



Originator: Steven Wilkinson

Report of the Chief Planning Officer

NORTH & EAST PLANS PANEL

Date: 1st February 2024

Subject: 20/08547/FU - Change of use of land for the siting of 8No. glamping units for holiday use, storage building and ancillary works including a new access road at land off Hall Park Road, Walton, Wetherby, LS22.

APPLICANT:
Mr Hugh Barker

DATE VALID:
08.01.2021

TARGET DATE:
03.02.2024 (E.O.T)

Electoral Wards Affected:

Wetherby

Yes Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: GRANT PERMISSION subject to the following planning conditions (with amendments or addition to the same which the Chief Planning Officer considers appropriate):

1. Time Limit (3 years)
2. Approved plans list
3. Time limit of stay: 1 month max
4. Limit to 8 glamping units
5. Guests restricted to sleeping in glamping units only: No camping or motorhomes permitted
6. Anthrapods to be Bleriot Plus model as shown on plan BPN007OG, with the exception of the accessible unit
7. Details of Anthrapod colour finish
8. Plans showing location and details of solar array
9. Full details of the proposed storage building (materials and colour finish)
10. Main access gates to be setback from highway
11. Footpath link details to be approved and to be brought into use prior to the development and to be maintained in perpetuity
12. Footpath access gate details (not swing in nor impact upon track)
13. Details of fencing / boundary treatment
14. Details of pumping station

15. Full details of the proposed Geo-grid system access road /parking areas, including type, spec, colour and infill material
16. Detailed plans of access road inc cross-sections and radii
17. Visibility spays to be maintained
18. Detailed plan of the proposed footpath link (inc route, material)
19. Full details of low impact lighting scheme to be submitted
20. Management plan to be submitted taking account of the Noise Impact Assessment (inc details of signage, points of emergency contact, site rules and restrictions)
21. Details of waste collection provision
22. No fires restriction
23. No amplified music
24. PD Rights removed fences and enclosures
25. Log burners, smokeless fuel only
26. Full Drainage details
27. Foul water drainage details
28. Piped surface water details
29. Separate systems for foul and surface water drainage.
30. EVCP
31. Cycle storage
32. Vehicle space to be laid out as approved
33. Access to be delivered prior to first occupation
34. Construction Environmental Management Plan (CEMP): Biodiversity
35. Biodiversity Enhancement & Management Plan (BEMP)
36. Biodiversity Monitoring Programme & Monitoring Report
37. Great Crested Newt mitigation and improvements to and future management of pond
38. Generator soundproofing details to be submitted
39. No removal of vegetation in bird nesting season
40. Landscaping details (full details of hard and soft landscaping inc species)
41. Bin storage details
42. Details of any CCTV infrastructure to be approved
43. One glamping unit to be wheelchair accessible, details of which (including accessible pathway from carpark) to be submitted to be approved by the Local Authority
44. Badger Survey and Badger Mitigation Method Statement

INTRODUCTION:

1. The application was originally presented to North and East Plans Panel on 1st June 2023 following the receipt of a Member referral request from Cllr Lamb. The request followed the receipt of an objection letter signed by the Wetherby Ward Members Cllr Lamb, Cllr Harrington and Cllr Richards (now former Councillor). The letter raised a number of concerns regarding the proposed development including conflicts with the Neighbourhood Plan, highway safety, health and safety, impact on residential amenity, impact on drainage and services, the appropriateness of Walton for tourist facilities, loss of agricultural land and the impact of the development on visual amenity and the Walton Conservation Area.
2. Given that the proposal concerned an application within the Members' Ward which they represent and that the Ward Members consider that the development would have a significant effect on the Ward, raising material considerations in their objection, it was considered that exceptions, as set out in the Officer Delegation

Scheme, are met and it is appropriate to report the application to Plans Panel for determination.

UPDATES SINCE PREVIOUS PANEL

3. The application was considered at the 1st June 2023 North East Plans Panel meeting where it was resolved to defer considerations of the planning application. As outlined within the approved minutes (Appendix 1) of the Panel Members sought additional information and consideration in relation to the following aspects of the scheme:
 - Highways
 - Footpaths
 - Drainage
 - Disabled access
 - Consultation with the community
4. Since 1st June 2023 additional representations have been received from the Local Ward Members, Walton Parish Council and local residents which are outlined below.
5. *Local Members:* Additional comments and correspondence have been received from Cllr Lamb and Cllr Stables. The comments raise the following issues:
 - Presence of a nearby badger sett
 - The status of the adjacent track (Blind Lane)
 - Gate relocation: Addition of a locked gate to Blind Lane
 - Poor local mobile phone signal
 - Drainage/Sewerage – Yorkshire Water have indicated that significant investment is required and this will not be undertaken before 2025
 - The manufacturer of the glamping pods has gone into training and is no longer trading.
 - Highway safety concerns in relation to the use of Hall Park Road by pedestrians
 - Concerns that the applicant has moved out of the local areas and the implications for the previously submitted 'Site Management Principles' document.
6. *Parish Council:* Reiterate previous concerns in relation to highways impacts, drainage issues. They state that the Parish Council is working with Yorkshire Water to improve the system, but any work will be significant and is not likely to take place for a number of years.
7. *Local Residents:* An additional 9 letters of objection have been received from neighbouring residents. The letters raise the following issues:
 - Management of the site
 - Deterioration / safety / management of the farm track (Blind Lane)
 - Lack of facilities / sustainability of the area
 - Drainage / Sewerage
 - Concern in relation to what will happen to the site at the end of glamping sites lifespan
 - Ownership of Blind Lane
 - Poor local mobile phone reception
 - Nearby badger sett
 - One of the representations also includes a letter from SigmaSys Ltd relating to Foul and Surface water drainage in Walton.

8. The new planning issues raised within these additional representations will be addressed within the main body of the report below.
9. The applicant's planning agent has provided a range of additional information and responses in light of the previous Plans Panel deferral and additional objections. This information can be summarised as follows:

Summary of applicant's additional information (paragraphs 10 – 15)

10. Highways:

- It is not necessary for the site to be fully accessible by public transport. The proposed development is a small glamping site, which by its nature requires a rural/semi rural location. The Framework provides clear and concise guidance that development proposals in rural locations should not be disregarded due to the lack of provision of public transport.
- Paragraph 105 of the NPPF (2021 edition) advises that the planning system should ensure that "significant development should be focused on locations which are or can be made sustainable" (Note - now para 109 – NPPF 2023)
- Paragraph 110a states "appropriate opportunities to promote sustainable transport modes can be, or have been, taken up, given the type of development and its location" (Note - now para 114a – NPPF 2023)
- Paragraphs 84 and 85 provide guidance which is specific to "supporting a prosperous rural economy". Paragraph 84c specifically advises that planning policies and decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside.
- Paragraph 85 provides further information relating "sustainability" noting that development sites in rural location may not be well served by public transport. "In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads... (Note - now para's 88 & 89 – NPPF 2023)
- The above noted sections of the Framework clearly support a pragmatic and practical approach to supporting development in rural locations. It clearly acknowledges that rural areas are quite likely to be poorly served by public transport but that this should not be a reason for refusing development.
- The Highways Officers comments clearly demonstrate that they consider the nature, scale and the location of the development proposals warrant a minor deviation from the strict application of sustainability and accessibility planning policy. This approach is wholly in accordance with the guidance provided within the Framework and planning practices across England.
- It is further noted that the proposals are for a small 8-unit glamping site. Glamping by its very nature requires at least a semi-rural location and is unlikely to be located somewhere that is well served by public transport.
- The applicant would like to make a final note that there are many camping, glamping and caravan sites of varying sizes throughout England that are located in areas which are poorly served by public transport. As such, approving the appeal proposals is perfectly acceptable (subject to compliance with other planning policies) and would not set a dangerous precedent. In addition to the many established sites scattered around the various National Parks and other rural areas, there are a number of new sites which have been approved since the adoption of the Framework.
 - o Allerthorpe Country Park a 150-pitch caravan park in a location with no public transport approved in 2017 (Appeal ref 3151708);

- Linewath Farm, Nr Wigton, App Ref 7/2021/2057 (Lake District National Park Authority);
- Dalegarth Hall Cottage, Holmrook, App Ref 7/2018/4100 (Lake District National Park Authority);
- Carr Grange Farm, nr Northallerton, App Ref 22/00700/FUL (Hambleton Council).

11. Footpaths

- A private right of way exists for the landowner (and those with the landowner's permission) to access via the unadopted road / non-definitive bridleway located to the west of the site, which will in turn provide safe pedestrian access to the pedestrian footpaths that serve Hall Park Road. The final positioning of the field access gate from the unadopted road / non-definitive footpath is to be agreed with LCC, although the applicant notes that it will replace the existing field access gate.
- No objection has been received from the Definitive Map Officer.
- A Title map and deed extract for the land (ref WYK20381) have been provided (See Appendix 1).
- The title plan indicates that all of the land that forms the site falls within the same title. The title extract also indicates that the owner of the land coloured blue (i.e. field 4) has the right to "go pass and repass at all times and for all purposes over and long the road or pathway running along the western boundary or side of the said piece or parcel hereby conveyed and coloured brown (the track) on the said plan annexed hereto the sub-purchasers and their successors in title from time to time pay a reasonable proportion of the costs of keeping such road or pathway in proper repair..."
- The deed extract also indicates other persons who have the authorisation of the owner of the blue land can also use the access.
- The applicant contends that they have the right to use and to permit the use of the said track to other parties, such as those persons who may use the proposed glamping site.

12. Drainage

- The applicant acknowledges that the matter of drainage has been an ongoing area of discussion. The final consultation response from Yorkshire Water dated 2nd February 2023 recommended the use of 2 planning conditions. The response noted that the drainage layout plan does require some amendments but that all of the amendments required can be dealt with by way of planning condition after the development has been approved, should the LPA seek to approve the scheme.
- The applicant contends that the use of such conditions is standard practice. The applicant also contends that the use of these conditions would ensure that no development could legally commence until full technical design details have been approved by LCC, which process would actually require the technical design details to have formal approval from Yorkshire Water
- A request for further clarity from Yorkshire Water was made by email on 22nd June 2023. Yorkshire Water responded to this query for further clarity in an email dated 5th July 2023. Their response acknowledges the existing issues within the Walton system and notes that Yorkshire Water would need to undertake a feasibility study and identify suitable connection points. The email also refers to their letter of 10th October 2022, which confirms that the undertaking of the feasibility study and any associated costs would be the responsibility of Yorkshire Water. The letter also notes that Yorkshire water will undertake the feasibility

study once there is a “robust build plan and start date”. The applicant contends that it is not possible to provide such information without a planning approval in place. The most “robust build plan and start date” they are able to provide Yorkshire Water with is that the target for the commencement of development would be within 6 months of receiving a planning approval, which time frame is likely to allow time to provide the majority of information required by any planning conditions.

- The Applicant would like to note that since the submission of the planning application a neighbouring farmer has ceased to drain surface water from their land onto the application site. This has resulted in significant reduction of water on the application site during periods of heavy rain which was likely to enter to the existing drainage system on the site which is in turn connected to the village drainage system.

13. Disabled Access

- Prior to the previous panel meeting the applicant verbally agreed that one of the glamping units could be made accessible.
- A plan of an accessible unit (Anthropod Bleriot Tilly DDA) has been provided
- The applicant notes that the unit manufacturer does not have a standard DDA floor plan for the proposed unit. The manufacturer usually seeks to work with Clients to provide a detail design for DDA complaint layouts once an order has been placed. Unfortunately, as planning permission has not been approved it is not possible for the applicant to place an order and commence the detailed design phase. The applicant considers that this detail could be managed by way of an appropriately worded planning condition to allow the detailed design to be provided once planning permission has been granted.
- The site which plan shows a footpath connecting the car park to the access ramp of the unit before continuing to connect to the proposed footpath that connects to the access track to the west of the site has also been provided.

14. Consultation with the community

- The applicant has not engaged in any consultation with the community since the previous Plans Panel.

15. Applicant's responses to additional local objections

- Poor phone signal in the area – The agent acting on behalf of the applicant has provided a report from SignalChecker which illustrates that there is good mobile network coverage from a range of providers in the area.
- Gate relocation – Notwithstanding the previously highlighted private access rights along the adjacent track, the applicant has highlighted that an alternative access point for the pedestrian link is available via the existing gate/access to Field 4 (alongside the track), which could be used to bypass the current locked gate utilising the applicants land ownership.
- Yorkshire Water (YW)– It is noted that YW advise that investment is required and this investment will not occur before 2025. The applicant refers to the conditions as recommended by YW in their letter of 2nd February 2023. The first part prevents any development on site until details of foul water drainage for the whole site, including details of any balancing works, off-site works and phasing of the necessary infrastructure, have been submitted to and approved by the local planning authority. The second part of the condition requires that the approved works be completed before any buildings can be occupied. Assuming planning is approved, it is unlikely to occur before January 2024 development must be

commenced by December 2026/January 2027. As such the applicant considers it wholly feasible that the technical details can be drawn up, submitted and approved. Allowing development to commence within the three year period therefore meeting all relevant legal requirements.

