

COMMITTEE REPORT

Date: 11 April 2013 **Ward:** Huntington/New Earswick
Team: Major and Commercial Team **Parish:** Huntington Parish Council

Reference: 12/03690/FUL
Application at: Chowdene Malton Road Huntington York YO32 9TD
For: Change of use of land to permit the creation of 20 pitches for touring caravans or tents and erection of toilet block (resubmission)
By: Mr David Wardell
Application Type: Full Application
Target Date: 4 February 2013
Recommendation: Refuse

1.0 PROPOSAL

1.1 Planning permission is sought for the use of an area of land to the north side of Malton Road for the creation of 20 pitches for touring caravans or tents.

1.2 The application land is located adjacent to the applicant's property, known as Chowdene. Chowdene is located to the rear of properties facing Malton Road. Access to the property is via an unadopted access road which runs along the side of 219 Malton Road. The access serves the site and a small industrial unit which is currently operating as a window business. The site itself is located to the north of Chowdene and consists of a grassed field and hardstanding access areas. The field is currently set out to provide five caravan pitches with electric hook ups. The site area, which is noted on the application form as 0.5 Ha, measures approximately 120 metres (east to west) with a depth (north to south) of between 30 and 45 metres.

1.3 The proposal is to allow the use of the site for a 20 pitch touring caravan and/ or camping site. The proposal does not involve any alterations to the site itself but includes the provision of a small toilet block which is to be located adjacent to Chowdene. The toilet block building measures 3.2 metres by 1.9 with a maximum height to a mono-pitched roof of 2.5 metres. To the north of the site is a soil bund. To the east and west are existing mature boundaries beyond which is open land.

Planning History

1.4 Planning permission for the use of the site for the siting of 40 caravans and tents was withdrawn in November 2012

1.5 The site currently operates as a certified site through a certificate issued by the Caravan and Camping Club. The certification allows up to 5 caravans and tents to occupy the site provided they are member of the Caravan and Camping Club.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

2.2 Policies:

CYV5

Caravan and camping sites

CYT2

Cycle pedestrian network

3.0 CONSULTATIONS

INTERNAL

3.1 Highway Network Management - The development proposed will intensify the use of a substandard access of restricted width. The increase in traffic using the access will predominantly be by vehicles with trailers/caravans. The access is taken from an A classified highway which is a main artery into the city and carries high frequency public transport services. The limited width cannot be improved due to boundary features/land ownership and will make access for cars towing trailers/caravans or HGV`s particularly difficult. The restrictive width together with the increased frequency of use of the access will increase the likelihood of such vehicles having to wait on or reverse out onto A1036 Malton Road. Such manoeuvres would be detrimental to the safety of highway users, particularly vulnerable highway users such as pedestrians and cyclists. Furthermore the increased frequency of vehicles having to wait to enter the site or having to reverse into Malton Road will interfere with the free flow of traffic with associated detrimental impacts on service reliability to public transport routes including Park and Ride.

EXTERNAL

3.2 Huntington Parish Council - No objections

3.3 Foss Internal Drainage Board - Concerned that soakaways will not work in this area object to the application until it is shown that the surface water can be satisfactorily drained from the site.

3.4 Four letters of objection have been received covering the following points:-

- The reason for withdrawal of the original permission has not been overcome the access road can not be widened at the entrance and there will be problems with towed vehicles. Traffic is already queuing to the Monks Cross roundabout this is a nuisance but would be a greater problem if caravans and cars were manoeuvring at the entrance to the site.
- The information submitted does not show any plans for dealing with the storage or collection of waste.
- Questions in relation to biodiversity say that there will be no impact, a considerable amount of delay has occurred to the Monks Cross development because of an established pond and protected species area to the rear of the site.
- Section 15, trees and hedges, both questions are answered no when in fact there are trees and hedges on all sides. A row of trees was felled to make way for the camping pods.
- The numbers of caravans and tents still seems a lot for the site. There is no mention of the camping pods despite being reminded in a previous letter
- Still have concerns about flood risk and foul waste disposal. It is noted that a cess pit is now proposed.
- The current proposal does not address the concerns raised on the original application.

4.0 APPRAISAL

4.1 Key Issues:

- Location of the site within the greenbelt
- Highway safety
- Drainage
- Residential amenity

POLICY BACKGROUND

4.2 The site is located within the Green Belt on the north side of York.

4.3 Section 9 of the National Planning Policy Framework (NPPF) says that the essential characteristics of Green Belts are their openness and their permanence.

