

**Item Number:** 7  
**Application No:** 19/00656/FUL  
**Parish:** Amotherby Parish Council  
**Appn. Type:** Full Application  
**Applicant:** Lawrence Knowles  
**Proposal:** Change of use of land for the siting of 8no. timber clad holiday cabin-style caravans with associated access track and landscaping to form an extension to Malton Grange Country Park  
**Location:** Land South Of Malton Grange Country Park Amotherby Lane Amotherby Malton North Yorkshire  
**Registration Date:** 3 June 2019  
**8/13 Wk Expiry Date:** 29 July 2019  
**Overall Expiry Date:** 3 January 2023  
**Case Officer:** Rachael Balmer **Ext:** 43357

**CONSULTATIONS:**

<b>Amotherby Parish Council</b>	Objection	
<b>Highways North Yorkshire</b>	Further information required	
<b>Sustainable Places Team (Environment-Agency Yorkshire Area)</b>		Comments
<b>NYCC Natural Services</b>		
<b>Highways North Yorkshire</b>	The comments in my consultation response dated 5 October 2022 still seem to be relevant.	
<b>Flood Risk</b>		Comments
<b>Tree &amp; Landscape Officer</b>		Comments
<b>Highways North Yorkshire</b>		No objections
<b>Highways North Yorkshire</b>		No Objection
<b>Amotherby Parish Council</b>		Objection
<b>Alan Tomlinson</b>		
<b>Amotherby Parish Council</b>	Objection remains	
<b>Vale Of Pickering Internal Drainage Boards</b>		
<b>Vale Of Pickering Internal Drainage Boards</b>		
<b>NYCC Natural Services</b>	Recommend ecology mitigation	
<b>Alan Tomlinson</b>		
<b>Representations:</b>	Mr Andrew Tagg, Mrs Marie Ali,	

**CONSULTATIONS:**

Due to the length of time the application has been with the authority, the application has been the subject of three full consultations and an additional specific consultation.

*Initial*

<b>Amotherby Parish Council</b>	Objection
<b>Highways North Yorkshire</b>	Further information required
<b>Vale Of Pickering Internal Drainage Boards</b>	No response

*September 2019*

<b>NYCC Natural Services</b>	Recommend ecology mitigation
<b>Vale Of Pickering Internal Drainage Boards</b>	No response
<b>Highways North Yorkshire</b>	No objections
<b>Amotherby Parish Council</b>	Objection remains

*October 2022*

**Highways North Yorkshire  
Amotherby Parish Council  
NYCC Natural Services  
Tree and Landscape Officer**

No Objection  
Objection remains  
recommends condition  
recommends condition

*December 2022*

**Lead Local Flood Authority  
Environment Agency**

comments on Sequential Test  
Objects based on insufficient FRA

**Representations:**

Mr Norman Nichols, Mrs Marie Ali

**Overall Expiry Date:**

**3 January 2023**

## **BACKGROUND:**

The application was subject to consideration by the November 2022 Planning Committee and was given a minded to approve decision. During the meeting the matter of flooding was mentioned, and prior to the decision notice being issued, the Flood Risk Constraints checking was refreshed. It was then identified that as a result of update Environment Agency Flood Risk Mapping the application site is now in Flood Zone 3a (as is much of the site as whole, and the surrounding area).

Therefore, given the previous consideration by Planning Committee it is considered that the application must return back to planning committee for re-consideration of the application in light on this new information, as it has a significant bearing on the assessment of the application. The application was made the subject of a Flood Risk Assessment, and the Lead Local Flood Authority and Environment Agency have been invited to comment and they have responded and their responses are on the planning file.

## **SITE:**

The site subject of this application is an established caravan park, known as 'Malton Grange Country Park'. It is located in open countryside, approximately 1 kilometre north of the village of Amotherby. There are currently a total of 57 'lodge' or 'cabin' style caravans located on the site.

The main part the caravan park was developed in sections over time, together with the site offices positioned initially in the northern part of the site with further additions to the main body of the park located within the centre. The blue line of the application includes the internal layout and wider site landscaping. The red outline for this planning application covers the access road through the site and a site area of 0.4ha. It is bound by tree planting in almost all directions, but particularly along the western edge, to which the nearest public highway is located.

The site is adjacent to the revised siting of the bundled foul sewage bio-treatment plant to serve the extended site, and the earlier planning permission of 2017, and its siting was subject of a recently approved application on 1<sup>st</sup> September 2022 (21//01662/FUL) which regularised the siting of the treatment plan, and allowed this application to be determined in principle on the basis that the means of foul treatment of wastes on the site was agreed.

When the application was originally submitted in the summer of 2019, the site constraints were confirmed as an area of Flood Zone 2 land, where the lodges themselves were located in an area of Flood Zone 1. Since this time the Environment Agency have updated their Flood Risk Zone Maps and the entire application site, and much of the land concerning the Caravan Park, and its surrounding area is now within Flood Zone 3, which is related to fluvial flooding.

