

North Yorkshire Council
Community Development Services
Strategic Planning Committee

012 SEPTEMBER 2023

23/01184/OUTMAJ – APPLICATION FOR OUTLINE PLANNING PERMISSION FOR:

- A) DEMOLITION OF THE EXISTING GOLF CLUB FACILITY, ANCILLARY AND RELATED OUTBUILDINGS, PARTIAL DEMOLITION OF THE LATER ADDITION TO THE DEER SHED, AND OTHER ASSOCIATED STRUCTURES;**
- B) ERECTION OF A NEW DESTINATION GOLF/COUNTRY CLUB FACILITY TO PROVIDE REPLACEMENT FACILITIES AND SWIMMING POOL, CLUB AND RELATED FACILITIES, AND ASSOCIATED AREAS;**
- C) ERECTION OF NEW TENNIS PAVILION, OUTDOOR TENNIS COURTS, CAR PARKING, RELATED FACILITIES, AND ASSOCIATED AREAS;**
- D) PROVISION OF A FAMILY FACILITY ADJACENT TO THE WALLED GARDEN, INCLUDING THE PROVISION OF A CHILDREN'S ACTIVITY CENTRE, INDOOR AND OUTDOOR SWIMMING POOL, CAFE, CRECHE, AND ASSOCIATED AREAS;**
- E) RESTORATION WORKS TO THE WALLED GARDEN AND ITS SURROUNDS;**
- F) IMPROVEMENTS TO EXISTING AND EXPANSION OF CAR PARKING AREAS;**
- G) CREATION OF A SERIES OF ROUTES AND WALKWAYS WITH ASSOCIATED PUBLIC REALM IMPROVEMENTS; AND**
- H) PROVISION OF BUILDINGS, STRUCTURES, SERVICING AREAS AND SITE-WIDE ASSOCIATED LANDSCAPING, INFRASTRUCTURE, ANCILLARY STORAGE, EQUIPMENT, ASSOCIATED EARTHWORKS AND ENGINEERING WORKS AND OPERATIONS,**

**ON LAND AT RUDDING PARK, FOLLIFOOT, HARROGATE, NORTH YORKSHIRE.
ON BEHALF OF RUDDING PARK LTD**

**REPORT OF THE ASSISTANT DIRECTOR PLANNING – COMMUNITY DEVELOPMENT
SERVICE**

1.0 Purpose of the Report

- 1.1 To determine the outline planning application for the development set out above.
- 1.2 This application is brought to the Strategic Planning Committee because the Corporate Director of Community Development considers the application to raise significant planning issues.

2.0 EXECUTIVE SUMMARY

RECOMMENDATION: That subject to referral to the Secretary of State, Members are minded to grant the planning permission and that determination of the application be **DELEGATED TO THE ASSISTANT DIRECTOR FOR PLANNING – COMMUNITY DEVELOPMENT SERVICE, TO BE GRANTED** subject to conditions listed below and completion of a S106 agreement with terms as detailed in Table 3.

2.1. Consultation with the Secretary of State for Housing, Communities and Local Government (“the Secretary of State”)

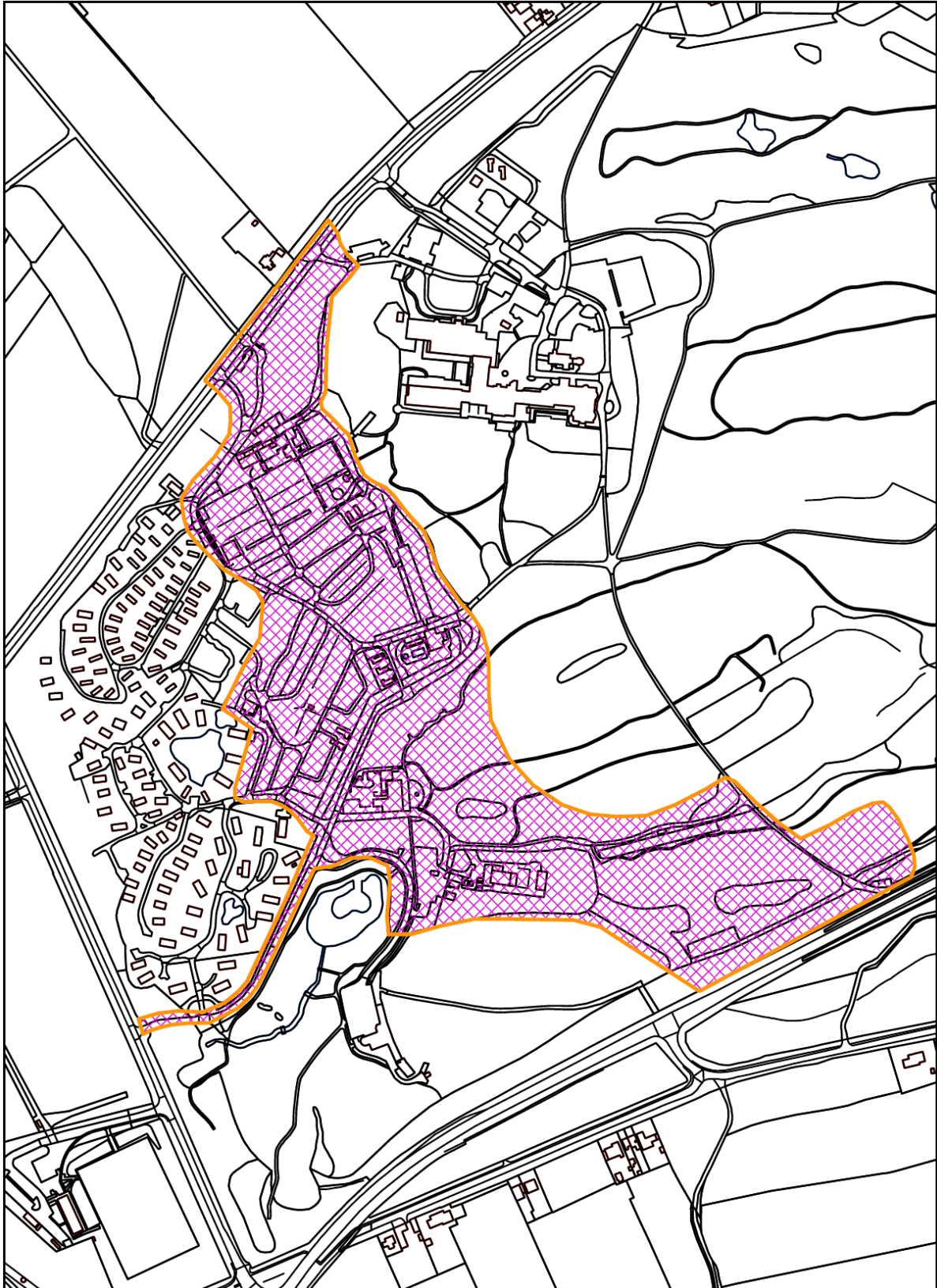
- 2.2. Should the planning committee resolve to grant planning permission for the proposed development, the planning authority is required to consult the Secretary of State under the requirements of The Town and Country Planning (Consultation) (England) Direction 2021. The consultation is necessary because the development includes ‘inappropriate development’ on land allocated as Green Belt in the development plan and includes the provision of buildings, where the floor space to be created by the development is 1,000 square metres or more. The Secretary of State then has 21 days from the date of receipt of the application to determine whether the application is referred to him, instead of being dealt with by the local planning authority.

