

Item Number: 10
Application No: 21/01640/MFUL
Parish: Nawton Parish Council
Appn. Type: Full Application Major
Applicant: Luxury in York
Proposal: Replacing the 19no previously approved safari tent pitches with 19no lodges, reorganisation of 28no existing approved lodges, installation of a spa complex to include installation of swimming pool and hydro pool, erection of 1no double quadrosphere dome for a restaurant and bar, 1no single quadrosphere dome for a yoga and relaxation room, an entrance and reception building, 4no thermal cabins, 3no treatment rooms, 2no plant rooms and ancillary works

Location: Canadian Fields, Gale Lane, Nawton, Helmsley, YO62 7SD

Registration Date: 7 January 2022

8/13 Wk Expiry Date: 8 April 2022

Overall Expiry Date: 16 May 2022

Case Officer: Ian Irwin

Ext:

CONSULTATIONS:

<p>Lead Local Flood Authority (LLFA)</p>	<p>Responded on the 12 January 2022 and stated that in terms of flood risk, the site was in an area of 'Low risk' (Flood Zone 1) and that the development was 'acceptable in regard to the level of flood risk'. Further information was, however, sought in relation to maintenance plans, exceedance flow routes, percolation testing and an overall more detailed drainage strategy. Additional data was therefore provided by the applicant's drainage consultants and a final response was received on the 1 April 2022. This confirmed that the scheme demonstrated a 'reasonable' approach to the management of surface water on the site and that accordingly a condition requiring all the detailed data be approved and built in accordance with those submissions.</p>
<p>Local Highway Authority</p>	<p>A response was received on the 23 February 2022 and confirmed no objection was raised in principle. However, two queries were raised. They stated '<i>The proposed site exit onto Gale End Road (private track) was previously only used for emergency access and maintenance access to the adjacent sheds. The road is only single-vehicle width and has limited visibility to the south (right), due to the brow of a hill on Gale Lane. Its proposed intensification of use, therefore, cannot be supported, and the main site access direct onto Gale Lane should be used for both visitor access and egress</i>'. The Local Highway Authority further stated '<i>It is unclear whether the proposed facilities for the spa complex are considered ancillary to the site primary activity, or not ancillary. I have expressed concerns in the past that non-ancillary activities at the site result in an influx of visitor traffic, thereby creating pressure along Gale Lane. Confirmation of how this element of the proposed development will operate is therefore awaited</i>'.</p> <p>The applicant provided a response which confirmed that the Gale End Road access referred to would only be used in emergencies. They further confirmed that the land use was already established</p>

	<p>and that the only material difference would be the introduction of a small spa facility – all the other aspects are already approved and essentially due to be replaced with improved facilities of these already established uses (such as the lodges instead of tents and an improved restaurant facility).</p> <p>Accordingly, the Local Highway Authority responded for the final time on the 8 April 2022. They requested the imposition of conditions, were the application approved.</p>
Tree & Landscape Officer	Were consulted on the 1 February 2022. No response has been received.
Housing (EHO)	Responded on the 26 January 2022 and confirmed no objection to the application. An informative was requested in relation to the need to obtain a caravan site licence if permission was granted.
Nawton Parish Council	Responded on the 2 February 2022 and confirmed no objection to the application.
Beadlam Parish Council	Responded on the 8 February 2022 and confirmed that the Parish Council objected to the application on the basis that the development would generate extra traffic movements. Furthermore, it was considered that light pollution was also a concern.
Environmental Health	Were consulted on the 1 February 2022. No response has been received.

Representations received:

A site notice was placed at the site entrance on the 14 January 2022. Three neighbour notification letters were issued on the 11 January 2022. Two responses have been received which object to the application. The first relates to a lack of public transport links and therefore visitors requiring the use of a car. The objector also considered that Gale Lane was too narrow to accommodate traffic movements associated with the development and the drains are unable to cope with surface water. They concluded by suggesting that the application would result in a significant impact in the quality and safety of the residents and pedestrians on Gale Lane. The second objection also raised concerns over an increase in traffic that the development would create in their view which in turn would increase risk to pedestrians and have a ‘detrimental impact on residents’.

BACKGROUND:

The application is to be determined by Planning Committee as a major development because the site area of the application site is in excess of 1 hectare.

SITE:

The site, Canadian Fields, an established holiday accommodation site located in open countryside approximately 1 kilometre South of Nawton. The site is noted to be located within an area of land designated as an area of High Landscape Value.

The site is located within a Flood Zone 1 (with a less than 1 in 1000 chance of flooding) and has overhead power lines crossing a portion of the site. These run from the South-West to the North-East and it is noted the applicant intends to liaise with the relative authority to bury these.

A further caravan park is located to the North-East (Wrens Caravan Park). A residential property known as ‘Birchfield House’ is also located to the North, approximately 22 metres from the nearest part of the

application site boundary. 'Kensa Park' is located to the South-West of the site, approximately 102 metres from the nearest part of the site and 'Blackthorns' is located to the South, approximately 206 metres away. The site has an area of 3.4 hectares.

