

COMMITTEE REPORT

Date: 19 March 2015 **Ward:** Wheldrake
Team: Major and **Parish:** Naburn Parish Council
 Commercial

Reference: 14/02807/FULM
Application at: Naburn Lock Caravan Park Naburn Lock Track Naburn York
For: Variation of condition 6 of permitted applications 8/06/59P/PA and
 8/06/59L/PA to allow all year round use of touring caravans and
 tents
By: Mr & Mrs Peter & Catherine Wilkinson
Application Type: Major Full Application (13 weeks)
Target Date: 27 April 2015
Recommendation: Refuse

1.0 PROPOSAL

1.1 Naburn Lock comprises a 100 pitch touring caravan site presently subject to a seasonal restriction enforcing a closure period from the end of October to March, lying within the general extent of York Green Belt to the south of Naburn village. Planning permission under Section 73 of the 1990 Town and Country Planning Act is sought to vary condition 6 of planning permissions 8/06/59P/PA and 8/06/59L/PA to allow for year round usage of the caravan park.

2.0 POLICY CONTEXT

2.1 Regional Spatial Strategy saved policies:

YH9C

Y1C

2.2 NPPF

Preserving the Green Belt paras 79, 87,88, 89 and 90.

2.3 Emerging Draft York Local Plan (Publication Draft 2014)
Policies SS2 and GB1.

2.4 2005 Draft Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

Flood zone 2 GMS Constraints: Flood zone 2

Flood zone 3 GMS Constraints: Flood zone 3

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2.5 2005 Draft Policies:

CYGB1 -Development within the Green Belt

CYHE4 -Listed Buildings

CYV5 -Caravan and camping sites

3.0 CONSULTATIONS

INTERNAL:-

3.1 Environmental Protection Unit were consulted with regard to the proposal on 9th February 2015. No response has been received at the time of writing.

3.2 Highway Network Management raise no objection to the proposal.

EXTERNAL:-

3.3 Naburn Parish Council raise no objection to the proposal.

3.4 The Environment Agency raise no objection to the proposal.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- * Impact upon the Open Character of the Green Belt;
- * Impact upon the setting of Naburn Banqueting House, a Grade II Listed Building.

STATUS OF THE YORK DEVELOPMENT CONTROL LOCAL PLAN(2005, 4th Set of Changes):-

4.2 The York Development Control Local Plan was approved for Development Control purposes in April 2005; its policies remain material considerations in respect of Development Management decisions although it is considered that their weight is limited except where in accordance with the National Planning Policy Framework.

PLANNING POLICY CONTEXT:-

4.3 GREEN BELT:- The general extent of the York Green Belt is defined within saved Yorkshire and Humber RSS Policies YH9C and Y1C as such Central Government Policy in respect of Green Belts as outlined in the National Planning Policy Framework applies. Central Government Planning Policy as outlined in

paragraph 87 of the National Planning Policy Framework indicates that inappropriate development within the Green Belt is by definition harmful to the Green Belt and should not therefore be approved other than in very special circumstances.

Paragraph 88 establishes the weight to be given to a submitted case to establish "very special circumstances". This clearly argues that when considering a planning application Local Planning Authorities should ensure that substantial weight should be given to any harm to the Green Belt. "Very special circumstances" will not be held to exist unless the potential harm by reason of inappropriateness and any other harm are outweighed by other considerations.

4.4 IMPACT UPON DESIGNATED HERITAGE ASSETS:- Central Government Planning Policy in respect of safeguarding the setting of Listed Buildings and other Designated Heritage Assets as outlined in paragraph 132 of the National Planning Policy Framework urges Local Planning Authorities to give great weight in considering the impact of proposed development on the significance of a Designated Heritage Asset, to the Asset's conservation.

IMPACT UPON THE OPEN CHARACTER OF THE GREEN BELT:-

4.5 Central Government Planning Policy as outlined in paragraph 79 of the National Planning Policy Framework outlines the defining characteristics of Green Belt areas as being their "openness" and "permanence." The application site lies within a rolling rural landscape characterised by a traditional boundary pattern of mature trees and lengths of hedgerow. The caravan site as laid out in accordance with the previous planning permissions broadly respects that pattern. However the previous permissions were subject to conditions to effectively prevent operation during the winter months when foliage would not be in leaf in order to secure the open character of the Green Belt in accordance with the former PPG2 "Green Belts".

4.6 The applicant seeks to remove the seasonal restriction on the basis of securing the viability of the caravan site by being able to compete on equal terms with operators who are able to open on a year round basis and to be able to continue to employ seasonal staff on a year round basis. It is further contended that notwithstanding the reasoning behind the previous planning conditions, the impact upon the openness of the Green Belt arising from year round opening would be modest. An appeal decision from Cumbria has been submitted in support of the proposal. The subject of the appeal was however within the Lake District National Park and the policy test of fulfilling National Park purposes is a fundamentally different one to securing the open character of the Green Belt. It will therefore be given very little weight in considering the current proposal.

4.7 The applicant also draws attention to the advice from Central Government contained within the now cancelled "Good Practice Guide on Planning and Tourism". This urged Local Planning Authorities to give significant weight to the need support the needs of the tourism sector by not imposing seasonal restrictions on caravan and other holiday accommodation sites where there is not a clear

justification for doing so. Notwithstanding the obsolescence of the guidance, it is felt that in any event the need to safeguard the open character of the Green Belt in a visually vulnerable location is such a clear justification.

