



**REPORT TO PLANNING &  
DEVELOPMENT COMMITTEE**

**TO BE HELD ON THURSDAY  
11 OCTOBER 2012**

**APPLICATION REFERENCE NO:  
12/00592/FL**

**TARGET DATE:  
11 June 2012**

**GRID REF:  
486917 - 511848**

**REPORT OF THE HEAD OF REGENERATION & PLANNING – 12/395**

**SUBJECT: APPLICATION FOR A MIX OF 46 HOLIDAY LODGES  
AND AN EDUCATION/CONFERENCE CENTRE AT RAITHWAITE  
ESTATE, SANDSEND ROAD, WHITBY FOR THE SKELWITH  
GROUP**

## **1.0 THE PROPOSAL**

1.1 The Raithwaite Estate extends to approximately 32.56 ha. It is located 3.5km to the west of Whitby town centre and 1.3 km to the south east of Sandsend and linked to both settlements by the A174 (Sandsend Road). The estate lies within a small wooded valley and whilst the bulk of this estate is within the local planning authority area administered by the Borough Council the southern end lies within the North York Moors National Park.

1.2 The Estate currently comprises of a 43 bedroom hotel and Spa (mostly within the National Park) and a number of other buildings all managed by the applicants which include the following:

- The cottages at Home Farm (six existing with four approved holiday cottages currently under construction)
- The former lodge building located at the entrance to Raithwaite Estate which comprises three small cottage units all converted into holiday accommodation
- The former 'Wood Cutters' Cottage, extended to form four separate cottages and located at the confluence of Dunsley and Newholm Becks, has recently been converted into holiday lets
- The Keep, a 28 bedroom annex facility located in a clearing to the west of the access drive to the hotel which is 350m further along the drive to the south west. This building is currently under construction and due for completion in December 2012.

1.3 The plans as originally submitted provided for 69 self catering holiday lodges, and a woodland education and conference centre located within six distinct areas as identified below:

- Area 1 East of Access Road -  
9 no. 2 bed contemporary lodges
- Area 2 East of Access Road –  
2 no. 3 bed traditional cottages and 9no. 1 bed farmhouse apartments
- Area 5 Game Keepers Lodge –  
2 no. 2 bed traditional cottages  
3 no. 3 bed traditional cottages  
1 no. 5 bed traditional cottages
- Area 7a Raithwaite Woodland -  
5 no. 3 bed woodland split level lodges  
1 no. conference and education centre
- Area 7 Raithwaite Fold –  
17 no. 2 bed contemporary lodges  
3 no. 3 bed contemporary lodges  
2 no. 4 bed 2 storey contemporary lodges  
4 no. 1 bed contemporary lodges
- Area 9 Dunsley Fold-  
8 no. 3 bed single storey woodland lodges  
4 no. 4 bed split level woodland lodges

1.4 Following discussions with the applicant's agents regarding certain aspects of the proposal which Officers felt uncomfortable with the applicants have agreed to delete 23 units from the scheme from the following areas:

- Area 2 – this area is just to the north east of the Keep with the 11no. units arranged in the form of a farmstead/courtyard settlement. Development in this location is considered to be inappropriate as it would impact on the entrance to the complex detracting from its setting. The Keep was designed as a 'folly' and is positioned in a clearing, complementing the setting and also retaining as many trees as possible, and, as such, is more easily absorbed in the landscape. This proposal would also require extensive engineering works and significant alterations to the profile of the land which has potential to result in an over engineered appearance. The applicants have agreed to the withdrawal of the proposal in so far as it affects Area 2.
- Area 9 - this area is in a natural clearing and there is a public footpath to Sandsend which runs alongside and to the west of the site. 12no. detached holiday lodges had been proposed for Area 9 with the aim of providing woodland retreats. This is a more remote site accessed by a fairly narrow track and development in this area would undoubtedly impact

on its landscape character and rural setting. The applicants have also withdrawn all proposals for Area 9 including the proposed upgrading of the access road and also proposals for the creation of formal footpaths through this area concurring that the Dunsley Beck area should remain undeveloped as a natural valley.

1.5 As detailed above the scheme has been amended with the loss of a third of all the total proposed lodges. The education/conference centre (Area 7a) still forms part of the application along with the holiday lodge proposals for Areas 1, 5 (as amended), 7a and 7.

- Area 1 – This is a gently sloping site (0.38ha) off the main access road to Raithwaite Hall Hotel. It is located at the southern end of the estate with the hotel complex situated a short distance away, just to the west. The proposals provide for 9no. 2 bedroom lodges which will be set into the hillside with green roofs to hide the development from the adjacent footpath which runs behind the site and leads to Moss Brow. The existing nearby parking and road network will be used to serve this development which will be pedestrian access only. The lodges will have a contemporary design and are to be the same style as those in Area 7.
- Area 5 – This area is currently accessed by an existing road off the main access road which terminates at the refurbished and extended 'GameKeepers' Lodge and an associated hammer head area for turning. The site is in a level and natural clearing of approximately 0.17ha, and benefits from a woodland setting and proximity to the two becks that run through the site. The proposals are to provide 3no. new traditional buildings providing a total of 6no. units. Following research into the Vernacular style of buildings in the North York Moors region the applicants have based their proposals for this area on a traditional farmstead which in this geographic area generally comprised a limited number of buildings each of which serves a different specialized function. The holiday accommodation is to be provided within three distinct buildings representing a cart shed, a stable block and a barn. The cart shed provides a terrace of 3no. 3 bed units and is located to form the northern boundary of the 'farmyard' and is positioned opposite the access road. The stable block provides 2no. semi detached 2 bed cottages and forms the southern boundary to the 'farmyard'. Due to site topography at this boundary access is at lower ground floor into the sleeping accommodation and the living accommodation above opens onto a private south facing decked area enclosed by the slope of the hillside. The barn provides a single detached holiday cottage and is located further up the Dunsley Beck Valley but has been repositioned so that it is in closer proximity to the stable block and forms part of a more coherent group.

The development is to be of a traditional style utilising stone walls and clay pantiles which also reflect the materials of the existing refurbished cottages at Game Keepers Lodge.

- Area 7 – this area comprises a wide open clearing of 1.28 Ha on the peak of the hillside between the wooded valleys of Newholm and Dunsley Becks. Area 7 has been selected by the applicants as the primary location for development with 26 no lodges, more than half the total of the overall scheme which provides for 46 units. The land slopes up away from the coast and the intention is to construct the units within the contours of the land to minimise earthworks and to create controlled views over the top and between units nearest the sea. All but 2 no units are single storey with a green sedum roof. The larger two storey units are positioned at the base of the slope hidden from long distance views by the tree canopy. The units have been designed to be low lying to ‘hug’ the landscape with dense woodland on the site boundaries. The units will be mostly arranged in short terraces and the applicants’ agents note the potential for these units to be pre-fabricated and delivered to site to minimise disruption. The applicants agents also advise that no tree clearance works are required; the grassland habitat lost due to these proposals should, in part be offset by the sedum roofs and bio-diversity increased with the introduction of varied species to what is currently uniform grassland and of limited ecological benefit to the area. A portion of this site is visible from the A174 main road when travelling towards Sandsend in a westerly direction, and from the Moss Brow area.
- Area 7a – this area is adjacent to Area 7 but separated by a hedgerow. It is a natural clearing of 0.38 Ha within the woodland and again no loss of trees is anticipated in this area. The site is currently overgrown scrubland heavily enclosed by foliage screening. The site slopes down from Area 7 in a south-easterly direction to a maintenance track below. The gradient of the slope varies from 1 in 2 at the top; of the slope to a gentler gradient of 1 in 5 at the base. Existing steps indicate an old pedestrian route bounding the clearing to the north and link Area 7 to the maintenance track. The proposals in this area comprise 5 no double storey woodland lodges located within the confines of the clearing and a multi-functional educational centre set within the woodland to the north of the steps. Due to site topography the units are designed for access at upper ground level into the living areas which ‘float’ above the bedroom accommodation. Views to the woodland will be maximized by design features within these units which include large bi-folding doors open from living and sleeping areas onto an external deck. The proposed materials for these units include timber shingle roofs and timber construction with stone walls for the lower floor to visually ground the building and facilitate retaining walls for the earthworks. The design has allowed for some prefabrication off-site.

Adjacent to the clearing within which the 5no. woodland lodges are to be constructed there is a proposal to provide an educational/ conference centre. The site formerly housed a dovecote and there are existing steps from the maintenance track. This track is to be upgraded to allow traffic access for 2 disabled parking bays.

The Centre will be contained within a double storey building of contemporary design using similar design principles as those engaged for the contemporary lodges. It will be orientated to take advantage of woodland views to the east over Newholm Beck and an outdoor 'classroom' space will be provided accessed from the mezzanine level facilitated by the sloping nature of the site. The proposed materials are to match those of the adjacent woodland lodges.

1.6 The applicant's agents advise that the scheme has been designed to take into consideration the following matters;

- i) River and flood risks – the Environment Agency flood map shows that Dunsley Beck is the only portion of the site that is liable to extreme flooding. All development sites are elevated above Dunsley Beck. A flooding and drainage statement has been submitted with the application.
- ii) Vehicular Strategy – the existing hotel road network will remain unchanged with hotel access restricted to maintenance, arrival and drop off of hotel guests only. A new access road to Area 7 is proposed with a link through to Home Farm Cottage and Raithwaite Hall. This new road will follow the line of an existing track for the majority of its length and is located at the foot of the slope of Area 7 with parking of a ratio of 1:1 adjacent to the link road limiting traffic movement to the base of the hillside. This new access road will connect through to the existing Home Farm Cottages and will allow traffic to bypass the hotel courtyard. The existing parking court and turning head of Area 5 is to be adapted to serve additional units with minimal road alterations and providing 19no. new parking spaces. An existing track to allow vehicular access and disabled parking to the Education Centre will be upgraded and will link back to the new access road to Area 7. Area 1 is located adjacent to the existing access road and the units will have pedestrian access only. Parking for this area will be available within the existing parking provisions for the hotel. The existing road junction within the A174 will not require any adaptation to serve the proposed additional accommodation.
- iii) Pedestrian Strategy – Priority will be given to pedestrians throughout the Estate with access roads designed to restrict and discourage speed with traffic calming measures employed throughout the Estate. The scheme provides for the upgrading of existing footpath links to the Coast and National Park. New woodland walks are proposed with paths to Area 7 from the new road at the base of the hillside.
- iv) Sustainability – The Estate aims to be self-sufficient in energy consumption and drainage solutions. The contemporary eco-lodges are partly buried with green roof constructions to maximise heat retention in winter and avoid overheating in summer. Sedum roofs also attract bio-diversity and help to camouflage the structures, solar panels are also a feature on some units with the potential for ground source heat pumps topped up by sustainable wood burning stoves.