PROPOSAL:

The scheme proposed would see the removal of all existing, permitted tents and as the applicant describes it, the 'reorganisation' of the site. Presently, the site has permission for 19 tents, which the applicant would like to replace with 19 lodges which would be intended to complement the approved 28 lodges. The applicant seeks also to change the layout for what would be a total of 47 lodges were the 19 lodges to replace the permitted tents.

Effectively then, were this application approved, it would result in all holiday accommodation on site being held within the definition of a 'caravan' but appearing in a lodge 'style'. Full details of their construction materials, specification and colour would be submitted as required by a draft condition attached to this report.

The other element of the proposed scheme is to introduce new development and refurbish existing buildings. The new development would be to create a 'spa' on site. Those existing buildings which feature on site as a reception and kitchen would be incorporated into this. The reception would be re-furnished but remain clad in Western Red Cedar Shiplap weatherboarding. Windows would feature aluminium frames, coloured anthracite grey. Doors would also be coloured anthracite grey and be constructed of either aluminium or UPVC. This would then become the proposed spa entrance.

The existing kitchen building would be modified with the intention of accommodating a new main reception and kitchen. It is proposed that it connects to a newly proposed bar and restaurant building. The roof would remain as existing, a pantile roof. Windows would once again feature aluminium frames, coloured anthracite grey. Doors would also be coloured anthracite grey and be constructed of either aluminium or UPVC.

The proposed modified kitchen and reception building would be as previously mentioned, intended to connect to a newly proposed bar and restaurant building – which would replace such existing facilities on site. This new structure was 200 sq. metres and would replace an existing tented restaurant. This structure is proposed to feature two quadrosphere domes, constructed of glulam beams and UPVC membrane coloured white and would be 5.07 metres in height. Walls would be Western Red Cedar Shiplap weather boarding with windows of aluminium frames, coloured anthracite grey. Once again door would be constructed of either aluminium or UPVC and coloured anthracite grey.

The applicant proposes the site to offer guests and customers a Spa facility. This would comprise a range of buildings offering different spa treatments. The primary building would be a yoga/relaxation building would be 100 sq. metres in size. It would also feature quadrosphere domes, constructed of glulam beams and a UPVC membrane coloured white. It would be 5.07 metres in height. Once again, Western Red Cedar shiplap weather boarding would be used to finish the walls with windows of aluminium frames, coloured anthracite grey. Once again door would be constructed of either aluminium or UPVC and coloured anthracite grey.

The applicant proposed four thermal cabin buildings. These would be for treatments conducted as part of the proposed Spa facility. Each cabin would be 24 sq. metres in size and again are proposed to be constructed of Western Red Cedar shiplap weather boarding to finish the walls, with windows of aluminium frames, coloured anthracite grey. Once again door would be constructed of either aluminium or UPVC and coloured anthracite grey.

The applicant proposes treatment rooms which would include a prep/store area. These areas would be comprised of a further four new structures. Each structure would be 8 sq. metres in size, meaning a total of 32 sq. metres of floorspace. Western Red Cedar Shiplap weather boarding would be used to finish the walls and to maintain continuity, windows would be of aluminium frames, coloured anthracite grey with doors of either aluminium or UPVC also coloured anthracite grey.

Finally, the applicant proposes to construct two plant rooms. These would cover a total of 8.6 sq. metres in size. To maintain continuity, the applicant proposes the plant rooms to feature Western Red Cedar Shiplap weather boarding would be used to finish the walls and to maintain continuity, windows would be of aluminium frames, coloured anthracite grey with doors of either aluminium or UPVC also coloured anthracite grey.

Whilst the number of people that can use the existing restaurant is unrestricted, the applicant has advised that the newly proposed restaurant would have 60 covers.

The Spa has various elements and has an approximate capacity of 24 people per day given treatment room capacity etc. Guests on site offered the opportunity to receive treatments as part of the holiday experience. Where appointments were not taken by guests, the general public could, if they so wish, make a booking.

Car parking for the lodges will be adjacent to each lodge with the remaining main parking area in the site with a total of 30 spaces considered required for staff and the general public for the restaurant and spa facilities. The total provision of parking spaces on site is 35 spaces.

Access would remain as existing, utilising the existing arrangements off of Gale Lane with an additional emergency access available on the southern boundary of the site. This would not be used in by customers but would be for emergency purposes only and at all times would remain gated unavailable for access and egress unless the aforementioned emergency situation was to occur.

HISTORY:

20/00061/FUL - Siting of 4no. Modular timber structures and 1 no. shepherds hut with associated decking to replace 5no. existing safari tent pitches. Approved 16 March 2020.

16/01839/MFUL – Change of use of agricultural land to allow siting of 28no. holiday lodges in association with Canadian Fields campsite together with formation of site roads, car parking and turning areas and associated landscaping. Approved 15 September 2017.

14/00949/FUL - Erection of pre-fabricated building for use as camp kitchen to serve camp cafe (retrospective application). Approved 4 September 2019.

14/00779/FUL – Change of use of reception, toilet, office and laundry store building to reception, toilet, office, laundry store and first floor wardens accommodation for use solely in connection with the operation of Canadian Fields campsite (retrospective application). Approved 11 September 2014.

