration. This approach has been reviewed with the Council's Legal Team who have confirmed this to be correct. Therefore, this application must be considered solely as presented and future uses of the site, including those that could potentially be under certain permitted rights afforded by other separate legislation (such as the Caravan Act 1960) cannot be given material planning weight in the determination of this application.

The Playing Field Association could potentially obtain or make use of some form of permitted development right or possibly may submit another planning application for the change of use of the land.

However, dependent on the future plans at the site, which have not been fully categorically confirmed at this stage (and which could always be subject to change.) if the Local Planning Authority is consulted by a third party (such as the Camping and Caravan Club for example) and have an opportunity to make a representation, this will be given significant consideration and detailed analysis. Any opportunity offered to the Local Planning Authority to make a consultation response will be taken and will include a site visit by a Planning Officer, the highlighting of the neighbour and statutory consultees representations received as part of this application.

It is noted that within certain parts of the submitted information from the Agent since the first registration of this application, there has been various references to caravans being brought on to the site made. As noted, these comments are categorical and not binding and could be subject to change as noted above. Expects of these references include:

- Minutes of the Staxton Playing Field Association Meeting dated 16/9/2019 made reference about enquiring into 6 touring caravans and 10 tents onto the site during July, August and parts of September. Minutes of the Staxton Playing Field Association Meeting dated 27/1/2020 also made reference to the siting of caravans.
- Incoming information from the Agent scanned on by the LPA on the 2nd February 2020 available to view on the public access noted "Annotation relating to proposed caravans/tents does not form part of the planning application 19/01393/UL and is indicative only for potential separate future exe certificates/full planning applications." Annotations for caravans were removed from revised drawings.
- Incoming information from the Agent scanned on by the LPA on the 16th October 2020 available to view on the public access noted "at the present moment in time, we do not intend to use the service bollards, we will apply for any necessary planning permission that is required in the future for any events we intend to stage."

If a further formal planning application is submitted, the LPA will as has been the case in this application, will undertake full consultation on this application in line with our statutory requirements and the Statement of Community Involvement.

## **POLICIES**

Local Plan Strategy -Policy SP1 General Location of Development and Settlement Hierarchy  
Local Plan Strategy -Policy SP11 Community Facilities and Services  
Local Plan Strategy - Policy SP16 Design  
Local Plan Strategy - Policy SP17 Managing Air Quality, Land and Water Resources  
Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development  
Local Plan Strategy - Policy SP20 Generic Development Management Issues  
National Planning Policy Framework  
National Planning Practice Guidance

## **HISTORY:**

There is no relevant planning history

## **REPRESENTATIONS**

A large volume of responses have been received in relation to these proposals and are summarised below. As noted, re-consultation has been undertaken during the determination of this proposal. These letters of representation are available for Members of Planning Committee to review in full on the planning file. In total there have been 64 formally submitted representations, of which 46 are letters of objection and 16 are letters of support:

### **Objection -**

Rebecca Norris, Clare and Andrew Wharton, Rod Grover, Susan Ridsdale, Rebecca Sleight, Kerry Ridsdale, Charlotte Edwards, Lee-Anne Carlton, Stephen Edwards, Janet Sanderson, Simone Sheader, Michael Norris, Michael Norris (2) Andrew Wharton, Jane Grover, Daniel Coleman, Sally Cuff, David White, Tanya More, Patricia Cookson, John Cookson, James Sowden, A Younger, C Smith, Brooke Younger, Rod Grover (2) Gail Sefton, Catherine Farne, Natalie Dimond, Andrea Nicholson, Richard Ireland, Michael Norris (3) Rebecca Norris (2) Susan Risdale (2) Lindsey Ridsdale, Kerry Ridsdale (2) A Coleman, Tanya More (2) C Smith (2) A Younger (2) B Younger (2) Anthony Lee, Rod Grover (3) John Naphine, R Grover (4 – providing excerpts of the Constitution), Chris Naphine

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A summary of the issues raised is outlined below.