## **PROPOSAL:**

The application seeks full planning permission for the siting of 8 no. additional holiday caravan lodges, as an extension to Malton Grange Country Park with proposed units of holiday accommodation being defined as a caravan but will be constructed as timber clad lodges; cabin style in appearance and similar to the others already on the site and also indicated in the submitted plan No.102.

Access to the additional caravans will be via a new 4m wide section of crushed stone internal road connected through the existing main site and onto the existing Amotherby Lane site access. Low level lighting bollards would be provided by way of illumination of the application site and the wider site. A fire point and a refuse collection point would be located immediately to the north on the adjacent main site.

Drawing 101 shows the proposed site layout in which the proposal would increase the overall number of lodges from 57 to 65. The additional units are proposed in an area measuring 0.4 hectares located to the south of the site in an area of previously approved planting.

Given the bespoke nature of the purchase of static caravans proposed by this current application, no detailed drawings of individual units are able to be shown as they are usually individually constructed to order. However, there is a commonality in their design being horizontally clad and would meet the definition of a caravan within the meaning of the Caravan Sites Control of Development Act 1960 and Caravan Sites Act 1968. A plan showing the position of the lodges and a selective palette of materials and finishes is provided (Plan 101 revision B November 2022).

All units will be laid out in accordance with Ryedale District Council's Site License Conditions for Static Caravans.

## **PLANNING HISTORY:**

21//01662/FUL - Retention of refuse collection areas, revised siting of the foul sewage bio-treatment plant, regularisation of caravan materials and addition of external decking to the caravans (part retrospective) – approved 1st September 2022

21/01663/73A - Variation of Conditions 02 and 04 of planning approval 17/00738/FUL dated 15.08.2017 to provide more specific details on species and planting - approved 20 July 2022.

17/01235/COND - Discharge of Conditions 3, 4, 5, 7, 11 and 13 of approval ref. 17/00738/FUL - Approved 16 January 2018.

17/00738/FUL - Change of use of land to allow of 10no. timber clad cabin style holiday caravans to form an extension to Malton Grange Country Park with associated crushed stone access track and landscaping together with addition of 4no. timber clad cabin style holiday caravans within the existing Park area. Approved 15 August 2017.

11/01117/73AM - Removal of condition 12 of approval 05/00649/MFUL dated 01.09.2005 as varied by condition 2 of approval 05/01336/73 dated 19.01.2006 and removal of condition 01 of approval 05/01336/73 dated 19.01.2006 to allow a year round opening season across the whole of the approved Malton Grange site - Approved 18 January 2012.

09/00923/MFUL - Siting of 14 no additional single timber clad cabin style holiday caravans and 13 no additional twin timber clad cabin style holiday caravans (revised details to approval 07/01149/FUL dated 14.02.2008) together with removal of condition 02 of approval 05/01336/73 dated 19.01.2006 that stated " no holiday unit on the site shall be occupied between 14 January and 1 March in any one year" - Withdrawn.

07/01149/FUL - Siting of 13 additional timber clad cabin-style holiday caravans - Approved 14 February 2008.

05/01336/73 - Variation of Condition 12 of approval 05/00649/MFUL dated 01.09.2005 to reduce the period when no holiday unit on the site shall be occupied to between 14 January and 1 March in any one year - Approved 19 January 2006.

05/00649/MFUL - Change of use of former pig farm to allow the siting of 22 timber clad twin static holiday units and 8 single holiday units and use with alteration of an agricultural building as reception/office with associated parking and amenity areas and formation of vehicular access - Approved 1 September 2005.

## **POLICY:**

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 SP14 Biodiversity

Local Plan Strategy – Policy SP15 Green Infrastructure

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) 2021

National Planning Practice Guidance (NPPG)

## **CONSULTATIONS:**

Responses from the Statutory Consultees are set out in the relevant sections of the report. They can also be viewed in full on the public access file.

Amotherby Parish Council responded on 20<sup>th</sup> September 2022: *The revised plans, which are virtually identical to those submitted in 2019, reiterate our to objection to the application on the following grounds:*

- *When permission was granted in 2005 to develop the site for holiday accommodation it was for 30 units. The scheme was seen as an enhancement of the original pig farm. This enhancement was in part as a result of a well laid out scheme with a high level of additional planting and open space.*
- *Over time the site has grown to a total of 57 units. The amenity space referred to on the 2005 site layout plan has been lost to additional units and now it is proposed to extend further by removing landscaping which formed part of the original scheme. Notwithstanding the agents assertion that only a “small area of the existing planting will be lost” the Parish Council are of the opinion that the area of loss is significant.*
- *Just by observing the proposed layout it can be seen that the depth of landscaping adjacent to the highway at the point where the development is to take place is narrower than the existing screen planting along the road side.*
- *The loss of landscaping must have an impact on the ecology of the area which must have developed in a positive way since its development from a pig farm to holiday accommodation.*

*Ecological and landscape benefits recognised in 2006 are slowly being eroded at a time when the natural environment is under extreme pressure and we should be planting trees not removing them.*

- *In continuing to allow development to take place at the site results in an ever decreasing area of open space and planting to the detriment of the landscape of the area, biodiversity, and the original concept of the scheme. It is considered that the site is being overdeveloped and the application and, should therefore be refused.*

Additional representations were received to the application. One individual subsequently withdrew their objection, without explanation. One wished to remain anonymous.