- v) Waste Management – This will be centrally managed by the Raithwaite Hall Hotel with waste collected as and when required. All areas are accessible by buggys and waste will be collected and stored at a centralised location adjacent to the access road for collection by the local refuse collection service.

1.7 In addition the following supplementary documents have been submitted:

- Design and Access Statement by Brewster Bye Architects
- Planning and Sustainability Statement by Indigo Planning
- Travel Plan and Statement by Coda Transportation
- Flooding and Drainage Statement by Coda Structures
- Engineering and Environmental Assessment by Coda Structures
- Landscaping Plan by Smeeden Foreman
- Habitat Survey & Protected Species Assessment by Smeeden Foreman

1.8 The site lies outside of the 'development limits' of Whitby as defined in the Scarborough Borough Local Plan, is within an area designated as a 'Heritage Coast' and also in close proximity to the boundary of the North York Moors National Park. The site includes areas of designated ancient woodland.

## **2.0 PRE-APPLICATION COMMUNITY ENGAGEMENT**

2.1 None.

## **3.0 CONSULTATIONS AND COMMENTS**

3.1 Newholm-cum-Dunsley Parish Council – Recommend that the application be refused for the following reasons:

- Consider the proposal to be an overdevelopment given the size equates to a village the size Newholm and Dunsley.
- Concerns regarding the number of residents and staff on the site especially at peak periods and the associated traffic movements
- Adverse impact on the surrounding area much of which lies within the National Park
- Significant pressures on the road infrastructure, local amenities and services particularly in the environs of Sandsend causing extra pressure on already limited parking spaces and thereby cause potential loss of amenity to residents. Works to increase these facilities in Sandsend in response to demand would represent an adverse effect on neighbourhood amenity and visual impact.
- No evidence of demand for the development or any other information that would warrant a development of this size. The NPPF suggests there should be support for the provision or expansion of tourist/visitor facilities within appropriate locations where identified needs are not being met - consider there is already a substantial provision of good class holiday accommodation within the area.

- Conclude development could have an adverse effect on existing providers and rather than boost the local economy could lead to loss of existing provision and economic hardship for current providers and ultimately a loss of residents in the surrounding villages.
- The proposals relating to car usage are not realistic or reasonable given the type of accommodation proposed. Therefore any ecological benefits claimed for the buildings would be negated by increased car usage.
- There would be significant impacts on the main A174 at its junction with the Estate and along the whole stretch from Sandsend through to Whitby.
- Consider the existing junction within the A174 to be problematic and there are concerns that increased usage will increase the danger of traffic accidents.
- Any road improvements could lead to a further detrimental visual impact.
- Increased congestion and increase in pressure on the very narrow roads that serve the villages of Dunsley and Newholm.
- The A174 near to the junction is subject to coastal erosion – there are concerns that should the road be compromised, traffic would be diverted through Dunsley or Newholm, neither of which are suitable for such volumes of traffic.
- Area 7 will have a detrimental visual impact and will be clearly visible from the main road and parts of Dunsley.
- Loss of existing views and character.
- Loss of amenity for existing residents.
- Imperative for Committee members to visit the site
- Loss of ancient woodland
- Impact on character of the woodland and habitats
- Loss of open aspect
- Includes building on Greenfield Land and contrary to National Park policy on development of such sites.
- Note proposals to improve paths within the site but no clear statement relating to existing public rights of way including footpaths and a bridleway that pass through the estate.
- Unclear as to whether new routes are for guests or whether access will be available for everyone.
- Residents have raised strong objections to any potential loss or curtailment of existing rights of way and associated adverse effect on residential amenity.
- There have already been substantial alterations to the original plans submitted for the Hotel. Not unreasonable that there are concerns that if this development is allowed has the potential to completely alter the character of the coastline.
- Questions have been raised regarding other areas on the Estate that are not the subject of this proposal,
- Fears that remaining areas could be subject to further development resulting in more loss of habitat, open and green field areas.
- Properties to be owned and managed by Raithwaite estate however, not clear as to whether there are plans to sell any or part of the development (some cottages have been sold on the open market). This could lead to the creation of an 'unofficial' village. (note these comments refer to the

original scheme for 69 units – comments on the revised scheme for 46 units are awaited.

- 3.2 Lythe Parish Council - “Whilst the above proposed development was outside the Lythe Parish Council area, it was deemed that the proposal would have a significant impact within the Parish particularly Sandsend”.

Councillors had concerns regarding:

- The overdevelopment of the site
- Environmental impact of the development
- Initial and future ownership of the holiday lodges
- The limited parking facilities available for the development
- The impact on the already limited parking in Sandsend, highway safety.

It was agreed that should this, or any scaled down development be approved, the following infrastructure requirements must form an integral part of the conditions to cater for increased visitors to Sandsend:

- Improved toilets within Sandsend
- A village caretaker
- The ‘chipping dump’ opposite the entrance to Raithwaite should be made into a car park to be used as overflow parking from the complex
- A bus shuttle service needs to be provided by Raithwaite to/from Sandsend and to/from Whitby
- Introduction of a beach management system – e.g. Lifeguard, dog warden, cleansing etc.

(Officer Note: As per Newholm-cum-Dunsley Parish Council these observations refer to the scheme as originally submitted)

- 3.3 Highway Authority (NYCC) – Having requested that further reports be submitted in respect of Transport Assessment for the scheme, the Highway Authority have advised the applicant of the need to improve the access to the site to cater for the level of vehicle movements that will be generated by the overall development on the site. The applicant has been asked to look at the introduction of a left turn lane into the site, to enable vehicles leaving the A174 to decelerate on the approach to the access, and also to improve the width of the access road so as to reduce the potential for conflict between vehicles entering and leaving the site.
- 3.4 County Archaeologist (NYCC) – No known archaeological interest.
- 3.5 County Ecologist (NYCC) – Notes the amendments to the proposed scheme to reduce the number of chalets including withdrawing proposals from Area 9 but considers that the revised scheme is still considerable and there are potentially significant adverse impacts to the SINC including the ancient woodland. Wishes to reiterate concerns about the scale of this development and the impact this may have on sensitive wildlife habitats. Still considers

insufficient information has been provided. As regards the Bat Report notes this confirms concerns that the site provides important habitat for roosting, foraging and commuting bats and remains concerned about the lack of detailed information on the impact of increased lighting on bats and other species. Requests information be provided on breeding birds. Concludes that:

“We wish therefore to maintain a holding objection to the application until the applicant can provide sufficient information showing how the development (during the construction phase and once in operation) can proceed without significant impacts on habitats and species (including bats which are European Protected Species).

If the Planning Authority is minded to approve the application I strongly recommend that any permission is conditional on the submission to and approval by the Authority of detailed Ecological Mitigation Plan showing how adverse impacts to habitats (including ancient woodland) and species within the SINCC will be avoided both during construction and once the site is in operation. This should include an Ecological Management Plan detailing how the site will be managed in perpetuity (secured by a S106 agreement) to ensure the nature conservation value of the site is retained in the future.

- 3.6 North York Moors National Park Authority – The proposed reduction in the overall number of lodges and restriction on the areas proposed for development is welcomed. In particular the omission of development from Area 9 on the applicant’s submission will greatly reduce the impact of the proposed development on the setting of the National Park. Further to this the development will no longer impact on the PROW through the site and this is welcomed.

Having regard to the nature and form of the landscape and the details contained within the amended proposal the North York Moors National Park Authority raise no objections to the proposed development as amended.

- 3.7 Yorkshire Water Services – No observations other than that their records indicate a private and abandoned water mains crosses part of the site.
- 3.8 Environment Agency – Following the submission of a drainage strategy the Environment Agency has no objection to the proposal provided a condition is attached to any permission requiring details of a scheme to dispose of foul and surface water be submitted and approved prior to the commencement of works.
- 3.9 Whitby Civic Society – “We object strongly to this application as over development; development not in keeping with the area; development which is unsympathetic to its environment, damage to flora and fauna of the area and a development for which there is no requirement in the area or in local plans” (note observations refer to the scheme as originally submitted)

- 3.10 Environmental Health Services (SBC) – No objections to this proposal on environmental health grounds.
- 3.11 Engineering and Harbour Services (SBC) – No objections subject to imposition of condition agreed with the Environment Agency.
- 3.12 Economic Development Manager (SBC) – Confirm support for this application.
- 3.13 Landscape Architect (SBC) – The proposed species mix of native trees and shrubs are appropriate for the site; some of the new trees appear to be positioned too close to the proposed buildings and to the canopies of existing trees; the shrub planting for ornamental planting areas are acceptable but suggest the minimum depth of mulch be increased to 75mm; requests a planting schedule covering specifications for the plants etc and a brief management plan; notes that the Landscape and Visual Assessment refers to 3 views that are shown to be affected by the proposed development but the photo montages illustrate the views have been photographed in summer – would be useful to see these same views in winter; is encouraged by the 'green' features and incorporation of green roofs which will help to mitigate the effects of the development on views; the use of solar panels (presumably to be orientated in a southerly direction) would cause high levels of reflection which could exacerbate visual impact from southerly aspects – this would need to be balanced against the need to provide these; the proposed layout and landscaping are in principle considered to be appropriate; quite high density of proposed development in some areas.
- 3.14 Tree and Woodlands Officer (SBC) – No objections to the proposals, but I would like to see a robust planting schedule around the existing woodland perimeters upon completion of the development. It would also be desirable to see some screen planting towards the frontage of the site, near the coast road, even if this current scheme does not come to fruition. I appreciate there are difficulties in this area including what appears to be an underground catchment tank.

There are some standing dead trees within the wood, away from footpaths and roads, which provide shelter and good food sources for wildlife. Deadwood within trees also provides habitat and food resources for birds and animals.

Tree cover along the watercourse banks should be retained to provide habitat, shade and stability. The proposed access route shows a hairpin corner which impinges on the woodland towards the high ground. The trees affected are young Sycamore and Ash which provide little amenity value to the site and limited ecological sustainability to the woodland as a whole.

Wildflower margins and under-planting around the wood edge will diversify the habitat and give a sense protection to the woodland from the development whilst maintaining a natural feel.

The services for the proposed development should be routed beneath the access road to limit the need for disturbance to the root zones of the established planted areas of woodland that this site benefits from.