14/00777/FUL - Change of use from canteen tent ancillary to the campsite for customers staying on the campsite to canteen tent not ancillary to the campsite that is open to customers both from the campsite and customers not staying on the campsite (retrospective application).

13/01122/73AM – Removal of Condition 06 of approval 11/01280/73AM dated 09.03.2012 to allow a year round opening season for the holiday occupation of the tents. Approved 16 December 2013.

11/00686/MFUL – Change of use of agricultural land to allow the siting of 19 no. tents on decking bases, erection of toilet and reception block and canteen marquee, change of use of agricultural building to winter tent store, formation of vehicular access, gravel site roads and paths, car parking and landscaping. Approved 28 September 2011.

POLICIES:

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning authorities are required to determine each planning application in accordance with the planning policies that comprise

the Development Plan unless material considerations indicate otherwise. The Development Plan for the determination of this particular application comprises the following:

The Ryedale Plan- Local Plan Strategy (2013)

Local Plan Strategy - Policy SP1 General Location of Development and Settlement Hierarchy
Local Plan Strategy - Policy SP8 Tourism
Local Plan Strategy – Policy SP13 Landscapes
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
Local Plan Strategy – Policy SP21 Occupancy Restrictions

Other Material Considerations

National Planning Policy Framework (NPPF)

Chapter 2 – Achieving Sustainable Development
Chapter 4 – Decision making
Chapter 6 – Building a strong, competitive economy
Chapter 11 – Making effective use of land
Chapter 12 – Achieving well-designed places
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
Chapter 15 – Conserving and enhancing the natural environment
Chapter 16 – Conserving and enhancing the historic environment

National Planning Practice Guidance (NPPG)

Main Considerations

- **Principle of the development**
- **Landscape Impact**
- **Design, appearance and scale of development**
- **Impact on residential amenity**
- **Highways**
- **Flood Risk and Drainage**
- **Ecology and Biodiversity**

Principle of the development

Policy SP1 entitled ‘General Location of Development and Settlement Hierarchy’ confirms the Council’s approach to the type of development considered appropriate across the district. Accordingly, settlements and geographical areas are defined within this hierarchy and it is to this that proposals should be considered in the first instance. In specific relation to areas designated as ‘Wider open countryside’ the policy clearly confirms that development in such locations will be *‘restricted to that:*

- *which is necessary to support a sustainable, vibrant and healthy rural economy and communities, or*
- *which can be justified in order to secure significant improvements to the environment or conservation of significant heritage assets in accordance with the National Enabling Development Policy and Policy SP12 of this Plan, or*
- *which is justified through the Neighbourhood Planning process’.*

The Local Plan document does confirm that in relation to its ‘approach and ambitions’ in relation to

such ‘open countryside’ locations, these criterion;

- *‘Support economic diversification that complements the character of the landscape and surrounding activity*
- *Support development that is necessary to support a sustainable and healthy rural economy*
- *Protecting the valued landscapes of the North York Moors National Park; the Howardian Hills Area of Outstanding Natural Beauty; the Yorkshire Wolds; the Fringe of the Moors and the wider Vale of Pickering*
- *Utilising the natural and cultural assets of northern Ryedale as an economic driver, in particular the important archaeological landscapes of the Vale of Pickering and the Wolds’.*

Policy SP8, entitled ‘Tourism’ affirms that the Council ‘will seek to encourage tourism which minimises its environmental impact on the district’.

It further states that to achieve these aims, the Local Planning Authority will support;

- *‘The provision of a range and choice of quality tourist accommodation;*
- *The business plans and operational requirements of existing tourist and visitor attractions, and event arenas where appropriate*;*
- *Encouraging all year round tourism subject to the occupancy conditions set out in Policy SP21;*
- *Tourism in areas where potential is significantly underdeveloped, in particular, Malton and Norton and the Wolds;*
- *Cultural and creative businesses in Ryedale inspired by Ryedale’s unique environment;*
- *The role of Pickering, Helmsley and Thornton-le-Dale as key visitor destinations as well as gateways to tourism and recreational opportunities in northern Ryedale including the North York Moors National Park. The impact of tourism on these communities will be managed particularly in relation to car parking, traffic management, local facilities and services.*

And by maximising the opportunities to further develop tourism, outdoor education and recreation using the District’s natural, cultural and historic assets as an economic driver, including the potential provided by:

- *The archaeological landscapes of the Vale of Pickering and the Yorkshire Wolds;*
- *The protected landscapes of the North York Moors National Park and Howardian Hills Area of Outstanding Natural Beauty;*
- *Ryedale’s religious and Medieval history;*
- *Malton’s Roman, Medieval and Georgian heritage;*
- *Malton and Norton’s longstanding association with horse racing;*
- *Outdoor adventure in northern Ryedale including Dalby Forest – the Great Yorkshire Forest;*
- *Local food production;*
- *Farm and rural diversification;*
- *Biodiversity and the development of nature tourism.*

New tourist attractions will be supported where they do not undermine the character of the area or prejudice the quality of the natural or built environment. Attractions that will attract large numbers of visitors should be accessible by a choice of means of transport’.