- Glamping pods manufacturer - The rights to manufacture Anthropod units have been acquired by Glamping Innovations Ltd
- Hall Park Road - The proposed internal paths provide pedestrian access to the village without walking along the section of Hall Park Road that has no footpath.
- Applicant residency – It is confirmed that the applicant has relocated. The applicant will now engage a site manager from the local area for the day to day running of the site.
- Badger Sett - Thank you for advising on the presence of the badger sett. The applicant are happy for a suitable condition to be used.
- Disabled access - Plans illustrating the rear and side elevations of the proposed DDA complaint pod, a block plan illustrating its proposed position and connectivity to the rest of the site and an Access Statement have been provided. With regards to the request for a detailed floor plan, if required, the applicant requests that this be controlled by way of a pre-occupation condition.
- Letter from SigmaSys Ltd - It is our (the applicant's) position that Yorkshire Water have recommended the use of planning conditions, they have provided the wording for the planning conditions and the applicant feels comfortable with them.
- Permitted Development rights – A *point of note* is the current legal fallback position for the site. Class BC of the Town and Country Planning (General Permitted Development) (England) Order 2015, schedule 2, part 4 permits the use of land as a recreational campsite for up to 50 pitches for up to 60 days per annum. The applicant considers that the introduction of these new permitted development rights is a material consideration. In order to qualify for these newly introduced permitted development rights the landowner must provide toilet and waste disposal facilities and provide the local authority with information each year as to the location of the toilet and waste facilities and the dates on which the site will be used.

16. This additional information provided by the applicant is noted, and the report has been updated where necessary and appropriate to reflect the latest position of the applicant.
17. It should be noted in September 2023 the applicant sought to appeal against the non-determination of the application. However, this appeal was not accepted by the Planning Inspectorate as it fell outside the time limits for making such an appeal. As such the decision-making authority remains with the Local Authority at this moment in time.
18. The Public Rights of Way status of the adjacent bridleway (Blind Lane) has been clarified by the Public Rights of Way department. It has been confirmed that the bridleway in question does not hold a definitive status, it is instead, a non-definitive bridleway. This means that a claim has been submitted of the existence of a bridleway, but there has been no submission of a Definitive Map Modification Order, nor has the bridleway's status been reviewed. It is important to recognise that this does not confirm or deny a bridleway being located at the site. Instead, it does mean that in this moment in time, there is no legal requirement for the bridleway to remain open and unobstructed. The report has been amended to reflect this clarification.

PROPOSAL:

19. The proposal relates to a change of use of land for the siting of 8No. glamping units for holiday use, a storage building and ancillary works including a new access road.
20. Seven of the glamping units are Antropod Bleriot Plus Models (off-grid version) which are timber clad structures located above ground, supported by four metal legs. The units measure 7.3 x 3 metres externally and have a maximum height of 3 metres.
21. One wheelchair accessible glamping unit is also proposed which is of similar design with an external access ramp. This unit is positioned nearest to the car park and will be connected to the car park by an accessible path.
22. In terms of electricity the Bleriot Plus Models pods are powered by solar panels and a small backup generator. The solar panels measure 1.7 x 1 metre and will be sited on the ground directly adjacent to the units. Heating and hot water is provided by a small combi boiler, powered by LPG bottles which are located in a storage unit adjacent to the pods.
23. The proposal incorporates the creation of a new private access road extending from Hall Park Road, into the glamping site. The first 20 metres of the access road from Hall Park Road will be constructed of tarmac. The remainder of the access track will be constructed of a grass stabilisation product (Geogrid system).
24. The development will be served by a modest car park with 11 car parking spaces (including one electric vehicle charging space). A bin store and small timber storage shed are also proposed adjacent to the parking area.
25. The proposals also include the creation of a pedestrian link to the west of the site which links up with an adjacent footpath (non-definitive) leading into Walton Village.

SITE AND SURROUNDINGS:

26. The site is formed primarily of a modest agricultural field (shown as field 1 on the plans) which is setback approximately 90 metres from Hall Park Road (to the south-east) and is open in nature. The agricultural field measures approximately 1 hectares in size, is relatively flat and has been used for grazing. The field is enclosed by trees and hedge line. The site boundary (red line) also includes two spurs extending from the main field, one to the south-east (extending to Hall Park Road), which will provide vehicular access to the site and one to the west which will provide pedestrian access to a nearby footpath.
27. The adjacent footpath to the west is a non-definitive bridleway. This means that a claim has been submitted of the existence of a bridleway, but there has been no submission of a Definitive Map Modification Order, nor has the bridleway's status been reviewed. As such the footpath is private and does not form a Public Right of Way at this moment in time. The applicant does however have a private law right of access along the path.
28. The applicant owns the adjacent fields to the south and west side (blue line boundary), which are shown as Fields 2, 3 and 4 on the submitted plans. These fields are also utilised for grazing and will be retained for such use following the proposed development. A small pond is present in between Field 2 and 3. The fields contain vegetation to their boundaries. In particular, a hedge line is present along the boundary with Hall Park Road.

29. The site lies beyond the north-eastern extent of Walton which is a small village of approximately 225 occupants. The village benefits from a limited range of local services and community facilities which include a Public House, Church, Village Hall, and Cricket Club. The majority of the settlement is covered by Walton Conservation Area. The proposed glamping site is situated approximately 300 metres to the east of the Conservation Area, with more modern ribbon residential development in between. As such the proposal is not considered to be within the setting of the Conservation Area.
30. Open agricultural fields are present to the north and east of the site. Hall Park Road contains grass verges and is bounded by vegetation adjacent to the application site, giving it the appearance of a rural country lane. Hall Park Road extends north-eastwards into the nearby Selby District Council administrative area.
31. Since the application was last considered by Plans Panel (01.06.2023) which included a Panel Members site visit, there has been a material change to the site and surroundings which impacts upon the consideration of the application. A locked gate has been placed across track which runs to the west of the site, which would at the present time prevent users of the application site from utilising the proposed pedestrian link to the west of the site to access the built up area of Walton.

RELEVANT PLANNING HISTORY:

32. The site has been subject to the following historic planning applications:
 - H31/1/82/ - 4 bedroom detached house with attached double garage, to agricultural holding (Refused - 1982)
 - H31/680/75/ - Outline application to erect residential development to vacant site (Refused – 1976)
33. Prior to the submission of this planning application a pre-application enquiry (PREAPP/20/002066) was submitted by the same applicant and agent relating to change of use of land for the siting of up to 6No. glamping units, albeit across a larger site. The feedback provided by the Local Planning Authority to this enquiry can be summarised as follows:

'The principle of development is acceptable, subject to the submission of robust landscaping character assessment indicating no harm to the rural character of the area. The applicant needs to have regard to the detailed matters in relation to highways, visual amenity, drainage, contamination, ecology and residential amenity which have been outlined within the response above, in order to deliver a policy compliant scheme'

PUBLIC/LOCAL RESPONSE:

34. The application was advertised as affecting a Public Right of Way. Site notices were posted around the site and the application has been publicised in the Yorkshire Evening Post. The site notices were posted originally on 25.01.2021, with amendments publicised on 23.12.2021. A newspaper advert was also published on 29.01.2021. Since the last Plans Panel meeting (01.06.2023) the application has been readvertised to everyone would have previously commented on the scheme.

35. Overall, 61 letters of representations have been received, largely from neighbouring residents and the local Parish Council. The letters are all in objection to the proposed development. The letters raise the following concerns:

- Conflict with the Neighbourhood Plan / site rejected in the NP
 - Site rejected in the NP
 - Impacts on views of the church
 - Conflicts with BE2 (not a local business)
 - Glamping not mentioned, revert to local policy
 - Impacts on heritage assets
- Impact on character and appearance
- Impact on amenity / noise / Lack of on-site management
- Highway and pedestrian Safety / Additional vehicle trips
- Drainage / lack of sewer capacity / Flooding
- Ecological impact / Presence of Great Crested Newts / Badgers
- Lack of lighting
- Loss of agricultural land
- Impact on trees
- Light pollution
- Size of site is inconsistent with the low number of units proposed.
- Lack of sustainability
- Lack of electricity / gas
- Future expansion
- Additional litter to village / adjoining fields
- Viability of the proposal
- Impact on adjacent farmland / animals / farming business
- Lack of need for such a development / Presence of nearby glamping site
- Access for fire engines / Lack of phone signal
- Lack of water
- Refuse disposal
- Impact on property prices
- Emissions from log burners
- Poor mobile phone signal
- Ownership, deterioration / safety and management of the farm track (to the west)
- Concern in relation to what will happen to the site at the end of glamping sites lifespan

36. In addition, the local Ward Members object to the proposed development. Initially a jointly signed letter was received from former Councillor Richards, Councillor Harrington and Councillor Lamb representing Wetherby Ward Members. Additional correspondence also been received from Councillor Lamb and Councillor Stables. Members raise the following concerns:

- Conflicts with the Neighbourhood Plan / Outside of the development limits
- Highway safety
- Health and safety
- Impact on neighbouring residents,
- Impact on drainage and services,
- The appropriateness of Walton for tourist facilities,
- Loss of agricultural land
- Impact of the development on visual amenity and the Conservation Area
- Presence of a nearby badger sett
- The status of the adjacent track (Blind Lane)
- Gate relocation: Addition of a locked gate to Blind Lane

- Poor local mobile phone signal
- Drainage/Sewerage – Yorkshire Water have indicated that significant investment is required, and this will not be undertaken before 2025
- The manufacturer of the glamping pods has gone into administration and is no longer trading.
- Highway safety concerns in relation to the use of Hall Park Road by pedestrians
- Concerns that the applicant has moved out of the local areas and the implications for the previously submitted 'Site Management Principles' document.

CONSULTATION RESPONSES:

37. Environment Agency: No objections. The additional documents show site plans for foul drainage to public foul sewer. This would be our preferred method of disposal of foul effluent from the site. Informatives suggested in relation to landfill gas and surface water.
38. Yorkshire Water: Planning conditions in relation to disposal of foul water and piped surface water have been suggested if the application is to be approved.
39. Local Plans: The diversification of agriculture, sustainable tourism and development of sites which are not well served by public transport are acceptable providing they are sensitive to their surroundings, have little impact on local roads and improve the sustainability of the site. Further information on expected levels of usage should be sought. The proposal appears to have considered ecological, landscape and visual impacts and been designed to minimise detrimental impacts though please refer to other officer comments.
40. Flood Risk Management: On the basis of the revised information there are no objections to the application, subject to the imposition of relevant planning conditions.
41. Highways Team: Location of the access gate and hardstanding for 20 metres are considered to be acceptable. Passing bays to the access road are acceptable. Concerns whether, grass stabilisation product would be appropriate for refuse vehicles. Further details requested in relation to areas to be used by refuse vehicles, footpath link, vehicular access radii. These matters are amongst those to be addressed by planning conditions.
42. Environmental Studies: No objections.
43. Contaminated Land Officer: The proposed structures are for holiday use only, and therefore limited/no breaking of ground is proposed for these structures. The applicant has confirmed the proposed site storage building is to be sited on a concrete slab with no significant foundations. Therefore, we have no objection to planning permission being granted, subject to the imposition of suggested planning conditions.
44. Landscape Officer: The layout plan has been revised to move the anthropod structures out the RPA's. Impacts of lighting need to be considered.
45. Nature Officer: There is an increase in Biodiversity units as a result of the scheme (12.71 units compared to 11.42 baseline). Hedgerow biodiversity units need increasing. Great Crested Newts (GCN) are confirmed to still be using the on-site

pond even though it is in sub-optimal condition. A condition will also need adding to those previously proposed to ensure enhancement works for GCN to the existing pond - this could be an Ecological Design Statement for enhancement to the pond for GCN. Guidance on badger setts provided.