- 3.15 Countryside and Ecology Officer (SBC) – In terms of the bat survey, I can confirm that this is more thorough than the original information submitted and I am broadly satisfied with its findings. I note that some consultees have raised some concerns but I am fortunate in having a better understanding of the site having visited it and walked over it on a number of occasions.

One of the main concerns identified in the report is the impact of lighting. I concur with the guidance regarding lighting contained in the report and suggest that a condition requiring the applicant to produce a bat-friendly lighting scheme should be imposed on any grant of planning permission.

A condition requiring detailed proposals for bat-friendly structures such as bat boxes and other features integral to the buildings offering roosting potential should also be included.

All other mitigation measures outlined in the report should be implemented and the requirement to do this should be covered by condition.

I am satisfied with the measures identified previously regarding badger setts and badger activity on site and note the requirement for a European Protected Species licence for the relocation of one sett.

I would recommend a condition requiring a biodiversity management plan and as part of this for the site to be surveyed annually in order to determine any changes to the ecological integrity of the site and to make adjustments where required. This should be for 5 years after completion of all development.

- 3.16 Tourism and Culture Services (SBC) – Advises that Tourism and Culture Services are supportive of this application noting that the development will meet a number of key objectives within key tourism policy/strategy documents and in particular the need to “continuously support and encourage investment in refreshing and updating the tourism offer and encourage new investment into the resorts to encourage repeat visits and attract new audiences”. Considers the development will meet key objectives within the National Parks draft management plan which looks to address the decline in visitor volume and value by “(a) promoting overnight tourism in the park (b) improving the quality of tourism and recreation facilities and accommodation (c) promote the Park outside of traditional peak periods (d) increase the potential for income generation in the Park” Notes this is a high end quality proposal with the potential to open up new markets and that there is a continuing high demand for visitor accommodation in Whitby. This development caters for visitors with mobility problems and will be used for self catering purposes as well as additional rooms to support the 5 star spa hotel. Notes that the NPPF policy highlights the need to support a prosperous rural economy and support economic growth in rural areas in order to create jobs and prosperity. It appears that the lodges will have minimal impact on the landscape and that

the development supports a niche market provision to complement the wide range of accommodation in the area.

3.17 In addition to the above consultees, observations have been received from the following organisations:

i) Yorkshire Wildlife Trust - (comments refer to updated ecological information and to the reduced scheme) – wish to still record a ‘holding’ objection to the application however, advise that the Trust is pleased to see the Ecological Impact Assessment includes improved detail on the botanical interest of woodland and grassland that will be affected by the development; still have concerns that the proposals are contrary to Policies E1, E2 and E7 of the Scarborough Borough Local Plan; that the proposal is an inappropriately large development in an undisturbed rural area (but welcome the reduction in number of lodges); have concerns that the development may have negative impacts on the wildlife in the area but advise that the Trust may be able to offer help and advice on how to develop the nature tourism project at Raithwaite Hall; note an updated NVC survey of the complete SINC and ancient woodland has been provided and include suggestions for mitigation/compensation but consider that despite these measures there will still be a negative impact on the SINC and disagrees with the conclusion in the revised Planning and Sustainability Statement in the section on Natural Environment and Ecology which suggests that the effects will be minor, local or negligible; consider that further information is required on bat activity and breed bird surveys have not been provided; has concerns regarding how the waste water/sewage from the building will be dealt with. Conclude that a lower number of chalets in the least sensitive areas might be acceptable and request that: "If the Planning Authority is minded to grant permission it will be essential that appropriate planning conditions or S106 agreement are applied which secure appropriate mitigation, compensation and enhancement to protect the ecological value of the area. The following will need to be included and agreed by the LPA:

- Detailed ecological mitigation plan of how works will be carried out to minimise impact on wildlife
- Details of how impacts will be compensated for
- Details of wildlife enhancements implemented over and above works required to mitigate and compensate for development
- Detailed ecological management plan illustrating how land will be managed in the long term and to ensure effective delivery of the above
- Details of management mechanism by which medium and long term management will be secured

If applicants are intending to bring in expertise from a nature conservation organisation with an established track record of management for biodiversity, the ecological management plan could be relatively outline. It however, land management will be carried out without this expertise then a detailed plan plus resources made available to LPA to carry out regular

monitoring, and guide annual management and implementation of the plan would be required.”

Addition letter from YWT - Following the supply of further information the YWT has submitted detailed comments on the Bat Survey noting that the survey appears to have been done thoroughly and confirms that the woodland is important for bats and a potential hotspot. Requests conditions to ensure that bat populations are protected to cover: tree removal; a detailed lighting plan including information on movement, sensitive lighting for pedestrian paths, very low level external lighting and details of the type of lighting to be installed; replacement and enhanced bat roosts which are part of a building rather than separate bat boxes. Notes the updated ecological document contains information already commented on but considers that the mitigation action and management options detailed in the various surveys would be beneficial. Suggests a condition for a fully costed and funded Ecological Management Plan bringing together the suggestions to prevent degradation of the area which is contrary to all levels of policy. Conclude that the Yorkshire Wildlife Trust would still like to record an objection to this application.

- ii) Woodland Trust – Still wishes to object to the revised scheme due to potential damage to the ancient woodland on the site. Refers to paragraph 118 of the NPPF which states that “planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland ... unless the need for, and benefits of, the development in that location clearly outweigh the loss”. Notes details of mitigation have been provided, however, loss of ancient woodland cannot be mitigated as it is irreplaceable. Also have concerns on impact on woodland once the site is complete and suggest further information be provided regarding mitigation.
- iii) North Riding Badger Group – note that there are two active badger setts within tens of metres of the actual building sites and other setts maybe present within the distance that is regarded by Natural England to be likely to be disrupted by the development. Note that Natural England have not been consulted and request that any development that has already commenced be stopped immediately and that the developers be advised that they must conform to statutory species protection.
- iv) North Yorkshire Bat Group – wish to lodge a holding objection as NYBG are concerned that inadequate consideration appears to have been given to bats commenting that “the site comprises a mix of natural and semi-natural habitats in a relatively sheltered location and is close to other locations with similar habitats. Such areas are likely to be important foraging sites for bats and some of the trees could support roosts. Full information about the use of the site by bats must be available for consideration by those making a decision on this application as bats are European Protected species. Bat activity and roost emergence surveys should be carried out during the period May to August to determine levels of use by bats. As well direct impacts through loss of habitat, bats could be

affected indirectly as a result of lighting to which they are particularly sensitive and the proposals could impact on any bats which may feed at the site and roost elsewhere. I note that although a data search for biological records was commissioned from the North & East Yorkshire Ecological Data Centre, but not from North Yorkshire Bat Group which holds additional data, it appears that some sections relating to bats have been blanked out within the reports available on the website, which may prevent us from fully accessing the survey results. (Note: information in respect of 'bats' has been forwarded direct to NYBG and observations on the additional details supplied are awaited.

3.18 Publicity - The consultation period expired on 15 August 2012. Representations have been received from the following:

3.19 Objections from:

Mr And Mrs Richardson, Raven Hill Farm, Dunsley Lane, Dunsley, Whitby plus petition

Mr And Mrs J Robson, 2 Links View, Love Lane, Whitby

RI & BJ Little, 4 Echo Hill, Sleights, Whitby

H M Lloyd, Beacon Hill, East Row, Sandsend, Whitby

Mr M Lloyd, Beacon Hill, East Row, Sandsend, Whitby

Mr J & Mrs B Lockey, 13 Acorn Close, Freiston, Boston

Mr O Marshall, 9 White Point Court, White Point Road, Whitby

I Porteus, 4 Netherby Close, Sleights, Whitby

Mr Sam Richardson, 17 Lilla Close, Castle Park, Whitby

Mr Andrew Godley, 7 Abbey Way, Dunscroft, Doncaster

Mrs Beverley Godley, 7 Abbey Way, Dunscroft, Doncaster

Mrs Lorriaine Platts, 29 Prospect Hill, Whitby

Mrs Tanya Dove, 2 Fyling Road, Whitby

Mr And Mrs P Upton, 2 Normanby Terrace, Whitby

Miss S Restorick, 26 The Lane, Mickleby, Saltburn

Mr Adrian Wood, 20 Meadowfields, Sandsend

Miss Lorraine Allanson, Rains Farm, Allerston, Pickering

Mrs A M Firth, Sea Change, Mires Lane, Newholm, Whitby

Mrs Nicola Marr, 2 White Point Road, Whitby

Mrs S Purves, 7 Charlton Avenue, Whitby

Mr W M Hodgson, Robinson Hags Farm, Dunsley Lane, Dunsley, Whitby

Mrs C Hodgson, Robinson Hags Farm, Dunsley Lane, Dunsley, Whitby

J A Clark, Cliff View, East Row, Sandsend, Whitby

Mr Nathan Blacklock, North End Farm, Whitby

Mrs M Woodhouse, 80 Upgang Lane, Whitby

The following points have been raised:

- Overdevelopment – will create a whole new village as big if not bigger than most in surrounding areas.
- Detrimental impact on greenfield sites that are a haven for wildlife.

- Ruin aspect and peacefulness of one of most popular National Park footpaths in the area and will detract from the attractiveness of the surrounding countryside.
- Conflicting statements regarding the application in the Design and Access Statement and the Visual Assessment, the latter claiming that the view from Raven Hill Farm will not change whilst the former notes the development will be seen – occupiers of the farm confirm that Area 7 will be visible.
- Area 9 (Dunsley Fold) is not a grassy clearing but agricultural land. (Officer Note: A number of concerns have been raised in respect of this area which has since been withdrawn from the application.)
- Concerns that whole of field (Area 7) will be visible from the main road including cyclists and pedestrians as well as from vehicles travelling along the A174.
- Concerns regarding increased traffic and safety issues at the junction as it will be more dangerous for pedestrians crossing the road and vehicles entering and exiting the junction on a road where 'drivers will be travelling at speed'.
- Notes recent badger activity at the site.
- Main reason people visit the area is because it is unspoilt and uncommercialised – this development will destroy the character of the area turning it into a "Centre Parc" type theme park and be a 'hideous addition' to the area.
- Dispute the amount of employment that would be created as the initial development promised 100 jobs and resulted in 45 many of which are not from the local area.
- Concerns about noise and light pollution.
- The whole idea amounts to nothing other than 'corporate greed' and absolute destruction and disregard for an area of natural beauty.
- Visually intrusive and detrimental to the landscape immediately adjacent to the North York Moors National Park.
- This is a natural wooded valley with one side of the valley over commercialised, any more buildings would destroy the opposite side of the valley.
- Development will not be able to take place without the felling of trees.
- Contamination of Newholm Beck which ends on the beach is a factor which needs to be taken into account from such a large development.
- If the cottages will be visible from Raven Hill Farm which sits high on a cliff top, they will also be visible from Whitby, Sandsend and Lythe.
- If the complex is operating at full capacity the minimum number of visitors would exceed 400 (others have estimated the figure to be 520+).
- The public footpath referred to as "unused" is regularly used and this development will spoil a tranquil walk.
- The Moorlands Hotel in Whitby was demolished for houses, one of the reasons given was that it was not viable. Question the need for this development when there are hundreds of holiday houses/flats in the Whitby area.