Three responses have been received in respect of the proposed development concerning;

- Effluent and poor drainage to the site
- Intermittent flooding within the site
- Loss of trees to the development
- Urban Sprawl of Lodges
- Loss of recreational areas
- Previous planting scheme did not plant native trees
- Ecological impacts

## **APPRAISAL:**

It is considered that the following matters are the key considerations associated with this application:

- Principle of the development
- Landscape
- Ecology
- Design and character
- Accessibility
- Amenity
- Flood risk and drainage

### **Principle of the development**

Tourism is now integral to the function of many rural areas, and in Ryedale forming a significant sector of the District's economy. As such, appropriate tourism activity will remain important in the wider countryside. It is considered that the use is compatible with the spatial approach to development in Policy SP1 which seeks to support development which is '*necessary to support a sustainable, vibrant and healthy rural economy and communities*'. Policy SP8 of the Ryedale Local Plan- Local Plan Strategy and National Planning Policy Framework (NPPF) confirm that within the open countryside, tourism development is acceptable in principle and the Ryedale Plan- Local Plan Strategy recognise the contribution such developments can make towards the local economy, and providing additional range and choice in tourist accommodation. Policy SP8 also seeks to ensure that in the siting of such proposals, whether they be new schemes, or extensions to existing schemes, can be acceptably accommodated without unacceptable visual intrusion and impact on the character of the locality.

The proposal relates to the installation of an additional 8 chalet units within a site that already accommodates 58 existing units of tourism accommodation. It is noted that the site has been incrementally expanded over time. A planning approval was granted in August 2017 for a similar small-scale development within the parameters of the Malton Grange Site for the addition of another 10 units (17/00738/FUL). At that time, the principle of the development was acceptable, having regard to national and local plan policies, and taking account of detail development management factors such as scale, sustainability, accessibility, design, layout, access and landscape and visual amenity effects.

It will be important to ensure that these units are not occupied as dwellings, as this would not accord with the spatial principles concerning the delivery of new housing in the Ryedale Plan- Local Plan Strategy. As such Policy SP21 has a policy concerning tourist accommodation and the controls of its occupancy:

*e) Time-Limited Occupation*

*New un-serviced holiday accommodation (holiday cottages, caravan parks (static and touring), log cabins and holiday chalets) will be subject to the following conditions:*

*The accommodation is occupied for holiday purposes only; and not as a person's sole, or main place of residence; and*

*It shall be available for commercial holiday lets for a least 140 days a year and no let must exceed 31 days; and*

*The owners/operators shall maintain an up-to-date register of lettings/occupation and advertising will be maintained at all times and shall be made available for inspection to an officer of the Local Planning Authority on request.*

It is considered that the use is acceptable in principle, given the established use of the site, but it will be necessary to establish whether the proposal of 8 additional units on this established scheme can be “accommodated without unacceptable visual intrusion and impact on the character of the locality” and satisfy other planning requirements. This is considered in the subsequent sections.

## **Landscape Impact**

Objections to the proposal have referenced the loss of trees and the ‘sprawl of the site’, loss of recreation areas, and impacts on ecology. The Parish Council have objected on the following summarised grounds:

- *The incremental erosion of the existing landscaping scheme to the point of the current application*
- *The current proposal results in a significant loss of landscaping*
- *The depth of landscaping adjacent to the highway at the point where the development is to take place is narrower than the existing screen planting along the road side.*
- *The loss of landscaping must have an impact on the ecology of the area- which previously had been improving*
- *In continuing to allow development to take place at the site results in an ever decreasing area of open space and planting to the detriment of the landscape of the area, biodiversity, and the original concept of the scheme. It is considered that the site is being overdeveloped and the application and, should therefore be refused.*

Policy SP13 entitled 'Landscapes' requires that proposed development protects and enhances the quality, character and value of Ryedale's diverse landscape. Policy SP8 seeks to ensure that expansions to existing tourism accommodation schemes are undertaken ‘without unacceptable visual intrusion and impact on the character of the locality’.

The additional cabins will be reflective of the design and appearance of the existing cabins on site, and are a relatively small increase within the existing site area.

Submitted Drawing 101SP-AP Rev. A Indicates a landscaping scheme of tree and hedge planting within the site both to serve as replacement for trees to be removed and, also to augment tree and hedge coverage within the wider site.