2.3. Site and Proposal:

- 2.4. Rudding Park sits outside the development limits on the outskirts of Harrogate, approximately 2 miles to the south of Harrogate town centre and directly north of the village of Follifoot. It is located within the Green Belt, a Special Landscape Area and a Grade II Registered Park and Garden. Rudding Park House is a Grade I listed building and there are other ancillary buildings within the park, which are Grade II listed buildings, including the Chapel, Stable Block and Clock Tower.
- 2.5. Rudding Park currently accommodates a 90-bed/suite hotel and luxury spa facility, which extends to some 16,000 sqm, a holiday and caravan park which covers approximately 23 hectares, and an 18 and 6-hole golf course and driving range.
- 2.6. The application seeks outline planning permission, with all matters reserved, for new facilities within Rudding Park including a replacement golf clubhouse, a family hub building to meet the leisure demands of the caravan park, a new tennis pavilion and outdoor tennis courts and a storage building. Other associated works, including demolition of the existing golf club house and removal of 172 touring caravan pitches are also proposed.
- 2.7. The proposed buildings are in the Green Belt and do not meet any of the exceptions set out in the NPPF. They are therefore inappropriate development in the Green Belt and should only be approved in ‘very special circumstances’. Officers have considered whether there are any ‘very special circumstances’ and are of the opinion that there are benefits to the openness of the Green Belt by removing existing structures and reducing volume. The volume of the proposed buildings is estimated to

be 52,169 cubic metres. The volume of the structures to be removed, including caravans and awnings, is estimated to be 60,248 cubic metres. Taken together with the economic and other benefits of the proposed development, these factors are sufficient to constitute 'very special circumstances' to justify the approval of inappropriate development in the Green Belt.

- 2.8. Officers have assessed the proposal against the policies in the local plan and national planning policy, having particular regard to the impacts on the Green Belt, Heritage assets and Landscape Character. There are no objections from statutory consultees and any concerns raised about the detail of design can be adequately controlled at reserved matters stage when full details of proposed landscaping, design, scale and appearance will be submitted for approval. Other matters, such as drainage and sustainability can be adequately be controlled by planning conditions attached to the outline planning permission, or via a s106 legal agreement.
- 2.9. Having regard to the overall planning balance the development is considered to be sustainable.



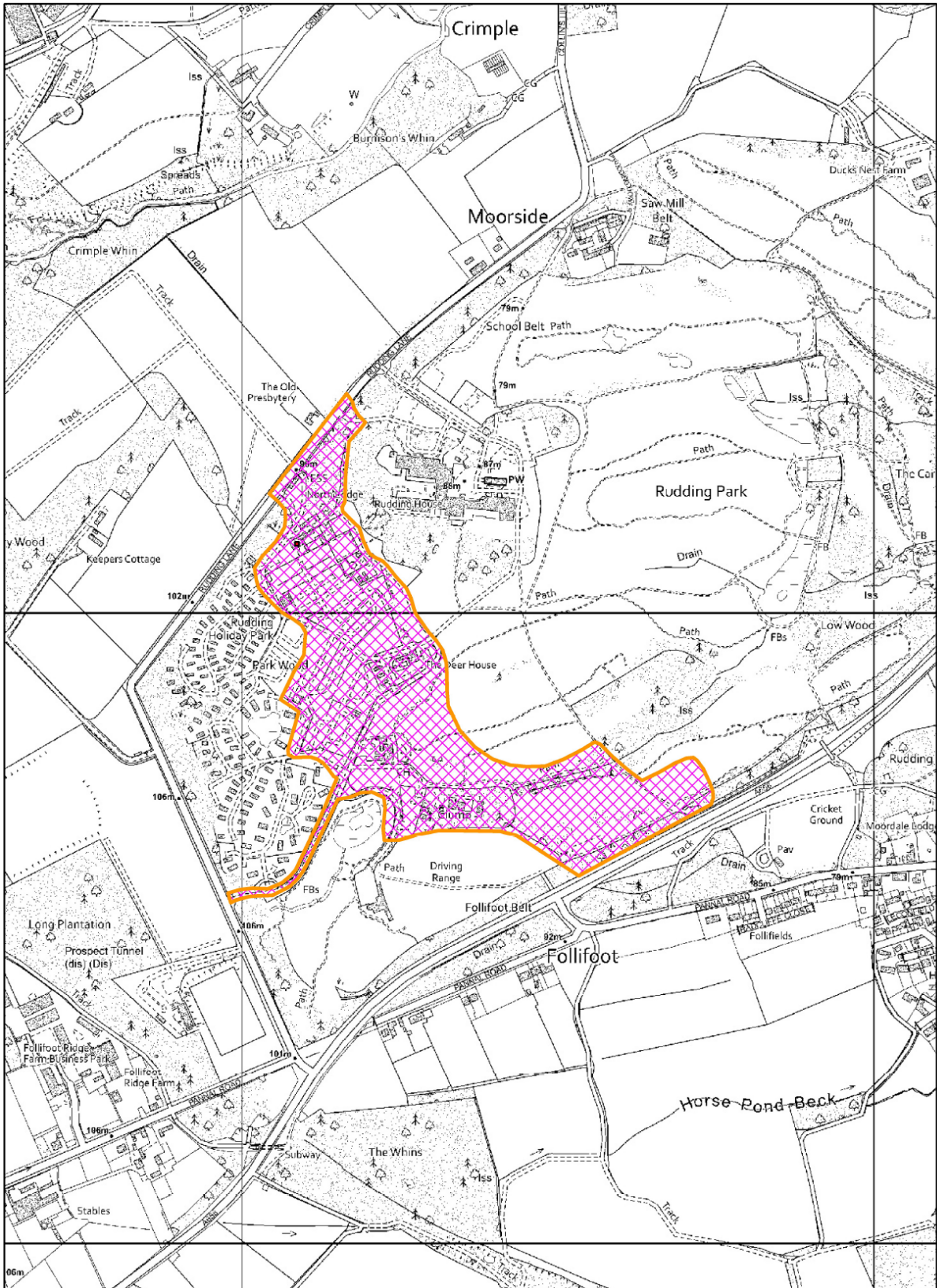
Location Plan

Scale 1:5,000



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04/09/2023



Site Plan

Scale 1:8,000



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04/09/2023

3.0 Preliminary Matters

- 3.1. Access to the case file on Public Access can be found [here](#).
- 3.2. Prior to submission of this formal planning application, the applicant sought pre-application advice and the proposal was amended in light of discussions through that process. The key changes were the removal of a large indoor tennis facility and changes to the size and design of the proposed buildings. These changes were made to reduce the impacts on the Green Belt, landscape character and the setting of listed buildings. Subject to the above changes, the pre-application proposal was supported on the basis that the benefits of the scheme outweighed the harm.
- 3.3. There is one relevant planning application for this application which is - 23/00985/SCREEN – Environmental Impact Assessment (EIA) Screening Opinion for the proposed development –. Officers considered that the scale and nature of the development and the potential impact upon the site and the receiving environment are not sufficient to require an EIA. This judgement was made on the basis of the information submitted by the applicant and the advice set out in the EIA Regulations 2017 and in the NPPG. For more information, see paragraph 8.1.