- The increased traffic and parking on Sandsend Road would be unsustainable. There is an accident blackspot just beyond the entrance to Raithwaite Hall and this proposal would make matters worse.
- Tranquil Sandsend is seen as the jewel in the Whitby Crown and the impact of building the lodges will be turning the area into an overcrowded seaside resort resulting in insurmountable problems to the Sandsend area.
- Concerns re loss of wildlife habitat.
- Consider the additional parking listed on page 11 of the Design and Access Statement to be inadequate and will lead to parking on the verges.
- Departure from Local Plan and the new National Planning Policy Framework.
- Thought needs to be given to the number of local jobs to be created since this proposal would be a 'very high price to pay for disappointing jobs returns'.
- Not clear from proposals whether the developer intends to retain and manage the holiday units long term or sell them. Should the Committee consider allowing this development there is a suggestion that appropriate planning conditions be imposed.
- Should consent be granted for this proposal or a reduced version of it consideration should be given to requiring a contribution from the developer towards upgrading some facilities in Sandsend which could come under greater pressure due to the increased numbers of holiday-makers based at Raithwaite (e.g. parking, public toilets etc)
- Economic argument for this development is weak as existing accommodation facilities in Whitby/Sandsend are more than sufficient and employment arguments in relation to self catering accommodation are not strong.
- Consider that this proposal does not sufficiently fall within 'sustainable development' as envisaged by the new NPPF.
- Competition will cause major harm to local businesses.
- Consider the hotel to be a great asset but the additional proposals to be an overdevelopment and fail to see how public benefits can be shown to outweigh the harm or loss of this site. – suggests that a more sustainable development could be achieved by methods such as reopening old bridle paths and footpaths and creating new ones so that the general public can enjoy this area and there may be DEFRA funding available to achieve this.
- North York Moors National Park and Coast Group of Farm Stay UK have concerns that comments on the quality of existing accommodation in the area suggest the area is deficient in high quality accommodation – this is disputed; farmers were encouraged to diversify and, many redundant buildings are in holiday use – this proposal is not beneficial as will create an abundance of properties to let and it is highly likely that this development will take business away from local small businesses with the increased risk of social deprivation and poverty in Whitby and the surrounding area endured around 20 years ago. Suggest that businesses will start to discount their properties in competition with surrounding businesses with the resultant downward spiralling of incomes. The area has reached saturation point with self-catering accommodation. There is surely a duty to look after current rate paying residents rather than a big

company that has no real interest in local communities and most jobs will not go to locals. Also site impact on wildlife and note that a similar scheme for 75 lodges near Malton was granted with only a few lodges built due to the lack of demand.

- Note that a number of letters of support are one of 4 identical standard letters, all typed in the same type faces and font, probably printed on the same printer and no doubt drafted by the same person or group of people. Queries the degree of support these letters represent and note at least one of the signatories is an employee at Raithwaite and requests that those who have signed these letters should declare their relationship either to the operator of Raithwaite or the Skelwith Group.
- The first proposal was passed on the promise of Whitby's first 5 star hotel – this has not been delivered. This gives rise to doubts to claims that the latest proposals will deliver what is anticipated
- Advises that in the Engineering and Environmental Assessment it states that there is no evidence of mining in the area but there was an ironstone mine shown in the valley on map number NZ870119.
- Question the need for an 'education centre' as these facilities were included in the original hotel. Fears that this building will eventually be changed to different uses such as shops/cafes.
- A similar development has been granted less than 10 miles away (Lady Cross Plantation, Egton) and cannot see need for another of this type in the area and questions the demand for both facilities.
- Would like to point out that the main contractor on the building of Raithwaite Hall was Wates Construction a national firm and the latest main contractor would appear to be Tolent, another national firm with very little signs of local contractors being involved.

In addition to the above comments, a petition with 43 signatories has been received which asks the question "If you have enjoyed your walk and would like to see this path left open and unspoilt please sign to show how many people use this path on typical Sunday (25/03/12)".

3.20 Further objections have been received in response to consultations on the revised scheme from the following:

Mr & Mrs Richardson, Raven Hill Farm, Dunsley  
Mr & Mrs Little, 4 Echo Hill, Sleights  
Mrs Hodgson, Robinson Hags Farm, Danby  
Mr Hodgson, Robinson Hags Farm, Danby  
Mr & Mrs Upton, 2 Normanby Terrace, Whitby  
Mr & Mrs Robson, 2 Links View, Whitby  
Miss S Restorick, 26 The Lane, Mickleby

All reiterate their objections and the following additional points have been made:

- i. Although some concerns have been addressed by the revised plans, still consider the proposal to be an overdevelopment.

- ii. Area 7 is visible and will be more so in winter months.
- iii. Disturbed to note officers report does not refer to 'ancient woodland' and supporting points from the National Planning Policy Framework have been cherry picked in support of the scheme and negative points re ancient woodland and heritage coast ignored or omitted – feel report is biased in favour of development omitting or dismissing any objective comments.
- iv. Still consider the revised scheme will have a severely detrimental effect on the ecology and beauty of the area.
- v. Consider that there will be a substantial increase in car numbers exceeding what is envisaged in the Transport Statement.
- vi. Concerns that sewage could be a problem for the tourism sector and if spillages occur this could result in the loss of 'blue' flag status.
- vii. If allowed this would set a precedent – nowhere in the landscape would be safe from the ravages of developers such as these.
- viii. Unease at raft of surveys and reports with findings which always seem to be in the development's favour.
- ix. Notes in the latest transport statement that vehicle counts were between 8 am – 6 pm but staff will arrive long before 8 am and the majority of traffic generated for the restaurant will be after 6 pm so queries accuracy of data.
- x. Queries the speeds recorded for traffic passing the entrance and notes traffic accidents in the locality.
- xi. Queries findings of bat survey which 'conveniently' notes the least bat activity was recorded at the site of the proposed heaviest element of development.

### 3.21 Support from:

Dr John Haywood, Newholm Green Farm, Newholm, Whitby  
 R Surtees, Brookash, 1 Carr Hill Ridge, Briggswath, Whitby  
 E A Shardlow, Beacon Farm, Beacon Way, Sneaton, Whitby  
 Owner/Occupier, 30 Church Street, Castleton, Whitby  
 Mr M Ayre, Flat 5, 24 Crescent Avenue, Whitby  
 Owner/Occupier, 11A Elgin Street, Whitby  
 Owner/Occupier, Flat 5, 24 Crescent Avenue, Whitby  
 Mr P Gallon, Woodleigh, Ugthorpe, Whitby  
 Owner/Occupier, 1 The Sidings, Bog Hall, Whitby  
 Owner/Occupier, 27 Laburnum Grove, Whitby  
 F Lump, Flat 8, St Johns, Albion Place, Whitby  
 H Kirk, 1 Fyling Road, Castle Park, Whitby  
 T Beck, York House, The Avenue, Ruswarp  
 G Daouri, Apartment 10, Union Mill, 6 Upgang Lane, Whitby

Mr D Pratt, 21 St Hildas Terrace, Whitby  
 E Cundall, 24 Barnard Road, Easington, Saltburn By The Sea  
 Owner/Occupier, 3 The Warren, Hinderwell  
 Mr J Darlington, 25 Crescent Avenue, Whitby  
 M Smith, 4 Gardiners Yard, Whitby  
 Owner/Occupier, 6 Turnbull Court, Whitehall Landing, Whitby  
 Owner/Occupier, 39 Mayfield Road, Whitby  
 Owner/Occupier, 19 Runswick Avenue, Whitby  
 Steve Little, 1 The Police House, Larpool Lane, Whitby  
 Mrs K Hicks, 16 Albion Terrace, Whitby  
 Mr P Croft, Flat 1, 2 East Crescent, Whitby  
 Owner/Occupier, 12 Holt Court, White Hall Landing, Whitby  
 Clare Goldsmith  
 Mr R Lynas, 28 Porret Lane, Hinderwell, Whitby  
 E Ruth, 64 West Road, Loftus  
 Russell Davis, Field House, 19 Ryeland Lane, Ellerby, Saltburn By The Sea  
 J Hicks, 16 Albion Terrace, Whitby  
 D Reather, 57 Princess Street, Normanton  
 Mr S Burke, 5 Arran Walk, Guisborough  
 R Forrest, 4 Coronation Street, Greetland, Halifax  
 Mr I Lees, 73/75 Saddleworth Road, Greetland, Halifax  
 A Russell, 6 Burns Court, York  
 Mr L Holmes, 110 Bradley View, Stainland, Halifax  
 Mr Mark Parkin, 2 Sutcliffe Court, Whitby  
 Mr Barry Brown, 24 Holly Tree Court, Whitby  
 Nigel Brunt, Apt 2 Moss Brow House, Sandsend Road, Whitby  
 Raymond J Oetgen, SIPS EcoBuild Ltd, Unit 4, Sherburn Network Centre,  
 Lancaster Close, Sherburn In Elmet  
 Whitby Golf Club Ltd, Sandsend Road, Whitby  
 Whitby Seafish, Unit 1A Whitegate Close, Staithes  
 P Jones, 15 The Meadows, Normanton  
 D Finney, 1 Basford Street, Wakefield  
 D Iddon, 3 East Row Lodge , Sandsend  
 D A Walker, 'Little Haven' Ellerby Lane, Runswick Bay  
 Georgina Swain, 7 Moor View Court, Hinderwell and, letters from the following  
 with no specific address given: L Sanderson, Clare Goldsmith, D Miller and  
 Ann Cracknell

- Frequently use the public rights of way on the Raithwaite Estate and support the proposal as the developer understands that success of the development depends heavily on presentation of the site's environmental advantages and that a sensitive design is required.
- Tourism is a major industry and considers that we are fortunate to have a proposal of this quality which can continue to provide local employment.
- The extra holiday cottages will create much needed jobs in Whitby, something that should be supported in the current economic climate.
- Whitby thrives on tourism – the plans for extra accommodation will further benefit the town providing extra rooms, extra jobs and extra support for our tourism trade.