The proposed 8 lodges to be positioned within the southern area of the site presently planted as still immature woodland and would be screened from the replacement banded bio-digester plant to serve the wider site by a broadly semi-circular Hawthorne, Maple Hazel and Blackthorn hedge interspersed with Field Maple and Rowan tree planting.

Within the central part of the site Hawthorn/Hazel/Blackthorne hedges would be introduced between units 10 – 44 together with some tree planting. On the oldest part of the original site to the North, the planting of field Maple, Rowan and Hazel between the lodges would serve to reinforce and existing maturing landscape boundary on this part of the site that faces onto the access to the site close to the administrative buildings.

The site has been incrementally expanded since its inception, and previous schemes have been approved. This proposal is for an additional 8 units. It is whether these additional units represent a tipping point whereby the ability to mitigate adverse landscape impacts is no longer achievable (within the application site or, via condition the wider site which is within the applicant's ownership) and the site is 'over developed'.

The wider site benefits from a range of landscape planting and a very well-established boundary hedgerow which denies clear views of the site from public viewpoints.

This proposal would seek to remove a section of 0.4ha of still relatively immature woodland planting located at the far south of the site, adjacent to the recently relocated package treatment plant and adjoining to the north onto the main part of the site. Though an area of the existing planting will be lost to accommodate the additional lodges, the tree planting would be retained around the periphery of the site.

The Parish Council's concerns regarding the reduced planting are noted on the site in relation to the western boundary, but the presence of the mature hedging and trees, coupled with the relatively low heights of the lodges- and when compared to the existing lodges no. 1-6 there will still be a comparable degree of peripheral landscape screening afforded to the new units, which is defined as being a mature untrimmed hawthorn and blackthorn hedge approximately 6 metres in height with a number of mature trees (ash, oak, field maple, and horse chestnut).

There were objections raised concerning the loss of recreational space. It was noted on site that the planting in the proposed site area of the lodges was very dense, and provided no reasonable means of access, so this area of planting would not provide recreation space, the amenity value would be from the presence of the planting alone.

Replacement planting, in the form of a bow-shaped hawthorn and hazel hedge would be planted to function as a screen between the recently installed biodigester and the proposed development. In addition, a small group of Field Maple, Rowan and Hazel Trees would be located within the proposed site as well as wider augmentation of existing landscaping throughout the wider site by the planting groups of trees and hedgerow as indicated in drawing 101 SP - AP Rev B(which is also been subject of an additional application (21/01663/73A - Variation of Conditions 02 and 04 of planning approval 17/00738/FUL dated 15.08.2017 to provide more specific details on species and planting - approved 20 July 2022).

The Tree & Landscape Officer has provided a specific response to this application, and was involved in the above-referenced application which sought to improve the landscape planting on the wider site- as part of the 2017 planning application.

*"There will clearly be several young trees removed in order to accommodate the 8 new units. The report suggests that these are around 10 years of age although I would suggest that some would be at least 21 years old based on what was plotted as existing on the landscaping plan submitted as part of 07/01149/FUL. Also, it appears that further heavy standards would have been planted following consent of 11/01117/73AM in 2012 which would be around 10 years in age. Nevertheless, the removals are not anticipated to reduce the effective screening that the trees/hedges give provided that the proposed tree/shrub planting is implemented as outlined in the method statement. The species could perhaps be tweaked to replace elderberry with Holly in the hedges as Elderberry has tendency to become sprawling and will overshadow adjacent hedging plants due to being more vigorous. The Tree Survey makes no attempt to consider the impact of the cabins on the trees or categorising them with BS5837 categories. Nor does it identify any of the trees individually in order to consider whether there may be impact on the roots of any of the trees. This is compounded by the fact that the report's*

*author suggests using “rope to be wrapped with hazard tape... labelled “Tree Protection Area – Do Not Remove”.*

*Whilst I am satisfied that the proposed tree/shrub planting will go some way to mitigate the loss of tree cover I think more details of the fencing position and specification is required, therefore I would suggest that further details are provided subject to a condition (prior to commencement) together with a condition of no storage of materials within the tree protection zone.*

*The removal of laurel in favour of new native shrub planting is supported.”*

It is considered that with additional details and robust mitigation measures the proposed scheme can be accommodated in landscape terms. A revised plan has been provided to revise the planting scheme to not have Elder, and to align with the wider site planting proposals. It is considered that the proposals can accord with Policy SP13 of the Local Plan Strategy which seeks to protect and enhance the diverse landscapes of the district, and retain a significant green infrastructure asset within the site, providing that the landscaping plan is implemented, and the proposed tree protection measures in the 2019 Arboricultural Methods Statement are applied with the additional details prescribed by the Tree and Landscape Officer. These are therefore recommended to be subject of a condition.

Officers do consider though that the scheme is reaching its ‘natural extent’, and further expansion based on the current blue line is indeed limited.

To minimise impacts on nocturnal character for both the occupiers of the lodges, the wider landscape character, and for biodiversity, the use of external lighting should be minimised. A condition is therefore imposed on agreeing the details of any such lighting prior to implementation.

