

1.3 The proposal envisages the layout of some 80 touring caravan pitches and approximately 216 static caravans with leisure facilities including a café/wine bar, laundrette, gym and beauty spas centrally placed within the site utilising the former colliery buildings which would be refurbished. The site is divided up into three-character areas comprising the Woodland, the Bowl and the Valley. The touring caravan site sits in the Woodland and the static caravans and amenity buildings in the Bowl character areas. The area of the SINC which sits in the area of the Valley character area, would be separate from the site from which it would be fenced and subject to its own management regime. An additional area of natural habitat would be laid out to the northeast together with an informal recreational area for those using the site.

Relevant Planning History:

12/03385/FULM Demolition of existing mine buildings, construction of anaerobic digester, combined heat and power plant and horticultural facility. This was subject to an Environmental Impact Assessment under Schedule 2 of the EIA Regulations. Permission granted 28/04/2014.

19/00078/OUTM Re-development of former mine complex to form a leisure development comprising siting of touring and static caravans with associated leisure facilities. This was subject to an Environmental Impact Assessment under Schedule 2 of the EIA Regulations. Permission granted 07/08/2020.

20/01546/FUL Variation of Condition 4 to planning permission ref:19/00078/OUTM to enable more flexible holiday use of the proposed facilities. The more flexible use allowed for touring caravan pitch holders and static caravan owners to have the ability to make multiple stays at the site providing it is not used as a principal residence. Planning permission granted 18/04/2021.

2.0 POLICY CONTEXT

NATIONAL PLANNING POLICY FRAMEWORK

2.1. The NPPF sets out the government's planning policies for England and how these are expected to be applied. Its planning policies are material to the determination of planning applications. The NPPF sets out that the purpose of the

planning system is to contribute to the achievement of sustainable development (Paragraph 7). To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives, which are interdependent and need to be pursued in mutually supportive ways (paragraph 8).

2.2. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (section 38(6) Planning and Compulsory Purchase Act 2004).

2.3. The statutory Development Plan for the City of York comprises the saved policies and key diagram of the otherwise revoked Yorkshire and Humber Plan Regional Spatial Strategy (2008) and any made Neighbourhood Plan.

DRAFT LOCAL PLAN (DLP 2018)

2.4 The Draft Local Plan 2018 (DLP 2018) was submitted for examination on 25th May 2018.. Hearings have now taken place. The draft policies can be afforded weight in accordance with paragraph 48 of the NPPF.

2.5 Key relevant DLP 2018 policies are:

SS2 – The Role of York’s Green Belt

EC4- Tourism

EC5- Rural Economy

D1 – Place Making

D2 – Landscape and Setting

D6 – Archaeology

GI2- Biodiversity and Access to Nature

GI4- Trees and Hedgerows

GB1-Development in Green Belt

CC2 – Sustainable Design and Construction of New Development

ENV2 – Managing Environmental Quality

ENV3 – Land Contamination

ENV4 -Flood Risk

ENV5 – Sustainable Drainage

T1 – Sustainable Access

3.0 CONSULTATIONS

3.1 The application has been publicised via Site Notice, local press notice under the 2017 EIA Regulations on 27th March 2024 and by neighbour notification letter at the same time.

INTERNAL

Public Protection

3.2 Following submission of a detailed noise report in respect of the proposed entertainment buildings raise no objection to the proposal.

Local Plan

3.3 Raise no objection to the proposal.

Highway Network Management

3.4 Raise no objection in principle to the proposal but raise concerns in respect of provision of cycle parking, disabled vehicle parking relative to the proposed chalets and touring caravan pitches and potential access to the entertainment facilities for non-residents.

Public Rights of Way (PROW)

3.5 Raise no comment in respect of the status of the access itself, New Road Deighton and raise no objection to the proposed provision in respect of other rights of way crossing the site.

Design, Conservation and Sustainable Development (Trees and Landscape)

3.6 Raise no objection in principle to the proposed layout but regret that the proposed layout is less sensitive to its context than that previously indicated at Outline Planning Permission stage.