### **Principle**

- The site is owned by Staxton Playing Fields Association (a registered charity) who's charitable objectives state "a recreation ground for the benefit of the inhabitants of Staxton." This course does not fulfil that objective.
- The playing field is a Trust and without public consultation (and backing) and a public vote there can be no change of use for the land. If the public vote was for preposition then it would have to be signed off by the Secretary of State. This is in the charity's constitution.
- The people who want to do this, we believe have no right to do this. This land belongs to the village.
- *"Staxton playing field existing as a result of public money raised and grants obtained to purchase the field for the benefit of the residents of Staxton. As such the playing field is protected by a covenant, covenants and trusts, such as the one set up for the played field are built to safe guard the original intention – which was to provide a playing field for the residents of the village. The covenant gives a strong safeguard for the original intention of the PFA should it be adhered to.*

*Service trenches as applied for serve no purpose for the playing field and are purely a precursor for other activities not connected to benefitting the residents of the village, or providing sport and recreation as set out in the covenant.*

*Within Rule 12 of this covenant, any discontinuation in whole or in part should result in all*

*residents of the village over the age of 18 being notified of the intention to change and any change then taking place only with a majority approval of the residents. No such meeting or agreement has taken place and therefore the application as submitted breaches the covenant set up to protect the playing field. I am also let to believe that had residents approval been given this would still have required the decision to be approved by the Secretary of State for education.”*

- Unlawful to put a money making business on the land as per the land registry covenant.
- Concern over no mention of the proposed caravan park, 17 electrical hook ups have been laid, request for vans will follow. A precursor of a larger caravan park plan. Obvious intent of future development.
- The application for cesspools/trench has been submitted presumably without any application for planning permission for an actual caravan site. It is my understanding that up to 6 caravans can be allowed on land without planning permission. Questioning 17 hookups.
- If this “caravan park” isn’t on the cards, then why put the service trenches or cess pools in. They wouldn’t be needed on a recreational field. This is not a legitimate proposal.
- Already have two caravan parks at end of village and plenty nearby with better access and facilities. What is the need. Not needed or wanted by local families.
- Lack of information from applicant about need for infrastructure, apart from plan reference 1950 where it states “for caravan hook ups” – request more information regarding the need and note that for several decades the playing fields association has managed without these facilities and even without any associated caravans, which the application as stands has the potential to change the way in which the site is used when the cess pits need to be serviced.
- Can only presume this will be for financial gain and will not require employment of any staff. Given this, it would be helpful to know ascertain what the application seeks to support and if this is permissible development given the specific charity status of the application site. Question the legitimacy of the application, given the charity status of the application site.
- There are no local businesses which would benefit
- The field will not close without caravans as touted by some.
- This application has been presented to deceive people of the proper reason for the Cess pools which is think is now public knowledge that the Playing Field Association plan to introduce a caravan park
- All for fundraising and making sure inhabitants have a safe place to continue to play sports, suggest charging a reasonable rent to the cricket club who currently pay a grand total of £25 a year for the field and clubhouse. This doesn’t seem a good or sensible deal for the PFA.
- If the caravan pitches were limited to a small number, such as the caravan club 5 pitches that would give enough income to support the running of the fields. Anything else I would argue is overdevelopment. Other ways of generating income. Ie different sporting activities.
- The site could be occupied without permission in the future.
- This venture is to benefit the Cricket Club, not the PFA as was originally supported to be. All profits to be paid to the Cricket Club. Whilst I accept this is only regarding the application for trenches and cess pools, you need to look at the bigger picture. This will benefit a few locals. This venture was supposed to help a struggling PFA which does not received any more at all. No benefit to villagers.
- The children’s play area is a disgrace. If money earned by the caravan site goes to the cricket club how do we upgrade it. It closes during winter as the PFA cannot afford to insure it.
- Number of service bollards (9) more than we originally were led to believe.

### **Loss of Playing Field**

- The application states the football pitch hasn’t been used since 2014 but it is my understanding this has been used up to mid 2019 when goal posts were removed. Given government is promoting increased activity and sport to support health and wellbeing it is unfortunate that the pitch has been made dysfunctional. If posts were put in this would be restarted.
- Local children have been told they cannot play there anymore or so I’m told.
- This is Staxton’s only recreational field. Adults/ children have no other safe space to exercise or play sports/games etc. the village is already limited with stuff for children. Loss of sports provision – how could cricket ever be played.