4.0 Site and Surroundings

- 4.1. Rudding Park sits outside the development limits on the outskirts of Harrogate, within an area of open countryside, approximately 2 miles to the south of Harrogate town centre and directly north of the village of Follifoot. It is bounded by Rudding Lane to the northwest and southwest, the A658 (John Metcalf Way) to the southeast and open countryside to the Northeast, with the A661 (Wetherby Road) beyond. The redline site area is 18.78 hectares. There are a number of existing vehicular access to the site off Rudding Lane.
- 4.2. The site is located within the Green Belt, a Special Landscape Area and a Grade II Registered Park and Garden. Rudding Park House is a Grade I listed building and there are other buildings within the park, which are Grade II listed buildings, including the Chapel, stable block and Clock Tower.
- 4.3. Rudding Park currently accommodates a 90-bed/suite hotel and luxury spa facility, which extends to some 16,000 sqm, a holiday and caravan park which covers approximately 23 hectares, and an 18 and 6-hole golf course and driving range.

5.0 Description of Proposal

- 5.1. The application seeks outline planning permission, with all matters reserved, for a new building to replace the existing dated golf clubhouse, a new building to provide replacement family facilities adjacent to the walled garden, a new tennis pavilion and outdoor tennis courts and a storage building. A number of other associated works and changes within the site are also proposed and are listed at paragraph 1.1 above.
- 5.2. The applicant has provided a series of parameters, which are submitted for approval and, which form the basis of the scheme and submission of Reserved Matters

Applications. These set out the maximum parameters for the proposed buildings, including height and Gross External Area (GEA). These are set out in the table below.

Table 1

Proposal	Max Height - Metres	Max GEA - Square Metres
New Golf Club House	12	7,250
Family Hub	10	3000
Tennis Club	7	300
Orangery	4.5	450
Storage Building	9	700

6.0 Planning Policy and Guidance

6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

6.2. The Adopted Development Plan for this site is:

- Harrogate District Local Plan 2014-2035 adopted December 2020

Guidance - Material Considerations

6.3. Relevant guidance for this application is:

- National Planning Policy Framework 2021
- National Planning Practice Guidance
- National Design Guide 2021
- Harrogate Heritage Management Guidance SPD
- Providing Net Gain for Biodiversity SPD adopted June 2021
- Harrogate District Landscape Character Assessment 2004

7.0 Consultation Responses

7.1. The following consultation responses have been received and have been summarised below.

- 7.2. **Parish Council:** Follifoot with Plompton Parish Council supports the application.
- 7.3. **Environment Agency:** No objection.
- 7.4. **Historic England:** Historic England has no objection to the application on heritage grounds. They have some concerns about the lack of detail regarding the substantial new buildings and have advised that it will be critical for the design and material quality of these buildings to be secured at the reserved matters stage. They have also advised that the design, location and direction of new lighting will be important in terms of controlling the visual impact, particularly at night-time.
- 7.5. **Natural England:** No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
- 7.6. **NYC Arboricultural Section:** No arboricultural objection. Conditions proposed.
- 7.7. **NYC Ecology:** No objection. Conditions proposed to secure Biodiversity Net Gain and to ensure veteran trees are protected.
- 7.8. **NYC Economic Development:** Fully support the proposed investment which is necessary in order that Rudding Park can stay relevant to its guest base and keep up with other luxury resort competitors. The proposals will thereby help to secure the continued presence of Rudding Park as a local employer and enable the business to maintain and enhance its contribution to the local and regional economy.
- 7.9. **NYC Environmental Health:** No objection subject to conditions to control noise, odours, dust and light pollution.
- 7.10. **NYC Highway:** No objection. The existing highway network and entrances remain as existing. The traffic generation would not compromise the existing highway network.
- 7.11. **NYC Landscape Officer:** The Landscape Officer has no objection to the proposed development.
- 7.12. **Sport England:** No comments. The proposed development does not fall within either our statutory remit or non-statutory remit.
- 7.13. **Yorkshire Gardens Trust:** No significant objections to the principle of this Outline Planning Application. They have some concern about the size of the proposed buildings but have advised that exceptional, contemporary designed, buildings, carefully sited, and beautifully landscaped would act as a 21st century counterpoint to the earlier buildings and design.
- 7.14. **Yorkshire Water:** No objection subject to conditions relating to disposal of swimming pool water, surface water and foul water.

Local Representations

7.15. Two local representations have been received both of which in support of the application. A summary of the comments is provided below, however, please see website for full comments.

7.16. Support:

- The proposal will support the local economy and create new jobs
- The buildings will be constructed BREEAM Excellent standard which can only be seen as a positive.
- This project will clearly be a huge asset to Harrogate and the surrounding area, bringing stable employment and superb facilities whilst being operated by one of the most experienced operators in the region.

8.0 Environment Impact Assessment (EIA)

8.1. The development falls within Schedule 2 Category 12(f) Golf courses and associated developments of The Environmental Impact Assessment Regulations 2017 (as amended) and the site area is over 1ha. As such the Council as Local Planning Authority have screened the development and found that it is not EIA development and no Environmental Statement is required to be submitted with the application. The Screening decision was made under application reference 23/00985/SCREEN and is available to view on the Council's website. Nothing has changed since the Screening Decision and it is still effective for the Committee Decision.

9.0 Main Issues

9.1. The key considerations in the assessment of this application are:

- Principle of Development
- Green Belt
- Heritage Assets
- Landscape
- Ecology
- Flood Risk/Drainage
- Residential Amenity
- Sustainability
- Highways and Traffic
- Public Rights of Way
- Benefits of the Proposal
- S106 Agreement
- Other Matters
- Planning Balance

10.0 ASSESSMENT

10.1. Principle of Development:

- 10.2. The site is outside the development limits of Harrogate where local plan policy GS3 (Development Limits) applies.
- 10.3. Policy GS3 states that 'Outside development limits proposals for new development will only be supported where expressly permitted by other policies of the plan or a neighbourhood plan or national planning policy.'
- 10.4. Policies GS5 (Supporting the District's Economy), EC2 (Expansion of Existing Businesses in Open Countryside and Outside Established Employment Areas) and EC7 (Sustainable Rural Tourism) are all, in principle, supportive of growth of the districts economy and the expansion of existing businesses in the countryside.
- 10.5. The proposed expansion of the existing business will contribute to the districts economy. The principle of the development is, therefore, supported by these policies.
- 10.6. The site is also within the West Yorkshire Green Belt. Paragraph 149 of the NPPF advises that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. However, the policy does make exceptions for certain types of development and for development where a local planning authority determines that there are other considerations that constitute 'very special circumstances' that outweigh the potential harm to the Green Belt. Therefore the policy does not exclude the possibility of constructing new buildings in the Green Belt.
- 10.7. In the above circumstances, and subject to compliance with Green Belt Policy, it is considered the principle of the proposed development at this location is acceptable.
- 10.8. **Green Belt:**
- 10.9. The site is within the West Yorkshire Green Belt, where Local Plan policy GS4 (Green Belts) applies. The policy advises that proposals for development in the Green Belt will be determined in accordance with relevant national policy set out in the National Planning Policy Framework.
- 10.10. The NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to protect urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 10.11. Green Belt serves five purposes which are:
- To check the unrestricted sprawl of large built up areas;
 - To prevent neighbouring towns merging into one another;
 - To assist in safeguarding the countryside from encroachment;
 - To preserve the setting and special character of historic towns; and
 - To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 10.12. Paragraph 147 of the NPPF advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 10.13. Paragraph 149 of the NPPF advises that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. It then goes on to list a number of exceptions.
- 10.14. The exceptions most relevant to the proposed development in paragraph 149 are:
- Para 149 (b) The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and outdoor recreation; as long as the facilities preserve the openness of the Green Belt and
 - Para 149 (d) The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