- Raithwaite Hall has only been open a short period of time but has become an asset that every person who lives and works here should be proud of.
- Employment will allow extra money to be spent in the town in non-tourism related businesses and services.
- Supports proposal as Raithwaite Hall has been tastefully transformed into a luxurious hotel and the owners care about Whitby as a tourist town and one of the key selling points is the expansive grounds and have no doubts that the owners will approach the proposed extra holiday cottages with the same sensitivities.
- Local contractor who works on the Estate advises that this development is important to his business and that of sub-contractors in the construction industry. Advises that from personal experience that the Skelwith Group have a commitment to use local supplies and labour and are important to the construction industry which has undergone a huge contraction since the economic downturn and recession with fewer developments going ahead, successful companies who have a commitment to supporting the local construction industry should be congratulated.
- Comment that think Raithwaite has and will bring the kind of tourist that Whitby deserves which will bring growth to this area.
- Note that currently 30% of all jobs in Whitby are directly supported by seaside tourism adding £28m to the local economy. One of the guiding principles behind Raithwaite Hall is clearly to be a constructive member of the community and to have a positive impact on the town. Currently the hotel employs 80 members of staff throughout the hotel, through working in partnership with Yorkshire Coast College there are several apprentices working under the guidance of the Executive Chef and local farmers and producers are used to supply the kitchen.
- The plans to develop the Raithwaite Estate is testament to the hard work and dedication of all the staff and have no doubts that the new holiday cottages will be handled in the same sensitive and tasteful way in which the main hotel was conceived and developed, with preserving and protecting the natural environment a key principle.
- Unique experience for visitors which will add to the stock of accommodation available in Whitby and will further support the town's seaside economy in employment terms and will buy more services from local suppliers and support more tourism attractions, restaurants and shops.
- SIPS EcoBuild, a local company promotes green technology and successfully produce buildings aiming for the future having a zero carbon footprint. This company advises that they have recently provided several buildings at Raithwaite and have a high respect for the company (Skelwith) for its aim to produce genuinely sustainable developments.
- Present planning system seems to promote 'Nimbyism' whereby developments became stranded by unreal expressions and impositions.
- Whitby Golf Club advise that it has benefitted from a close working relationship with Raithwaite Hall and has welcomed a much needed alternative income stream which may ultimately be of significant importance in the future survival of the Golf Club.

- Whitby Seafish Ltd advise that as local suppliers they are keen to support this proposal which will result in an increased demand for this company's products and also be beneficial to other local suppliers who produce fruit and vegetables and farmers who supply meat.

3.22 In addition to the above representations have been received from:

Councillor John Armsby (Ward Councillor, Mulgrave) – who raises the following points:

As Ward Councillor for Mulgrave Ward I would like to register my objections to the above planning application.

The development planned for Area 7 Raithwaite Fold is a considerable distance away from the Hotel and virtually creates a separate village in an environmentally sensitive area on the edge of the National Park.

The disposal of treated effluent is already causing concern in that the dilution into Dunsley Beck may not be sufficient to avoid detrimental impact on bathing water quality. In periods of drought and with additional input the results are unlikely to be sustainable at the required level. Consideration should be given to connection to the rising sewer main from Sandsend to Whitby.

The junction with the A174 was a topic I raised before any development took place. The increase in traffic movements only adds to my fears that it will take a serious accident before major improvements are made. A vehicle travelling from Sandsend which has to stop because of oncoming traffic before entering the estate has less than three seconds to cross if an oncoming vehicle is driving on the legal limit.

I am sure the Planning and Development Committee will have due regard to the many objections raised to this applicant and reject.

Councillor J Kenyon (County Councillor, Mayfield-cum-Mulgrave Division) – who raises the following points:

The prestigious development at Raithwaite has to be welcomed in terms of the added value it brings to the tourist experience in Whitby and the surrounding area. However, the application for 46 holiday lodges could well detract from this. 46 holiday lodges with education/conference facilities will, in fact, create a new village off the A174. The entrance/exit from the site onto the A174 is one car width and exit onto the A174 to go south (i.e. to Whitby) is a potential hazard to oncoming traffic coming down the A174 to Sandsend on bend and hill. It is almost blind to the motorist coming from the hotel. Similarly, two cars attempting to enter the site and having to wait until a car exists onto the A174 will cause safety problems to the motorist attempting to gain access and to those vehicles proceeding on the A174 into Sandsend. To compound this by allowing additional capacity and traffic movements is of great concern and has not been addressed in this application. The village

residents of Newholm are already suffering from additional traffic flows from the Teesside road and using the village as a short-cut to the hotel and this can only be exacerbated by this major extension of the existing facility.

The original concept for the development of Raithwaite Hall to a prestigious hotel has been widely welcomed but this application is as contentious as the original plans were welcomed. All the points raised by those who have written in to oppose are widely supported and should be taken into account by Members in determining this application. The highway objections to which I have alluded should also be a serious consideration to Members. As County Councillor for the area I request that a full traffic impact study of this should be carried out before any decision is made.

I would draw Members attention particularly to the comments of both Newholm Parish Council and Lythe. The fact that the original plans have been revised down is to be welcomed, but not far enough to mitigate against the potential highway safety issues and the over development of an environmental and cultural area being blighted for both tourists and residents alike.

#### **4.0 RELEVANT SITE HISTORY**

- 4.1 2005 - Planning permission granted for extensions to side and rear elevations, The Lodge House (05/00836/FL).
- 4.2 2007 - Planning permission granted for extension and conversion of Lodge House into three holiday cottages (07/01619/FL).
- 4.3 2008 - Planning permission refused for refurbishment of two cottages and construction of three new holiday cottages (08/01118/FL).
- 4.4 2009 - Planning permission granted for change of use, alterations and extensions to Raithwaite Hall and outbuildings to form an hotel and provision of car park (NYM/2008/0796/FL).
- 4.5 2009 - Planning permission granted for erection of extension to north elevation of Raithwaite Hall (as part of change of use to hotel where main building lies within North York Moors National Park) and conversion of detached outbuilding to loft suites (08/02553/FL).
- 4.6 2009 - Planning permission granted for a revised scheme for refurbishment and extension of two existing cottages to form four holiday cottages in total with gardens, parking and landscaping (09/00954/FL).
- 4.7 2010 - Planning permission granted for demolition and re-building of existing garage block at Raithwaite Hall to provide 5 No. suites in connection with existing planning approval 08/02553/FL) (10/00953/FL).
- 4.8 2010 - Planning permission granted for erection of 5 No. holiday cottages (10/00771/FL)

- 4.9 2010 – Planning permission granted for erection of ancillary office building (10/01933/FL)
- 4.10 2011 – Planning permission granted for erection of new building as an annex to Raithwaite Hall to provide additional bedrooms and family suites together with dining/lounge areas and dog kennelling/grooming facilities (10/02029/FL)

## **5.0 PLANNING POLICY**

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of The Town and Country Planning Act 1990 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. Attention is drawn to the following Development Plan policy/ies which is/are considered to be particularly relevant to the consideration of this application :-

### **Scarborough Borough Local Plan (saved policies)**

- E1 Development in Open Countryside
- E2 Coastal Zone
- E7 Local Nature Conservation Sites
- E12 Design of New Development
- E27 Protection of Significant Views
- L1 New Tourist Attractions
- L6 Caravan Site Provision
- H10 Protection of Residential Amenity

### **Regional Spatial Strategy**

- C1 Coast Sub Area Policy
- ENV5 Energy
- E6 Sustainable Tourism
- E7 Rural Economy

### **National Planning Policy Framework**

- NPPF3 Supporting a prosperous rural economy
- NPPF7 Requiring good design
- NPPF10 Meeting the challenge of climate change, flooding and coastal change
- NPPF11 Conserving and enhancing the natural environment

### **National Planning Guidance**

Good Practice Guide on Planning for Tourism

## **6.0 ASSESSMENT**

- 6.1 The Raithwaite Hall site has been the subject of a number of major development proposals in recent years, including applications within the North York Moors National Park, as the boundary of the Park Authority cuts through the site. Members will recall that the initial hotel development proposals involved the majority of new development within the National Park.
- 6.2 Following the grant of planning permissions from both relevant planning authorities the hotel has been built and has been operational for a number of years now. Following on from that initial approval, planning permission has been granted for a small number of additional holiday cottages within the site, extending a number of established holiday cottage developments, whilst a remote extension to the hotel has been granted in the form of The Keep. This building is currently under construction and is nearing completion.
- 6.3 To date, all the proposals have been considered as exceptions to the development plan. This proposal needs to be considered in the same manner.
- 6.4 The matters that need to be considered in this case, can be summarised as follows, and are detailed under the relevant subheadings in this section of the report:
- Principle of the Development
  - Design and Sustainability
  - Landscape Impact
  - Ecology
  - Waste and Water Management
  - Transport Issues

### **Principle of the Development**

- 6.5 The principle of hotel and related hotel accommodation within the extensive site of Raithwaite Hall has been established by the grant of various planning permissions over the last three years. Previously, the developments have been considered as exceptions in relation to Policies E1 and E2 of the Local Plan. Previously, the material considerations in favour of the proposals have been the positive local impacts such as providing employment, further developing the tourism and visitor accommodation in the local area, and helping to address the need for higher value luxury accommodation in the area.
- 6.6 As Members will be aware, the site lies within open countryside and partly within the Coastal Zone (as defined in the Local Plan) where new development is strictly controlled. Previous proposals on the site have not been considered to raise material conflict with the relevant Policies E1 and E2 of the Local Plan. Policy E1 allows for proposals for individual sites to secure uses which will benefit or diversify the rural economy, whilst Policy E2 allows for development within the limits of existing sites where it will result in a

significant improvement in the siting and appearance of the overall development. Further consideration of these matters is provided under subheading 'Landscape Impact' below. Whilst these policies remain relevant in terms of the need to treat the proposal as an exception, the scheme is also contrary to Policy L6. This policy states that:

*"The development of new caravan or chalet sites will not be permitted"*

Although this proposal is for high specification eco lodges, as well as a number of traditional holiday cottage buildings, these are still a form of chalet style holiday accommodation and therefore must be considered against this policy. Policy L6 further states that it is important to protect the valuable countryside of the Borough against a concentration of unsympathetic caravan and chalet sites, which have the potential to significantly harm the character of the landscape.

6.7 Members will need to consider whether the material considerations in this case are sufficient to justify an exception to policy.