- This field and play area is a valuable asset. It exists to be used by families who reside in the village, not to host a caravan site. Development of this valuable children's playing space is totally unwarranted and would be a huge loss to locals who use this space often. It was bought /donated as a playing field and belongs to the community/village. This is a safe space for village children to meet up and play in a dedicated village playing field and a field for sport, not a caravan site. We should be encouraging children to play outside, in a safe environment without technology.
- The retrospective digging of cess pools and trenches without permission has been carried out without consultation, it was found when their child was not allowed on the grass there to play football due to the digging. There were no signs up explaining or warning of the dangers. My child has nowhere to go to play football and cricket with his friends since this work started in October/November (2019)
- Concerns about children playing in an area in proximity to manoeuvring caravans.
- A caravan park should not be able to be built without consultation with the residents
- The cricket uses two thirds of the field and so the other third will be for caravans therefore not only will there be increased traffic and danger but the children will lose the field.
- Design and character
- This would detract from the village's beauty, this would be built in a central position surrounded by open fields, out of character and out of place in Staxton.

### **Traffic**

- Village does not have infrastructure to support extra traffic. The village is already heavily congested and this would worsen the situation. The increased traffic would be crippling to the area. We have no village shop/post office/pub anymore so extra traffic in and out of the village (to collect supplies etc) would worsen traffic situation. The A64 in summer is heavily congested, no sense in bringing some of that traffic into our village.
- Difficult traffic when primary school is open, with traffic backed upon Wains Lane
- Access to site is down a single track lane (Willerby Carr Lane) leading to 3 residential properties which is in poor repair and only suitable for car/horse/dog walkers/farm traffic/cyclists. There are no passing places on the lane (as either side is banked) Walkers already have to climb verges when cars use the lane. It is unsuitable for caravans. This additional traffic on country lanes and through the village is a danger.
- RDC have stopped bin wagon from coming down this lane due to safety issues. How can waste wagons access this lane to empty the cess pits if it is so hazardous. There are no turning spaces and it would be dangerous to reverse.
- Safety issue of children accessing the fields funnelled into a narrow access track along with service vehicles.
- Willerby Carr Lane does not carry Staxtonbury Traffic
- This will increase the amount of foot and car traffic on Church Walk, particularly where the road opens out for parking. This is usually the case during cricket matches but as these are only for a few hours at a time it is fine. Holiday makers would be there for a longer time.

### **Inaccuracies/issues with application.**

- Why is daughter of trustee making application, she doesn't live at that address. Concerns raised over the accurate completion of the application form in relation to the ownership certificate and compliance with requirements re: serving of notices. (Case Officer note: As described above the Applicant/Agent information was updated, the correct notices served and the proposal fully readvertised.)
- There were not notices of intent or public consultation, only found out through Parish Council. (Case Officer Note: This response was dated 3rd January 2020 prior to RDC erection of 2no. site notices)
- Concerns over date site notices erected being erected on the 7th January 2020 – concerned there is not enough time to provide responses. (Case Officer note: 21 days was indicated from the date on the notice, but all responses have been accepted throughout the determination period.)
- Object to the fact you haven't alerted residents, only just found out by accident, you should have posted letters. (Case Officer note: As noted, publicity of this application was undertaken

in excess of Statutory Requirements, with no. 2 site notices and the consultation of the directly adjoining neighbours by letter and consultation of the Parish Council.)

- A third party had reported that Charlotte Edwards had been in support of an application at a meeting, which is not the case. Charlotte Edwards did not comment in support. She noted “I was unaware of this and certainly did not comment in support. The proposed changes will have a direct effect of myself and my family, with increased noise levels and my children being unable to play on the street due to the presence of strangers. The playing field exists to be used by families who reside in the village, not to host a caravan site.”
- The application is misleading (it does not mentioned caravans) of which 17 caravan hook-ups are already installed.
- Retrospective nature of the application, breach of planning permission laws.
- The whole episode has been underhand, we live next to the field and not a word was said, no meetings or posters. No forewarning. Meeting with trustees / playing field associations have been refused. Some trustees were not consulted. Trustees should make sure everyone in the village was aware before any work was carried out. Every resident should be entitled to their fair change of discussion, given the village owns it.
- Still not had any meetings to discuss any of the proposals (response dated November 2020) despite asking for these as a village.
- Raises concerns over ‘permission’ granted by the Cricket Club for works (Case Officer note: This relates to the serving of notice on the Cricket Club as a tenant rather than any planning permission.)
- Confused about second application, claims Mr Witty is the owner, suggest legality is looked into (Case Officer Comment: As will be detailed in the proposal section, the application was readvertised with the Playing Fields Association as the applicant, not Mr Witty. This was a readvertised scheme and not a new application)
- Some trustees names on application know nothing about further plans.