The proposed buildings would not fall within the first of these exceptions because they would have an additional impact on the openness of the Green Belt, by virtue of their size and visual impact. The proposed golf club house is a replacement for the existing but would not fall within the second exception because the building is materially larger than the one it replaces (The existing club house has a floor space of 868 sqm, the proposed has a floor space of 6,674 sqm)

- 10.15. None of the other exceptions in the NPPF are applicable to the proposed development and therefore it is inappropriate development in the Green Belt, which is by definition harmful and should only be approved in "very special circumstances".
- 10.16. The Planning Practice Guide (PPG) advises that assessing the impact of a proposal on the openness of the Green Belt requires a judgement based on the circumstances of the case. The PPG goes on to advise that openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume.
- 10.17. In terms of volume, the proposal would result in the removal of touring caravan pitches, demolition of the existing golf club house and an existing toilet/shower block, and some other, more minor demolition, which would have a positive impact on openness, in particular removal of the touring caravans, which sprawl over a large area of the site.
- 10.18. The proposal includes the removal of 172 touring caravan pitches which occupy approximately 3.5 hectares or 35,000 square metres of land. The impact of the touring caravans on openness would be variable as they move on and off the site throughout the year, however the caravan site has planning permission allowing year-round use and many of the caravans remain on the site year round. Additionally, in most instances they are accompanied by paraphernalia such as awnings, decking, storage sheds etc.

10.19. The combined volume of all existing facilities to be removed, (caravans, awnings etc. existing golf club, toilet block and later extensions to the Deer Shed) is estimated to be 60,248 cubic metres, whereas the estimated volume of the proposed buildings is 52,169 cubic metres (see table 1 and 2 below for further detail). Even taking account of the fact that not all caravan pitched would be occupied all the time, it is considered that the removal of the caravans and demolition of existing buildings would provide sufficient compensation for the volume of development proposed.

Table 1: Existing Floorspace and Volume to be Removed

	Floorspace (Square Metres)	Volume (Cubic Metres)
Toilet and Shower Block	591	1,865
Deer Shed	421	1,330
Golf Clubhouse	868	2,742
Caravans, Awnings etc.	19,243	49,006
Misc Site Clearance	1,680	5,305
Total	22,803	60,248

Table 2: Proposed Floorspace and Volume

	Floorspace (Square Metres)	Volume (Cubic Metres)
Replacement Golf Clubhouse	6,674	37,334
Family Hub	2,510	11,104
Orangery	385	1,013
Tennis Club	251	963
Storage Shed	584	1,755
Total	10,403	52,169

10.20. With regard to the visual aspect of openness, the existing caravans and the buildings to be demolished are low level structures that are well screened by existing landscaping, so they are not as visually prominent as the proposed buildings, which range between 4 metres and 12 metres in height. These taller structures will be more visually prominent by reason of their height and massing and will therefore have a greater visual impact in the Green Belt.

- 10.21. Efforts have been made to minimise the visual impact of the buildings through careful siting and design. Additionally, proposed enhancements to the landscaping of the site will further reduce the visual impacts of the proposal. Nevertheless, officers consider that the height and massing of the buildings will have an additional harmful visual impact in the Green Belt.
- 10.22. In conclusion, the proposed development is inappropriate development in the Green Belt and is, by definition, harmful to the Green Belt. In addition, the proposed buildings will be more visually prominent than the structures to be removed and will therefore cause additional harm to the openness of the Green Belt.
- 10.23. Whether the removal of existing caravans and demolition of existing buildings, and any other benefits of the proposal (discussed below) constitute 'very special circumstances' that would clearly outweigh the harm is discussed in the planning balance section of the report.
- 10.24. **Heritage Assets**
- 10.25. There are a number of heritage assets within Rudding Park, including the Grade II listed Registered Park and Garden, Grade I listed Rudding Park House and other buildings within the park, which are Grade II listed buildings, including the Chapel, stable block and Clock Tower.
- 10.26. Rudding Park is a large Regency house set within a substantial parkland, once part of the Forest of Knaresborough. Several built historic landscape features survive including fishponds, the Deer Shed, reservoir and walled garden. The proposal to redevelop the golf and other recreational facilities within the historic landscape has the potential to impact upon its significance, as well as the setting of the House.
- 10.27. Follifoot Conservation area site to the south east of the proposed development, on the opposite side of the bypass.
- 10.28. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving the Listed Building(s) or its setting or any features of special architectural or historic interest which it possesses.
- 10.29. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving and enhancing the character and appearance of a Conservation Area. The site is not within a Conservation Area but Follifoot Conservation Area lies to the south east of Rudding Park.
- 10.30. Local Plan Policy H2 (Heritage Assets) advises that planning applications affecting heritage assets will be determined in accordance with national planning policy. The policy goes on to advise that for this type of proposal applicants should ensure that:
- proposals affecting a heritage asset, or its setting, protect or enhance those features which contribute to its special architectural or historic interest;

- proposals affecting a conservation area protect and, where appropriate, enhance those elements that have been identified as making a positive contribution to the character and special architectural or historic interest of the area and its setting;
- any development that would affect a registered park and garden should not harm those elements which contribute to its layout, design, character, appearance or setting (including any key views from or towards the landscape), or prejudice its future restoration

10.31. Section 16 of the NPPF (Conserving and Enhancing the Historic Environment) sets out national policy in relation to heritage assets.

10.32. Para 189 of the NPPF highlights that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

10.33. Para 197 states that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

10.34. Paragraph 199 advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 200 advises that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 202 advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The policies seek to protect the significance of heritage assets but also advocate a balanced approach, weighing any harm against the benefits of the proposal.

10.35. The proposed buildings are positioned to the south and southwest of Rudding Park house. The separation distance to the proposed golf house and family hub is in excess of 250 metres and to the tennis pavilion and storage shed, in excess of 400 metres. There is very limited inter-visibility between the house and associated listed building and the proposed buildings, due to the topography of the site and existing landscaping. There are also limited views of the proposed buildings from within the wider registered park, for the same reasons. Views will be further reduced by proposed landscaping.

10.36. The demolition of the existing golf club house, toilet block building and later additions to the Deer Shed, and the removal of 170 touring caravan pitches will have a positive

impact on the setting of these heritage assets. These benefits must be balanced against any harm.