Chapter 6 entitled ‘Building a strong, competitive economy’ of the National Planning Policy Framework (NPPF) states that “*Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future*”. When specifically referring to the rural economy, it also states that planning decisions should enable: *a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; b) the development and diversification of agricultural and other*

land-based rural businesses; and c) sustainable rural tourism and leisure developments which respect the character of the countryside”.

It is considered that in this instance, the proposal, relates to an existing tourism accommodation site and as such, in principle, tourism use is established at the site, in principle given the land use is already established. Essentially, this application seeks to primarily reorganise an already existing tourism development site. There is the intention to improve existing facilities, such as replacing the existing kitchen tent with a building. So whilst this would be recognised as ‘new’ development, the ‘use’ is recognised as having already been permitted on site and such would not materially change the way the site is used or introduce a new ‘use’. Such restaurant facilities are not uncommon on tourism accommodation sites and offer guests the opportunity to eat within the lodge or the more communal restaurant building. Given such is already available on site, this would not represent any material change in use on site.

There is only one element that could be considered to introduce something ‘new’ and that relates to the proposed Spa facilities. The Local Plan recognises the role that tourism development has within the local economy and given the holiday use is already permitted on site, this represents a strong material consideration in the determination of this application and is accordingly afforded significant weight in the planning balance. Indeed, this would offer something different and enhances the offer for guests on site.

Policy SP8 confirms that the Local Planning Authority will support plans for tourism development and indeed tourist attractions. In this case it is recognised that fundamentally, this application relates to tourism accommodation with ancillary elements. Accordingly, there is no need for a range of transport means to be offered by the applicant given the established use on site and indeed that the spa is proposed as ancillary to this. So whilst there could be visitors to this facility from those not staying as guest on site, this is not expected to be ‘large numbers of visitors’ which Policy SP8 refers to when seeking such alternate transport methods to bring people to site. Fundamentally, the proposals are considered commensurate in scale with the tourism accommodation, they are not of a scale in their own right that can be considered inappropriate for the overarching accommodation development permitted on site.

In principle then, the application is considered acceptable in light of the site history and that fundamentally, this proposal, which would not alter that, accords with Policies SP1, SP8 and the NPPF and merits support.

Landscape Impact

Policy SP13 entitled ‘Landscapes’ requires that proposed development protects and enhances the quality, character and value of Ryedale’s diverse landscape. Criterion ‘C’ of paragraph 130 of the NPPF states that planning decisions should ensure that proposals are *‘sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)’*.

As has been confirmed, the site is located within an area of high landscape value. The application site is noted to have an extant planning permission for tourism accommodation but it is mixed between lodges and tents. This application seeks to bring this to an end, with only lodges being utilised on site. Additionally, existing facilities would be subject to either enhancement with improved cladding and materials along with some new replacement facilities and indeed one specific new ‘use’ sought on site as an additional facility for the business.

In landscape terms, whilst the high landscape value area is noted, the approved use on site is recognised as ‘fall-back’ position, essentially allowing the site to be utilised as approved regardless of this application being determined or not. Whilst the impact upon the landscape would in any event need to be demonstrably harmful the fall-back position in this particular case is noted.

Notwithstanding, officers recognise that the proposed lodges in themselves would not be so harmful as to merit their refused use. The applicant proposes to utilise Western Red Cedar Shiplap

weatherboarding in the new structures and indeed in upgrading those that would be retained on site. This material is considered acceptable and would be an improvement in terms of the visual appearance of those structures presently on site.

The material difference in visual appearance between the tents and proposed lodges is considered to be an improvement in landscape terms. The applicant has confirmed that the caravans proposed will be in a 'lodge' style. Whilst the specific details of the lodges are not yet fully known, the principle is considered to be likely to be an improvement on tents subject to assessment of those designs which can be secured by formal planning condition. That condition is attached to this report and details would be submitted in accordance with that condition for formal approval were permission granted.

In terms of the other buildings proposed, these would replace existing facilities with improved, bespoke facilities. Firstly, a newly proposed bar and restaurant building. This new structure would be 200 sq. metres and would replace an existing tented restaurant. A yoga/relaxation building would be 100 sq. metres in size. The applicant has also proposed four thermal cabin buildings. The applicant also proposes treatment rooms which would include a prep/store area. These areas would be comprised of a further four new structures. Each structure would be 8 sq. metres in size, meaning a total of 32 sq. metres of floor space. Finally, the applicant proposes to construct two plant rooms. These would cover a total of 8.6 sq. metres in size.

Individually and cumulatively these are not considered to represent any significant impacts upon the landscape of the area. When considering that those structures already on site and indeed the approved use of the wider site to have tents erected around it, these proposed would be, in view of officers an enhancement to the site by using appropriate materials and introducing improved accommodation. The 'fall-back' must be given significant material weight in the planning balance and it is recognised that ultimately, these facilities exist on site with the exception to the spa and treatment room facilities. It is noted that the restaurant also intends to serve drinks but that will be subject to a separate licence, outside of the planning remit.

Those existing facilities are rather tired in visual appearance and whilst well-screened from public view their replacement with improved buildings is desirable. It is recognised that the proposed restaurant and yoga buildings would feature a 'dome' type design with white membrane to finish the roof. These are far more modern and a departure from the more muted design principles that have evidently guided the site previously. Whilst design is considered in the next section of this report, from a landscape perspective these buildings are noted. Indeed, the dome features would be likely to reflect some light and at 5.07 metres at the ridge, would be limited in visual appearance by this scale.