Design, Conservation and Sustainable Development (Ecology)

3.7 Raise no objection to the proposal.

Front Line Flood Risk Management

3.8 Raise no objection to the proposal.

EXTERNAL

Deighton Parish Council

3.8 Were consulted with regard to the proposal on 18th July 2023. No representations have been received at the time of writing.

North Yorkshire County Council (Former)

3.9 Make no comments in respect of the application.

North Yorkshire Council

3.10 Make no comments in respect of the application.

The Coal Authority

3.11 Raise no objection to the proposal as clarified.

Environment Agency

3.11 Raise no objection to the proposal.

Yorkshire Water Services Ltd

3.12 Raise no objection to the proposal.

Natural England

3.13 Raise no objection to the proposal.

The Ouse and Derwent Internal Drainage Board

3.14 Raise no objection to the proposal as clarified.

Yorkshire Wildlife Trust

3.15 Raise concerns in respect of the implications of planning permission ref: 20/01546/FUL which would allow for significantly longer stays with visitors bringing their pets notably cats and dogs with the associated risk of harm to the ecosystem of the adjoining SINC (Site of Interest for Nature Conservation).

Escrick Parish Council

3.16 Object to the proposal on the grounds of lack of clarity in relation to the number of pitches in the layout, potential harm to the amenity of neighbouring properties from noise from the proposed amenity facilities and the impact of increased traffic levels associated with the facility on adjoining roads.

4.0 REPRESENTATIONS

4.1 A total of 7 no objections and 2 no representations had been received at the time of writing.

4.2 Summary of the objections received:

- Objection to the increase in buildings proposed with the scheme with consequent increase in noise disturbance to neighbouring properties.
- Objection to increases in traffic that the proposed intensification of the leisure uses would result in.
- Objection to the harm that the intensive leisure uses would cause the biodiversity of the site and the adjacent SINIC.
- Concern that the previously approved alternative energy scheme be implemented instead.

5.0 APPRAISAL

Key Issues

5.1 The key issues are as follows:

- Principle of Development
- Highways and Access
- Design and Layout of the site
- Landscape
- Residential Amenity and Public Protection
- Drainage & Flood Risk
- Ecology

PRINCIPLE OF THE DEVELOPMENT

5.2 The principle of the use of the site as a leisure related development was established by the original Outline Planning Permission ref: 19/00078/OUTM as amended by planning permission ref: 20/01546/FUL. The current proposal only considers the reserved matters of appearance, landscape, layout and scale informed by the conditions attaching to the earlier Outline Permission. The impact of the proposal upon the open character of the Green Belt was considered acceptable at that earlier outline stage, with issues such as drainage considered directly through discharge of conditions attached to the Outline Permission which are the subject of separate Approval of Details applications. It is felt that the proposals would not lead to any impact upon the openness of the Green Belt over and above that previously envisaged at Outline stage. At the same time it is felt that the Reserved Matters proposals would not lead to any material change to the significant environmental effects identified previously at Outline stage. The Outline Planning Permission allowed for a maximum of 231 static and 92 touring caravans, the

submitted layout indicates the siting of some 216 static and 80 touring caravans and so the layout would be compliant with the earlier Outline permission.

5.3 Central Government Policy as outlined in paragraphs 124 c) and d) of the NPPF seeks that planning decisions should promote and support the reuse of underutilised land and buildings. That is in addition to giving substantial weight to the remediation of despoiled, degraded and derelict land. The proposal seeks to use the various colliery buildings following refurbishment and without extension to provide entertainment and amenity facilities for potential visitors to the site. The range of buildings proposed including a gym and restaurants are characteristic of other similar facilities where operated elsewhere. The proposed layout and mix of uses secures compliance with bullet points c) and d) of paragraph 124 of the NPPF as well as minimising harm to the open character of the Green Belt.