- 10.37. Follifoot Conservation Area lies to the south east of Rudding Park, on the opposite side of the bypass. Given the separation distance (200m approx.), the existing landscaping and the topography of the site, it is considered the proposed development will have no impact on the setting of the conservation area.
- 10.38. Overall, it is considered that any remaining harm to the significance of heritage assets caused by the proposed development would be less than substantial.
- 10.39. NYC's Conservation Officer has no objection to the principle of the proposed development but has advised that assessment of the detailed design would be key in assessing the overall impact.
- 10.40. Similarly, Historic England (HE) has no objection to the application on heritage grounds but has advised that it will be critical for the design and material quality of these buildings to be secured at the reserved matters stage. They also stress the importance of an appropriate lighting scheme.
- 10.41. HE supports the proposals to sympathetically reinstate the missing section of the Grade II listed Walled Garden but, again, have advised that it will be important to ensure the use of appropriate materials and traditional craft skills to ensure that the new work responds appropriately to the existing historic fabric.
- 10.42. Officers consider that the Planning Authority will have sufficient control at reserved matters stage, when the detail of proposed appearance, landscaping, layout and scale will be considered, to ensure that the final design and materials of the proposed buildings is acceptable.
- 10.43. In summary, the works would result in less than substantial harm to the significance of the designated heritage asset of Rudding Park. As required in NPPF paragraph 202, any harm should be outweighed by the public benefits of the proposal.
- 10.44. **Landscape**
- 10.45. The site is located within a Grade II Registered Park and Garden and within the Rudding Park Special Landscape Area (SLA).
- 10.46. Local Plan Policy NE4 (Landscape Character) advises that development proposals within SLA's are required to avoid significant loss of key characteristics that contribute to the quality of the SLA and the setting of Harrogate, Knaresborough and Ripon. Rudding Park Estate is a large estate whose land management practices have retained large amounts of unspoilt farmland and woodland close to the urban edge. The estate along with its heavily wooded areas as such, represents an important component of the town's landscape setting. The area as a whole comprises exceptional quality landscape as well as being important to the setting of the town.

- 10.47. Policy HP2 advises that applicants should ensure that any development that would affect a registered park and garden should not harm those elements which contribute to its layout, design, character, appearance or setting (including any key views from or towards the landscape), or prejudice its future restoration.
- 10.48. The site is within Landscape Area 58 (Middle Crimple Valley) of the Harrogate Landscape Character Assessment. This area plays an important role in separating Harrogate and Pannal and is sensitive to development which would result in coalescence.
- 10.49. Historic England's Official List Entry describes Rudding Park as an early C19 landscaped park, forming the setting for a country house, with mid C20 gardens by James Russell.
- 10.50. The proposed buildings are located in the south west of the park, in the vicinity of existing leisure uses where an erosion of character of the park and garden has already taken place. The removal of touring caravans from the area and the demolition of existing buildings would have a positive impact on the landscape and would, to a significant degree, off-set the impact of the proposed buildings on the setting of the park and garden.
- 10.51. The site is generally well screened by existing vegetation and views of the proposed buildings will be limited.
- 10.52. The proposal will result in the loss of 17 individual trees and 3 tree groups, with the partial removal of a further 5 tree groups, but all Category A trees (Large, high quality trees) will be retained. The vast majority of trees to be lost are Category C trees (smaller trees, generally of low quality). A number of hedges will also be removed to accommodate the proposal. Within the context of the extensive landscaping and tree cover within Rudding Park, the tree and hedge loss will have no significant impact on the character of the landscape. NYC's Arboricultural Officer, Landscape Officer and Ecologist have all assessed the submitted information and have raised no objection to the tree and hedge loss. Compensatory planting will be provided and the detail of this will be controlled at reserved matters stage when landscaping is considered.
- 10.53. The applicant is also committed to implementing landscape and visual enhancements. The landscape design principles are set out in the submitted Landscape Strategy and the detail of this will be controlled at reserved matters stage.
- 10.54. In these circumstances, it is considered the proposal will not cause any significant harm to the role the listed park and garden plays in forming the setting for Rudding House and will have no significant impact on the role the area plays in separating Harrogate and Pannal and preventing coalescence.
- 10.55. Overall, the site will retain unspoilt farmland heavily wooded character and the proposal will not, therefore, materially impact on the key characteristics that contribute to the quality of the SLA and the setting of Harrogate.

10.56. Subject to agreement on building design and an appropriate landscaping scheme, which can be controlled at reserved matters stage, it is considered the proposal would not have an unacceptable impact on key characteristics that contribute to the quality of the special landscape area or on the setting of Harrogate. Any harm to the Grade II Registered Parks and Gardens would be 'less than substantial' and therefore, in accordance with NPPF paragraph 202, this harm should be weighed against the public benefits of the proposal.

10.57. **Ecology**

10.58. Local Plan Policy NE3 (Protecting the Natural Environment) requires proposals for major developments to avoid any net loss of biodiversity and supporting schemes which achieve a net gain.

10.59. The proposal is supported by an Ecology Habitat Management Strategy, a Biodiversity Net Gain Assessment and a Tree and Woodland Management Strategy. These have been assessed by NY Council's Ecologist. The officer is satisfied that there is sufficient scope within the site and the wider Rudding Park area to avoid any net loss of biodiversity and there are likely to be opportunities to achieve a net gain in biodiversity. This will be controlled via an s106 legal agreement that will ensure biodiversity enhancements are appropriately managed over the next 30 years.

10.60. The proposal will not have any adverse impact on protected or designated sites such as Sites of Special Scientific Interest, or on Habitat Sites as defined in Glossary to the NPPF and therefore, no Habitats Regulation Assessment' (HRA) will be required.

10.61. The proposal therefore complies with the requirements of policy NE3.

10.62. **Flood Risk/Drainage**

10.63. Local Plan Policy CC1 requires proposals to demonstrate that the development will be safe with respect to flood risk, without increasing flood risk elsewhere and to ensure there is no increase in surface water flow rate run off, giving priority to sustainable drainage systems where possible.

10.64. Policy NE2 requires all proposed development to be served by an adequate supply of water, appropriate sewerage infrastructure and that there is sufficient sewage treatment capacity to ensure that there is no deterioration of water quality.

10.65. The application site lies within Flood Zone 1 and is at a low risk of surface water flooding. The applicant proposes to use the existing on-site surface water and foul water systems. The Environment Agency and Yorkshire Water have been consulted on the proposed arrangements and neither have any objection subject to conditions to control the details. In these circumstances, the proposal complies with the requirements of Policy CC1 and NE2.

10.66. **Residential Amenity**

10.67. Local Plan Policy HP4 requires development proposals to be designed to ensure that they will not result in significant adverse impacts on the amenity of occupiers and neighbours.

10.68. The proposed development is within an extensive parkland setting with mature landscaping to boundaries. There are residential properties along Rudding Lane and on the opposite side of John Metcalf Way that could potentially be impacted by the development. In order to address this, the Environmental Health Officer has proposed conditions to control noise, artificial lighting, odour and dust. Subject to these conditions, it is considered the proposal will have no significant effect of residential amenity or the amenity of the area generally.

10.69. Sustainability

10.70. Local Plan Policy CC4 (Sustainable Design) requires all new developments to be designed to reduce both the extent and impacts of climate change and requires non-domestic development, such as this, to achieve a minimum standard of BREEAM (Building Research Establishment Environmental Assessment Method) Excellent. As this is an outline application with all matters reserved, this requirement will be controlled by condition.

10.71. The applicant has submitted an Energy Statement in support of the application that sets out how BREEAM Excellent rating would be achieved. This includes reducing energy demand, improved energy efficiency and use of renewable and low carbon energy.

10.72. There are already 12 electric vehicle charging points on site, within the main Hotel car park. The applicant will also be required to install additional electric vehicle charging points to meet the needs of the development, which again will be controlled by condition.

10.73. The site is located in the open countryside but there is a bus route along Rudding Lane that provides an hourly service (08:00 to 18:00 Monday to Saturday) linking the site to Wetherby and Harrogate bus stations, which allow users to further access other destinations.

10.74. The site is also accessible by cycle, being within 25 minutes cycle from Harrogate and a number of surrounding villages.

10.75. The site is also approximately 2.8 kilometres from Pannal rail station, which offers another potential option for using more sustainable travel choices to access the site.

10.76. In the above circumstances, it is considered the proposed development will comply with the requirements of policy CC4.