As has been made clear, the site is rather well screened and only limited views of the site can be achieved from Gale Lane. These buildings would, however be seen as a collective and ultimately the white roofs would offer a different visual appearance to the almost entirely cedar based material proposed on site. This contrast would be interesting to guests but offer very limited impacts on the wider landscape. The ultimate test for such consideration is what harm would a scheme achieve and whether such can be demonstrable. Even then, the planning balance may outweigh any harm in favour of the proposal. In this instance, there are no obvious and clear demonstrable landscape impacts considered likely. The site remains well-screened and the buildings would be seen as part of a wider collective group of structures, rather than incongruous development in open countryside.

It is noted that the applicant submitted a preliminary landscape assessment which recommended improving landscaping on site, especially at the field boundaries. Further planting was recommended within the site. As such is recommended by the applicants own submission, it is considered that this detail can be provided at a later stage and as such, a condition requiring this information to be submitted is attached to this draft suite of conditions.

Accordingly then, the scheme is considered to accord with Policy SP13 of the Local Plan and the NPPF and can be supported.

Design, appearance and scale of development

Policy SP16 entitled 'Design' states that *'to reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings'*. In addition, Policy SP20 entitled 'Generic Development Management Issues' requires that new development respects the character and context of the immediate locality and the wider landscape character in terms of physical features and the type and variety of existing uses.

Chapter 12 of the NPPF, entitled 'Achieving well-designed places' states at Paragraph 126 that, *'good design is a key aspect of sustainable development'*.

Paragraph 130 advises that *'Planning Policies and decisions should ensure that developments:*

- a) Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) Optimise the potential site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'.*

Paragraph 134 says that *'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:*

- a) Development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
- b) Outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.*

As has been noted throughout this report, the extant permissions on site are recognised. However, in relation to design, the consideration remains whether the proposed design is acceptable as proposed in this application.

The cedar weatherboarding is considered acceptable and would be an improvement on a tent in both material and design. In relation to design, the buildings proposed are considered improvements to those structures existing on site and even those to be retained would be enhanced by the introduction of the cedar material to clad them or those already constructed of this material will see improvements to their fenestration. This aspect would no doubt refresh the site and improve its facilities. The applicant's intentions to include solar panels are also commendable, offering a more sustainable aspect in terms of contributing to the needs of the site in terms of its power needs.

The design of many of the proposed structures is considered rather simple, with relatively well-proportioned buildings of generic, symmetrical shape (such as squares and rectangles). The only aspect that introduces something rather different is the newly proposed restaurant and spa buildings. These would incorporate what are described by the applicant as 'quadrosphere domes' which would be constructed of glulam beams and a UPVC membrane coloured white. Whilst these are certainly a

departure in design terms from the rather generic structures proposed, they are considered far more interesting from a design perspective and would offer a welcome contrast between themselves and the wider site.

Whilst it is readily recognised (as it was in the previous section of this report) that such will not be to everyone's particular tastes, that is not the planning test that dictates whether a scheme is acceptable in planning terms or not. Rather, it is whether the design would be so 'bad' and demonstrably bad, as to justify the refusal of the whole scheme. Such a bar is considered very high and in circumstances such as this, where the design is recognised to be more modern it will always be considered less acceptable to some than others.

This is understood as design is particularly subjective. However, the proposals are considered by officers to be acceptable and comply with both the Local Plan and the NPPF. In many respects, the applicant's intentions are considered to refresh and improve the site and it is considered they these proposals do achieve that. In that respect then, the scheme is considered to achieve a suite of supportable design principles and in that regard would result in a development that would be an improvement upon that already approved for use on site.

The design of the 'caravans' is noted to be 'lodge' style, conforming with a number of similar types of development across both the district and country. In respect of the intended scale, proportions and materials of these structures, they are acceptable. Therefore, these are principally considered acceptable subject to further formal assessment as per the condition as worded below.

Accordingly, the application is therefore considered to accord with Policy SP16 of the Local Plan and the NPPF and merits support.

Impact on residential amenity

Policy SP20 entitled 'Generic Development Management Issues' states, in relation to amenity, *'New development will not have a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence. Developers will be expected to apply the highest standards outlined in the World Health Organisation, British Standards and wider international and national standards relating to noise. New development proposals which will result in an unacceptable risk to human life, health and safety or unacceptable risk to property will be resisted. Developers will be expected to address the risks/potential risks posed by contamination and/or unstable land in accordance with recognised national and international standards and guidance. All sensitive receptors will be protected from land and other contamination. Developers will be expected to assess the risks/potential risks posed by contamination in accordance with recognised national and international standards and guidance.'*

Criterion 'f' of Paragraph 130 of the NPPF states that decisions should ensure that development *'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'*.

The nearest residential dwelling to the site is noted earlier in this report to be 'Kensa Park' approximately 100 metres to the South. Whilst another, similar type development for caravans, known as 'Wrens Caravan Park' is located to the immediate North of the site. Residential dwellings are located in the area, with the closest to the North and others to the South as detailed earlier in this report.