46. Public Rights of Way: Clarification provided in relation to the status of the adjacent track (non-definitive footpath). A gate is shown on the landscape proposal plan to the north of field 4, this needs to swing into the site and not onto the bridleway. Further clarification regarding the positioning of the gate would be helpful here. Overall, the proposal does not affect the non-definitive bridleway, as such no objections.
47. Ainsty Internal Drainage Board: Highlight that the Boards consent is required under the land drainage act and byelaws. Conditions recommended if application is approved.
48. West Yorkshire Police: Out of hour access to the site and parking facilities with access control measures restricting access to dissuade gatherings and potential encampments are recommended. Entrances and exits should have CCTV coverage. Cycle storage and boundary treatment advice given.
49. Ramblers Association: The development should not affect the Non-Definitive Bridleway connecting Hall Park Road and York Road which is close to the site.

RELEVANT PLANNING POLICIES:

50. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises of the Core Strategy as amended by the Core Strategy Selective Review (2019), Site Allocations Plan, as amended (2024), Natural Resources and Waste Local Plan (NRWLP) (2013) including revised policies Minerals 13 and 14 (2015), Aire Valley Area Action Plan (2017), saved policies of the UDPR (2006) and any made Neighbourhood Plan. The site falls within the boundary of Walton Neighbourhood Plan.

Core Strategy as amended (2019)

51. The following policies are relevant:

Spatial Policy 1 - Seeks to concentrate the majority of new development within the main urban areas and ensure that development is appropriate to its context

Spatial Policy 2 – Hierarchy of Centres and spatial approach to retailing, offices, intensive leisure and culture.

Spatial Policy 8 – Economic Development Priorities

P8 - Sequential and impact assessments for town centres uses

P10 - Seeks to ensure that new development is well designed and respects its context

P12 – Landscape quality, character and biodiversity

T2 - Seeks to ensure that new development does not harm highway safety and considers accessibility requirements

G1 - Enhancing and extending green infrastructure

G8 - Protection of species and habitats

G9 - Biodiversity improvements

EN5 - Managing Flood Risk

EN8 – Provision of electric vehicle charging points

Saved UDPR (2006) Policies

52. GP5 - General planning considerations
RL1 – Rural Land
N24 - Development proposals abutting the Green Belt or open countryside and assimilation into the landscape
N25 – Development and site boundaries
N35 - Agricultural land
BD5 - Design considerations for new builds and protection of amenity
LD1 - Landscape schemes

Natural Resources and Waste Local Plan (NRWLP)

- | | | |
|-----|------------------|---------------------------------|
| 53. | General Policy 1 | General planning considerations |
| | Water 4 | Development in Flood Risk Areas |
| | Water 6 | Flood Risk Assessments |
| | Water 7 | Surface Water Run Off |
| | Land 1 | Land contamination |

Walton Neighbourhood Plan (2017 – 2033)

HG5 – Key Views
BE2 – Supporting employment and enterprise

Relevant Supplementary Planning Guidance

54. Transport SPD

Relevant other guidance

55. Badgers: Advice for making planning decisions (Natural England - 2022)

Climate Change

56. The Council declared a climate emergency on the 27th March 2019 in response to the UN's report on Climate Change.
57. The Planning Act 2008, alongside the Climate Change Act 2008, sets out that climate mitigation and adaptation are central principles of plan-making. The NPPF makes clear at paragraph 157 that the planning system should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions.
58. As part of the Council's Best Council Plan 2020-2025, the Council seeks to promote a less wasteful, low carbon economy. The Council's Development Plan includes a number of planning policies which seek to meet this aim, as does the NPPF. These are material planning considerations in determining planning applications.

National Planning Policy Framework (NPPF) - 2023

59. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It provides a

framework within which locally prepared plans for housing and other development can be produced. The NPPF must be taken into account in preparing the development plan and is a material consideration in planning decisions.

60. The following sections of the NPPF are most relevant for the purposes of determining this application:
- 4 Decision-Making
 - 6 Building a Strong, Competitive Economy
 - 9 Promoting Sustainable Transport
 - 12 Achieving Well-Designed Places
 - 14 Meeting the Challenge of Climate Change
 - 15 Conserving and Enhancing the Natural Environment
61. The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
62. Chapter 6 of the NPPF relates to building a strong, competitive economy. Paragraph 85 states *‘Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future...’*
63. Paragraph 88 states ‘Planning policies and decisions should enable:
- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings;*
 - b) the development and diversification of agricultural and other land-based rural businesses;*
 - c) sustainable rural tourism and leisure developments which respect the character of the countryside; and*
 - d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship’.*
64. Chapter 9 of the NPPF relates to promoting sustainable transport. Paragraph 115 states *‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe’.*
65. Chapter 12 of the NPPF relates to achieving well-designed places and states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities, and that Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.
66. Paragraph 135 states that:
- “Planning policies and decisions should ensure that developments:*
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*

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

67. Paragraph 139 states:

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

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

68. Section 14 relates to meeting the challenge of climate change and flooding amongst others. Paragraph 157 states *“The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure”.*

69. Section 15 of the NPPF relates to conserving and enhancing the natural environment. Paragraph 180 states *‘Planning policies and decisions should contribute to and enhance the natural and local environment by:*

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*

- e) *preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- f) *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate’.*

70. Paragraph 186 states “When determining planning applications, local planning authorities should apply the following principles:

- a) *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) *development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- d) *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.”*

MAIN ISSUES:

- Principle of development: Rural Land
- Design and character
- Town Centre uses
- Economy & Tourism
- Residential amenity
- Ecology, Biodiversity and Trees
- Highways considerations
- Drainage
- Accessibility
- Policy BE2 of the Neighbourhood Plan
- Representations
- Other matters

APPRAISAL:

Principle of development: Rural Land

71. The site is not allocated for any particular form of development within the adopted Site Allocations Plan and the whole site lies within land defined as Rural Land.
72. Policy RL1 of the UDPR relates to Rural Land and seeks to protect the rural land for its own sake and as a recreational resource. Whilst this rural land remains the location of valued landscapes, agricultural, wildlife and natural features it is also the setting for a prosperous rural economy. Glamping by its nature is a form of glamorous camping which seeks to provide tourism within a countryside setting and helps to support rural economies. As such, the principle of a modest glamping site would not be out of keeping with the aims of Policy RL1, subject to detailing planning considerations such as the impact on rural character (discussed later).

Design and character

73. Policies within the Leeds Development Plan and the advice contained within the NPPF seek to promote new development that responds to local character, reflects the identity of local surroundings, and reinforces local distinctiveness. The NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work, and helps make development acceptable to communities. It is therefore fundamental that new development should generate good design and respond to the local character. Policy P10 of the Leeds Core Strategy deals with design and states that *inter alia* alterations to existing, should be based on a thorough contextual analysis and provide good design that is appropriate to its location, scale and function. Developments should respect and enhance streets, spaces and buildings according to the particular local distinctiveness and wider setting of the place with the intention of contributing positively to place making, quality of life and wellbeing.
74. The Walton Neighbourhood Plan includes a design-led Policy (HG4). However, the site falls outside of the geographical remit of the policy as shown on the associated Policies Map. The policy is also entitled 'design in the village centre' and is referred to as housing development policy elsewhere within the plan. As such the policy is not relevant to this planning application.
75. The existing site is formed of open agricultural fields which are used for grazing. The site lies close to the eastern edge of the village of Walton within the urban fringe. Neighbouring residential dwellings are visible within the context of the entrance of the site, when travelling westwards along Hall Park Road. As such, the area is semi-rural in nature, given that it shows some influences of built development, including at night.
76. The proposed development incorporates 8 small glamping units. The glamping pods incorporate a Antropod design and they are raised slightly above ground on four metal legs. The pods are timber clad with metal front and rears. An accessible glamping unit is proposed adjacent the car parking area. This unit will not discernibly differ in appearance to the other glamping units. Three units are proposed adjacent to the south-east boundary of the site (closest to Hall Park Road), whilst the 5 remaining pods are situated adjacent to the north-west rear boundary of the site. The units are spread sparsely across the 1 hectare size and contain very limited ancillary development (solar panel and generator housing), helping to retain a sense of the openness. The development also incorporates a small car park (11 spaces including one for electric vehicle charging), which will be marked out discreetly and a modest timber site storage building.

77. The nearest glamping units will be setback over 100 metres from Hall Park Road behind the existing vegetation. This vegetation cover will be enhanced by substantial new planting to the boundaries at various canopy heights which will provide significant screening to the development. It is considered that a combination of the lower density layout, setback from main viewpoints, limited scale / number of the glamping units, the dark recessive colours of the units (secured by planning condition) and the proposed landscaping enhancements will ensure that the development is not overly conspicuous within the landscape, even in winter months.
78. The site is served by an access road from Hall Park Road. The first 20 metres of the access road will be tarmac (for highway safety reasons). This element of the proposal will be prominent, however it will not be too dissimilar or out of keeping with other rural accesses in the area. The majority of the access road is narrow (with the exemption of two passing places) and will be formed by a geo-grid grass stabilisation product which will reduce the prominence of the road and will help it to assimilate into its surroundings. The access road will also be flanked by stock proof fencing to the adjacent fields between the site and Hall Park Road remaining in agricultural use (grazing land). A cattle grid is also proposed at the entrance of the site. These elements will help to positively reinforce rural character.
79. Policy HG5 of the Walton Neighbourhood Plan requires developments to respect and maintain key views which are highlighted within maps 3 and 4 of the Neighbourhood Plan, with particular attention paid to the views of St. Peter's Church. In this instance the proposal will not conflict with any of the long or short range views highlighted within the plan. In particular it will not impact upon views of St. Peter's Church from Hall Park Road, as it will be set below the canopy level of the trees which border the site.
80. The proposed development will also incorporate a low impact lighting scheme to minimise its impact at night-time. The development will incorporate low height solar lighting, which will point towards the ground to limit spillage. Only a limited number of the lights remain constantly on, with others proposed to be on sensors. The surrounding areas semi-rural nature also means that the area is influenced by some night-time lighting from nearby residential properties and streetlights within the village. It is considered that a low impact light scheme (full details to be secured by planning condition), within the development will not be significantly out of keeping with this character.
81. The applicant has also submitted a Landscape and Visual Appraisal which concludes that the scheme will be barely perceptible on the whole.
82. Overall, the proposal has been designed to minimise its visual impact. Whilst openness is a key characteristic of the existing site the development will result in very limited built development across the site and it is considered that the development will not materially alter the character and openness of the surrounding landscape given its modest scale, siting away from the main highway and mitigation measures which are proposed which include significant landscaping. As such it is considered that the proposed development complies with Policies P10 and P12 of the Core Strategy, Policy HG5 of the Neighbourhood Plan, Policies RL1 and BD5 of the UDPR and guidance contained within the NPPF.

Town Centre Uses

83. Tourism and hotel-style developments fall within the definition of Main Town Centre Uses. In general, planning policies such as Core Strategy Policy SP2 direct such

development towards town centres. However, Paragraph 93 of the NPPF states that the sequential approach should not be applied to applications for small scale rural development. This is reflected within Policy P8 of the Core Strategy which relates to sequential and impact assessments for Main Town Centre Uses. Part D of the policy states *'a sequential assessment will not be required for rural offices or other rural development with a floorspace of less than 500 sqm'*. In this instance the glamping development would create approximately 218 sqm of floorspace and would be well below the threshold to require a sequential test. Consequently, given its small scale and rural location, the proposed development will not be unduly detrimental to vitality and vibrancy of nearby centres.

Economic / Tourism considerations

84. In relation to the rural economy, the Core Strategy states that a balance needs to be struck between providing local employment opportunities, promoting sustainable patterns of development and protecting the character of the countryside and reflecting Green Belt purposes. Part v) of Policy SP8 (Economic Development Priorities) states a competitive local economy will be supported through... *'Supporting the growth and diversification of the rural economy, consistent with the Settlement Hierarchy and the protection and enhancement of a high quality rural environment. Outside the Main Urban Area, Major Settlements and Small Settlements, the following proposals should be supported, where appropriate, conversion of existing buildings, promote the development and diversification of agricultural and other land-based rural businesses, support provision and expansion of tourist and cultural facilities in appropriate locations, retention and development of local services and community facilities'*. Likewise, Paragraph 88 of the NPPF c) supports *'sustainable rural tourism and leisure developments which respect the character of the countryside...'*
85. While the locational strategy of the Local Plan directs development to the main towns and villages it does not prevent some limited development taking place in countryside areas. Such an approach is compatible with the policy approach to supporting a prosperous rural economy as set out in the NPPF and SP8 of the Core Strategy. In this instance given its scale the proposal will only generate modest economic benefits and vitality to the rural economy. Nevertheless, the proposal is considered to align with Policy SP8 of the Core Strategy as far as it will represent the provision of tourist facilities in an appropriate location, whilst also respecting the character of the countryside. Furthermore, whilst Walton is only a small village, the proposed development is modest in scale and will not overwhelm the village.