6.8 In terms of material considerations, the guidance in the recently published NPPF needs to be given weight. This is the Government's up to date guidance and for the Local Planning Authority as decision maker, advises that:

*"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means:*

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:*
  - *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
  - *Specific policies in this Framework indicate development should be restricted."*

6.9 Of particular relevance to this proposal is Paragraph 28 of the NPPF, which states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local plans should:

*"support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision*

*and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres”.*

6.10 The proposal is considered to accord with the guidance in Paragraph 28 of the NPPF, in principle. The site is positioned within a unique setting that lends itself to a quality development of holiday accommodation, in close proximity to Whitby and other local settlements. The wider site lies largely hidden within a landscape that is formed by a series of wooded valleys. Some of the proposed eco lodges would be visible from outside the site, and this aspect of the development is discussed further later in this report. Despite this element of visibility, which has been mitigated by the design approach, it is considered that the proposals will not result in any harmful visual impact on the wider landscape of the area. Currently the estate offers quality tourism accommodation through a number of cottages within the grounds of Raithwaite Hall and the use of the estate for tourism purposes has been reinforced by the recent decisions of the North York Moors National Park Authority and Scarborough Borough Council.

6.11 However, in addition to the above guidance, the NPPF states at paragraph 118 that:

*“When determining planning application, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:*

- *planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.*

6.12 The central valley within the site is designated as ancient woodland and the impact of the development on this is considered later in this assessment.

### **Design and Sustainability**

6.13 The application seeks permission for a further 46 units of holiday accommodation, in the form of 40 contemporary eco lodges and 6 traditional holiday cottages. The scheme has been reduced from an original proposal for 69 units, as 12 eco lodges and 11 cottages have been removed following consideration of the objections received, and discussions with your officers.

6.14 The approach to the site has been comprehensive, with the site divided up into different character areas and proposals put forward for each of these, of a bespoke nature. The applicant has made it clear that the intention has been to devise a scheme taking a holistic view, rather than coming back on occasion and expanding the site incrementally. Your officers consider that this is the correct approach, but considered a number of areas of the site should not be developed and sought their withdrawal.

6.15 As mentioned in Section 1 of the report, the different areas that now form the application include:

|         |  |
|---------|--|
| Area 1  | 9 no. contemporary lodges                      |
| Area 5  | 6 no. traditional holiday cottages             |
| Area 7  | 26 no. contemporary lodges                     |
| Area 7a | 5 no. contemporary lodges and education centre |

6.16 The bespoke approach to design of the various units and the consideration of the landscape setting as part of the overall design approach is welcomed by your officers. The design approach has considered various factors including landscape impact, ecology, character of the site and movement around it, in drawing up a development. As a consequence of this approach, the proposals are bespoke to the site, with the different elements designed for the site, rather than a more standard approach whereby off-the-shelf units are put forward which may not be appropriate for the context.

#### Traditional Holiday Cottages

6.17 The Design and Access Statement demonstrates that the 6 no. traditional holiday cottages arise from a study of local vernacular farmsteads. The proposed units replicate the detailing of traditional agricultural buildings, namely a barn, stables and a cart shed. This results in a proposed development of 6 units adjacent to an existing development of 4 cottages, set discreetly within the site, in a valley to the right of the site's main access road (Area 5 on site masterplan).

6.18 An amendment to the location of the barn has been undertaken, to move this closer to the other two proposed buildings. With this amendment, it is considered that the proposal is appropriate for the site, providing an attractive group of buildings adjacent the existing 4 no. cottages already on the site. The proposed development is considered to round off the existing cottages and provide for a group of buildings that follows the local vernacular. The development would be discreetly located within the site and would not be visible from vantage points outside the site.

#### Contemporary Lodges

6.19 The 40 eco lodges are proposed in a number of groups within the site. The main group of 26 no. units would be located within a clearing on the site of some 1.28 hectares. The design philosophy of these is explained in the Design and Access Statement. This comments that:

*"The potential to maximise the sea view from each proposed unit led to a design solution of setting single storey lodges into the hillside, working with the natural existing topography of the site. The positioning of units has worked with the contours of the site to minimise earth works and to create controlled views over the top and between units nearest the sea. This has led to a natural spacing and staggering of 26 units that the clearing can comfortably accommodate without over-intensity of development. All but 2*

*units are single storey with a green sedum roof to maximise site sensitivity and minimise the impact of the units nearest the sea on the view from the units behind.”*

- 6.20 Having adopted this design philosophy, the architects undertook a study of building forms that has ultimately influenced the bespoke design of the lodges. In consideration of this they looked at the visual intrusion created by caravans in the landscape, which will be discussed further under ‘Landscape Impact’. However, this study led to the design solution put forward, which proposes lodges partly buried in the site with irregular roof lines over, which results in a development that is visually interesting and dynamic in form, whilst also being ‘hunkered down’ in the site.
- 6.21 Two further groups of lodges are proposed, neither of which would be visible from outside the site. 5 no. two-storey lodges are proposed on sloping land, surrounded by mature trees, below the clearing where the 26 no. lodges are proposed. Next to this group, an education/conference centre building is proposed to be located. A further group of 9 no lodges are proposed on land above the main car park to the hotel, which again would be built into the gently sloping land with green roofs to provide for minimal visual impact within the site and to ensure the lodges are hidden from view from an adjacent footpath to the south and Moss Brow Farm to the east.

#### Woodland Education and Conference Centre

- 6.22 The Design and Access Statement advises that the woodland education and conference centre has been incorporated into the scheme to act as a catalyst which will benefit tourism and the local economy of the area. The construction of the centre would result in the loss of a few trees within the site, within a well wooded location. An existing access track would be upgraded to allow primarily for pedestrian access, but this would also allow for the provision of 2 no. disabled parking spaces to ensure access is available to all potential users.
- 6.23 The centre would be a two storey building, of contemporary design with shingle covered roof and Yorkshire stone walls, with plenty of glazing to allow views out to the woodland surrounding the site.

#### Sustainability

- 6.24 Minimising the energy requirements of the proposal is also driven by the fact the site is isolated and problematic in terms of connection to existing services. The proposal is therefore to maximise energy efficiency and use a zero carbon approach to technologies with the aim of the estate being self-sufficient in energy consumption and drainage terms.
- 6.25 The positive approach to sustainability has influenced the design approach, which includes:

- Partially burying lodges into the land and providing green roofs to maximise heat retention in winter and avoid over heating in summer, whilst also minimising visual impact. Solar shading is also proposed to control solar gain.
- Solar panels are proposed to be incorporated on the southerly facing roof slopes of the lodges.
- Wood burning stoves will be provided within the units, which can be fed by sustainably sourced timber.
- Sedum roofs to help improve the biodiversity of the site.
- Highly insulated walls and the use of thermally efficient glazing.
- The use of locally sourced construction materials, where available.
- The potential to utilise ground source heat pumps will be explored to top up the heating provided by wood burning stoves.
- Solar showers and air source heat pumps could also potentially be employed in the development.
- Sustainable drainage systems are proposed, together with rainwater harvesting.

6.26 The bespoke design approach, which incorporates energy sustainability as an important factor from the outset, is considered to accord with Policy E12 of the Local Plan and guidance in the NPPF which states:

*“In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.”*

### **Landscape Impact**

6.27 The applicants’ have commissioned a Landscape and Visual Assessment which accompanies the planning application. The assessment has used the ‘Guidelines for Landscape and Visual Impact Assessment (2002)’. This advises that landscape and visual assessments are separate, although linked procedures.

#### Landscape Assessment

6.28 The report concludes that in terms of landscape character there would be no significant change. Whilst the tranquillity of the area would be reduced, public access would increase enabling visitors to experience the wooded valleys within the site, close to the coast. Whilst some rough grassland would be lost to accommodate the lodges, green roofs would provide for some re-provision of this. Proposed planting can be managed to maximise ecological benefit.

#### Visual Assessment

6.29 The visual assessment includes analysis of impact from nearby and more distant viewpoints, including the local footpath network. Due to land form, the proposed development would not be seen other than from three viewpoints close to the site. These are from Moss Brown Cottages, properties at Moss Brow and a view from the A174 close to the site’s entrance. The magnitude of

change is considered to be low, with a moderate adverse effect, which would result in a negligible or low residual change after 10-15 years, allowing for planting to take effect.

#### Officer Comments

- 6.30 Your officers have viewed the site from various viewpoints, including the nearby locations from which parts of the development on Area 7 will be viewable.

Viewpoint 1 – This is the view from the pair of semi-detached cottages at Moss Brow and the public right of way which runs past them. In this view some of the lodges proposed on the clearing (Area 7) would be visible, although given the approach to their design, whereby they are built into the site, the view would be primarily of the roofs, covered in part by sedum planting and in part by solar panels. The lodges would be positioned beyond woodland planting on the site, with further trees positioned behind them. The development would sit in the middle distance within the view which includes pasture land in the foreground and beyond the site, with the cliffs beyond Sandsend visible, along with the sea.

Viewpoint 2 – This is the view from Moss Brow, a complex of residential properties formed from the conversion of a former farmstead. This is a similar view to that from Moss Brow Cottages, but The Keep, currently under construction, at the Raithwaite Hall site will be visible in the foreground, with some of the lodges on the clearing (Area 7) visible above this, partially screened by trees within the site.

Viewpoint 3 – This is a view from the A174, close to the site's access, from which a number of the lodges proposed in Area 7 will be visible. Views of the lodges would most likely only be glimpsed by vehicle passengers, although walkers passing by at a slower pace would have a longer time in which to view the site. The lodges would be visible on the lighter grassed slope of the clearing, with tree planting framing the view. The lodges have been designed to hug the sloping land and their irregular roof form and layout should ensure that the development is visually interesting, rather than being visual intrusive.

- 6.31 The Council's Landscape Architect has commented that the Landscape and Visual Assessment refers to 3 views that are shown to be affected by the proposed development but the photo montages illustrate the views have been photographed in summer and that it would be useful to see these same views in winter, although he comments that he is encouraged by the 'green' features and incorporation of green roofs which will help to mitigate the effects of the development on views. He advises that the use of solar panels (presumably to be orientated in a southerly direction) would cause high levels of reflection which could exacerbate visual impact from southerly aspects, and suggests the impact needs to be balanced against the benefit of providing these. He further comments that the proposed layout and landscaping are in principle considered to be appropriate.