It is recognised that all told, the existing, approved development is permitted to accommodate the same number of 'pitches' but in this case, rather than tents being erected, there would be lodges in their place. Accordingly, the previously referred to potential amenity impacts are plausible issues that can occur. However, in this instance, the number of 'pitches' would remain the same, only the accommodation type would alter. Nevertheless, the 'type' of accommodation can still lead to differing amenity issues. In

this case, in direct relation to the accommodation, there are no significantly demonstrable impacts considered likely. No such issues have been raised by the public consultation, nor has the Environmental Health Officer (EHO) raised any concerns when offered the opportunity to comment upon the application.

In terms of potential amenity impact, these must be considered to amount to an impact that would be demonstrably harmful. Indeed, it is considered that more likely, a lodge style form of accommodation would be preferable over a tent in terms of being less likely to be create issues that could have an impact upon the amenity of the area.

In any event, the case officer considers it prudent to impose a condition that would require any external lighting details that could be considered necessary for the site at a later stage to be submitted for formal approval. Such approval would be required prior to any such lighting being installed on site.

Overall though, it is recognised that the site is proposed for holiday use, is already permitted for such use and would not feature permanent residents. It would also not have any increase in the maximum onsite number of guests were this application approved.

Cumulative impacts have also been considered in this case given the proximity of a similar business to the application site. Notwithstanding that the fundamental use has already been approved and these cumulative impacts previously considered it is recognised that this scheme would introduce some new aspects to the site, not previously considered by the Local Planning Authority. These new aspects have been previously referred to in this report, but for clarity are confirmed to comprise the proposed construction of a spa facility.

This element of the application is considered very small-scale and given it is considered so minor, with treatments to take place inside purpose made structures, there are no reasons to believe that the amenity of the wider area would in any way be compromised by this activity.

Accordingly, it is considered that the scheme complies with the objectives of Policy SP20 and the NPPF and merits support.

Highways

Policy SP20, entitled ‘Generic Development Management Issues’ states that “*Access to and movement within the site by vehicles, cycles and pedestrians would not have a detrimental impact on road safety, traffic movement or the safety of pedestrians and cyclists. Information will be required in terms of the positioning and treatment of accesses and circulation routes, including how these relate to surrounding footpaths and roads*”.

Paragraph 111 of the NPPF affirms that ‘*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*’.

Access would remain as is, with no change in those arrangements. However, it is noted that previously, the Local Highways Authority did raise some concerns with regard to the intensification of the sites use. As has been established in case law, the use of pure numbers utilising an access is not considered sufficient to demonstrate ‘harm’. The extant, permitted use on site is not restricted in terms of numbers visiting the site and it is not considered that this application, which would not increase the number of pitches available for accommodation purposes could reasonably justify any condition to restrict these.

The final Local Highway Authority response is noted, it requested two conditions to be imposed on any subsequent grant of permission. These have been noted by the Local Planning Authority.

Additionally, the two objections received in relation to this application are also noted to refer to concerns related to potential highway impacts. It is also noted that a neighbouring parish council has also objected to the application on these grounds (Beadlam Parish Council). Whilst these are

understood, they are not demonstrated in terms of harm, rather they are assertions based upon the application and their perception of what impact it could create.

In consideration of these concerns, whilst they are appreciated the applicant is not proposing any additional capacity in terms of the number of pitches available to the total number of guests that could stay on site. In that respect, it cannot reasonably be considered that there would be any greater highway impact than there is now. The use of the land for tourism accommodation is already well established and it is not considered reasonable to refuse the scheme now given that established use on highway grounds. This position is strengthened still further by the fact that the Local Highway Authority have not offered any objection to the scheme.

In terms of the proposed improved restaurant this is an approved and established use on the site and it is not restricted from being used by those not staying on site so there is no material change in circumstances were this newly proposed restaurant approved and implemented. The existing restaurant is noted to be unrestricted in numbers that could use it and it is not considered reasonable to restrict this proposed restaurant by planning condition. Nevertheless, it will self-regulate with the applicant confirming it has a capacity of 60 covers.

The Spa is confirmed to have a capacity of 24 treatments per day with car parking capacity for staff and the general public being estimated to be for 30 spaces and provision on site for 35. As has been noted, the scale of the Spa facility is considered such that it is commensurate with the tourism accommodation. It is very modest in scale and as such could not reasonably be said to have any real impacts and certainly would not result in 'significant' impact upon either road safety or congestion.

The only aspect of the scheme that would have any impact on the numbers in use on site relates to the proposed spa facility. In regards to this, the facility would be anticipated to be utilised by onsite guests, but could be used by those not staying on site. It is not considered necessary nor reasonable to restrict this facility for guests only and in that regard then a condition could not be imposed as it would fail to meet the 'tests' when considering the imposition of such conditions upon any grant of planning permission.

In relation to this then, the issue is how material a change there would be to justify the potential imposition of condition(s). The spa facility proposed is very modest in scale and whilst the concerns of objectors are noted, these are not considered sufficient to reasonably amount to concern from officers that could justify such condition(s) being attached to any decision notice should the application be granted planning permission. The scale of the development relative to potential use is not considered so harmful as to merit concerns from a highway perspective. It is simply not necessary nor reasonable to impose such a condition and accordingly, it would plainly fail to meet at least two of the six tests and is therefore not recommended within the draft suite of conditions.