Residential amenity

86. Core Strategy Policy P10 and saved UDP policy GP5 note that development should protect amenity whilst policy BD5 notes that *"all new buildings should be designed with consideration given to both their own amenity and that of their surroundings"*.
87. The proposed glamping units will be situated a significant distance from any neighbouring dwellings and as a consequence they will not result in any loss of light, over-dominance or overlooking, to the detriment of any neighbouring residents.
88. The proposal is situated beyond the north-eastern edge of the village of Walton. The residential dwellings to the south-west of the site are large detached dwellings set within substantial grounds, and form ribbon development along Hall Park Road.

89. The nearest glamping unit will be situated approximately 150 metres away from the nearest residential property and approximately 140 metres away from the nearest part of the neighbouring curtilage. The boundary of the site will be situated approximately 50 metres from the neighbouring curtilage and 95 metres from the neighbouring property at its nearest point. However, the proposals incorporate a wildflower planting area to the south-west boundary of the site creating a buffer resulting in the main usable areas of the site being situated a further 50 metres back from the boundary. In addition, the access road is off-set from the neighbouring curtilage by approximately 50 metres and will only serve 8 glamping units. The vehicular movements associated with use of the site are not expected to result in any material noise or disturbance. In general, a small-scale glamping development is unlikely to be a significant noise generator and this spatial relationship with the nearest neighbouring dwelling does not give rise to significant noise and disturbance concerns in principle.
90. The design of the development has also sought to minimise potential noise and disturbance issues. For instance, the units are small with a max occupancy of two occupants which discourages families and larger groups. The units have also been sited away from the south-west boundary of the site. Whilst there will be no permanent on-site management, the site will be visited daily (by an appointed site manager) and CCTV will be utilized. The units will be powered by solar panels, albeit each unit is supported by a 'silent running' back-up generator. Technical details submitted with the proposals indicate that the generator will generate a noise level of 53 dBA at a distance of 7 metres and will be housed in an acoustically sound proofed compartment. It is expected that the generator will only be required for ad hoc periods (for a maximum of 3 months in every 12).
91. Notwithstanding the above, the applicant has submitted a Noise Impact Assessment from NOVA Acoustics. The assessment concludes that there will be a rise in the ambient noise levels by 0.4 dB from the development which is classed as 'not significant' when assessed against the IEMA Guidelines and 'No Observed Effect Level' when assessed against NOEL. Likewise, ambient noise levels are not predicted to increase due to the vehicular traffic entering and existing the site. Internal noise levels within the nearest residential property (BS8233:2014 open window assessment) and are within the acceptable criteria. The noise study recommends several mitigation measures including no amplified music to be played on site and a maximum number of patrons. These will be subject to planning conditions. The applicant has also produced a draft management principles document which details how the site will be managed, the final details of which will be secured by a planning condition.
92. Overall, the proposal is not considered to have an unduly detrimental impact on the amenity of any neighbouring residents, in line with Policy GP5 of the UDPR.

Ecology, Biodiversity and Trees

93. The site and surrounding fields within the applicant's ownership, are designated within the Leeds Habitat Network as semi-improved acid/neutral grassland, scrub and hedge line. The pond to the south-west of the site is also recognised within the Leeds Habitat Network. Great Crested newts have been recorded within the pond. The proposals are supported by a Preliminary Ecological Appraisal Report and Ecological Impact Assessments by Brooks Ecological. The findings of an Ecologist's survey of the pond during breeding season have also been provided.

94. Policy G8 of the Core Strategy requires the protection of important species and habitats and Policy G9 of the Core Strategy requires developments to demonstrate biodiversity improvements. This proposal will result in a net biodiversity gain (11.28% gain in habitat units and 0.43% gain in hedgerow units) and proposes works, and a management regime, that will bring about an improvement to the pond as a natural habitat.
95. The ecologist's survey of the pond confirmed the presence of Great Crested Newts (eggs found). However, their findings also found that the pond is in sub-optimal condition given that it is shallow and is likely to dry up most summers. The pond is also accessed and grazed by cattle and has been heavily trampled. It is considered by the Ecologist that if the management of the land (and the pond) continues unchanged it is likely that the pond will succeed to marshy grassland in the next 5 – 10 years. The development has a small footprint, with much of the work taking place above ground with limited earthworks required. The duration of the construction will be short (6 – 8 weeks); and areas in immediate proximity to the pond will be avoided. Furthermore, the proposals will seek to manage the pond in a more favourable way for amphibians such as through fencing off the pond (or reduced grazing intensity) and deepening / dredging of the pond to create more open water and reduce cover of wetland plants. These mitigation works are likely to require a license from Natural England, with the full details secured by a planning condition, which will need to be discharged prior to development commencing. Overall, the mitigation to be agreed through planning conditions is considered to be satisfactory to address the potential impacts of the development on protected species and to deliver an improvement to their habitat.
96. The Council have been alerted to presence of a nearby badger sett. Badgers and their setts are legally protected by the Protection of Badgers Act 1992. It should be noted that the location of badgers setts should be kept confidential to avoid the ill treatment of badgers, as such the exact location of the sett cannot be specified within this report. The Council's Nature Conservation Officer has advised that 30 metres is the distance recommended by Natural England within which any works using heavy machinery would require a license. The sett appears to be situated over 30 metres from the boundary of the site. Furthermore, given the nature of the development it is only likely that heavy machinery will be required to create the access road and car parking areas, which are situated further away from the sett. Nevertheless, the Nature Conservation Officer has recommended that a pre-commencement condition for an up-to-date badger survey and badger mitigation method statement is attached to the permission which would allow any change in badger activity to be picked up as well as details of any large excavations. Subject to the imposition of the suggested planning condition the proposals are not considered to have a detrimental impact on badgers.
97. In terms of trees/vegetation and biodiversity the proposed development contains well landscaped boundary, containing a mix of mature trees and hedging. This boundary treatment is of significant amenity value, albeit it is not formally protected by Tree Preservation Orders. A hedge line is also present to the boundary with Hall Park Road. The proposals seek to retain and protect the existing landscaping around the site, with the glamping units being sited outside of the Root Protection Areas of the trees and tree protection measures to be put in place during construction works.
98. The proposal will result in the loss of part of the boundary hedge, adjacent to Hall Park Road. Whilst this is regrettable it is required to create the new vehicular access and achieve appropriate sight lines at the junction. The hedge is to be re-planted further back, as part of the Landscape Plan for the site which will be secured by way

of condition. The new access into the glamping field will utilise an existing break in the tree line, however minor works to vegetation group G24, adjacent to this access will be required. The development incorporates significant new planting proposals including large amounts of both large and small native trees, new mix native buffer whip planting, significant wildflower areas to the western and northern edge of the site. Overall, it is considered that the development will respect and enhance the existing landscaping and will result in a net biodiversity gain.

99. The Nature Conservation Officer has suggested a series of detailed planning conditions to help mitigate any potential negative impacts and secure enhancements. These include the need to agree a Construction Environmental Management Plan (CEMP), a Biodiversity Enhancement and Management Plan (BEMP), a Biodiversity Monitoring Programme and Monitoring Report (covering a 30 year period), Great Crested Newt Mitigation Confirmation and a badger survey.
100. As such it is considered that the proposal when assessed in the round, subject to various safeguards and mitigation measures which will be secured by planning conditions, will meet the requirements of Policies P12, G1, G8 and G9 of the Core Strategy and Policy LAND2 of the Natural Resources and Waste DPD, Policies N24 and LD1 of the UDPR and guidance contained within the NPPF.

Highways considerations

101. Core Strategy policy T2 and saved UDP policy GP5 note that development proposals must resolve detailed planning considerations and should seek to maximise highway safety. This means that the applicant must demonstrate that the development can achieve safe access and will not overburden the capacity of existing infrastructure.
102. The proposed development lies outside the urban area of Walton, and as a consequence tourists who stay in the glamping pods will be expected to utilise private vehicles to access the site and also when visiting local attractions. The harm associated with this is deemed to be limited by the modest scale of the development, and the likely short nature of trips given the edge-of-settlement location. Furthermore, paragraph 89 of the NPPF acknowledges that *'...sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist'*.
103. In this instance it is considered that the site will be sensitive to its surroundings and the provision of 8 glamping units will not have a material impact upon the local highway network. The location of the site also makes it attractive for cyclists and appropriate cycle storage provision will be secured via a planning condition. Furthermore, the proposals incorporate creating a pedestrian route to the west of the glamping site linking the site to a nearby non-definitive footpath which provides access into Walton Village. Because the site will also be attractive to cyclists, the proposal incorporates opportunities to improve access by non-car modes of travel.
104. It is noted that the adjacent non-definitive footpath has recently been blocked through the presence of a locked gate. However, the applicant has provided land title and deed extracts (Appendix 2) which indicate that the applicant (and those with the

landowners permission) have a right of way to access via the unadopted road / non-definitive bridleway located to the west of the site, which will in turn provide safe pedestrian access to the pedestrian footpaths that serve Hall Park Road. Whilst ultimately the restoration of the right of access, which has currently been restricted through the installation of the locked gate, is ultimately a private matter which would need to be resolved outside of the planning process, it should be reasonably expected that this is capable of being resolved by the applicant in the future given the evidence presented by the applicant. Furthermore, the applicant has highlighted that an alternative access point a the pedestrian link is available, if necessary, via the existing agricultural gate/access to Field 4 (alongside the track), which could be used to bypass the current locked gate utilising the applicants land ownership.

105. The part of Hall Park Road directly adjacent to the site does not contain any pavements (grass verge only). As such it would be potentially dangerous for occupants of the site to utilise this route on foot. In response to this the previously outlined footpath link into Walton will provide an alternative route and occupants will be directed to this route and away from the main access, by a series of signposts and notices to be installed as part of the site development which will be secured by planning condition.
106. Nevertheless, it is not usual for similar forms of holiday accommodation (including camping, glamping and caravan sites) to be located within more remote locations with no footways or street lighting and which are predominantly or wholly reliant on access by private motor vehicles. Leeds based examples include Moor Lodge Caravan Park and Glenfield Caravan Park, Blackmoor Lane, Scarcroft and St Helena's Caravan Park, Bramhope. Furthermore, it is not reasonable to expect such developments which require rural and semi-rural locations to demonstrate urban levels of sustainability and access to services, nor does such a requirement exist within and Leeds Development Plan policies or the NPPF. In this instance, it is considered that the potential harm is limited by the small-scale nature of the development and lack of nearby facilities which are likely to discourage people walking along Hall Park Road.
107. The proposal incorporates the creation of a new vehicular access from Hall Park Road. Suitable visibility splays are achievable given that the applicant has control over the fields adjacent to the access. The first 20 metres of the access road from Hall Park Road will be tarmac in order to ensure safe access/egress and prevent any mud from spilling onto the highway. The proposal provides a small car park with 11 spaces which is considered to be appropriate to the scale of the development. The car parking area also provides adequate turning provision for refuse vehicles. Whilst the access road from Hall Park Road to the site is long it incorporates two passing places, which is considered to be sufficient given the anticipated low number of vehicle movements.
108. The proposed private access road utilises a geo-grid grass stabilisation product (ground reinforcement) for the majority of its length, which has been chosen to mitigate the visual impact of the access road. It is noted that the Highways Officer has raised concerns in relation to the appropriateness of this material in particular by refuse vehicles. However, technical product information has been submitted by the applicants which shows that the geo-grid can withstand axle weight loads of up to 35 tonnes, with a max load per square metre of 500 tonnes. The product also has benefits in terms of allowing natural drainage. On balance, the use of the geo-grid system is considered to be acceptable given the rural location and modest scale of the scheme.

109. Overall, whilst the development is situated outside of the urban area and away from public transport routes it is considered to align with the guidance contained within paragraph 89 of the NPPF. In particular, the edge of settlement location and proposed footpath link are beneficial, and the site will also be attractive as a base for recreational cycling. As a consequence, the proposal is considered to comply with Policy T2 of the Core Strategy and guidance contained within the NPPF.