### **Amenity**

- Concerned about increase in dog waste in lane, which is already an issue
- Concern over odour if not maintained/emptied regularly
- All those in favour live nowhere near the pools so will not be affected in any way.
- Increased noise levels from holidaymakers, will impact retired residents. Little or no consideration given to the home and land owners near this site and those in favour will be unaffected, whilst we have to live with the consequences.
- Could promote antisocial behaviour.
- Moved to Staxton as it is such a lovely quiet village and a good place to raise a family. Will spoil rural area
- Safety
- No lighting down lane
- This will compromise the safety of our children to bring strangers among them. They will be unable to play on the street. Living a short walk from the proposed development makes me uneasy. The field is used by local children as a safe place to play and they would have to share that space with transient visitors.
- Concern over behaviour of visiting children/dogs doing damage to horses and farm fields.
- Water course contamination – concern about detail/acceptability of plans/construction of cess pools – not fit for purpose, possible waste leaking into the surrounding area/nearby water course/grazing land making it a potential health hazard. Concern over lack of ventilation and uncertainty over future maintenance.
- As a builder, the design and construction details are archaic, grave concerns. Agree with IDB objection.
- As a landowner to the north, extremely concerned about leakage and smells from proposed diy cess pools. Drainage ditch is lower than the proposed tanks, so any leakage could contaminate the water course which feeds the Derwent and my land.
- When cess pit overflows it would discharge effluent to the land/water drain that eventually passes over my land in an open stream.
- The football pitch is situated on low lying land with surrounding drainage ditches serviced by

the IDB. Their concerns are noted and they support their views on the possibility for water contamination here.

- Children playing in an area in proximity to manoeuvring caravans.
- Health and safety of currently open pits surrounded by 'pathetic' fencing. Case Officer Note: The Council's Environmental Health Team sought the installation of this fencing to prevent access. This is considered to be acceptable. The site is regularly checked by Members of the Playing Fields Committee.
- Come to light the trench work may not have been carried out correctly.

### **Support –**

Angela Beswick, Katherine Shannon, Joseph Stearman, Sarah Stearman, David Woodhouse, John Pickard, Richard Pickard, Bridget Dale, J Pinder, M Pinder, Caroline White, Jamie Beswick, David Shackleton, Arron Oldroyd, Heather Norman, Linden Gray

A summary of the points raised in support of the application is outlined below:

- Will bring income to the field and I want to see it continue as a club. I do not feel that anyone locally is losing anything as this is a large area.
- In full support for the playing field being used for the summer months to host caravans and tents, will bring some well needed funds for the site, in order for it to stay open. Would be a great shame if it were to close due to funding. Positive move for the village and the community and in full support of this existing new project.
- Staxton is a lovely village, which visitors will enjoy, a great location to stay and explore the Yorkshire coast from and more customers for local businesses such as the butchers.
- No objection – good idea to being in much needed funds.
- The future of the playing field needs revenue from somewhere to keep it going. Hope my great grandchildren can always have such a lovely place to go play and their future generations too.
- Good thing for the future of the playing field and the club, and to keep it open for future generations. 100% support the plans
- Trenches and pipework will have no impact whatsoever on surrounding lane and properties. The cess pits if installed will comprise grates only which will be visible above ground.
- Understand objections may have been received based on future use of the land should this be granted. I assume you will rule these out as irrelevant to the application.
- Great idea, brings back a use to an empty field supports the village also.
- The cess pools will be safe and far enough from any houses not to be a problem.
- As a close resident with horses I feel that using the field for caravans will have no or little impact on our village. Difficult to upkeep the village amenities without looking for different ways to being in income to support the costs.
- Anything that is going to help towards the longevity of the playing fields is very welcome, as for extra traffic the road copes very well and there are no problems when we have events such as Staxtonbury or Staxton 6aside competition which is a big hit of traffic all at once.
- Lived in village for 44 years, in that time it is has lost 2 pubs, a post office, possibly the butchers so now we are going to lose the club and playing fields. My wife did a sponsored walk to raise funds for the club and play fields, now we are going to lose the facilities because of small minded people who never use the facilities and have only lived in the village for 5 minutes.