## **Ecology**

Concerns have been raised about the consequential impacts on biodiversity as a result of the proposed additional units and the loss of tree planting as a result. The current tree planting is part of a green infrastructure corridor which surrounds the site and connects to the wider hedgerows. The application was originally accompanied by an ecological report from 2017, this was deemed dated, and a new report provided in July 2019. Concerning that report the NYCC Ecological Services advised that:

*Accompanied by a Preliminary Ecological Appraisal (PEA) dated July 2019 and a Landscape Management Plan, the PEA pertains to the areas proposed to house additional cabins located within the southern tip of a 10 year old tree plantation on an area recently re-seeded and cleared. No constraints have been identified in terms of protected species or priority habitats.*

*It is unclear whether the various recommendations contained within the PEA have been agreed by the applicant or whether they are simply intended to offer generic advice. If the Council is minded to approve, the application, it is therefore recommended that an ecological mitigation and enhancement plan be agreed prior to the commencement of the development setting out clearly what needs to be done. Element of this should include:*

- *Avoidance of light spill into areas likely to be used for nocturnal life especially in respect of protecting hedgerows and woodlands;*
- *Additional tree/woodland planting to off-set loss of trees either on or off-site;*
- *How the development will meet NPPF guidance in respect of providing a net gain for biodiversity.*
- *Appropriate mitigation measures to be put in place to reduce risks to wildlife particularly in respect of the clearance of vegetation*

Given the passage of time an updated PEA (December 2021) ecology report was submitted, and the NYCC Ecologist advised:

*The report does not demonstrate whether the proposed development would deliver net gains for biodiversity, although we did highlight the need for this information in our comments of 4<sup>th</sup> October 2019. Because planning policy has (not) changed since the application was submitted, it may be unreasonable to require a Biodiversity Net Gain calculation using the government’s Biodiversity Metric.*

*However, we would expect to see at least like-for-like habitat replacement. The current plan (September 2022) shows the removal of a block of plantation woodland at the southern end of the site to make way for the proposed additional cabins. The Landscaping Plan shows some small-scale shrub planting and short sections of hedge dotted around the site but this does not compensate for the area of woodland which would be lost. Overall, the proposal as it stands currently would result in net loss of biodiversity. The ecology report includes recommendations for: the creation of species-rich grassland (section 5.1.1); native tree planting (5.1.2); installation of bat boxes (5.2.3); avoidance of light spill onto boundary hedges (5.2.4); covering trenches overnight to reduce risks to Badgers (5.3.2); retention of the ditch on the southern site boundary (5.4.3, 5.5.3); vegetation clearance outside the bird breeding season (5.6.2); installation of 4 nest boxes for House Sparrows (5.6.3); maintaining access for Hedgehogs (5.8.3). Some of these recommendations are vague and tentative. Should permission be granted, ecological mitigation and enhancement measures should be firmed-up in the form of an Ecological Management Plan (EMP), to be submitted for approval prior to commencement. The EMP must show what will be done, where and when.”*

Policy SP14 of the Local Plan Strategy seeks to conserve, restore and enhance biodiversity within Ryedale, including protecting species and maintaining, creating and improving habitats, and there is a strong synergy with Policy SP15 which is concerned with the provision, enhancement and protection of green infrastructure corridors and spaces with Ryedale.

There are no protected species on the site which would then necessitate specific biodiversity mitigation measures being established prior to the determination of the application. The scheme is also for a relatively modest 8 units. Nevertheless, there is an incremental net loss of biodiversity resulting from the scheme in the first instance, but that there is opportunities to redress this.

Based on the advice of the NYCC ecological services, and the concerns raised by the Parish Council, it will be important for the Local Planning Authority to condition the submission, approval and implementation of robust Ecological Management Plan. This will need to set out in a clear, structured approach how the scheme directly improves the habitat connectivity for the site- and this could include land within the blue outline of the application which is within the applicant’s control, as well as the application site. It can also factor in the wider landscaping measures which have recently been approved by the 21/01663/73A - Variation of Conditions 02 and 04 of planning approval 17/00738/FUL dated 15.08.2017 to provide more specific details on species and planting - approved 20 July 2022.

It is also considered that the retention of the existing trees in the vicinity of the site needs additional consideration, and a condition seeking their sustained protection is recommended. It is considered that these additional conditions are important to mitigate the impacts on the existing green infrastructure on the site, and its biodiversity value, and this would be compliant with Policies SP14 concerning biodiversity enhancement, and the sustaining of green infrastructure corridors, as required by Policy SP15.