10.77. Highways and Traffic

10.78. The proposal will result in additional vehicular trips to the site and in a net increase of 151 car parking spaces. The Transport Statement submitted in support of the

application estimates that the development proposals could result in an increase of 16 two-way vehicle trips in the AM peak and an increase of 13 two-way vehicle trips in the PM peak. This would result in an extra vehicle every 4 – 5 minutes onto Rudding Lane in the peak periods.

- 10.79. NYC Highway Authority assessed the submitted Transport Assessment and have advised that the existing highway network and entrances remain as existing and that the traffic generation would not compromise the existing highway network. Therefore, they have no objection.
- 10.80. It is therefore considered that Rudding Lane and the surrounding road network and junctions are of sufficient standard to accommodate the proposal without any harmful impact on the highway network or on highway safety.

10.81. Public Rights of Way

- 10.82. Local plan policy HP5 aims to protect the recreational and amenity value of public rights of way (PROW). There are no PROW's through the site but there is one that runs adjacent to the north eastern boundary of Rudding Park. There is also one to the north west of the site and one running through Follifoot village.
- 10.83. Given the separation distance to the proposed buildings (the closest is approximately 400m to the PROW through Follifoot Village) and the intervening vegetation on the site boundaries, and within Rudding Park generally, it is considered the proposal will have no significant impact on the recreational and amenity value of public rights of way.

10.84. Benefits of the Proposal

- 10.85. **Economic Benefits:** The information submitted in support of the application indicate that the proposal would result in an additional 75 full time jobs at Rudding Park when all elements of the proposal are up and running (an increase of over 20%).
- 10.86. It is estimated that the proposed development will contribute a total additional economic impact of £14.3 million per year through employment, local suppliers and tourism spend multiplier effects. This will bring the total economic impact for Rudding Park as a whole to £71.1 million.
- 10.87. **Benefits to Heritage Assets:** As part of the proposal the walled garden in the northern part of the site, which is currently occupied by touring caravans, will be reinstated, including reinstating the south wall on either side of the proposed Family Hub. The proposal will also re-introduce an Orangery along the northern wall, which was shown on historical plans of the park.
- 10.88. The proposal also includes the removal of modern, unsympathetic extensions to the Deer Shed, which was first noted on the 1884 OS map and is a non-designated heritage asset.

- 10.89. **Landscape Benefits:** The removal of the 170 touring caravans, dated golf club house and utility block will have a positive impact on landscape character, and will be beneficial to the special architectural and historic interest of the Registered Park and Garden.
- 10.90. The applicant is also committed to implementing landscape and visual enhancements (beyond those needed to mitigate the immediate impacts of the proposal). The landscape design principles are set out in the submitted Landscape Strategy and the detail of this will be controlled at reserved matters stage.
- 10.91. **Benefits to Biodiversity:** The applicant is committed to achieving a net gain in biodiversity. The detail is set out in the submitted Ecology Habitat Management Strategy and a Tree and Woodland Management Strategy. This will be controlled via a s106 legal agreement that will ensure biodiversity enhancements are appropriately managed over the next 30 years.
- 10.92. **Improved Access to Health and Leisure:** The proposed new facilities will add to the existing offer and will contribute towards improving the health and wellbeing of residents in North Yorkshire.
- 10.93. To complement the current golf academy programme, Rudding Park Tennis will promote opportunity and wellbeing three key pillars:
- Community Tennis Opportunity – all year-round local school programmes, local disabled programmes, local programmes for disadvantaged.
 - Tennis Performance Hub – an all year-round structured coaching programme from early ages to seniors, with all year round leagues, events and tournaments.
 - Leisure and Social Tennis – an all year-round members and hotel resident facility promoting wellness and member community.

S106 Agreement

- 10.94. The following Heads of Terms have been agreed with the applicant for this application.

Table 3		
Category/Type	Contribution	Amount & Trigger
Biodiversity Net Gain – to be achieved on site	Implementation, Management and Monitoring of habitats	30 year period. Requirement for a bond as financial backing for the maintenance and

		monitoring obligations
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10.95. Local Plan policy NE3 requires proposals for major developments to avoid any net loss of biodiversity. It is considered that the above S106 Heads of Terms are necessary to meet the requirements of policy NE3, directly related to the development and fairly and reasonably related in scale and kind to the development and, as such, complies with the Community Infrastructure Levy (CIL) Regulations 2010.

Other Matters

Equality Act 2010

10.96. Under Section 149 of The Equality Act 2010 Local Planning Authorities must have due regard to the following when making decisions: (i) eliminating discrimination, harassment and victimisation; (ii) advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (iii) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are: age (normally young or older people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

10.97. The development proposed is a leisure facility that will be open to all members of the community and will encourage different members of the community to mix and is therefore likely to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. This would, in turn, help reduce discrimination, harassment and victimisation and help advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

Time Limit for Submission of Reserved Matters

10.98. The proposed development is expected to be phased over a period of approximately 10 years to ensure that the operation of the hotel and facilities remain undisturbed (as far as practically is possible) and that the site as a whole can remain operationally viable, guests and users of the site are able to navigate the site safely with reduced potential conflict, and the sensitive heritage assets and existing landscape setting is protected. The applicant has therefore requested an extension of time to 10 years from the standard three year time limit for submission of reserved matters.

10.99. Under Section 91 of The Town and Country Planning Act 1990 a local planning authority may grant planning permission for 'such other period (whether longer or shorter) as the local planning authority may impose'. The period shall be a period which

the authority consider appropriate having regard to the development plan and to any other material planning consideration.

10.100. The Planning Practice Guide advises that a local planning authority may wish to consider whether a variation in the time period could assist in the delivery of development. A longer time period may be justified for very complex projects where there is evidence that 3 years is not long enough to allow all the necessary preparations to be completed before development can start.

10.101. There are no policies in the Harrogate District Local Plan, which runs to 2035, and no other material planning consideration, that would prohibit an extension of time for the submission of reserved matters in the case of this application.

Having regard to the nature of the proposal, as set out above, it is considered that a period of 5 years for the submission of reserved matters is justified. Officer consider that a longer period would not be justified because the longer the time period, the more likely planning policy and guidance will have changed. Therefore, if all the reserved matters are not submitted within five years, the planning authority would require a new planning application and would re-assess it against the policies and guidance in place at that time.

11.0 Planning Balance and Conclusions

11.1 Policies GS5 (Supporting the District's Economy), EC2 (Expansion of Existing Businesses in Open Countryside and Outside Established Employment Areas) and EC7 (Sustainable Rural Tourism) are all, in principle, supportive of growth of the districts economy and the expansion of existing businesses in the countryside.

11.2. The proposed development will not have an unacceptable impact on landscape character, the interests of biodiversity, highway safety, flood risk, water quality or residential amenity. It is accepted that most visitors to the site will be by private car, given the nature and location of the proposal, however, the site can be accessed by bus, bicycle and is 2.8 kilometres from Pannal rail station and therefore there are opportunities to access the site by means other than by car.

11.3. Officers have concluded that the proposed development is harmful by reason of inappropriateness and because it would cause harm to the openness of the Green Belt in terms of its visual impact rather than volume. Therefore it should only be approved in 'very special circumstances'.

11.4. NPPF Paragraph 148 advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

11.5. It has also been concluded that any harm to the significance of the registered Park and Garden and setting of Listed Buildings would be less than substantial.