The established use of the site as a tourism accommodation development, with associated, ancillary type development is now well-established. This scheme offers no material change in vehicle access nor intensification of use and as such it is not considered that the development would have any demonstrable impact upon the local highway network.

The concerns raised that guests would require a car to either arrive at site or tour the area are noted but not reasonable reasons to refuse the scheme before the Local Planning Authority. The district, by its nature is very rural and access to a vehicle for personal travel is essential. Local, public transport links are recognised to be varied in frequency and type across the district but it is not for the Local Planning Authority nor this application to resolve these matters and enhance them. Whilst it is recognised that the use of private motorcar is not to everyone's preference, it is a legal method of transport and part of the reason why guests seek to visit the district is precisely because it is a rural area with a beautiful landscape. Accordingly, the fact that private vehicles will almost certainly be used to visit the site in each case is noted, it is not a basis upon which to refuse this application given extant policy direction at national and local levels.

It has been previously noted in this report that tourist attractions that generate significant numbers of visitors should consider alternative methods of transport to get guests to the site. As has been

established, this is not such a development, it is for tourist accommodation with some ancillary elements associated with it. As such, there is no need for alternate methods of transport to be provided in this case.

The application is therefore considered accord with Policy SP20 of the Local Plan and would not result in a development contrary to the NPPF.

Flood risk and drainage

Policy SP17 'Managing Air Quality, Land and Water Resources' confirms what and how development proposals should manage surface and waste water.

Chapter 14 of the NPPF entitled 'Meeting the challenge of climate change, flooding and coastal change confirms in paragraph 154 that *'New development should be planned for in ways that:*

a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards'.

Paragraph 159 states that, *'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'.*

Paragraph 162 of the NPPF states that, *'The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding'.*

Paragraph 167 states that, *'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) the development is appropriately flood resistant and resilient;*
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) any residual risk can be safely managed; and*
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan'.*

Paragraph 169 states that *'Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:*

- a) take account of advice from the lead local flood authority;*
- b) have appropriate proposed minimum operational standards;*
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and*
- d) where possible, provide multifunctional benefits'.*

The Lead Local Flood Authority (LLFA) sought further information from the application and they subsequently provided this. The LLFA have confirmed that the site is in an area of low flood risk and the development is acceptable relative to this.

The applicant intends to install a drain to the north of the site for surface water drainage. This will require consent from the LLFA and is recognised as outside of the planning process. Nevertheless, the facts of this case are useful to understand. The site will incorporate attenuation ponds, located in two locations to the North and North-West of the site.

These will be discharged to at a controlled rate, which is agreed by the LLFA and to which the detailed submissions confirm. Accordingly, these details are recommended to be included as ‘approved’ details as part of condition 2 within the draft conditions included in this report. The sites low risk of flooding is noted and the intended surface water drainage plans recognised as being considered acceptable by the Lead Local Flood Authority.

Foul drainage is intended to be achieved by connecting to the mains. This connection is on the northern boundary of the site. Whilst it is not a matter of the Local Planning Authority to deal with, it is noted as part of the wider development proposal.

Ultimately, there are no concerns raised by consultees in terms of surface water drainage and it is considered therefore, that the scheme is acceptable in terms of its drainage plans and would be in compliance with Policy SP17 of the Ryedale Local Plan and the NPPF.

Conclusion

The site is recognised to benefit from an extant permission and in terms of capacity for holidaymakers, this application would not offer any increase. Rather, it would only alter the accommodation ‘type’ on site from tents to that of lodges. Such is already on site, but this would ensure all accommodation for guests was uniformly lodges.

The only aspect that is actually ‘new’ in terms of the introduction of a new element of the already approved tourism accommodation site, is the proposed spa facility. All other aspects would replace existing facilities.

Accordingly, given the existing fall-back position that is afforded significant weight in the planning balance, the resultant application is rather minor in its nature.

The concerns raised by the objectors are noted but whilst these concerns are understood it is considered in planning terms, the fundamental use of the site is already well-established. Given the extant, legal use of the site already approved, the consideration relative to highways would be whether a material change in use would occur. This is not considered to be the case and the Local Highway Authority have not offered any objection to the scheme.

The proposed development is considered to be acceptable in terms of landscape, design, drainage and amenity considerations and as such would comply with the Ryedale Local Plan as well as the NPPF. Specifically, policies SP1, SP8, SP13, SP16, SP17, SP19, SP20 and SP2. As such, it is recommended for approval.

RECOMMENDATION: **Approval** subject to the following conditions;

1. The development permitted shall be begun either before the expiration of three years from the date of this permission.

Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

2. The development hereby permitted shall be carried out in accordance with the application form dated the 17 December 2021 and the following approved plan(s):

- i. Cover Letter, dated 17 December 2021;
- ii. Location Plan, ref. H2 210803/3, dated 14 December 2021;
- iii. Proposed Site Layout, ref. H2 210803/1 Rev. C, dated 24 April 2022;
- iv. Existing Site Layout, submitted 21 December 2021;
- v. Demolition Plan, submitted 25 April 2022;
- vi. Preliminary Landscape and Visual Assessment, dated 20 December 2021;
- vii. Entrance Plan, ref. LYCF1003, dated 10 December 2021;
- viii. Reception and Kitchen Plan, ref. LYCF1004, dated 14 December 2021;
- ix. Plant room Plan, ref. LYCF1009, dated 13 December 2021;
- x. Restaurant and Bar Plan, ref. LYCF1007, dated 14 December 2021;
- xi. Spa Plan, ref. LYCF1002, dated 10 December 2021;
- xii. Thermal Cabin Buildings Plan, ref. LYCF1005, dated 13 December 2021;
- xiii. Treatment room Plans, ref. LYCF1006, dated 13 December 2021;
- xiv. Yoga and Relaxation Plan, ref. LYCF1008, dated 14 December 2021;
- xv. Alpbau Quadrosphere technical specifications, submitted 29 April 2022;
- xvi. Drainage Design Report, Northpoint Consulting, Reference 151410, Revision 0, Dated 30/03/2022.

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

Prior to commencement

3. Prior to the commencement of the hereby development, details of the lodges specifications including dimensions, construction materials and finished external colours shall be submitted to the Local Planning Authority for written approval. Once received, those details shall be implemented in full and strictly adhered to for the lifetime of the development.

Reason: In the interests of the character of the area.

4. Prior to the commencement of the development, all access, parking, manoeuvring and turning areas for all users at Canadian Fields shall be constructed in compliance with details submitted and approved in writing by the Local Planning Authority. Once the details are approved, they shall be implemented and maintained as approved for the duration of the development. They shall also be kept clear of any obstruction at all times.

Reason: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development and to and comply with Policy SP20 of the Ryedale Local Plan.

5. Prior to the commencement of the development a Construction Management Plan shall be submitted to the Local Planning Authority for written approval. The plan shall include the following details:
 - i. Details of any temporary construction access to the site including measures for removal following completion of construction works;
 - ii. Restriction on the use of Gale Lane (at specific School arrival and leaving times) access for construction purposes;
 - iii. Wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
 - iv. The parking areas defined for contractors' site operatives and visitor's vehicles;
 - v. Areas for storage of plant and materials used in constructing the development clear of the highway;
 - vi. Details of site working hours; and
 - vii. Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Once approved the construction management plan shall be implemented and adhered to in full during the construction phase.

Reason: In the interest of highway and public safety of the area and complying with Policy SP20 of the Ryedale Local Plan.

Ongoing Conditions

6. There shall be no more than 47 lodges constructed upon site for holiday accommodation purposes.

Reason: In the interests of the visual amenity of the area.

7. The hereby approved application shall be for holiday accommodation only and not as a person's sole or main place of residence.

Reason: In order to comply with Policy SP21 of the Ryedale Local Plan.

8. Prior to the installation of any external lighting at the site shall be limited to that required for the security purposes and the safe movement of pedestrians and vehicles. Details shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The details shall include the position, height, angle of lighting, illuminance level and hours of operation. Once approved the lighting shall be installed and maintained in accordance with the approved details for the duration of the development.

Reason: In the interests of the reduction of light pollution and to satisfy the requirements of Policies SP16 and SP20 of the Ryedale Plan, the Local Plan Strategy.

9. There shall be no vehicular access or egress to and from the site other than via the existing approved access.

Reason: In the interests of road safety.

10. Foul and Surface water shall be drained on separate systems at all times.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

11. The hereby approved accommodation shall be for commercial holiday let for at least 140 days a year and no let must exceed 31 days.

Reason: In order to comply with Policy SP21 of the Ryedale Local Plan.

12. The owners/operators of the hereby approved development shall maintain an up-to-date register of all lettings/occupation. This shall be available for inspection upon request of the Local Planning Authority.

Reason: In order to comply with Policy SP21 of the Ryedale Local Plan

13. Within 3 months of the commencement of the hereby approved development, a landscape scheme for the site that indicates numbers, species and location of all trees and shrubs to be planted shall be submitted to the Local Planning Authority for written approval. The details submitted shall include details of the phasing of planting as well as an aftercare and management plan, including details of how any tree or shrub that fails within 5 years of planting will be replaced like for like and shall be based upon the preliminary landscape and visual assessment submitted, dated 20 December 2021. Once approved, the scheme shall be implemented and adhered to for the duration of the development.

Reason: To enhance the appearance of the development hereby approved and to satisfy the requirements of Policies SP16 and SP20 of the Ryedale Plan, the Local Plan Strategy.

14. No amplified music shall be played on site outside of the hours of 7.00am – 11.00pm.

Reason: In the interests of the amenity and character of the area.

15. The restaurant, bar and spa buildings shall not operate outside of the hours of 7.00am – 11.00pm.

Reason: In the interests of the amenity and character of the area.

Note to developer

1. This decision notice grants planning permission only. It does not override any existing legal agreement, covenant or ownership arrangement. It is the applicant's responsibility to ensure all necessary agreements are in place prior to the commencement of development.