### Parish Council – 15th January 2021

*Planning application ref: 19/01393/FUL was discussed at length at the meeting of the Parish Council last night at which 30 local residents attended to make their extremely strong objections felt!*

*This application is opposed by residents of Staxton & Willerby due to the loss of a local Public Playing Field which is for use by the local community and we feel that it should be declined for the reason highlighted.*

*The owners have made it known that this work is a precursor to the sighting of up to 17 touring*

*caravans on this site, which is also very strongly opposed by local residents.*

*We feel that this application should be rejected.*

Parish Council - 21st October 2020

*Local residents have expressed extremely strong opposition to this revised application for the same reason as previously stated on the original application. Willerby Parish Council fully supports this views expressed and is against this application.*

Councillor John Raper confirmed in writing that he wished to call this meeting in to be heard by Planning Committee in emails dated 14th and 15th January 2020, raising concerns over poor access and the legality of the application. Additionally, given the volume of representations will mean that as per the Officer Scheme of Delegation, this will be a decision for Member's of Planning Committee to make.

**APPRAISAL:**

The main considerations within the determination of this application are:

- i. The Principle of Development
- ii. Character and Form
- iii. Impact upon Amenity
- iv. Access and Highway Safety
- v. Drainage
- v. Other matters, including consultation responses.

i. The Principle of Development

Policy SP1 (General Location of Development and Settlement Hierarchy) notes that in all other villages, hamlets and in the open countryside development will be restricted to that *'which is necessary to support a sustainable, vibrant and healthy rural economy and communities.'*

It is not considered that this proposal for underground services, cess pools nor the limited associated above ground works would fundamentally discord with Policy SP1. It is considered given the minor nature of the physical works, that this proposal would have a neutral impact.

The significant volume of consultation responses in support and objection to the scheme are noted. As detailed previously, the LPA can only consider the proposal as explicitly applied for.

Policy SP11 Community Facilities and Services notes in relation to existing leisure and recreational facilities that *"contribute to the vitality of the towns and villages and the well being of local communities will be protected from loss/development unless it can be demonstrated that*

- *There is no longer a need for the facility or suitable and accessible alternatives exist, or*
- *That it is no longer economically viable to provide the facility, or*
- *Proposals involving the replacement facilities provide an equivalent or greater benefit to the community and can be delivered with minimum disruption to provision."*

Given this development is on land which forms a Playing Field, Sport England have been consulted on this proposal as a statutory consultee.

Updated response sport England 9th November 2020

*Sport England has provided comments on the previous proposals in our email of the 28 July 2020 (copy below). Sport England commented in our previous representation that Sport England notes that the planning application technically only relates to the underground infrastructure of underground cabling and the cess pits and that it does not relates to the use of the site for caravans. We note that there will be*

*a separate submission from the applicant directly to the Camping and Caravan Club (C&CC) to try and become an exempted site and the Local Planning Authority are the only organisation that are legally required to be consulted if/when that application does come forward to the C&CC, so there will be a future opportunity to feed through comments and concerns.*

*Although Sport England has had concerns in relation to the use of the site for caravans, following the Council's legal advice, the planning application can only consider the infrastructure proposed in the planning application.*

*Sport England has sought the views of the Football Foundation (FF) and the England Cricket Board (ECB) on the amendments.*

*The comments of the FF have been summarised as:*

- We do not consider the service bollards to have any impact on the use of the field and therefore have no further comments to make.*
- The comments of the ECB have been summarised as:*
- ECB don't consider the service bollards to have any impact on the playing field for cricket.*

*The amended planning application only relates to the service bollards and a distribution unit infrastructure proposed which are on the boundary of the playing field. Sport England has already provided comments on the underground cabling and the cess pits in our representation below.*

*Given the comments of ECB and FF above, the amended proposal will not have any negative impact for the playing field to function for pitch sport. Notwithstanding the issues in relation to the use of the site for caravans, the proposal is therefore considered to technically accord with policy exception E3 of Sport England's Playing Fields Policy.*

*In light of the above assessment, Sport England would be unable to defend an objection to this planning application on the basis that it only relates to the physical infrastructure and not the use of the site for caravans. This being the case, Sport England has no objection to the amended plans, subject to the attachment of the following planning condition (as requested in Sport England's representation of the 28 July 2020 if the Council are minded to approve the planning application):*

*The FF have previously commented that the ability to do these works (access for machinery etc) may have a detrimental effect, so any issues arising from the works should be made good once those works are completed. In order to ensure that the infrastructure (once completed), or any works that have already been carried out (the retrospective element of this planning application) do not impact on the playing field, the following planning condition should be attached "(This condition relates to the reinstatement of playing field.)"*

It is considered in relation that as this proposal does not relate to a change of use of the playing field land, this specific application would not be in discordance with the requirements of Policy SP11, as it would not result in a loss of playing field land or direct loss of a community facility. However, as noted in the 'Proposal' Section, dependent on the future plans at the site, which have not been fully categorically confirmed at this stage (and which could always be subject to change) if the Local Planning Authority is consulted by a third party (such as the Camping and Caravan Club for example) and have an opportunity to make a representation or are in receipt of a full planning application, this matter will be given significant consideration and detailed analysis.