11.6. Paragraph 202 of the NPPF advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm

should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 11.7. The Business Justification Case submitted in support of the proposal. Estimates that the proposal would result in an additional 75 full time jobs at Rudding Park when all elements of the proposal are up and running (an increase of over 20%). Additionally, it is estimated that the proposed development will contribute a total additional economic impact of £14.3 million per year through employment, local suppliers and tourism spend multiplier effects. This will bring the total economic impact for Rudding Park as a whole to £71.1 million. Officers consider that significant weight should be given to the positive economic benefits of the proposal.
- 11.8. The proposal would also result in the removal of 170 touring caravans and the dated golf club house and utility block from the site which would have a positive impact on landscape character and on the Green Belt.
- 11.9. The proposal would also make a positive contribution to sports provision within the district. The proposed new tennis courts, swimming pools and golf club house will add to the existing offer in the district and will be accessible to people over a wide area. The scheme will also offer increased opportunities for young people to access the facilities and develop their talents in golf, tennis and swimming. The proposal will therefore make a very positive contribution towards improving the health and wellbeing of residents in North Yorkshire, which is in line with one of the key aims of the NPPF, to promote Healthy Communities.
- 11.10. Other benefits would arise by landscape and visual enhancements, improvements to biodiversity, removal of existing paths and hardstanding and beneficial impacts to heritage assets.
- 11.11. In conclusion, officers consider that the cumulative public benefits of the proposal constitute 'very special circumstances' that would outweigh potential harm to the Green Belt by reason of inappropriateness, and which would outweigh any other harm resulting from the proposal, including the 'less than substantial harm' to the significance heritage assets.

12.0 RECOMMENDATION

- 12.1 **That planning permission be DELEGATED TO THE ASSISTANT DIRECTOR FOR PLANNING– COMMUNITY DEVELOPMENT SERVICE, TO BE GRANTED subject to conditions listed below and completion of a S106 agreement with terms as detailed in Table 3.**

Recommended conditions:

Condition 1 - Time Limit

Application for the approval of reserved matters shall be made to the Local Planning Authority not later than five years from the date of this permission. The development

hereby permitted shall be begun on or before the expiration of three years from the final approval of reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To ensure compliance with Sections 91-94 of the Town and Country Planning Act 1990.

Condition 2 - Reserved Matters

No development shall take place on any individual parcel within a phase or sub-phase, as defined on the Phasing Plan approved under Condition 4, without the prior written approval of the Local Planning Authority of all details of the following reserved matters -

- a) Appearance;
- b) Access;
- c) Landscaping;
- d) Layout; and
- e) Scale.

Thereafter the development shall not be carried out otherwise than in strict accordance with the approved plans.

Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.

Condition 3 - Approved Plans

The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details set out below and as modified by the conditions of this consent:

- Outline Planning Application Pack – dated March 2023 containing the following:
 - AD1 – Site Location Plan
 - AD2 – Planning Application Boundary
 - AD3 – Points of Access
 - AD4 – Demolition Plan
 - Parameters Plan 1 – Development Parcels
 - Parameters Plan 1A – Development Parcel A
 - Parameters Plan 1B – Development Parcel B
 - Parameters Plan 1C – Development Parcel C
 - Parameters Plan 1D – Development Parcel D
 - Parameters Plan 1E – Development Parcel E
 - Parameters Plan 2 – Landscape
 - Parameters Plan 3 – Access and Movement
 - Parameters Plan 4 – Maximum Building Heights
 - Floorspace Parameters
 - Access & Movement Parameters
- Landscape Strategy – dated March 2023 produced by Urban Wilderness
- Heritage and Design Principles Statement – dated February 2023 produced by Lanpro

Reason: In order to ensure compliance with the approved drawings.

Condition 4 - Phasing Plan – Pre Commencement

Prior to the submission of any applications for approval of details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters"), a Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority.

Reserved matters applications for each of the phases or sub phases identified in the approve Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority before any development in that particular phase or sub phase begins, and the development shall be carried out as approved unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the development is carried out in appropriate phases to reduce potential impacts on the general amenity of the area.

Condition 5 - Phasing – Pre Commencement

Except for investigative works, no excavation or other groundworks or the depositing of material on site shall take place on any phase or sub phase of the site until an approved infrastructure plan for that phase or sub phase related to the wider site has been submitted to and approved in writing by the Local Planning Authority. Thereafter development must be in accordance with the approved plan for that phase or sub phase of the development.

Reason: To ensure the development is carried out in appropriate phases to reduce potential impacts on the general amenity of the area.

Condition 6 - Construction Management Plan – Pre Commencement

No development for any phase or sub phase of the development, as set out in the approved Phasing Plan, must commence until a Construction Management Plan for that phase or sub phase has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved Construction Management Plan.

The Plan must include, but not be limited, to arrangements for the following in respect of each phase or sub phase of the works:

1. Details of any temporary construction access to the site including measures for removal following completion of construction works;
2. Wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
3. The parking of contractors' site operatives and visitor's vehicles;
4. Areas for storage of plant and materials used in constructing the development clear of the highway;

5. Measures to manage the delivery of materials and plant to the site including routing and timing of deliveries (in relation to School drop off and pick up times within term time) and loading and unloading areas;
6. Details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
7. Protection of carriageway and footway users at all times during demolition and construction;
8. Protection of contractors working adjacent to the highway;
9. Details of site working hours;
10. Erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
11. All dust mitigation measures to be employed during preparatory, demolition and construction phases, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
12. Measures to minimise and monitor all noise mitigation measures to be employed during preparatory, demolition and construction phases;
13. An undertaking that there must be no burning of materials on site at any time during construction;
14. Removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
15. Details of the general site wide measures to be taken for the protection of trees, these measures should be in accordance with BS 5837:2015 Trees in relation to design, demolition and construction - Recommendations.
16. Details of external lighting equipment;
17. Details of ditches to be piped during the construction phases;
18. A detailed method statement and programme for the building works; and
19. Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: In the interests of highway safety and the general amenity of the area.

Condition 7 - Tree Protection – Pre Commencement

No operation shall commence on site in connection with a phase or sub phase of the development hereby approved (including any demolition work, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) before tree root protection fencing and ground protection has been implemented in accordance with a tree report, in line with the requirements of British Standard BS 5837: 2012 (section 6.2.2 figure 2) Trees in Relation to Construction – Recommendations, that shall have been submitted to and approved in writing by the local planning authority. Thereafter the approved fences and ground protection shall be retained on site until all development subject of this permission is completed.

Reason: To ensure trees are adequately protected during the construction process.

Condition 8 - Arboricultural Method Statement – Pre Commencement

Prior to commencement of a phase or sub phase of the approved scheme, an Arboricultural Method Statement shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme. An arboricultural consultant shall supervise and monitor tree protection throughout the construction process and shall forward a monthly progress report to the LPA for approval. The progress report is required to demonstrate that the trees are being protected in accordance with the submitted detail, and any approved Method Statement or other documentation.

Reason: To ensure trees are adequately protected during the construction process.

Condition 9 - Construction Ecological Management Plan – Pre Commencement

A Construction Ecological Management Plan must be submitted in association with any reserved matters application. This must be supported by an updated ecological walkover survey and must include measures to safeguard retained habitats and protected and priority species during the construction process and for the provision of bird and bat boxes in accordance with the recommendations of the Ecological Impact Assessment (Smeeden Foreman, Rev. August 2023). Works must subsequently be undertaken in strict accordance with the approved CEcMP. A copy of the CEcMP must be kept on site and made available to site managers and operatives throughout the construction process.