HIGHWAYS AND ACCESS

5.4 Access was considered in the context of the original Outline Permission and subsequent Section 73 application variation application 20/01546/FUL.. A separate Approval of Details (AOD) application has been submitted to consider the access related conditions to the Outline Permission. Within the context of the site layout being considered at the present time Highway Network Management have expressed concern in relation to the possibility of usage of the amenity buildings by non-residents, the design and location of cycle parking and the accessibility of the static and touring caravan areas to disabled users.

5.5 The applicant has indicated that the entertainment facilities at the site would only be accessible to those staying on the site as a holiday destination and that there would be no provision in place for “day” visitors as there are at some other similar sites. In terms of accessibility for disabled users each caravan pitch be it touring, or static would be designed as accessible to all users as is good practise with other similar sites. In terms of cycle parking a substantial store would be provided in association with the touring caravan site area with other smaller stores scattered through the amenity building and static caravan areas. The submitted design is covered and secure in line with the Council’s standards. To secure alignment of numbers, a condition is recommended in the event of permission being granted . The potential use of the amenity and entertainment facilities is a significant concern both in highway terms in respect of traffic generation and in terms of amenity. A condition is recommended to prevent use of the amenity and entertainment facilities by those not resident at the site. The layout is therefore felt to be acceptable in highways terms.

DESIGN AND LAYOUT OF THE SITE

5.6 The site comprises the built development of the former North Selby Coal Mine with associated hard-standings, internal roads and landscaped bund. The proposal seeks to retain the pre-existing layout as far as possible with the Woodland area of the mature landscaped bund to the north and east accommodating the proposed touring caravan pitches. The central Bowl where the majority of the existing hardstanding lies would form the area occupied by the static pitches together with the entertainment facilities. The third character area comprising the Vale which includes the southern and western sections of the former landscaped bund would not be subject to any material-built development other than to provide appropriate fencing to control access into the SINC and to secure appropriate protection to the associated wildlife habitat.

5.7 The works to the former colliery buildings would comprise general refurbishment and internal conversion with no additional extensions or additional built footprint created. The overall additional built footprint would be modest and the layout, incorporating the most intense activities within the more sheltered central area of the site is felt to be acceptable allowing the productive reuse of a former industrial site which has been disused and derelict for a protracted period of time.

LANDSCAPE

5.8 The site is situated in open countryside between the villages of Escrick and Wheldrake. It was designed to sit within a heavily landscaped curtilage with clearly defined boundaries in order to assist in blending in with its surroundings. During the period of dereliction, the landscaping has become mature and in sections become overgrown with the south and southeastern sections becoming designated as a SINC and habitat for the Willow Tit and Great Crested Newt. The application has been accompanied by a detailed landscape scheme which envisages the construction of the new elements of the development within the existing landscaped framework. Additional wildflower and shrub planting is envisaged through the central zone of the site and to the southeast in the area of the informal recreation area. Additional semi-mature specimen tree planting is proposed in the central section of the site to secure a more graduated transition into the area of most intense use notably to the approaches to the principal area of static pitches and the entertainment buildings. A series of new pathways again to provide opportunities for informal recreation are proposed both within and around the edges of the site. It is proposed that they be surfaced in crushed gravel which would be more appropriate for the rural environment. This is conditioned in the event of an approval being forthcoming.

5.9 Overall, the proposed landscape strategy seeks to build upon and enhance the existing landscape characteristics of the site and it is felt that the proposal would be

acceptable in landscape terms notwithstanding the relative density of development within the centre of the site. Subject to a condition securing maintenance of the landscaping for the duration of the development it is therefore felt that the development would be acceptable in landscape terms.

RESIDENTIAL AMENITY AND PUBLIC PROTECTION

5.9 Whilst the site lies within open countryside there are a number of isolated dwellings within the wider area notably along the main access road. The concentration of holiday makers and the inclusion of entertainment provision within the former colliery building gives rise to the potential to generate some disturbance to the residential amenity of the wider area through noise and to lesser extent through light. Objectors have also raised concerns in respect of potential harm to amenity through noise. The concentration of the more intense occupation and entertainment uses within the centre of the site together with the retention and reinforcement of the mature landscape surroundings will afford some degree of mitigation. The proscription of day visitors will also remove a potential source of noise nuisance.