Drainage

110. A large amount of the local representations evidence that the surrounding village suffers from significant drainage issues in relation to sewerage capacity. Planning officers are aware that discussions have taken place between local ward members, Walton Parish Council and Yorkshire Water in relation to these matters recently, unrelated to the consideration of this planning application.
111. Representations from both Yorkshire Water and the Environment Agency, alongside comments from the Council's Flood Risk Management Team, have been received at various points since the submission of the planning application, often responding to what has been an evolving position and it is therefore helpful to clarify relevant matters.
112. When Yorkshire Water wrote to the Council on 10th October 2022, the written comments, amongst other things, set out that the "*foul network in the area does not have adequate capacity available to accommodate the anticipated foul water discharge from the proposed site*". This is a recognition of some of the local concerns that have been raised by local residents and ward members and given the historical issues with sewerage capacity noted above, it is certainly understandable why the current application has led to concerns being raised in relation to such matters.
113. Yorkshire Water's initial response went on to set out that ultimately a feasibility study would be required "*to determine suitable foul connection points, any available capacity in the public sewer network, together with timescales for any potential upgrading works required*". In pursuing discussions with the applicant in the first instance, planning officers sought the submission of such a feasibility study to inform the consideration of the application.
114. In the meantime, the applicant considered alternative options to meet the drainage requirements of the site, including through the use of an on-site drainage system. However, when this raised an objection from the Environment Agency – with the EA also concluding that, as a first step, there would need to be a justification as to why a connection to the public drainage system would not be possible – the applicant returned to the question of providing a connection to the public drainage system.
115. Returning to the question of a feasibility study, the applicant sought advice from their own drainage advisors in relation to relevant matters following the initial comments received from Yorkshire Water and subsequent discussion with the Council. In setting out relevant matters, the applicant's drainage advisors gave significant weight to the case of *Barratt Homes Limited v Welsh Water* [2009] UKSC 13. The decision from the Supreme Court in the case assists in relation to relevant matters of process, including the extent of rights for developers to connect to sewerage infrastructure under the Water Industry Act 1991, and the extent to which a developer has a right to determine the point at which their private drain or sewer will connect to a public sewer. However, the narrow point of legislative interpretation addressed by the court highlights a more fundamental issue associated with the relationship between

planning authorities and sewerage undertakers in England and Wales, as well as the proper control of drainage of new developments.

116. The decision of the Supreme Court noted that Section 106 of the Water Industry Act 1991 (as amended) states that the owner or occupier of any premises is entitled to have their drains or sewer communicate with the public sewer of any sewerage undertaker and thereby to discharge foul water from those premises. This is an absolute right and a statutory undertaker cannot refuse to permit connection on the basis that the additional discharge into the system will overload it, nor because it disagrees with the connection point. The burden of dealing with such additional discharge falls upon the undertaker in performance of its statutory duties and not the developer, so additional discharge has to be accommodated by the undertaker. Any individual wishing to take advantage of a connection is required to give notice to the sewerage undertaker.
117. It is therefore important that a sewerage undertaker (in this instance Yorkshire Water) is consulted as part of the planning process – as they have been thoroughly in this instance. As it effectively becomes a 2-stage process in ensuring that new developments have appropriate drainage and sewer connections, with the planning permission and then the statutory undertaker playing a role. The Supreme Court acknowledged that planning authorities had a role to play here, with a planning permission conditional upon there being an acceptable drainage solution in place prior to the commencement of a development being the ‘tool’ identified by the Court to achieve this. If, ultimately, it is the case that a piped drainage solution cannot thereafter be found, then this would prevent the development from proceeding at that point in time. In the event of such an occurrence the applicant could utilise this feasibility conclusion justify an alternative on-site drainage approach to overcome the existing Environment Agency objection (potentially via the S.73 process – material amendment to a planning application).
118. It is understood from correspondence with the applicant that they have shared their advice with Yorkshire Water and it is apparent in the comments most recently offered by Yorkshire Water that they have given weight to the matters discussed above.
119. With the above in mind, the proposal includes an indicative drainage layout which connects all 8 of the proposed glamping units and drains sewerage and grey water to a pumping station (within application site). This pumping station is proposed to then connects to the Yorkshire Water public sewer along Hall Park Road (connection point to be agreed with Yorkshire Water through the relevant process).
120. Yorkshire Water has not objected to this proposal in principle. They have sought that the technical details of the drainage will be secured by planning condition in accordance with the approach as advocated by the Supreme Court.
121. As would be expected planning officers have also sought extensive advice from the Council’s own Flood Risk Management team in relation to these matters. The Flood Risk Management team share the view of planning officers that it would have been preferable for the applicant to submit full details of a drainage scheme for the site including a feasibility study up front, so as to offer greater certainty in these respects. This would have also avoided a situation where planning permission is potentially granted but then could not be implemented due to the inability to discharge a relevant drainage condition. However, the advice received from the Council’s own advisors is that the approach of the applicant here is acceptable in principle bearing in mind the Supreme Court decision in particular. Principally, it is entirely reasonable for the applicant to pursue detailed matters in these respects through the condition

discharge process following engagement in the relevant processes with Yorkshire Water outside of the planning system. To resist this would lead to significant risk that it is the local planning authority which is acting unreasonably in these respects.

122. As such, in recognition of the concerns which exist, but in achieving an appropriate balance in alignment with the relevant case law, it is considered that it would be appropriate to proceed by way of attaching a condition to any permission granted requiring a feasibility study to be carried out and any required operations to be implemented prior to development will be attached to the permission. This feasibility study will determine suitable foul connection points, any available capacity in the public sewer network as well as detail any required upgrade works and timescales. This, alongside other relevant conditions, will provide the necessary safeguards in relation to foul sewerage drainage. In particular, the proposals will not be able to result in any additional unacceptable strain on the sewerage network until it has been demonstrated that the foul sewerage can be handled without having any detrimental impacts.
123. Since the previous Panel meeting the applicant has been in contact with Yorkshire Water in order to seek additional clarity. The correspondence for Yorkshire Water outlines the planning process from their point of view *'Typically we'd receive a planning application, review it and make comment on the documents that are relevant to us, if everything is acceptable, we agree to the proposals. Then the applicant or developer would submit an application to make a new connection to the public sewer, we would review the plans and any proposed rates of discharge, if everything is acceptable the application will be approved and you're then free to make the connection'*. It goes on to state *'Regarding the potential impacts of the development, as you've previously mentioned there are a number of capacity issues in Walton so the development does risk exacerbating existing flooding issues, though I can't advise what specific impacts this development might have as a feasibility study would need to be carried out to determine if there's any capacity available in the network and locate suitable connection points (if there are any)'*. The email also refers to their earlier consultation response of 10th October 2022, which letter confirms that the undertaking of the feasibility study and any associated upfront costs would be the responsibility of Yorkshire Water. The letter also notes that Yorkshire water will undertake the feasibility study once there is a "robust build plan and start date".
124. It is noted that a letter from SigmaSys Ltd relating to foul and surface water drainage comments has been submitted by a local resident in objection to the proposed scheme. The letter comments on the adequacy of the sewerage system serving Walton, the likelihood of YW investment alleviating any problems within 2025-2030 and the likely impact of increasing foul flows as a result of an increase in the population of Walton. The letter outlines the existing sewerage system serving Walton and states that it is relatively old and sewer gradients are understood to be relatively shallow and will inevitably suffer from higher levels of groundwater infiltration because of their age, materials of construction and low permeability of the geological surface formations. It also states that the community has experienced flooding as a result of increased rainfall and restrictions in sewer flows, believed to be associated with limited hydraulic capacity, partial sewer blockages i.e. sediment and tree root balling. Additionally, the letters sets out that the community has experienced flooding as a result of increased rainfall and restrictions in sewer flows, believed to be associated with limited hydraulic capacity, partial sewer blockages i.e. sediment and tree root balling. Whilst the letter notes that climate change has increased the frequency of local flooding in the village, the author is unaware of any properties suffering repeat internal foul or surface water sewer flooding. The author

notes that this is an important metric for water and sewerage company investment prioritisation and that the author is aware of the increase in frequency of external flooding of property which will inevitably be driven by increased rainfall (intensity and duration), sewer under-capacity and a gradual deterioration in sewer hydraulic efficiency. The author notes that road gully maintenance policy can also influence the frequency of external flooding – which is controlled by Leeds City Council.

125. Furthermore, the author concludes ‘I am of the opinion any Walton re-sewerage scheme is unlikely to complete before 2030 and that any new development at the head of the existing sewer network on Hall Park Road will increase the risk of foul sewage flooding. This problem will be compounded by the inability to flush WC’s due to the reduced sewer hydraulic gradient caused by sewer inundation. Additional discharges caused by any new development will also increase the risk, frequency and volume of further foul sewage flooding downstream of Hall Park Road’.
126. The comments within the letter are noted and have been discussed with the Flood Risk Management Officer. In response it is considered that large aspects of the letter are speculative and not supported by technical reports / calculations. The letter largely focuses on pre-existing drainage issues (which the Council is aware of) and when these may be resolved. However, it is not a requirement of this development to solve pre-existing issues. Importantly, the letter fails to comment on the safeguards and mitigation measures the Council is advocating within its drainage response which would ensure that the development could not commence until a suitable drainage scheme had been agreed.
127. In addition, it has been highlighted within some representations that Yorkshire Water have indicated that significant investment is required, and this will not be undertaken before 2025. Whilst this relates to the existing sewerage system in Walton, the timescales would nevertheless fit with any planning permission granted which would not need to commence until 2027.
128. Overall, whilst some additional drainage information has been received and is noted, this does not alter Officer’s opinions that the drainage impacts of the scheme can be suitably mitigated by appropriate planning conditions, which is the common process for planning applications and would be in-keeping with the relevant case law.

Accessibility

129. Policy P10 requires development to be accessible to all users, albeit there is no defined approach for such tourist accommodation located within semi-rural locations.
130. The applicant has agreed to make one of the units wheelchair accessible. The unit will incorporate a ramp and will be located closest to the car parking area and will be accessible via a 1.2 metre wide footpath constructed of a lower grade geogrid system which can accommodate pedestrians, prams and wheelchair users. A further footpath link will be provided from the accessible unit to the proposed footpath link that goes from Field 1, through Field 2 and into Field 4 before connecting with the non-definitive bridleway that lies to the west of the site and provides access to Hall Park Road. Full details of these accessible elements including ramp gradients, door threshold details, floor plans and path materials will be subject to a planning condition. The Councils Access Officer is content with conditioning these elements of the scheme to ensure future control over these matters.

131. In light of the above, and given the nature of the site and surroundings the scheme is considered to make satisfactory provision for wheelchair users or users with other mobility issues.

Policy BE2 of the Neighbourhood Plan

132. Other relevant policies of the Neighbourhood Plan have already been referenced elsewhere in this Report. Alongside these, Policy BE2 of the Walton Neighbourhood Plan is relevant. Policy BE2 relates to supporting employment and enterprise. The policy states *'Within the Plan area outside the Thorp Arch Estate, proposals that support the development of small scale enterprises, including the diversification of land based businesses, that satisfy national and local strategic planning policies and that meet the needs of and are compatible with the rural character of the parish, will be supported provided that they: a) Contribute to the semi-rural character and vitality of the local area. b) Protect residential amenity. c) Do not adversely impact upon road safety'*.
133. In response, the proposed development is considered to constitute a small-scale enterprise. As previously outlined the development is considered to be compatible and not unduly harm the rural character of the area. The proposal will also protect residential amenities and not have an adverse impact upon highway safety. It is noted that the policy also requires development to meet the needs of the Parish. Whilst the development by its nature will predominantly meet the needs of people from outside of the Parish (tourists), in the broad sense it will contribute to the sustainability of the local economy and provide jobs (albeit limited) which are highlighted within the pre-text to the policy. As such the proposal is considered to comply with Policy BE2 of the Neighbourhood Plan. The support the Neighbourhood Plan gives small scale enterprises attributes positive weight in favour of the grant of permission within the decision-making process.

Representations

134. Overall, 61 letters of representations have been received, largely from neighbouring residents and the local Parish Council. Additional letters and correspondence have also been received from Councillor Harrington, Councillor Lamb, Cllr Stables and former Councillor Richards as noted previously above. The letters are all in objection to the proposed development. The letters raise the following concerns which are responded to in turn:
- Conflict with the Neighbourhood Plan / site rejected in the NP
 - Site rejected in the NP / Outside of development limits
 - Impacts on views of the church
 - Conflicts with BE2 (not a local business)
 - Glamping not specifically mentioned
 - Impacts on heritage assets
 - o *The application has been assessed against the relevant policies contained within the Made Walton Neighbourhood Plan. Whilst the application site was put forward for consideration for residential development within the Neighbourhood Planning process it was not chosen as one of the final housing allocations within the neighbourhood. However, this application does not relate to residential development and as such this is not relevant to the consideration of this planning application. Likewise, there is not NP policy which restricts such developments to within the development limits of the settlement. Conformity with Policy BE2 (small business enterprises) and HG5 (key views) have previously been considered within the appraisal above.*

Additionally, the proposal is situated within the setting of any heritage assets. Whilst it is noted that glamping is not mentioned specifically within the Neighbourhood Plan this does not mean that such proposals are unacceptable. In such instances where a NP is silent on an issue/use the development must be considered against the wider policies contained within the Development Plan (in this instance within the Core Strategy), as well as national guidance (NPPF).