The more general management of, and/or access to the playing fields/sporting facilities is not a matter the Local Planning Authority can become involved with as part of this application.

It is noted that within some of the letters that the site, which is a Trust, is owned by the Playing Fields association (a registered charity) whose charitable objectives state this is "a recreation ground for the

benefit of the inhabitants of Staxton.” It is also noted that “As such the playing field is protected by a covenant, covenants and trusts, such as the one set up for the played field are built to safe guard the original intention – which was to provide a playing field for the residents of the village....Within Rule 12 of this covenant, any discontinuation in whole or in part should result in all residents of the village over the age of 18 being notified of the intention to change and any change then taking place only with a majority approval of the residents. No such meeting or agreement has taken place and therefore the application as submitted breaches the covenant set up to protect the playing field.”

Covenants and trusts are civil matters which the Local Planning Authority cannot become involved with. Although at this stage there has been no change of use of the land, it does appear that there are certain procedures outlined within Playing Field Constitution that should be followed in that scenario. An informative will be added to any permission to note that whilst this matter is a civil matter, the Playing Field Association may wish to check whether they have adhered to their lawful responsibilities outside of the planning process.

As noted previously, it is considered that this application has been submitted properly, with the appropriate notice served on the Cricket Club as Tenants with a leasehold interest. There is no issue with a Charity applying for a planning application under planning legislation.

It is acknowledged that the Agent has provided supporting statements including that dated 2nd February 2020 which makes reference to the running costs faced by the Playing Field Association in respect of the field which are described as totalling £7000 annually and that relates to a “considerable financial pressure.” This is noted, but limited weight is given to this point in the determination of this planning application, given at this stage, it relates solely to operational development and not a wider change of use.

At this point, the proposed scheme is being considered in isolation, separate to any potential future change of use. The received concerns relating to financial gain and where future profits may be directed to are noted but given that this application has been submitted by the PFA which lawfully owns this land and as this does not relate to a change of use of the land, this cannot be considered a material planning consideration in the determination of this proposal.

It is therefore concluded that this proposal as applied for would not be unacceptable in principle, nor would it harmfully impact upon playing field provision and is therefore acceptable in terms of principle in accordance with Policies SP1 and SP11 of the Ryedale Plan Local Plan Strategy.

## ii. Character and Form

The below ground works would not incur any impact upon the character or form of the locality.

The limited above ground works would not result in significant harm to the character of the site, given their limited heights and positioning around the perimeter of the field. The Electrical Distribution Unit would span 1metre(height) x 1metre(length) x 0.6metre(depth) and would be black in colour finish. The above ground service bollards would span 1.2metres(height) x 0.3metres(width) x 0.35metres(depth.) It was clarified in a supporting statement from the Agent (scanned by the LPA on the 16th October 2020) that of the 9 proposed service bollards, two were for the cess pools and two for car charging points. Reference was made to 17 hook up points within previous documentation, but the revised scheme relates to 9 above ground bollards only.

As previously noted, future potential changes of use or developments within the site cannot be considered as part of this application.

It is therefore considered that the proposed development would be acceptable in terms of character and form, in accordance with Policies SP16 and SP20 of the Ryedale Plan, Local Plan Strategy.

### iii. Impact upon Amenity.

As noted within the submitted representations, concerns have been raised in relation to potential enhanced levels of noise, disturbance and antisocial behaviour as a result of the proposed development that could be experienced by occupiers of neighbouring properties and playing field users, together with concerns about strangers being in the village and enhanced dog waste.

It is not considered that this application for limited operational development would result in a direct impact upon amenity. These highlighted concerns, whilst acknowledged cannot be considered as material in the consideration of this, more limited application. Should a future planning application be submitted for a change of use or a consultation submitted to the LPA on a future permitted development application, this would be fully considered.

Careful consideration has been given to the potential use of cess pools, whilst the precise nature of their potential future use cannot be quantified at this stage, the cess pools themselves can be controlled and this will be more fully discussed in the drainage section below.