5.10 The proposal has been accompanied by a detailed noise management plan. This provides for the implementation of a number of measures to mitigate harm to the amenity of neighbouring residential properties and also to other holiday makers. These include operating hours for the entertainment centre between 10am and 23:00pm at night with no entertainment stage and no live music performance both of which are common sources of nuisance at such sites. The provision of an acoustic bund is also proposed across the more exposed northern side of the entertainment at 2 metres distance. A bowling centre is proposed within the wider entertainment centre, however that would not have any opening doors or windows into the surrounding area.

5.11 In terms of wider site noise deliveries and refuse, collection would not be allowed outside of general operating hours and signposted "house rules" would be provided for the occupiers of the touring caravan /static pitches. Subject to adherence to the management plan for the duration of the development which may be secured by condition to any approval then the proposal is felt to be acceptable in amenity terms.

DRAINAGE AND FLOOD RISK

5.12 Drainage and Flood Risk are not a Reserved Matter and a separate drainage scheme has been submitted as part of an Approval of Details (AOD) application.

ECOLOGY

5.13 Part of the south and southeast of the site where it has become overgrown has taken the form of a rare grassland mosaic habitat with the Willow Tit being resident together with Great Crested Newts identified as being present within the water bodies close to the southeastern boundary. The Outline Permission is specifically conditioned to include measures to secure the protection of the Great Crested Newts. A specific ecological management plan has been submitted which secures the introduction of a management regime to favour the habitat of both newts and Willow Tits. Fencing is proposed to separate the static caravan pitches and the boundary informal walking route running to the south and south and southwest from the habitat area.

5.14 The Yorkshire Wildlife Trust has expressed concern in respect of the potential for pets specifically cats belonging to holiday makers predated the wildlife within the SINC. However, if the site is managed in strict accordance with the occupation management plan required by the Outline Permission, then it is unlikely that an appreciable number of domestic cats will be introduced.

5.15 Subject to any permission being conditioned to secure compliance with the ecological management plan and to secure approval of details of the fencing it is felt that the proposal would be acceptable in ecological terms.

PUBLIC SECTOR EQUALITIES DUTY

5.18 Section 149 of the Equality Act 2010 contains the Public Sector Equality Duty (PSED) which requires public authorities, when exercising their functions, to have due regard to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- c) Foster good relations between persons who share relevant protected characteristic and persons who do not share it.

5.19 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to the characteristic.

- b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
- c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

5.20 The PSED does not specify a particular substantive outcome but ensures that the decision made has been taken with “due regard” to its equality implications.

5.21 Officers have given due regard to the equality implications of the proposals in making this recommendation. There is no indication or evidence (including from consultation on this application) that any equality matters are raised that would outweigh the material planning considerations.

6.0 CONCLUSION

6.1 The principle of the use of the site as a leisure facility based upon caravan stays has previously been established by grant of Outline Permission. The submitted layout details are broadly consistent with that with the proposed entertainment and amenity buildings making use of the disused mine structures. Detailed measures have been indicated at the same time to safeguard the biodiversity value of the adjacent SINC which are felt to be acceptable. With the management plans proposed and the degree of protection afforded by the surrounding landscaping it is felt that the proposal would not unacceptably harm the amenity of neighbouring properties. The proposal is therefore felt to be acceptable in planning terms and approval is recommended.