- Impact on character and appearance
 - *This issue has been considered within the appraisal above*
- Impact on amenity / noise / Lack of on-site management
 - *This issue has been considered within the appraisal above*
- Highway and pedestrian Safety / Additional vehicle trips
 - *This issue has been considered within the appraisal above*
- Drainage / lack of sewer capacity / Flooding
 - *This issue has been considered within the appraisal above*
- Ecological impact / Presence of Great Crested Newts / Badgers
 - *This issue has been considered within the appraisal above*
- Lack of lighting
 - *The proposals are supported by a low impact lighting scheme, detailed considerations of which will be secured by planning condition.*
- Loss of agricultural land
 - *This issue has been considered within the appraisal above*
- Impact on trees
 - *This issue has been considered within the appraisal above*
- Light pollution
 - *The proposals are supported by a low impact lighting scheme, detailed considerations of which will be secured by planning condition. Such a scheme is unlikely to result in significant light pollution.*
- Size of site is inconsistent with the low number of units proposed.
 - *The number of glamping units, will be controlled by a planning condition (max 8 glamping units). In this instance the low density nature of the scheme, is positive in terms of its impacts on the semi-rural character of the area.*
- Lack of sustainability
 - *This issue has been considered within the appraisal above*
- Lack of electricity / gas
 - *The development will be powered by solar panels and back up generators which will be used on an ad hoc basis.*
- Future expansion
 - *The application has been assessed on the basis of the scale of development which was applied for. Any future planning applications will be assessed on their individual planning merits.*
- Additional litter to village / adjoining fields
 - *The development incorporates communal bins and refuse collection.*
- Viability of the proposal
 - *The proposal is not seeking to depart from any planning requirement / obligations as such the viability of the scheme is not a matter for consideration.*
- Impact on adjacent farmland / animals / farming business
 - *The relationship between the glamping site and neighbouring agricultural fields will be managed by stock proof fencing. A low density glamping site give rise to no significant concerns in this regard*
- Lack of need for such a development / Presence of nearby glamping site
 - *This is not a material planning consideration in this instance*
- Access for fire engines

- *Fire engines will be able to assess the site if required.*
- Lack of water
 - *The site has a water supply*
- Refuse disposal
 - *The development incorporates refuse disposal*
- Impact on property prices
 - *This is not a material planning consideration*
- Emissions from log burners
 - *A planning condition attached requiring the use of smokeless fuel*
- Poor mobile phone signal
 - *The applicant has submitted technical information indicating that the area benefits from mobile phone signal for several providers. Notwithstanding, this lack of phone signal is common in rural areas, and is not an issue in isolation which would warrant refusal.*
- Ownership, deterioration / safety and management of the farm track
 - *The adjacent non-definitive does not appear to have a registered owner adjacent to the site. The maintenance of the path is a private matter. The undue safety concerns are foreseen from using the track.*
- Concern in relation to what will happen to the site at the end of glamping sites lifespan
 - *Essentially this is not a matter for consideration at this moment in time. Any future applications will be accessed against the relevant planning policies at the point they are determined*
- Gate relocation: Addition of a locked gate to Blind Lane
 - *This issue has been covered within the appraisal above*
- The manufacturer of the glamping pods has gone into training and is no longer trading.
 - *The applicant has confirmed that an alternative manufacturer has acquired the rights to the pods*
- Highway safety concerns in relation to the use of Hall Park Road by pedestrians
 - *This issue has been covered within the appraisal above*
- Concerns that the applicant has moved out of the local areas and the implications for the previously submitted 'Site Management Principles' document.
 - *The applicant has confirmed that they will hire a site manager to look after the day-to-day operation of the site.*

Other matters

135. *Loss of Agricultural Land* – The NPPF requires the benefits of the best and most versatile agricultural land to be considered. Policy N35 of the UDPR also states that '*Development will not be permitted if it seriously conflicts with the interests of protecting areas of the best and most versatile agricultural land*'. In response, the site is classified as Grade 3 agricultural land (Grade 1 being the highest), which is moderate to good. Overall, the proposal will result in a small loss of agricultural land. Furthermore, the proposed use is not invasive and would not prejudice an agricultural use returning in the future. As such it is considered that the proposal will not seriously conflict with the interests of protecting areas of the best and most versatile agricultural land' in line with the requirements of Policy N35 of the UDPR.
136. *Permitted Development fallback position* – The new permitted development rights which are afforded to temporary campsites are noted. However, the nature and extent of these provisions (limited to 60 days per year) are not similar to the current proposals. As such only limited weight can be attributed to this fallback position.

PLANNING BALANCE & CONCLUSIONS:

137. The principle of development is acceptable, and the proposal will have benefits for the local economy, diversifying the local tourism offer further. It is also considered that the proposal would not be detrimental to the character and appearance of the area, any neighbouring residents or highway safety. Biodiversity net gain, the protection of protected species and appropriate drainage can also be secured via appropriate planning conditions. Furthermore, the development complies with Policy BE4 of the Neighbourhood Plan, to which positive weight can be attributed. As such it is considered that no demonstrable harm would arise from the development and the development is considered to accord with up-to-date planning policies within the Development Plan.
138. Since the previous Plans Panel meeting (01.06.2023) additional information has been received relating to highways, the footpath link, disabled access and drainage. This additional information as well as other new issues raised within representations has been duly considered, however it does alter the previous officer recommendations.
139. It is noted that no developer-led public consultation has taken place. Whilst developer-led public consultation is strongly advised and is desirable, it is not a planning policy requirement and does not justify a reason for refusal.
140. As such, the application is recommended for approval, subject to the planning conditions outlined at the beginning of the report.

Background papers:

Application file: 20/08547/FU

APPENDIX 1

NORTH AND EAST PLANS PANEL

THURSDAY, 1ST JUNE, 2023

PRESENT: Councillor J Akhtar in the Chair

Councillors B Anderson, D Jenkins,
R. Stephenson, J Heselwood, R Jones,
J McKenna and M Millar

SITE VISITS

The Members site visit was attended by Councillors Akhtar, Anderson, Stephenson, Jones, Millar and Jenkins.

1 Appeals Against Refusal of Inspection of Documents

There were no appeals against the refusal of inspection of documents.

2 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

3 Late Items

There were no late items.

4 Declaration of Interests

No declarations of interests were made at the meeting.

5 Apologies for Absence

Apologies for absence were received from Cllr Sharpe.

6 Minutes - 9th February 2023

RESOLVED – That the minutes of the previous meeting held on 9th February 2023, be approved as a correct record.

7 Subject: 20/08547/FU - Change of use of land for the siting of 8No. glamping units for holiday use, storage building and ancillary works including a new access road at land off Hall Park Road, Walton, Wetherby, LS22.

The report of the Chief Planning Officer requested Members consideration on an application for change of use of land for siting of 8 glamping units for holiday use, storage building and ancillary works including a new access road at land off Hall Park Road, Walton, Wetherby, LS22.

Members of the Panel had attended a site visit earlier in the day. Slides and photographs were shown throughout the presentation.

Members were provided with the following information:

- 10 more letters in objection to the proposed site had been received since the report had been published. The issues raised were already mentioned in the submitted report. Issues of concern were contamination of land and the footpath, which Members had walked along during their site visit. A letter from Cllr Stables was also read out which objected to the planning proposal and agreed with the points made by other ward councillors. It highlighted concerns for road safety as Hall Park Road has no footpath and cars travel along it at speeds reaching 60mph. This would be used by pedestrians for walks and as access to the village.
- An additional condition in relation to CCTV was to be added to those conditions listed in the submitted report for further details to be provided on CCTV, particularly in relation to siting of the same.
- It was noted that during the site visit Members had requested details of disabled access for the site. Officers had spoken with the applicant who was amenable to make 1 unit accessible for disabled people.
- It was noted that the applicant has control of the fields to the west and south of the proposed site and these would continue to be used for grazing.
- The proposal was for 8 glamping pods, 5 to be located on the north-west of the site and 3 on the south-east of the site. The first 20 metres of the access road was to be constructed of tarmac, with the remaining track to be constructed of a grass stabilisation product known as Geogrid system. The development would be served with a modest car park for up to 11 car parking spaces, including 1 for electric vehicle charging. A bin store and small timber storage shed were also proposed adjacent to the car parking area.
- The proposal also included a footpath link towards the village of Walton and landscaping of wildflowers and mixed natural planting.
- The design of the pods was timber clad structures located above ground which measure 7.3 x 3 metres externally with a height of 3 metres. The pods would be screened with new tree and whip planting.
- Drainage for the units for grey and foul water would be linked to the public sewer system which it was noted was to be agreed later.
- The site would be set back approximately 90 metres from Hall Park Road with natural screening.
- The site is located to the north-east of Walton which is a small village of approximately 225 occupants and benefits from a limited range of local services and community facilities.
- Members were advised that Walton is part of a conservation area. However, the site is 300 metres from the conservation area and the land is rural land not green belt land.
- The Neighbourhood Plan suggests that long range views should be protected. The proposal in its current iteration does not adversely impact on long range views and is regarded as being in accordance with the Neighbourhood Plan.
- It was the view that there would be little impact on the countryside, however the small number of tourists could help the economy of the area. The glamping site was not too conspicuous, screened from the

road and away from residential properties. A noise impact assessment suggested that noise nuisance would not be an issue for concern.

- In relation to biodiversity the natural tree cover would be enhanced with new planting to increase the biodiversity net gain. The area is known for Great Crested Newts and the applicants had offered to consult with Natural England to assist in the management of the pond.
- In relation to drainage, the residents in the area have raised concerns as there is already a significant problem with sewerage during periods of heavy rainfall. The report specifies a condition that prior to any work on the site a feasibility study should be carried out to address ongoing issues in this location with drainage. It was noted that at the time of writing the report Yorkshire Water had not submitted any objections.
- It was noted that details were required in relation to the proposed footpath link between Bickerton and Walton and would need to be approved prior to the development, such that this could be controlled by way of planning condition. The Panel were advised that no PROW officer had been available to clarify the current position of the footpath.

In attendance at the meeting speaking in objection to the proposal were:

- Cllr Lamb - Wetherby Ward Member
- Mr Chris Johnson
- Mr Phil Robinson

The objectors informed the Panel of their concerns which were:

- The number of inaccuracies in the submitted report including:
 - Not sustainable
 - Not accessible, particularly for those with sight or other access difficulties.
 - It was noted that there is no regular bus service available, and the nearest bus stop is a 20 minute walk away.
- Cllr Lamb said that this is a forward-thinking neighbourhood, which welcomes appropriate development. The Neighbourhood Plan was good and should be applauded. It had achieved a 1st in the National Award Scheme and had been agreed by Leeds City Council
- Walton is a quiet rural village adjacent to Thorp Arch Village which is a rapidly expanding area, but with no suitable associated travel packages to support the expansion.
- Drainage in the location of Hall Park Road is an ongoing issue especially during heavy rainfall. Residents in the area complained of having raw sewage in their gardens. This issue had been addressed with Yorkshire Water, but no solution to the problem had been found. It was the view that if the site was to be developed and link into the sewer system it will cause more adverse issues.
- Hall Park Road was dangerous to walk along as there were no footpaths and in some places no grass verges, such that even current local residents do not walk along this stretch of road. Highways had promised traffic calming measures for this road in 2022 to reduce the speed of vehicles travelling along it. To date no traffic calming measures had been put in place.

- Concerns were also raised in relation to the importance of the area for local wildlife.

Responding to questions from the Panel the objectors provided further information on the following:

- The farmer who owns the land which the proposed footpath crosses has said that there is no public right of way across his private land and disputes public access. The farmer also has concerns that the access is narrow, and he uses it for his farm vehicles.
- The National Planning Policy Framework requires that tourism should be encouraged and local businesses supported, but this proposal has led to displacement of a tenant from the land who has farmed in the area for many years.
- There are no bus services serving this location, which in general has very poor accessibility.
- There had been no contact with the Parish Council from the applicant. Consultation seemed to comprise only one visit to the site and a brief discussion with some local residents on that occasion.
- Residents in the area have been dealing with the drainage issue for 30 years. Yorkshire Water had been to assess the situation on numerous occasions and had removed 11,000 litres of water from a neighbour's garden on one occasion in November 2021. It was noted that when the drainage system fails the residents are unable to use their toilets or take a shower. The Panel were advised that Yorkshire Water said separately to a Ward Councillor that they had not yet assessed the site, so were unable to say if the issues were solvable. A site visit is needed by Yorkshire Water.
- Members were advised that no ramblers used the pathway from Bickerton to Walton. Hall Park Road was not used for walking, the gate on the track was closed and track was only used for moving farm vehicles.
- The Panel were advised that the track is unlit and extremely dark and there were concerns for safety. Locals do not use the track to pass and repass due to this, as well as the poor surface to the track.
- The Members were told the grazing land used a rotation system. Currently there were horses grazing there but the field had been used for cattle previously. The Panel noted this was the last grazing area and it was supposed to be retained.