### **Accessibility**

Given the scale of the additional 8 units, on the current scheme of 58 units it is not considered that this additional 8 units will give rise to unacceptable levels of travel movements. However, it is important that tourist accommodation promotes opportunities to reduce the use of private cars, through the use of public transport, and active travel. A Travel Plan was first submitted for permission 17/00738/FUL in which condition 13 required the submission and approval of a Travel Plan, subsequently approved (17/01235/COND). A further updated Travel Plan and Assessment was submitted by the applicant on 29<sup>th</sup> August 2019 in support of this application, and this was updated and submitted on 4<sup>th</sup> October 2022. The Local Highway Authority have advised:

*‘It is noted that up-dated information on the approved Travel Plan has been submitted. This would seem to address the point (3) raised in my previous consultation response dated 28 June 2019. However, it should be pointed out that the return service bus times from Malton to Amotherby have not been included as part of the guest welcome pack as mentioned, and that should be amended.*

*In respect of the latest layout plan, the proposed development of 8 additional lodges is considered modest and would not be considered detrimental to highway safety on the immediate highway network. The Travel Plan is an approved document as previously mentioned, and the up-dated information now provided is a progression of that document. There are no local highway authority objections to the proposed'*

It is considered that the proposal, subject to a condition which seeks to update the Travel Plan, that the proposal satisfies the policy objectives of SP20 concerning ensuring that new development is served by a Travel Plan to reduce use of the private car, and ensure that the development does not have a detrimental impact on road safety. It is not considered necessary to require signage on the site given the relatively small size of the site complex.

## **Design and Character of the Area**

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. This same policy also seeks design to follow the principles of Policy SP16.

The application site forms a small area of land within the parameters of a discrete existing holiday site that currently contains 58 residential units within a well screened site which is not readily visible from outside of the site.

The proposed additional 8no. units are adjacent to the existing units on the site, and make use of the established internal road access. The scale of the lodges would be the same as the existing lodges. The proposed lodges on the site will be clad in timber or other material in common with the wider development, in which some artificial cladding material such as canexel and artefoam has been used. This range of materials are recognised as acceptable materials utilised in a number of holiday accommodation schemes across the UK. Given the bespoke character of the each unit, they would be individually designed with a palette of both timber and artificial materials being indicated in 101 SP - AP Rev B and the colours proposed have been previously agreed as being acceptable in the recently approved application 21/01662/FUL. It is proposed that this plan is conditioned as part of this application to ensure that the palette of materials is subject to an acceptable degree of control, whilst providing some flexibility to the individual units.

On this basis then, there are no concerns with this application relative to the design, scale and appearance of the proposal and accordingly, the scheme is considered to accord with Policy SP16 of the Ryedale Local Plan.

## **Amenity**

Policy SP20 entitled 'Generic Development Management Issues' has a specific section entitled 'Amenity and Safety'. It states that new development should not have material, adverse impacts on the amenity of present or future occupants of the site and neighbouring land.

The proposal would not require the extension of the site beyond its existing parameters remaining screened from outside view from Amotherby Lane by the robust banked and hedged external boundary and the overall principle land use of the wider site will remain unchanged and this scheme is not considered to undermine that.

The site currently has planning permission for 57 lodge style dwellings which would increase to 65 in total if this application were to be permitted. The loss of a small area (0.45ha) of land in this large tourist site for the location of an additional 8 lodges would not materially affect the layout and overall spatial relationships between residential units and could not be considered as an overdevelopment with the

level of amenity on the site maintained.

There is bunding and landscaping proposed which will provide sufficient mitigation for the presence of the treatment plant for the occupants of the proposed units.

The eight units are located within a well screened site, not readily visible from the outside, the proposal would not result in an intensification of use which would affect the amenity of those using the site, or wider residences within the surrounding locality. As such it is considered that the scheme complies with the policy objectives of Policy SP20.

### **Flood risk and drainage**

As outlined earlier in this report the application site, much of the whole caravan site and surrounding area is now categorised as being in Flood Zone 3, denoting a high risk of flooding. This is a materially significant change to the application which has resulted in the application being returned to Members for reconsideration. Whilst the land is not identified in the Strategic Flood Risk Assessment as functional floodplain (Flood zone 3b), the land is in Flood Zone 3a- and is assessed on that basis.

Objections were received to the application citing flooding incidences and issues with the foul drainage. Subsequent to the application's initial consideration by Members, both the Lead Local Flood Authority and Environment Agency were consulted on the application and provided responses which are considered below.

With regards to foul water drainage, the site has been subject to a recently approved application which regularised the siting of a modern bio-digester drainage system on site, and which would accommodate the additional 8 units proposed by this scheme.

Chapter 14 of the NPPF entitled 'Meeting the challenge of climate change, flooding and coastal change' that development should consider the flood risks associated with the site proposed as well as ensure that development inappropriate for that risk is avoided. Additionally, development should not increase flood risk elsewhere. It therefore seeks a sequential approach is taken to the siting of development in areas of least flood risk, and seeks to ensure that all forms of flooding are considered when considering development proposals. It sets out the principles concerning the application of the Sequential Test and Exception Test.