7.0 RECOMMENDATION: Approve

1 The development hereby permitted shall be carried out in accordance with the following plans:-

Drawing Refs: RBS22/2923/001 Site Layout Plan
Typical Driveway Layout Dated 22/03/2023
BG22.148.11-BRGR-ZZ-ZZ-DR-L-00001 Hard and Soft Landscaping
Overview
BG22.148.11-BRGR-ZZ-ZZ-DR-L-00002 Hard and Soft Landscaping

Design

BG22.148.11-BRGR-ZZ-ZZ-DR-L-00007 Hard and Soft Landscaping

Design

BG22.148.11-BRGR-ZZ-ZZ-DR-L-00008-15 Hard and Soft

Landscaping Design

BG22.148.11-BRGR-ZZ-ZZ-DR-L-00016-17 Hard and Soft

Landscaping Schedule

BG22.148.13-BRGR-ZZ-ZZ-DR-L-00001 P04 Lighting Strategy

223 PL01 001 Location and Layout of Amenity Buildings

KD NSLBY 1 D 001 Site Masterplan

PL01_006 Unit 1 - Entertainment Centre Elevations and Floor Plans

PL01_007 Unit 1 - Entertainment Centre Elevations and Roof Plans

PL01_008 Unit 2 - Launderette Elevations and Floor Plans

PL01_009 Unit 3 - Gym and Spa Elevations and Floor Plans

PL01_010 A Units 4 & 5 - Swimming Pool and Cafe Elevations and

Floor Plans

PL01_011 A Units 4 & 5 - Swimming Pool and Cafe Elevations and

Roof Plans

PL01_012 Unit 6 - Staff Accommodation Elevations and Plans

PL01_013 Unit 7 - Amenity Facility Elevations and Plans

PL01_014 Reception and Maintenance Building Elevations and

Plans

PL01_015 Guest & Staff Bike Shelters

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

2 Prior to the commencement of development beyond site layout works full details of the proposed fencing to separate the SINC from accessible areas shall be submitted to and approved in writing by the Local Planning Authority including elevations, sections, location, height and material. The development shall thenceforth be undertaken in strict accordance with the details thereby approved and maintained as such thereafter.

Reason: To secure the SINC habitat and to secure compliance with Policy GI2 of the 2018 Draft City of York Local Plan.

3 The development hereby authorised shall be undertaken, operated and maintained in strict accordance with the Brindle and Green SINC Ecological Management Plan Ref: 22.148-13 Dated 13/03/2023 for the duration of the development.

Reason: To safeguard the SINC Habitat and to secure compliance with Policy GI2 of the 2018 Draft City of York Local Plan

4 The development hereby authorised shall be undertaken in strict accordance

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with the provisions of the Vibrock Noise Management Plan Ref: R24.11481/1/ONMP/RK Dated 01/03/2024 for the duration of the development.

Reason: To secure the residential amenity of neighbouring properties and to secure compliance with paragraph 135f) of the NPPF

5 The development hereby authorised shall be undertaken in strict accordance with Brindle and Green Hard and Soft Landscaping Schedule Ref: BG22.148.11. BRGR-ZZ-ZZ.DR-L-00016103 Dated 15/03/2023 and any tree which during the lifetime of the development becomes damaged , diseased or dies shall be replaced with like species to the satisfaction of the Local Planning Authority.

Reason: To safeguard the landscape character of the site and to secure compliance with Policy GI4 of the 2018 Draft City of York Local Plan

6 All facilities in the site (including the entertainment and amenity facilities) hereby authorised shall be for the sole use of those resident on the site within the static and touring caravans for holiday purposes and shall not be separately leased or used by individuals or groups not resident at the approved development.

Reason: To minimise traffic generation and to secure the amenity of neighbouring properties securing compliance with Policies T1 and ENV2 of the Draft City of York Local Plan (2018)

7 The recreational paths hereby authorised shall be surfaced in a type 3 crushed stone material to the satisfaction of the Local Planning Authority prior to the site being first brought into use.

Reason: To safeguard the landscape character of the site and to secure compliance with Policy GI4 of the Draft City of York Local Plan (2018)

8.0 INFORMATIVES: Notes to Applicant

1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

i) Sought clarification of the proposed surface water drainage arrangements

ii) Sought clarification of the measures to be undertaken to address flood risk

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