### iv. Access and Highway Safety

North Yorkshire Highways were consulted on this application and provided the following response on the 31st January 2020:

“There are no local highway authority objections to the proposal outlined in the part retrospective application to install 2no. cess pools with cable service trench. However it is noted that a statement provided to the Local Planning Authority from the Applicant dated 29th January 2020 demonstrates an intention to secure Caravan Club certification. The Highway Authority would have concerns that should an application be submitted for the implementation of a caravan site at this location. The single tract nature of both Wains Lane and Willerby Carr Lane means they are of insufficient width to facilitate the increase in volume of vehicles such a proposal is likely to generate. Significant highways works would be required to improve the safety and amenity for users of the highway.”

North Yorkshire Highways were reconsulted on the amended scheme (to include the above ground elements and change in applicant/certificates etc, however there were no further consultation responses received beyond their original comments.

As outlined above, concerns have been received in relation to highway safety concerns from residents, including the unsuitability of the Willerby Carr Lane to accept large vehicles and caravans and the potential issue of children playing near manoeuvring caravans. These points are all noted and the concern over the highway suitability is shared by the NYCC Highways Officer. However, as noted and as acknowledged by the Highways Officer, this current proposal relating to limited operational development cannot be considered in relation to the potential increased use of the site access associated with a possible future change of use.

As noted before, should a formal future planning application for a change of use be submitted the suitability and safety of the access would become a material planning issue and would be fully considered. Alternatively, the Applicant may potentially be able to make use of certain permitted development rights afforded by non planning legislation. If the Local Planning Authority are consulted on a future permitted development application (such as a Caravan Club exemption) this would be discussed again with NYCC Highways and their concerns would be fed back to the administering organisation. If they confirmed they did not believe the access to be suitable, it is likely that the Local Planning Authority would recommend refusal of an exemption certificate on highway safety grounds. The final determination of this type of application would not be within the Local Planning Authority's Control, unlike a planning application.

It is therefore considered that whilst the wider concerns of the Highway Officer in relation to future development are noted, the operational development proposed as part of this application, being considered in isolation would not result in harm to access or highway safety in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

#### v. Drainage:

As part of this application, the Council's Environmental Health Team and the Internal Drainage board has been of assistance in reviewing the proposed cess pool infrastructure. This proposal would not come under the remit of the Environment Agency, nor Building Control. Earlier responses were received from the IDB dated 15th January 2020 and 25th February 2020. These sought information on the physical structure of the cess pools, including the construction to prevent potential leaking, details on an external liner and the proposed capacity relative to how many users it could facilitate.

The final revised drawings relating to the cess pools were received and scanned on by the LPA on the 3rd March 2020. The proposed cess pools would each have a 9000L capacity. These would be a sealed structure spanning 4metres x 1.5metres in width x 1.5metres in depth. This would be completed on a reinforced concrete base, with concrete wall panels, lidded, with a HDPE impermeable membrane on the outer layer, then further surrounded by a protective fleece.

Upon request by the LPA, a Foul Drainage Assessment Form was completed which was scanned on the 3rd March 2020, providing more information and detail on the proposed cess pools.

Following review with the IDB and Environmental Health Officers, it was considered appropriate to seek a Cess Pool Management/Method Statement, that would form a standalone document to provide categorical and detailed information about how these cess pits will be managed going forward in the long term. If this application were approved, this document could be required for adherence to by planning condition, giving the Local Planning Authority a level of ongoing control.

This document, dated 24th March 2021 notes the following:

*"The Cesspits will be installed by a qualified professional.  
Alarms on the Electrical Control Panel will be visual and audible, and are fitted with remote telemetry monitoring which has a G.S.M. modem link for automatic text messages.  
The visual sensor will be actuating at 75% capacity, the audible sensor at 85%.  
The text alert system will be forwarded to two agreed responsible people, (their personal details sent separately to remain confidential) if either of these contacts are no longer available a replacement person will be nominated.  
Annual servicing will be undertaken to check the cesspools are in a good state of repair, and ensure the alarms are tested and found to be in good condition.  
Our weekly Health and Safety checks would encompass the cesspools to check for any issues arising/vandalism etc.  
Details of the emptying and annual monitoring will be logged and held on file, this would be available if called upon for review by the Local Planning Authority  
The points contained within section 12 of the submitted FDA1 form can all be reconfirmed, the cesspools would be emptied when required, and then emptied at the end of the summer season, and left empty over the winter months."*

The Council's Environmental Health Officer Keith White provided the following response on the 9th April 2021: *"Having studied the submitted cess pool management document I am confident that the procedures put in place satisfies previous concerns in relation to possible contamination from overflow. I therefore have no further objections to this application."*

The IDB Officer confirmed on the 9th April 2021 that *"I concur with Keith that all reasonable procedures have been put in place so the Board will remove any objections on that basis."*

It is therefore considered that the proposed form of the cess pools is acceptable given the amendments made to the original plans. This infrastructure will only be installed by a suitably qualified professional. It is considered that the future management of the Cess Pools has been well considered and that the Cess Pool Management/Method Statement affords the LPA a degree of control should issues arise. The

Playing Field Association as the application would also have separate lawful responsibility for these works under separate Environmental Legislation.