Local Plan Strategy Policy SP17 'Managing Air Quality, Land and Water Resources' advises on how development proposals should manage surface and waste water, and whilst it predates the current NPPF it also seeks to ensure that a sequential approach is taken to ensuring development is focused to areas of least flood risk, and to apply the Exception Test as per national planning policy and guidance. The Sequential Test and Exception Test are longstanding approaches to evaluating the risks and benefits of new development, within the context of providing a clear framework for managing development within areas of flood risk. They are set out in the National Planning Practice Guidance in detail, and the general principles within the NPPF.

The application site is fully located in Flood Zone 3a. A Flood Risk Assessment has been provided. The flood risk source is identified as being fluvial in origin. The applicant has stated in the FRA that the additional lodges are to '*expand the existing holiday park and to maintain functional operation between the existing and proposed development. No underdeveloped land within the holiday park is within a reduced flood zone.*'

The scheme proposes a semi-permeable surfacing for the access road, to reduce surface run off. As a mitigation measure it proposes that the caravan lodges are 600mm from ground level.

The FRA has been considered by the Environment Agency, and they have identified that there is data referred to be provided, but which is missing from the report. They have objected to the application on the grounds that the FRA is insufficient and that on receipt of further information they seek to be re-consulted on the application. Their response also, however, provides details of the sequential and

Exception Test. This is considered below:  
Application of the Sequential Test and Exception Test:

The site is not allocated in a Development Plan, and so it is subject to the Sequential Test as the site is not within Flood Zone 1. The Local Planning Authority undertakes the Sequential Test based on information provided by the applicant.

Had this been a new site, the scheme would have failed the sequential test outright. As a proposal for tourist accommodation, we have a wide range of sites across the district which could be suitable for tourist accommodation in Flood Zone 1, and so it would have been unable to pass the Sequential Test.

Land ownership in itself is not a factor which features within the application of the Sequential Test as a justification for allowing development to take place, as it is about the suitability of the site in relation to the flood risk. However, when proposals are for an extension to an established site, it means it cannot reasonably be located elsewhere given it is an expansion of an established use. In this instance all the surrounding land is also in Flood Zone 3 providing effectively no alternative, sequentially preferable, location.

National planning practice guidance advises that once the Sequential Test is performed the 'compatibility of the use' (and its identified flood risk vulnerability) is considered against the flood risk of the site in question. The proposal is categorised as a 'more vulnerable use' for holiday lodges.

As categorised a 'more vulnerable use' within Flood Zone 3a the Exception Test is required to be performed.

The proposal therefore proceeds to the Exception Test to see whether it meets the following tests:

- development that has to be in a flood risk area will provide wider sustainability benefits to the community that outweigh flood risk; and
- the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Only if the proposal passes both tests can it be considered to be acceptable in planning terms.

The scheme is for the provision of eight additional lodges to this existing, established site of 58 lodges, which has been incrementally expanded over the years. The FRA refers to:

*"The proposed development will increase income for the park and ensure the financial viability of the Malton Grange Lodges throughout the future. This will also ensure that park employment is secure and provides the possibility of employment growth. Additionally, increased tourism will provide a much needed benefit to the local economy."*

The proposal represents an aspiration for the site owner to expand the site by increasing the number of units and is a business decision to increase income. It is not considered that the lodge scheme at 58 units is unduly small, nor is it judged that the eight additional lodges tip a balance in terms of additional employment or security of employment- nothing provided by the applicant in their FRA or supporting material for the application evidences the italicised statement in terms of detailed financial viability.

Being eight units of caravan lodges in an established park, it does not being any materially significant expansion of choice in holiday accommodation for the locality, either in terms of its quantum, or quality of experience/setting or theme/type of accommodation and is therefore not capable of being viewed as a 'much needed benefit' to the local economy.

The proposal is sited in an area which currently provides a green infrastructure/habitat corridor, and whilst it is not considered that the proposal results in total loss of that green infrastructure habitat corridor, nor does the proposal bring any demonstrable sustainability benefit, as the corridor is being reduced in its extent. No wider improvements are proposed to the site or the surrounding locality.

As a proposal, it therefore brings no wider sustainable benefits to the community within the locality of the proposal, and no direct sustainability benefits for the site itself which can be considered to outweigh the high flood risk. This scheme is therefore not considered to meet what is a 'high bar' set by the Exception Test, which seeks demonstrable wider sustainability benefits to outweigh the risks of allowing a 'more vulnerable development' in a 'high risk flood zone'.

The Lead Local Flood Authority have confirmed in a return email to the Case Officer on the 20 December that Application of the Sequential Test has been undertaken correctly, and that the consideration of the Exception Test is also 'entirely reasonable'. But they advised that they could not comment on the Flood Risk Assessment (FRA).

The Environment Agency were invited to comment on the content of the FRA and to confirm for completeness whether the second test is achieved. They welcomed the invite to be consulted and have provided their response below.