The Agent Ms Sockett attended the meeting on behalf of the applicant and provided the Panel with the following information:

- The proposal was for 8 small units on the outskirts of Walton offering quiet short breaks for mainly couples.
- What is proposed is what is only absolutely necessary to provide a glamping facility on this site, such that the extent of development proposed is kept to the absolute minimum.
- The proposed development is sympathetic to the nearby St Peter's Church, other key views and existing wildlife / nature on the site.

- Proposed landscaping would provide ecological benefits for the area, through the design layout, wildflower planting and maintenance of the site.
- The closest unit would be 150 metres from the nearest residential property. Appropriate separation distances have therefore been ensured.
- A footpath would link the site to Hall Park Road, this would be constructed using a Geogrid system to provide access and be suitably robust for ongoing use, but retain a natural look.
- In consultation with Yorkshire Water who have said the sewerage system can be linked and could be beneficial to residents in the area to in fact possibly ease existing drainage and sewerage issues.
- This proposal would provide business for the area, and this would be in accordance with planning.

Responding to questions from Panel Members the following information was provided:

- It had been decided not to consult with the community as this was a small development and they had opted to do the consultation through the planning process. It was noted that the Panel were of the view that consultation with residents should be encouraged.
- In relation to drainage issues the Agent said that they were aware of some leaks in the system and flooding issues. However, she was of the view that this was a technical issue, which could be resolved with Yorkshire Water.
- The Agent went into some detail regarding the types of drainage and sewerage problems experienced on other sites, such as to provide reassurance to Members that – in her experience of working on a variety of sites – there had not been situations and difficulties which could not be resolved in conjunction with Yorkshire Water and solutions they suggested.
- It was clarified that Yorkshire Water have not submitted an objection to the proposal. The process would now be – as with many other development sites across the country – that there would be a pre-commencement condition attached to the permission requiring a technical solution to be found and details of that to be submitted within the 3-year ‘window’ for commencement of development. If a technical solution could not be found, development could simply not be commenced, and the proposal could not proceed.
- In relation to making the units accessible for disabled people, she said that the units could be easily modified using ramps and for those who were visually impaired. No specific details could be provided at the meeting, but this would form part of the more detailed design for planning. It was noted that one or more of the units could be modified to be fully accessible.
- The agent said that she had not seen the deeds for the land, so was unable to comment on the access of the footpath. However, people do not usually have an issue when repairs and maintenance of pathways

are offered. It was noted that the landowner had not been spoken to by the agent.

- The design of the glamping site had been done in accordance with the Neighbourhood Plan ensuring that key views remained, and the units were away from residential properties.
- It was the view of the agent that the small development would not have an impact on the roads around the area, as there were to be only 8 units, so only a small increase in the number of vehicles. Signs would be used to direct visitors to use the footpaths.
- In relation to mature trees in the area, an assessment had been carried out and the trees would be protected during construction with the loss of no trees. Only a small section of hedgerow would be removed, and landscape planting was to be provided.
- This site was for people mainly couples who wanted a quiet break. They would be able to bring their own alcohol if they wished to do so. A noise assessment had been undertaken and it was the view that the site would have little impact in relation to noise nuisance. Should residents have complaints, contact details would be provided. Should anyone be found to be acting in an anti-social way they would be asked to leave the site immediately. This was not proposed as a site for stag and hen parties.
- The site would be operational 365 days a year providing maximum economical benefits. During hours of darkness torches would be provided and light sensors were to be used to minimise the effect of light pollution from site lighting.
- The agent advised the Panel that a site manager was to be employed as an emergency contact who would live close by and be on 24 hour call out.
- There was no discussion about increasing the number of units, this was to be a long-term investment.
- The applicant proposed to use a gate to the site which would be accessible for wheelchair users.
- The agent was of the view that dogs would not be allowed on the site, due to grazing animals. However, if this restriction was not maintained long-term there would in any event be the installation of stock-proof fences and robust hedgerows on the boundaries to protect grazing animals. Ongoing maintenance of the site would ensure that any 'breaks' on the boundaries would be remedied.
- It was noted that Natural England would be consulted in relation to the Great Crested Newts and their management. Work would only be undertaken once the necessary licence(s) had been obtained from Natural England and work could proceed legally under the licence(s).
- Recycling bins would be provided.

Officers responded to questions from the Panel providing the following information:

- In relation to the proposed traffic calming measures which had been promised in 2022, the Highways Officer was unable to provide

information on why there were delays. He said that he would check and provide an update to Members.

- The proposed pumping station would be a subterranean unit which was standard for this type of development.
- The position was clarified again with regards to Yorkshire Water, confirming that they had not raised a formal objection in their role as consultee when consulted on the proposal. Conditions were proposed that would prevent commencement of development until a solution to any potential sewerage and drainage problems was found
- In relation to Condition 25 it was suggested that the log burners in the units should only use smokeless fuel.
- The units would use solar panels for electricity, and a backup generator would also be installed which had a low noise output. There were currently no details where this would be controlled from.
- Officers acknowledged this location was not well served by public transport. It was noted that Accessibility Standard T2 did not provide a clear definition for this type of development, it mainly related to employment, infrastructure, health, education and retail.
- It was recognised by officers there was no policy on glamping sites, and this could be investigated for the future to assist Members with their consideration of any future sites.
- Members were provided with clarification on the definition of PROW and possible current ownership of / responsibility for the trackway, subject to confirmation of this following further investigation into and overlay of plans.
- Comment could not be made on what may be developed on this site if permission were not given to the current proposal, nor what Members may like to see on the site. Members must focus on the application submitted and before them for determination.

Members comments included:

- Protocols for Panels when considering camping / glamping sites.
- Confusion over ownership of the footpath.
- Pedestrian links to village unsafe and dark.
- Drainage issues, no evidence submitted to resolve the situation.

Cllr Barry Anderson proposed a motion to refuse the application for the following reasons:

1. No public transport
2. Drainage issues
3. Footpaths / PROW issues and uncertainty
4. No clarification on disabled access
5. Proposal contrary to Policy BE2 of the Walton Neighbourhood Plan

This was seconded by Cllr Stephenson.

Officers advised Members that if they resolved that planning permission should be refused then officers, in accordance with established protocol, would bring back a further report to Plans Panel for Members to consider the

detailed wording of suggested reasons for refusal based on the Panel resolution. On being put to the vote this motion was not carried with 2 votes for, 6 votes against and no abstentions.

Cllr Heselwood proposed a motion to defer the application for further information on:

1. Highways
2. Footpaths
3. Drainage
4. Disabled access
5. Consultation with community

This was seconded by Cllr Ray Jones, and on being put to the vote was carried with 6 votes for, no votes against and 2 abstentions.

RESOLVED – To defer the application for further information as set out above.

8 Date and Time of Next Meeting

RESOLVED – To note the next meeting of North and East Plans Panel will be on Thursday 29th June 2023 at 1.30pm in Civic Hall.

The meeting concluded at 15:40

Appendix 2

THIS IS A PRINT OF THE VIEW OF THE REGISTER OBTAINED FROM HM LAND REGISTRY SHOWING THE ENTRIES SUBSISTING IN THE REGISTER ON 2 JUN 2023 AT 10:56:36. BUT PLEASE NOTE THAT THIS REGISTER VIEW IS NOT ADMISSIBLE IN A COURT IN THE SAME WAY AS AN OFFICIAL COPY WITHIN THE MEANING OF S.67 LAND REGISTRATION ACT 2002. UNLIKE AN OFFICIAL COPY, IT MAY NOT ENTITLE A PERSON TO BE INDEMNIFIED BY THE REGISTRAR IF HE OR SHE SUFFERS LOSS BY REASON OF A MISTAKE CONTAINED WITHIN IT. THE ENTRIES SHOWN DO NOT TAKE ACCOUNT OF ANY APPLICATIONS PENDING IN HM LAND REGISTRY. FOR SEARCH PURPOSES THE ABOVE DATE SHOULD BE USED AS THE SEARCH FROM DATE.

THIS TITLE IS DEALT WITH BY HM LAND REGISTRY, NOTTINGHAM OFFICE.

TITLE NUMBER: WYK20381

There is no application or official search pending against this title.

A: Property Register

This register describes the land and estate comprised in the title.

WEST YORKSHIRE : LEEDS

1 (13.03.1975) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being land and buildings on the North West side of Hall Park Road, Walton.

2 The Conveyance dated 30 December 1922 referred to in the Charges Register contains the following provision:-

PROVIDED ALWAYS and it is hereby expressly agreed and declared that the access and user of light and air to and for the said hereditaments and to and for any building or erection for the time being erected and standing thereon from and over any adjoining or neighbouring land of the Vendor shall be deemed to be enjoyed with the express consent of the Vendor and that it shall be lawful for the Vendors his heirs or assigns owner or owners of any adjoining or neighbouring land to erect new buildings or erection or alter existing buildings or erections on any such land in such manner as he or they may think proper without regard to any interference which may be thereby caused to such access of light or air and without any formal revocation of such consent as aforesaid.

3 The land tinted blue on the filed plan has the benefit of the following rights granted by but is subject to the following rights reserved by the Conveyance therewith with other land dated 5 June 1947 referred to in the Charges Register:-

"TOGETHER with full right and liberty for the Sub-Purchasers and their successors in title and all persons expressly or impliedly authorised by them and (in common with all other persons having the like right) to go pass and repass at all times and for all purposes over and along the road or pathway running along the Western Boundary or side of the said piece or parcel of land hereby conveyed and coloured Brown on the said Plan annexed hereto the Sub-Purchasers and their successors in title from time to time paying a reasonable proportion of the costs of keeping such Road or Pathway in proper repair such proportion to be determined by the Avert for the time being of the said George Richard Lane Fox or his successors in title

THERE is reserved to the Vendor and his successors in title owners and occupiers for the time being of the Vendors adjoining property situate to the South and coloured round with Green on the Plan annexed hereto and of every part thereof the uninterrupted access of light and air at all times hereafter over the property hereby conveyed and to any buildings of whatever height and in whatever position they may be placed which have hitherto been erected or shall hereafter be erected or stand on the said adjoining land of the Vendor or any part thereof and to any such buildings notwithstanding the said buildings and windows and appertures may from time to time be altered in position height or otherwise

THERE is also excepted and reserved to the Vendor and his successors in title and grantees and to all other persons now entitled or hereafter

A: Property Register continued

to be entitled to the like right the right to an uninterrupted flow of water soil sewage and of any kind of effluent from the drain or any substituted or additional drain on the Vendor's adjoining land and at present in his own occupation

THERE is also excepted and reserved to the Vendor and his successors in title and grantees and to all other persons now entitled or hereafter to be entitled to the like right the right to an uninterrupted flow of water soil sewage and of any kind of effluent from the drain or any substituted or additional drain on the Vendor's adjoining land and at present in his own occupation

TOGETHER with the right with or without workmen or materials and as and when necessary to enter upon the property hereby conveyed for the purpose of cleansing and repairing any damage caused to the Ditch adjoining the Western Boundary of the property hereby conveyed making good all damage caused thereby with all reasonable speed."

NOTE: The roadway coloured brown has been tinted brown on the filed plan.

- 4 The land has the benefit of the rights granted by but is subject as mentioned in a Conveyance of the land in this title dated 30 January 1975 made between (1) Richardson & Pattinson Limited and (2) William Anthony Barker and Jean Mary Barker in the following terms:-

"SUBJECT NEVERTHELESS to but with the benefit of

ALL

Rights of way light or drainage and other easements (if any) affecting the said property."

- 5 The Conveyance dated 30 January 1975 referred to above contains the following provision:-

"IT IS HEREBY AGREED AND DECLARED that the Purchasers shall not by virtue of this Conveyance be or become entitled to any right of access of light or air which will in any way prejudicially affect the free and unrestricted user of the Vendor or its successors in title of any adjoining or neighbouring land belonging to it or them for building or any other purposes."

- 6 (19.03.1980) The land edged and numbered in green on the title plan has been removed from this title and registered under the title number or numbers shown in green on the said plan.