4.8 The application site slopes significantly from east to west in the direction of the banks of the River Ouse and there is at the same time a very pronounced slope to the east in the direction of the B1224 Stillingfleet Lane, with the caravan site significantly elevated relative to the road. The site has mature landscaping which reflects the local pattern of boundary treatment and an earth bund fronting on to Stillingfleet Lane. However, the landscaping is overwhelmingly deciduous with the consequence that parked caravans with the associated activity would be highly visible in the surrounding landscape to the east and notably to the west in views up from the River Ouse to the serious detriment of the open character of the Green Belt. Substantial weight has been given to this harm, in considering the application.

4.9 In order to weigh against the clear harm to the open character of the Green Belt the applicant has put forward a case based upon unmet demand and the need to secure long term employment of seasonal staff and the viability of the site. This has not however been substantiated in any way and as such can not be taken to fulfil the test outlined in paragraph 88 of the National Planning Policy Framework of outweighing harm to the Green Belt by reason of inappropriateness and any other harm. As a consequence it is felt that the proposal would not be acceptable due to the harm to the Green Belt.

IMPACT UPON THE SETTING OF NABURN BANQUETING HOUSE (LISTED BUILDING):-

4.10 The application site lies directly to the east of Naburn Banqueting House, a Grade II Listed early 19th Century entertainment venue originally constructed for the Ouse Navigation Company. The building was designed to receive guests from the River against the landscaped back drop behind and this forms a clearly defined setting to the building. During the summer months when the landscaping surrounding the site is in full leaf there is little inter-visibility between the two sites. However during the winter months the application site with its steeply rising topography is clearly visible from the Banqueting House with the service connections and site lighting particularly prominent.

4.11 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out a statutory duty for Local Planning Authorities to have special regard to the safeguarding of the setting of Listed Buildings. At the same time Central Government Planning Policy in respect of Listed Building Control as outlined in paragraph 132 of the National Planning Policy Framework urges Local Planning Authorities to afford significant weight to the conservation of the significance of Heritage Assets such as Listed Buildings with unsuitable development within their setting particularly harmful. To allow usage of the caravan site during the winter months, when the caravans themselves together with the associated paraphernalia

would be especially prominent, would clearly cause significant harm to the setting of the building. The applicant has not submitted any detail as to alternative means of mitigation of that harm or even to acknowledge that the harm exists. Significant weight is given to the harm to the setting of the listed building in the consideration of this application

5.0 CONCLUSION

5.1 Naburn Lock comprises a 100 pitch caravan site subject to a seasonal restriction from the end of October to the beginning of March, lying within the general extent of the York Green Belt to the south of Naburn village. Planning permission is sought under Section 73 of the 1990 Town and Country Planning Act to vary the permission by removing condition 6 of planning permissions 8/06/59P/PA and 8/06/59I/PA to allow for all year operation. The proposal asserts that it is justified on the basis of a viability need and a modest impact upon the open character of the Green Belt. The viability and economic justification for the proposal has not however been adequately substantiated, such as to amount to very special circumstances which would outweigh the substantial harm to the Green Belt.

5.2 In terms of impact upon the openness of the Green Belt the topography and landscape treatment of the site is such that contrary to the case put forward, it is highly prominent within the surrounding landscape during the winter months when the surrounding trees and other mature landscaping are not in leaf. Harm to the open character of the Green Belt would therefore be substantial and it is considered that permission should be refused on that basis.

5.3 Notwithstanding the issue of harm to the open character of the Green Belt, the site lies in close proximity to Naburn Banqueting House a Grade II Listed Building. During the summer months when trees and other landscaping is in leaf any harm to the setting of the building is modest, however during the winter months the site becomes highly prominent in long and short distance views from the Banqueting House and harm to the setting becomes significant. No alternative means of mitigation of that harm has been brought forward and there has been no acknowledgment that there is even any harm on the part of the applicant. Planning permission should therefore also be refused due to the harm to the setting of the listed building..

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The proposal by virtue of introducing caravans and associated activity in a location rendered visually prominent by the absence of foliage would cause serious adverse harm to the open character of the Green Belt contrary to paragraph 79 of the National Planning Policy Framework.

2 The proposal by virtue of introducing caravans with associated paraphernalia and activity within the principal public viewpoints of Naburn Banqueting House during periods when the surrounding vegetation affords minimal protection would cause significant harm to the setting of Naburn Banqueting House a Grade II Listed Building. Such harm is given substantial weight in accordance with Section 66 of the 1990 Planning(Listed Buildings and Conservations Areas) Act and paragraph 132 of the National Planning Policy Framework.

7.0 INFORMATIVES:

Notes to Applicant

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in an attempt to achieve a positive outcome:

Submit alternative means of mitigation of harm to the setting of Naburn Banqueting House a Grade II Listed Building.

However, the applicant/agent was unwilling to amend the application in line with these suggestions, resulting in planning permission being refused for the reasons stated.

Contact details:

Author: Erik Matthews Development Management Officer

Tel No: 01904 551416