EA response here:

***Flood Risk***

*Our Flood Map for Planning shows the site lies within Flood Zone 3, with a high probability of flooding from rivers. The application is for additional holiday lodges on an established site, which are considered to be a 'more vulnerable' land use in Annex 3 of the National Planning Policy Framework. It is therefore necessary for the application to pass the Sequential Test and Exception Test and to be supported by a site-specific flood risk assessment (FRA), which can demonstrate that the 'development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall'.*

***Flood Risk Assessment***

*An FRA by GGP Consult, referenced 29628/FRA/DJC Issue 01 and dated 12 December 2022, has been submitted in support of the application.*

*We note that section 5.2 of the FRA states that product 4 data has been requested from the Environment Agency and that the FRA report will be updated once received. We are unable to provide detailed comments on this application until the flood risk to the site has been fully assessed, ie the product 4 data is included within the FRA and used to assess risk to the site, and also to inform any mitigation required.*

*We therefore object to the proposal until the FRA is updated with this information. Please re-consult us regarding this development once the requested information has been provided.*

The FRA is therefore deemed to be currently deficient. As both elements of the Exception Test's requirements need to be satisfied, and the proposal fails to satisfy the first part of the Exception Test, the proposal is considered to be unable to pass the Exception Test. This means that it has not been considered necessary to go back to seek additional data for the FRA given the conclusion on the Exception Test has been reached. The Environment Agency advise that they will only comment on the second part of the exception test, and it is for the Local Planning authority to judge if the first test is satisfied.

It is therefore considered that given the application of the Sequential Test and the proposal's failure to meet the specific requirements of the Exception Test, the development of this site is not able to accord with Policy SP17 of the Ryedale Plan- Local Plan Strategy, which seeks to apply a risk-based, sequential approach to ensure that wherever possible development is sited in areas of least flood risk. The application of the Sequential and Exception Tests in relation to the application of National Planning Policy and Practice Guidance, which are also material planning considerations of significant weight in their own right. The application is therefore recommended for refusal.

Members will be aware that on this agenda there are other applications in the locality which are being recommended for approval based on their own site constraints context (the lodges are sited in Flood

Zone 2- which is sequentially preferable and does not need to pass the Exception Test). It considered that decisions made on other sites in the locality, where they passed the sequential test and progressed to the Exception Test, have shown that their sustainability benefits have been judged to outweigh the harm, within areas of existing touring pitches with replacement static lodges. Officers do note that there have been on isolated occasion some instances where in the interests of being positive and pragmatic we have judged that the Exception Test has been past, and retrospect would now take a stronger view. But the matter before Members is the determination of this application, and it is considered that this application is unable to meet the requirements of national planning policy as well as the adopted statutory Development Plan.

## **Conclusion**

Many aspects of the development are considered to align with national and local planning policy and represents development that supports the land- based, rural economy through the expansion of an established tourism enterprise, in relation to Policies SP1, SP8 and SP21. It is also acknowledged that the proposed development would not have an unacceptable impact on the open countryside, local amenity, highway safety and with the recommended conditions concerning landscape and biodiversity considerations, complies with Policies SP13, SP14, SP16, and SP20 of the adopted Ryedale Plan - Local Plan Strategy.

However, there has been a material change in the site's flood risk classification. The proposal's nature and siting in an area of high flood risk represents a fundamental incompatibility with Policy SP17 of the adopted Ryedale Plan- Local Plan Strategy, and national planning policy. Both of which are concerned with ensuring that there is a robust risk-based evaluation of the sustainability benefits of the development outweighing its location in an area of high flood risk, and furthermore being able to not increase flood risk on this site or adjacent land. This proposal cannot meet these requirements. The recommendation to Members is therefore one of refusal, subject to the reason for refusal set out below.

## **RECOMMENDATION: Refusal**

- 1 Given the application of the Sequential Test with no reasonable alternative sites available in an area of lower flood risk, the site progressed to the Exception Test. The proposed development represents a small expansion of an existing holiday lodge complex of 58 units by eight lodges. No evidence is provided to confirm that the proposal is needed from an operational or viability context. Nor does the proposal demonstrate any qualitative improvement in the offer of tourist accommodation. The site is within a local green infrastructure corridor, and whilst this would not be lost, it would be reduced in its area. The proposed expansion of the site with additional lodges is judged to be a business/commercial decision which does not demonstrate wider sustainability benefits to the either wider site or the wider community, which would outweigh the identified high flood risk. This represents a failure to meet the first requirement of the Exception Test, and therefore the Exception Test is failed as both parts must be satisfied. This results in a development which is not able to accord with Policy SP17 of the adopted Ryedale Plan- Local Plan Strategy. This seeks to apply a risk-based, sequential approach to development proposals. This is to ensure that wherever possible, development is sited in areas of least flood risk. Where this is not possible, to accordingly apply the Sequential and Exception Tests in accordance with National Planning Policy and Practice Guidance, when making decisions around whether a development can take place in an area of high flood risk.