This proposal is therefore considered to accord with the requirements of SP17 and SP19 of the Ryedale Plan, Local Plan Strategy.

vi. Other matters, including consultation responses.

The publicity of the proposal, as also outlined above has been undertaken in exceedance of the statutory requirements. The LPA cannot require the Playing Field Association to undertake separate consultation.

Whilst there have been a significant number of representations on this application, it is not considered that there are any further representations which raise material planning considerations about this specific application that have not been addressed above.

North Yorkshire County Council's Principal Archaeologist has confirmed no objection to the proposal.

In light of the above assessment, it is considered that subject to conditions, this operational development is acceptable in principle and in form, design and positioning. It is not considered the proposal for operational development would result in material harm to the amenity of neighbouring properties, nor impact upon access and highway safety. It is considered subject to condition that this would not adversely impact upon the surrounding environment and adherence to the Cess Pool Management/Method Statement will be controlled by condition.

Therefore subject to the identified conditions we can be satisfied that this proposal conforms with Policies SP1, SP11, SP16, SP17, SP19 and SP20 of the Ryedale Local Plan, Local Plan Strategy and the National Planning Policy Framework.

**RECOMMENDATION:                      Approval**

- 1            The development hereby permitted shall be carried out in accordance with the following approved plan(s):

Site Location Plan (Plan Reference 1952)

Drainage Detail Plan including Top View and Cross Sectional View of Cess Pools (dated and Scanned by the Local Planning Authority on the 3rd March 2020.)

Block Plan (Scanned by the Local Planning Authority on the 16th October 2020.)

Block Plan - Retrospective below ground works (Scanned by the Local Planning Authority on the 16th October 2020.)

Block Plan - Proposed above ground development(Scanned by the Local Planning Authority on the 16th October 2020.)

Reason: For the avoidance of doubt and in the interests of proper planning.

- 2            Unless otherwise agreed in writing with the Local Planning Authority, the Cess Pool system hereby approved shall be fully maintained in accordance with the Cess Pool Management Statement (dated 24th March 2021) provided to the Local Planning Authority. Any variation to this plan must require the written approval of the Local Planning Authority and as detailed in this document, the Local Planning Authority shall be provided with the emptying and servicing details upon request.

Reason: To ensure the site drainage is undertaken in an appropriate and safe manner and to avoid potential contamination in accordance with Policies SP17, SP19 and SP20 of the Ryedale Plan, Local Plan Strategy.

- 3 Unless otherwise agreed in writing with the Local Planning Authority, following the installation of the cesspool, cable service trench, service bollards and distribution unit, within three months of its installation or the first planting season after the date of this planning permission, the playing field land shall be reinstated to a playing field of a quality at least equivalent to the quality of the playing field immediately before the development hereby permitted was installed. In respect of any works that have already been installed and are retrospective, the playing field shall be made good within three months of the date of this planning permission or the first planting season after the date of this planning application to a playing field of a quality at least equivalent to the quality of the playing field immediately before the development hereby permitted was installed.

Reason: To ensure the site is restored to a condition fit for purpose and to accord with Policies SP11, SP16 and SP20 of the Ryedale Plan, Local Plan Strategy.

Informative: It is recommended that the restoration scheme is undertaken by a specialist turf consultant. The applicant should be aiming to ensure that any new or replacement playing field is fit for its intended purpose and should have regard to Sport England's technical Design Guidance Note entitled "Natural Turf for Sport" (2011) and relevant design guidance of the National Governing Bodies for Sport e.g. performance quality standards produced by the relevant pitch team sports, for example the Football Association.

#### **INFORMATIVE(S)**

- 1 Whilst adherence to covenants is strictly a civil matter, falling outside of the planning process, the Playing Field Association may wish to check whether they have adhered to their lawful responsibilities outlined within the Playing Field Constitution and any other relevant documentation.