- 7 The land has the benefit of the following rights granted by a Deed dated 18 October 1979 made between (1) Geoffrey Beadnall and Florence Beadnall (Grantors) and (2) William Anthony Barker and Jean Mary Barker (Grantees):-

"Full right and liberty for the Grantees and their successors in title the owners and occupiers for the time being of the land comprised in title number WYK20381 and each and every part thereof:

(i) To lay and maintain a line of sewage and foul water drainage pipes through the said land comprised in title number WYK16977 in a line running within six feet of the westerly boundary of the said land such pipes to be laid solely at the expense of the Grantees and thereafter to drain through the said line of pipes sewage water and soil from the said land comprised in title number WYK20381 and each and every part thereof

(ii) To enter upon the said land comprised in title number WYK16977 so far only as may be necessary for the laying inspection repair and maintenance of the said line of pipes or for the purpose of making repairing and maintaining such connections as aforesaid but not for any other purpose whatsoever."

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (08.02.2022) PROPRIETOR: HUGH ANTHONY FREDERICK BARKER and RICHARD WILLIAM SMEDLEY of 36 Burgate, Pickering YO18 7AU.
- 2 (12.05.2009) RESTRICTION: No disposition by a sole proprietor of the registered estate (except a trust corporation) under which capital money arises is to be registered unless authorised by an order of the court.
- 3 (08.02.2022) A Transfer to a former proprietor contains a covenant to observe and perform the covenants referred to in the Charges Register and of indemnity in respect thereof.
- 4 (10.11.2022) The proprietor's address for service has been changed.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 A Conveyance of the land tinted blue on the filed plan and other land dated 30 December 1922 made between (1) George Richard Lane Fox (Vendor) and (2) Thomas Hammond (Purchaser) contains the following covenants:-

THE Purchaser his heirs or assigns to the intent and so that the covenants hereinafter contained may be binding upon the said hereditaments unto whosoever hands the same may come but not so as to render the Purchaser his heirs or assigns personally liable in damages for any breach thereof after he or they shall have parted with all interests in the premises in respect of which such breach shall occur do hereby Covenant with the Vendor his heirs and assigns in manner following that is to say

1. That no dwellinghouse or other building or erection shall be erected or placed upon the said hereditaments or any part thereof except in accordance with plans elevations and specifications approved of in writing by the Agent of the Vendor before the work is commenced and on the terms that the reasonable fees of such Agents for the approval of such plans and elevations and specifications shall be paid by the Purchaser

2. That no hut caravan house on wheels pigstye or other building or thing which may be a nuisance or annoyance to the owner or owners or occupier or occupiers for the time being of any adjoining or neighbouring property of the Vendor shall at any time be permitted to be or remain on the said hereditaments or any part thereof.

- 2 A Conveyance of the land tinted blue on the filed plan and other land dated 5 June 1947 made between (1) Thomas Hammond (Vendor) (2) Felicity Lane Fox and (3) James Edward McCann and Edith Ellen McCann (Sub-Purchasers) contains the following covenants:-

"THE SUB-PURCHASERS hereby jointly and severally COVENANT with the Vendor and his succesosrs in title that they the Sub-Purchasers and their successors in title will

.....
..

Ensure that no building or erection or structure shall at any time hereafter be erected built or placed upon the property hereby conveyed at a distance of less than Seven yards from the Northern Boundary of the Vendors adjoining land."

Title number WYK20381

C: Charges Register continued

3 The land tinted pink on the filed plan is subject to the following rights reserved by a Conveyance thereof with other land dated 21 September 1964 made between (1) The Honourable Marcia Agnes Lane Fox (Vendor) and (2) Gilbert Victor Close:-

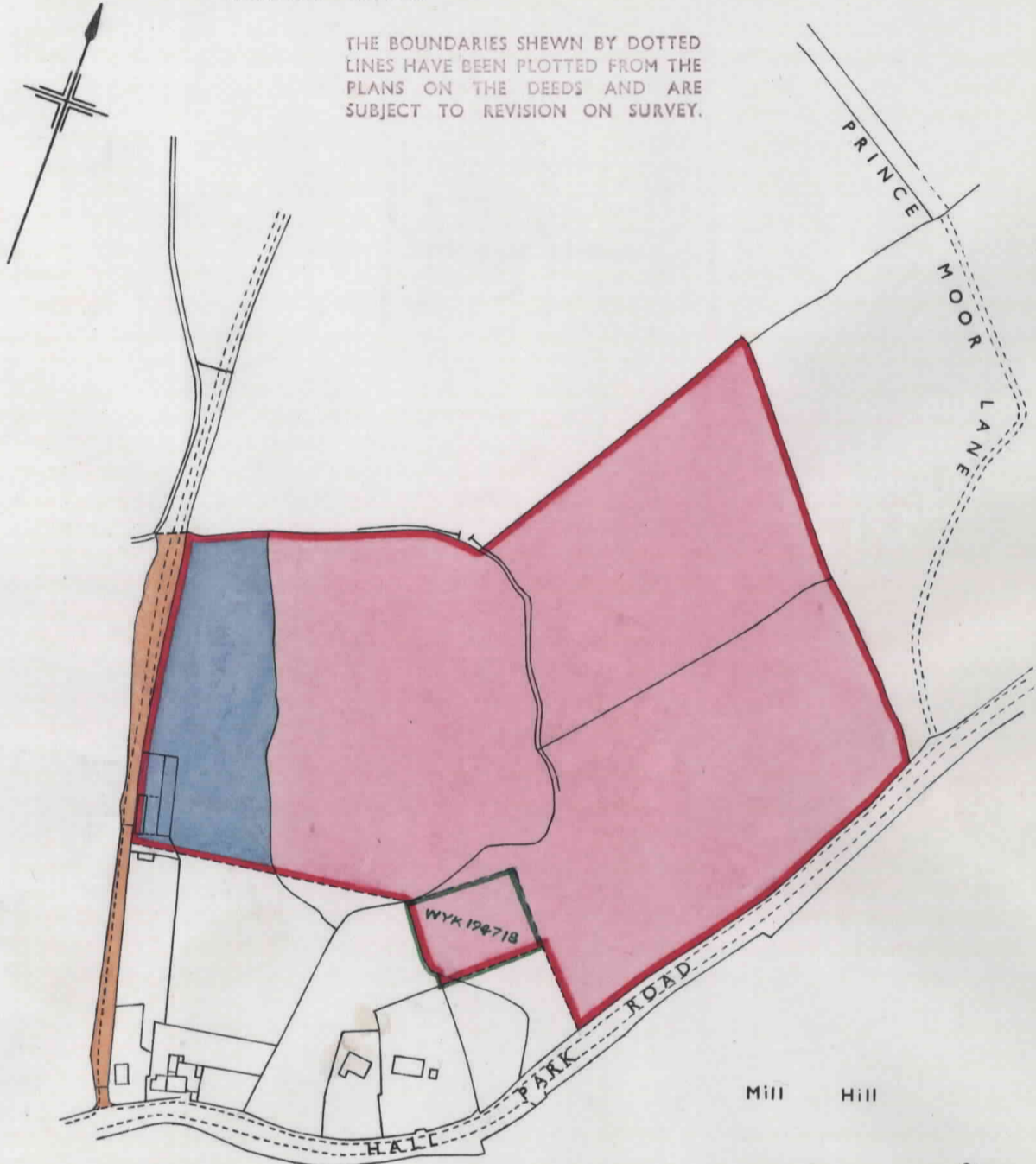
"FOR the benefit of the Vendor's neighbouring property retained by her there is excepted and reserved out of this Conveyance all such easements rights privileges and advantages over the property hereby conveyed as would by virtue of Section 62 of the Law of Property Act 1925 pass on a Conveyance of such adjoining property."

End of register

H.M. LAND REGISTRY		TITLE NUMBER	
		WYK20381 ✓	
ORDNANCE SURVEY PLAN REFERENCE	SE 4448	SE 4447	SECTION
COUNTY WEST YORKSHIRE			DISTRICT LEEDS
			Scale 1/2500
			© Crown copyright 1975

WALTON PARISH

THE BOUNDARIES SHEWN BY DOTTED LINES HAVE BEEN PLOTTED FROM THE PLANS ON THE DEEDS AND ARE SUBJECT TO REVISION ON SURVEY.



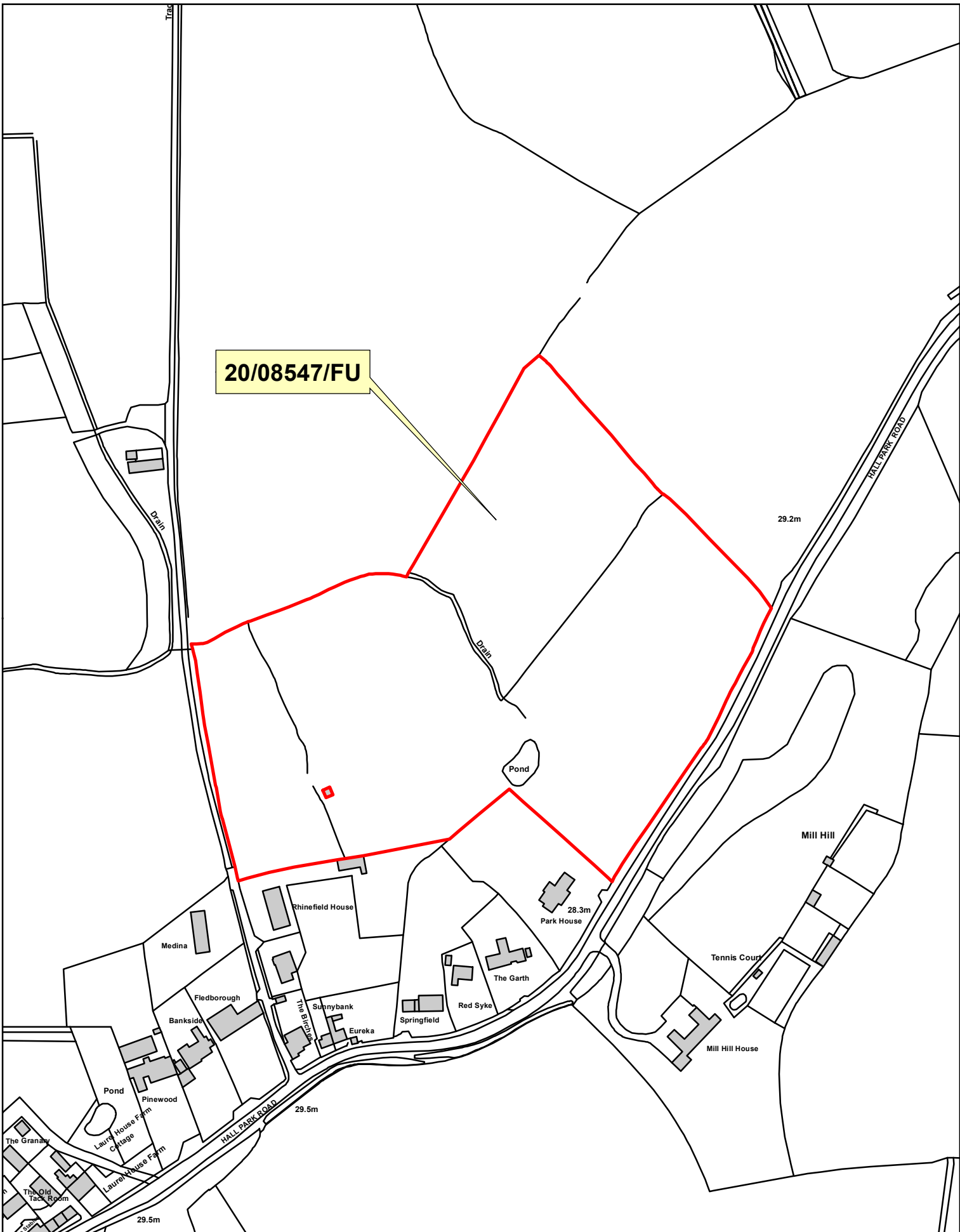
SE 4448
SE 4447



This is a print of the view of the title plan obtained from HM Land Registry showing the state of the title plan on 02 June 2023 at 10:55:39. This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

This title is dealt with by HM Land Registry, Nottingham Office.

© Crown Copyright. Produced by HM Land Registry. Reproduction in whole or in part is prohibited without the prior written permission of Ordnance Survey. Licence Number 100026316.



20/08547/FU

NORTH AND EAST PLANS PANEL

© Crown copyright and database rights 2022 Ordnance Survey 100019567

PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1 / 2500





PLANS PANEL PRESENTATION

SCALE 1:2500