- 6.32 It is considered important to place a condition on any permission granted requiring details of solar panels to be submitted for approval to ensure the appropriate panels are selected to avoid glare. In addition, a lighting condition is required to ensure appropriate lighting is used throughout the site to avoid unnecessary light pollution within the landscape.
- 6.33 The National Park Authority has removed its objections to the proposal as the concern regarding the impact on the footpath (Newton 22) has been addressed by the removal of the 12 units from Area 9, which the footpath skirts around. Others have expressed general concern regarding further development on the edge of the Park, thereby eroding its character. Whilst these concerns are acknowledged, your officers have given this matter special scrutiny, as the development sits within the coastal zone and on the fringe of the National Park, and consider that the impact on landscape character and the adjacent National park is not so great as to warrant refusal in relation to Policies E2 and E27 of the Local Plan.
- 6.34 Various objectors have raised similar concerns, including the two local Parish Councils, but having considered the landscape and visual impacts of the scheme, and having viewed the development site from local viewpoints, your Officers consider that the visual impacts are limited and will not result in harmful effects to the wider landscape, including the National Park. The concerns of consultees and objectors are acknowledged, but it is considered that the level of harm to the landscape that they envisage will not arise. The proposal is therefore considered to accord with Policies E12 (Design of Development) and E27 (Protection of Significant Views) of the Local Plan. The conflict with Policies E1 and E2 needs to be acknowledged, and Members have to consider whether the scheme is acceptable as an exception to these policies.

### **Ecology**

- 6.35 The NPPF advises amongst other matters that Local Planning Authorities should in determining planning applications, permit developments where the primary objective is to conserve or enhance biodiversity, and encourage opportunities to incorporate biodiversity in and around developments, but also that planning permission should be refused for development that results in the loss or deterioration of ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss (paragraph 118).
- 6.36 The applicants have stated that they understand the sensitive nature of the site and its ecology and that this understanding has guided their approach to the development. They have commissioned a number of ecological surveys in support of the proposals. However, concerns have been raised from a number of ecological consultees, including the County Ecologist, who are concerned that insufficient information and mitigation has been put forward as part of the overall proposals.
- 6.37 The applicants' ecological consultants have provided further clarification on matters and further bat surveys have been commissioned. Following receipt

of these, and with the benefit of a number of visits to the site, the Council's Countryside and Ecology Officer has confirmed that he is now broadly satisfied with its findings and recommends that conditions be imposed on any permission granted that ensure appropriate mitigation measures are implemented.

- 6.38 The Council's Countryside and Ecology Officer comments that one of the main concerns identified in the report is the impact of lighting, and this is an issue that has been raised in various representations. He concurs with the guidance regarding lighting contained in the report and suggests that a condition requiring the applicant to produce a bat-friendly lighting scheme should be imposed on any grant of planning permission. A condition requiring detailed proposals for bat-friendly structures such as bat boxes and other features integral to the buildings offering roosting potential should also be included. Your officers have discussed lighting with the applicant's agents and consider that the approach to lighting that has been outlined should ensure that the impact on wildlife should be mitigated to an acceptable degree. Clearly, the nature of the development proposed is one where low-impact, subtle lighting will be expected by visitors in order to marry with the sustainable, eco lodge design approach.
- 6.39 The Council's Countryside and Ecology Officer and others have recommended that a condition requiring a biodiversity management plan should be imposed, should Members be minded to grant planning permission. As part of this, there should be a requirement for the site to be surveyed annually in order to determine any changes to the ecological integrity of the site and to make adjustments where required. This should be for 5 years after completion of all development.
- 6.40 The Yorkshire Wildlife Trust have commented on the updated ecological information and the reduced scheme and whilst still wishing to record their objection to the application, having concerns that the proposals are contrary to local plan policies and will impact on an undisturbed rural area and may have negative impacts on wildlife, they advise that if the Local Planning Authority is minded to grant planning permission appropriate mitigation, compensation and enhancement measures to protect the ecological value of the area should be imposed. The details of areas that these conditions should cover are set out at paragraph 3.17 and your officers agree that these conditions are relevant and necessary.
- 6.41 Objections have been received from various other ecological groups, including those with interests in badgers and bats, whilst various objectors have raised concerns regarding the impact of the proposals on local wildlife. The proposed conditions relating to mitigation and management plans are considered to address these concerns.
- 6.42 The impact of the development on the ancient woodland is a concern of the Woodland Trust. Their primary concern is that although mitigation is proposed, the loss of ancient woodland cannot be mitigated as it is irreplaceable.

- 6.43 The proposals will have direct and indirect impacts on the ancient woodland, which comprises a mix of 'Ancient and Semi-Natural' and Ancient Replanted' in terms of designation. However, following advice from the Council's Tree and Woodlands Officer and Countryside and Ecology Officer, both of whom have visited the site, your officers consider that the direct and indirect impacts on the ancient woodland can be appropriately mitigated. Trees will need to be removed to facilitate the road to Area 7, but the loss of trees here involves young Sycamore and Ash trees, and there is an opportunity to remove more trees than necessary and replant a mix of species of more value in ecological terms. Whilst a small number of lodges and the education/conference centre are proposed within the woodland, the siting is considered to avoid unacceptable impact on the woodland as a whole. From the site visit Members will recall that the ancient woodland had the appearance of being comprehensively managed, although in recent years this management has declined. However, the site owners are now working on a comprehensive plan for the management of the woodland and other areas of the site with a view to increasing biodiversity, whilst also enhancing access for guests and local people, building upon existing routes through the site.
- 6.44 In terms of the advice in the NPPF, your officers consider that the impacts on the ancient woodland can be mitigated so as to ensure the development has a neutral impact on the longevity of the woodland and together with management proposals seeks to improve the biodiversity of the site. This approach, coupled with the benefits of the development in terms of the local economy and the fact it extends an existing tourist accommodation site, is considered to outweigh the impact on the ancient woodland. Whilst the Woodland Trust's concerns are fully understood, on balance, it is considered that the development will not result in an unacceptable impact or loss of ancient woodland, subject to controlling conditions.

### **Waste and Water Management**

- 6.45 The challenges of the site and its relative remoteness in terms of services have influenced the approach to waste and water management. The applicants' consultants have produced a Sustainable Waste Management Plan which includes the recycling of waste water across the development. The Environment Agency have confirmed following the receipt of further information that demonstrates that the risks of pollution to surface water can be safely managed, that they do not object to the proposal, subject to the imposition of conditions.

### **Transport Issues**

- 6.46 In transport terms, the NPPF (paragraph 32) advises that decisions should take account of whether:
- The opportunities for sustainable transport modes have been taken
  - Safe and suitable access to the site can be achieved for all people; and

- Improvements can be undertaken within the transport network that cost effectively limit the significant impact of the development.
- 6.47 The initial submissions accompanying the application were based on the assumption that a 40 mph limit would be required by the Highways Authority. Members will recall that this was originally part of the proposals for the hotel development, but subsequently the Highways Authority determined that the introduction of a 40 mph limit was not appropriate in this location. Therefore, the Transport Assessment and associated documents have been amended to reflect the current speed limit on the approach road (A174) to the site.
- 6.48 The Highways Authority have sought further submissions in terms of the Transport Assessment work and have concluded that the number of turning movements into and out of the site access require consideration to be given to improvements to the access. The Assessment work indicates an annual average of just above 500 turning movements at the site access each day. Guidance that the County Council work to requires that consideration be given to turning lanes for such accesses (or junctions, treating the access as a minor road). The split of turning movements indicates that nearly 75% of all turning movements will be left turns into the site on approach from Whitby, and right turns out of the site in the direction of Whitby. In order to improve access to the site, mindful of the split of movements into it, the Highways Authority have asked the applicant to look at the feasibility of providing a left turn deceleration lane, so that vehicles wishing to enter the site from the direction of Whitby, can leave the A174 carriageway at reasonable speed and decelerate into the site access. In addition, the Highway Authority have asked the applicant to propose improvements to the site access, so that vehicles waiting to leave the site do not block the entrance to the site at the current pinch point where the entrance gates are sited. Additional plans are awaited in order to demonstrate the recommended improvements to the site access and it is hoped these will be received in time to be reported to committee.
- 6.49 Whilst objections by residents and other parties have raised concerns regarding road safety and the impact on parking locally, the Highways Authority do not consider that these make the proposal unacceptable, although they are in discussion with the applicant about ensuring robust travel planning measures, and on-site parking provision is made available at times when the hotel and proposed lodge development is fully operational.
- 6.50 The Travel Plan for the site has been updated to include encouragement of the use of scooters and motorcycles to access the site, in addition to measures already agreed to encourage car sharing, bus and cycle use. In addition, the hotel operator intends to provide a minibus to transport staff and guests to and from the site. The applicants' consultants confirm that the site already has a Travel Plan Coordinator in place, and an initial target has been set for 40% of home-to-work journeys for staff to be by private car or van, based on survey work of general travel-to-work habits in the locality. To reduce emissions on site the use of electric buggies or other small vehicles is proposed.

- 6.51 Within the site itself routes provided for vehicles will be designed to keep speeds to a minimum and provide pedestrians with priority, whilst a number of enhanced routes for pedestrians using the site are proposed. Parking for the lodges is proposed at 1 space per lodge, but parking is set away from the lodges in groups so that vehicles are discreetly parked within the site, avoiding intrusion in the landscape and reinforcing pedestrian priority throughout the scheme.
- 6.52 It is considered that the development accords with the three considerations set out in paragraph 32 of the NPPF and that no significant impacts are anticipated in terms of the local highway network given the nature of the development, as most journeys to and from the site are expected outside peak hours, subject to agreement over the site access improvements.

## **7.0 PLANNING OBLIGATIONS**

- 7.1 The comments made by the Lythe Parish Council regarding the infrastructure requirements they would like to see are noted. However, apart from the idea of a shuttle bus service, they do not meet the tests outlined in the Government's guidance on planning obligations and as such it would not be reasonable for the Local Planning Authority to require these. However, the applicant has confirmed that a mini bus is proposed to be utilised as part of the Travel Plan for the site and has informally indicated a willingness to work with local communities to ensure the use of the mini bus is maximised.

## **8.0 CONCLUSION**

- 8.1 The application proposals have been amended from an original scheme of 69 holiday units to 46, following consideration of objections and discussions with your officers. The 23 units removed from the scheme occupied two sites which were considered to have an unacceptable impact on the character of the approach road to the main hotel building and the enjoyment of a public right of way (Areas 2 and 9). 12 units have been removed from a clearing which has an established footpath running along its boundary, whilst a further 11 have been removed from a site adjacent the main access road within the site to ensure the route to the main hotel building does not become too cluttered with buildings.
- 8.2 Subject to resolution of access improvement issues which the applicant and Highways Authority are in discussion about, and which it is hoped will lead to additional drawings being submitted prior to the Committee meeting, the amended scheme is considered to be acceptable in scale and extent, although it is acknowledged that it remains a sizeable scheme within the open countryside. However, the site is one that has unique characteristics in terms of topography and is largely hidden from view from the wider landscape. Limited visual impacts would arise from development of Area 7, which is a sloping clearing bounded by wooded areas within the site, but these are not considered to be unacceptable and will be further softened by proposed planting over time.