Reason: To safeguard retained habitats and protected species during the construction process and to provide opportunities for species to thrive on site, following the implementation of the redevelopment.

Condition 10 – Foul Water Drainage – Pre Commencement

No development shall take place until details of the proposed means of disposal of foul water drainage for the relevant phase or sub phase, including details of any balancing works, off-site works and phasing of the necessary infrastructure, have been submitted to and approved by the local planning authority. If sewage pumping is required from any part of the site, the peak pumped foul water discharge must not exceed 4 (four) litres per second. Furthermore, unless otherwise approved in writing by the local planning authority, no buildings within the relevant phase or sub phase shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: To ensure that no foul water discharges take place until proper provision has been made for their disposal)

Condition 11 - Submission of an Intrusive Land Contamination Site Investigation Report (Phase II Report) – Pre-commencement

Groundworks relating to each phase or sub phase shall not commence until a land contamination Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the local planning authority for each phase or sub phase.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Condition 12 - Submission of a Land Contamination Remediation Strategy – Pre-commencement

Where site remediation is recommended in the Local Authority approved Phase II Intrusive Site Investigation Report groundworks for each phase or sub phase shall not commence until a land contamination remediation strategy has been submitted to and approved in writing by the local planning authority. The remediation strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Condition 13 - Implementation of the Land Contamination Remediation Strategy.

Land contamination remediation for each phase or sub phase of the site shall be carried out and completed in accordance with the Local Planning Authority approved Remediation Strategy. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the local planning authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Condition 14 - Submission of Land Contamination Verification Report

Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a land contamination

Verification Report shall be submitted to the local planning authority. No part of the phase or sub phase site shall be brought into use until such time as the remediation measures have been completed for that phase or sub phase in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the local planning authority. Where verification has been submitted and approved in stages for different phase or sub phase of the whole site, a Final Verification Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Condition 15 – Swimming Pool Water Management

Prior to the first use of each relevant phase or sub phase works shall be carried out to provide adequate facilities for the disposal and treatment of filter backwash and swimming pool water, in accordance with details to be submitted to and approved by the local planning authority.

Reason: To ensure that the development can be properly drained without damage to the local water environment.

Condition 16 - Separate systems for foul and surface water drainage

Development of the site should take place with separate systems for foul and surface water drainage.

Reason: To prevent overloading of the public foul or combined sewer network.

Condition 17 - Electric Vehicle Charging Points

An electric vehicle infrastructure strategy and implementation plan for all parking provisions on each phase or sub phase hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any part of that phase or sub phase. The plan shall contain details of the number and location of all electric vehicle charging points which shall be of Mode 3 type (specific socket on a dedicated circuit with a minimum current rating of 16 Amp) or subsequent Mode specification. All buildings and parking spaces that are to be provided with charging points shall not be brought into use until associated charging points are installed in strict accordance with approved details and are operational. All charging point installed shall be retained thereafter for their intended use.

Reason: To safeguard the environment and mitigate climate change in accordance with Local Plan Policy T11 and CC4.

Condition 18 - Secure Cycle Storage

Prior to the first use of buildings within any particular phase or sub phase of the development, secure and covered cycle parking shall be provided for that phase or sub phase, in accordance with a scheme which shall have been submitted to and approved in writing by the local planning authority.

Reason: To contribute towards achieving more sustainable travel behaviour in accordance with the aims of local plan policy TI1.

Condition 19 - BREEAM

All buildings hereby approved (except those that are unheated) shall achieve a minimum standard of BREEAM 'Excellent' (or any future national equivalent). Confirmation that this standard has been approved for each building within a particular phase or sub phase shall be submitted to the local planning authority prior to the first use of the building within a particular phase or sub phase.

Reason: To safeguard the environment and mitigate climate change in accordance with Local Plan Policy and CC4.

Condition 20 - Ground Water Protection

No geo-cellular crates shall be installed within Groundwater Source Protection Zone 1 or within 50 metres of the known borehole used for supply of water for human consumption. Groundwater Source Protection Zone 1 is within the redline boundary and is identified on the Environment Agency website.

Reason: To ensure that the proposed drainage strategy does not harm groundwater resources in line with paragraph 174 of the National Planning Policy Framework and Position Statement G4 of the 'The Environment Agency's approach to groundwater protection.

Condition 21 - Surface Water

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed for each phase or sub phase in accordance with details submitted to and approved by the Local Planning Authority.

Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network.

Condition 22 - Noise

The combined noise from any:-

- fixed installations which comprise mechanical and electrical plant and equipment
- the loading and unloading of goods and materials shall be effectively controlled so that the combined rating level of all such equipment does not

exceed the background sound level at any time (“rating level” and “background sound level” are as defined in BS4142:2014).

Reason: In the interests of residential amenity and the general amenity of the area.

Condition 23 - Hours of Demolition and Building Work

Demolition and construction works associated with the development shall be controlled and restricted to:

08:00 until 18:00 Mondays to Fridays

08:00 until 13:00 Saturdays

No work on Sundays or Bank Holidays.

Reason: In the interests of residential amenity and the general amenity of the area.

Condition 24 - Odour and noise - Café extract ventilation

Any intended mechanical extract ventilation system for each phase or sub phase shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, any such system that may be approved by the Local Planning Authority shall be implemented in full accordance with the details approved prior to the bringing into use of the building it serves and shall thereafter be retained and maintained in good working order at all times. The details of the system to be submitted for approval shall provide for:

- effective odour filtration;
- means to mitigate any extraneous noise from the system itself;
- a point of exhaust / emission at such a height, and in such a position and manner so as to avoid nuisance.

Reason: In the interests of residential amenity and the general amenity of the area.

Condition 25 - Artificial light: Floodlights to tennis courts etc.

Prior to the installation of any external lighting associated with each phase or sub phase of the development, including any floodlighting to the tennis courts, full details of the proposed lighting including the lux levels, position, height, angle of glare and proposed hours during which they will be illuminated shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the lighting shall be installed and operated in accordance with the approved details and maintained as such for the life of the development.

Lighting shall be installed and maintained in accordance with the “Guidance Notes for the Reduction of Light Pollution” produced by the Institution of Lighting Engineers.

Reason: In the interests of residential amenity and the general amenity of the area.

Condition 26 - Updated Biodiversity Metric Spreadsheet

Any reserved matters application must be supported by an updated Biodiversity Metric spreadsheet to demonstrate that the final site layout is able to achieve a minimum of 'no net loss of biodiversity'. In addition to the calculated values, the application must include detailed bespoke measures to compensate for any loss or deterioration of 'Parkland and Veteran Trees' Priority Habitat.

These figures must be approved by the LPA and supported by a Biodiversity Enhancement Management Plan, to include establishment, maintenance and monitoring of agreed habitat extents and quality (including Parkland and Veteran Trees). The BEMP will need to then be secured for a minimum of 30 years through a Section 106 agreement.

Reason: in order for the application to demonstrate compliance with Local Plan Policy NE3(e) and the Council's 'Providing Net Gain for Biodiversity SPD'.

Case Officer: Gerard Walsh gerard.walsh@northyorks.gov.uk

Appendix A: Indicative Site Layout

PP1 - Development Parcels



- A – Golf Clubhouse**
- B - Family Hub (to serve Caravan Park)**
- C – Orangery**
- D – Tennis Pavilion and Outdoor Tennis Courts**
- E – Storage Building**