- 8.3 The site has in the recent past gained a number of planning permissions for hotel and holiday accommodation. The main hotel is now trading, whilst further hotel accommodation is presently under construction (The Keep), with an established complex of holiday cottages in the process of being extended and updated to provide further units of quality accommodation within the site.
- 8.4 The quality of the design and sustainability of the proposals, which reflects the quality of the development already on the site, is considered an important aspect of the scheme. This is a bespoke development which has been designed from careful consideration of the site and its character and which should add to supply of quality visitor accommodation within the northern part of the Borough, thus providing a boost to the local economy and tourism in the area generally.
- 8.5 The scheme is considered acceptable despite being contrary to a number of Local Plan policies, most notably Policy L6, which does not permit the construction of new caravan and chalet sites within the Borough. However, the quality of the scheme, its relationship to the existing Raithwaite Hall hotel and related accommodation, the uniqueness of the site and the fact that the development would not lead to any harmful impact in the landscape, as well as up-to-date central government advice contained in the NPPF would allow this proposal to be considered as an exception to policy. It is anticipated that the drainage and ecological issues that remain outstanding will be positively resolved and these matters will be reported in more detail at the meeting.
- 8.6 Clearly the issues are finely balanced and many of the objections in respect of the proposals raise valid concerns. However, having weighed up the issues your officers consider, on balance, that the benefits of the scheme would outweigh any impacts arising from its development. The unique characteristics of the site and its current use as quality tourist accommodation are considered important factors in the consideration of the case and it is felt that the development can be permitted, as an exception to the development plan, without setting a precedent for other such developments in the Borough.

## 9.0 RECOMMENDATION

- 9.1 That **PERMISSION BE GRANTED**, subject to consideration of the further advice on access matters from NYCC Highways in respect of amended plans, and the following conditions :-

- 1 The development hereby granted shall be carried out in strict accordance with the submitted plans, as amended by a letter and plans received from Brewster Bye Architects dated 31 July 2012, unless any amendment is first approved by the Local Planning Authority.

**Note:** The proposals for Area 2 and Area 9 have been formally withdrawn from the scheme and the layout of Area 5 has been amended to relocate the barn footprint 4.5m in an easterly direction.

**Reason:** For the avoidance of doubt and in order to ensure that the scheme is carried out in the form hereby approved.

- 2 Before the commencement of the development above foundation level a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. Samples shall be provided as may be required by the Local Planning Authority of the materials in the schedule and the use of such samples shall be approved in writing by the Local Planning Authority, and the development shall be carried out in these unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of the visual amenity of the area and to accord with Policy E12 of the adopted Scarborough Borough Local Plan.

- 3 Details of the glazing and solar panels to be used for the contemporary lodges and Education/Conference Centre shall be submitted to and approved in writing by the Local Planning Authority prior to installation.

**Note:** The glazing and solar panels shall be selected to minimise glare.

**Reason:** In the interests of the visual amenity of the area and to accord with Policy E12 of the adopted Scarborough Borough Local Plan.

- 4 The natural stone and clay pantiles to be used for the development in Area 5 shall match those of the existing cottages at the 'Game Keepers Lodge', including the colour and texture of the stone and the method of coursing and pointing.

**Reason:** In the interests of the visual amenity of the area and to accord with Policy E12 of the adopted Scarborough Borough Local Plan.

- 5 The window frames, doors and door frames for the traditional buildings in Area 5 shall be provided in timber and thereafter so maintained.

**Reason:** In the interests of the visual amenity of the area and to accord with Policy E12 of the adopted Scarborough Borough Local Plan.

- 6 Details of the external lighting to be provided in association with the development hereby granted shall be submitted to and approved in writing by the Local Planning Authority prior to installation.

**Reason:** To avoid unnecessary light pollution within the rural landscape.

- 7 The accommodation shall not be used for purposes other than holiday letting purposes. For the purpose of this condition 'holiday letting' means letting to the same person, groups of persons or family for

period(s) not exceeding a total of 28 days in any one financial year. The accommodation shall not be used as the main residence of any occupant.

**Reason:** The accommodation is not suitable for permanent or independent occupation and to comply with Policy E1 of the adopted Scarborough Borough Local Plan.

- 8 The Education/Conference Centre shall be used for its intended purpose only and a Management Plan for the use of the building shall be submitted to and approved in writing by the Local Planning Authority prior to the Centre being first brought into use.

**Reason:** For the avoidance of doubt and to ensure that appropriate provisions are in place for the management of the Centre.

- 9 No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawings:

360(02)102 - Site Floor Plan Field 7  
360(02)103 - Site Floor Plan Field 7A  
360(02)301 Revision A - Site Floor Plan Area 5  
360(02)501 - Site Floor Plan Area 1

These areas shall be available for use unless otherwise approved in writing by the Local Planning Authority and once created shall be maintained clear of any obstruction and retained for their intended purpose at all times.

**Reason:** To provide for appropriate on-site vehicle facilities in the interests of highway safety and general amenity of the development

**Informative:** No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development. Applicants are advised to contact the County Council's Access and Public Rights of Way Manager at County Hall, Northallerton on 0845 8 727374 to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.

- 10 Notwithstanding the details supplied in respect of landscaping and tree planting in the following drawings: LL05 – Landscape Plan Area 1; LL07 – Landscape Plan Area 5; LL08 – Landscape Plan Area 7, the proposed positioning of the new trees shall be as may be agreed with the Local Planning Authority in consultation with the Council's Parks and Countryside Services. A schedule with details of the specifications for the plants and planting including numbers, species, heights on planting and positions of all the plants/trees shall be submitted to and

approved in writing by the Local Planning Authority including details of post-planting maintenance for the scheme and a brief landscape management plan detailing how new and existing plantations on the Raithwaite Estate will be maintained for their long term health, effectiveness and sustainability . Such a scheme as is approved by the Local Planning Authority shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of 5 years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.

**Note:** The minimum depth of mulch for the ornamental beds should be 75mm and the landscaping scheme shall include native species and flora favoured by bees and insects.

**Reason:** In the interests of the visual amenity of the area and to accord with Policy E12 of the adopted Scarborough Borough Local Plan.

- 11 Where trees are shown to be retained they shall be protected during construction works. Details of the root protection areas of all retained trees shall be provided and these areas shall be fenced off as specified in BS.5837.2005. Materials and other items detrimental to the health and well being of the retained trees must be excluded from the root protection areas at all times including excavations other than as specified in the British Standard and all methods of construction and materials to be used in the development should also be in compliance with this document.

**Reason:** To ensure the health and well being of retained trees in the interests of the visual amenity of the area and to accord with Policy E12 of the adopted Scarborough Borough Local Plan.

- 12 No works shall be carried out until a fully detailed method statement and specification for the new road link from Area 5 to Area 7 has been prepared by a suitably qualified firm of civil or structural engineers and agreed in writing by the Local Planning Authority.

**Reason:** In order to ensure that adequate measures are taken to ensure the structural stability of the road, adjacent land and buildings.

- 13 Details of proposals to enhance the roosting opportunities for bats, including bat boxes or bat friendly structures, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Council's Parks and Countryside Services and the agreed proposals shall be implemented prior to the development hereby granted being first brought into use.

**Reason:** In the interests of nature conservation to accord with NPPF11 Conserving and enhancing the natural environment.

- 14 A method statement detailing proposals to ensure the protection of badgers during construction shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Council's Parks and Countryside Services.

**Note:** An EPS licence will be required to relocate a main badger sett discovered within 30 metres of the proposed development.

**Reason:** In the interests of nature conservation to accord with NPPF11 Conserving and enhancing the natural environment.

- 15 Should the development be programmed to commence on site between 1 March and 31 August in any calendar year a survey of the trees and woodland affected by the proposals shall be undertaken by a qualified ecologist to check for nesting birds and in the event that nests are found works affecting the trees/woodland shall not be carried out until the nests are no longer in use.

**Reason:** In the interests of nature conservation to accord with NPPF11 Conserving and enhancing the natural environment.

- 16 An ecological mitigation plan detailing how habitat loss will be compensated for and how works will be carried out to minimise the impact on wildlife including details of proposals for enhancement of bio-diversity, using native species, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Council's Parks and Countryside Services.

**Note:** Area 7A would benefit from the establishment of a softer woodland edge using native species to mitigate the loss of habitat in this location

**Reason:** In the interests of nature conservation to accord with NPPF11 Conserving and enhancing the natural environment.

- 17 An ecological management plan illustrating how the land will be managed in the long-term shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Council's Parks and Countryside Services.

**Reason:** In the interests of nature conservation to accord with NPPF11 Conserving and enhancing the natural environment.

- 18 An energy feasibility study for the development hereby granted shall be submitted to and approved in writing by the Local Planning Authority prior to the development hereby granted being first brought into use It shall include investigation of the most appropriate way of achieving a

10% on-site contribution of energy from decentralised and renewable or low-carbon sources, and where appropriate put forward specific measures to be incorporated into the development. The approved measures shall be implemented in full unless otherwise approved in writing by the Local Planning Authority.

**Reason:** Having regard to Policy ENV5 of the Regional Spatial Strategy and the Council's document 'Sustainable Buildings - Guidance for Developers'.

- 19 Details of 'warning signs' for the access roads advising motorists, cyclists and pedestrians that these roads are shared surfaces including their proposed locations shall be submitted to and approved in writing by the Local Planning Authority and the approved signs shall be installed prior to the development hereby granted being first brought into use.

**Reason:** In the interests of safety for all users of the access roads within the Estate

- 20 The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

**Reason:** The package treatment plant to be used must be maintained and operated so as to prevent any pollution to the local watercourses.

- 21 Prior to the commencement of any area of development hereby permitted, details of the existing and proposed site levels and the finished floor levels of the buildings shall be submitted to and be approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the agreed details.

**Reason:** To ensure the landscape impacts of the development both within and external to the site are minimised by siting buildings at appropriate levels in accordance with Policies E12 and E27 of the Scarborough Borough Local Plan.

  
**Planning Manager**

Those documents referred to in this report.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT Carol Bruce ON 01723 232479 e-mail [carol.bruce@scarborough.gov.uk](mailto:carol.bruce@scarborough.gov.uk)