Once defined local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land (para.81). The NPPF says that the construction of new buildings should be regarded as inappropriate. Exceptions to this include the provision of appropriate facilities for outdoor sport and outdoor recreation as long as the openness of the Green Belt is preserved and proposals do not conflict with the purposes of including land within the Green Belt.

4.4 Section 3 of the NPPF 'Supporting a prosperous rural economy' says that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should among other things support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. Section 4 'Promoting sustainable transport' encourages the promotion of sustainable transport measures as part of the planning process.

4.5 Paragraph 17 of the NPPF sets out core land-use planning principles which should underpin decision taking. The principles include the requirement to protect Green Belts and to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focusing significant development in locations which are or can be made sustainable.

4.6 The current Draft Local Plan (DLP) identifies the site as located within a recreational opportunity area within the Green Belt. Policy L1d of the Draft Local Plan says that it is anticipated that such sites would be brought forward with reserved land in a comprehensive way if such land is needed for future development beyond the lifetime of this plan i.e. post 2011.

4.7 Policy V5 of the DLP relates specifically to touring caravan/camping sites and sets out criteria for assessing proposals. The policy specifies that the number of pitches should not exceed 20, and that there should be no pitches for static caravans. In addition, the proposal should not involve the erection of permanently sited ancillary buildings other than toilets/washrooms and a site office, the site should be associated with an existing settlement and of a compatible scale to the settlement, and should be readily accessible by public transport. Further criteria within the policy are that the proposal has no adverse effect on the openness of Green Belt, it provides a direct benefit to the local residential workforce, the approach roads are of a suitable standard to accommodate caravans, there is no adverse effect on the provision of local services, the proposal is complementary to recreational opportunities in the vicinity and it provides a direct benefit to the local residential rural community.

4.8 The objectives of the transport section is among other things to achieve development patterns which give people the choice and positively promotes more environmentally friendly means of transport than the car. Policy T2a states that planning permission will not be granted for any development that would prevent the use of any part of the existing pedestrian and cycle networks or other rights of way, or compromise the safety of users thereon unless alternative routes will be provided.

4.9 The Good Practice Guide for Planning and Tourism expects planners and developers to work together in order to ensure that new tourism developments are as sustainable as possible in transport terms. At the same time, planners will need to recognise that the wide variety of developments that are inherent in the tourism industry means that there are some developments (e.g. touring sites for caravans) that are car dependent. From a sustainability perspective the site is considered to be well located.

GREEN BELT

4.10 The proposal is for use of land for recreational purposes and the construction of a new amenity block. In Green Belt terms the use and buildings proposed are not inappropriate as long as the openness of the Green Belt is preserved and proposals do not conflict with the purposes of including land within the Green Belt. In this context the main issues are:-

- Whether the proposal would be inappropriate development for the purposes the NPPF and development plan policy.
- The effect of the proposal on the openness of the Green Belt and the purposes of including land in it.
- If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

4.11 The site is a well contained area of land located to the rear of the applicant's bungalow. To the rear of the site, beyond the application site boundary, is a landscaped earth bund; to the east and west there is substantial landscaping. Planning permission has recently been granted on land to the east to increase the land levels as part of the proposals for the Monks Cross development. The proposed amenity block is of limited size and is sited in close proximity to the existing bungalow. In officers opinion the site is sufficiently screened by existing landscaping such that the proposal would not impact on the openness of the Green Belt. The development is considered to be appropriate development in the Green Belt in the context of advice in the NPPF.

4.12 The NPPF (para 80) states that the Green Belt serves five purposes including the preservation of the setting and special character of historic towns and safeguarding the countryside from encroachment. It is considered that the location of the site, set back from the road and relatively well contained by well defined boundaries, will not impact on the purposes of including land within Green Belt. The principle of the use of the site as a caravan site is considered to comply with policies within the NPPF and accord with the in principle requirements of Policy V5 of the DLP.

4.13 The identification of the application site as reserved land anticipated that the development of Monks Cross South would be the catalyst for the development of the site. The recent approvals at Monks Cross south do not include the application site nor did the 2002 application for the Park and Ride scheme and adjacent pond. The retention of the land for development associated with Monks Cross does not now appear to be necessary given the completion of the pond and Park and Ride scheme, the approval on the Monks Cross south site and the recent approval to increase the height of the land to the east of the site in association with the Monks Cross development. However the allocation does recognise the potential of the site to fulfil a recreational use whilst remaining within the Green Belt.

HIGHWAY SAFETY

4.14 Access to the site is obtained via a dropped vehicle crossing onto the A1037 Malton Road. Malton Road is an A classified highway (A1036) which is a main artery into/out of the city. The route also serves as a main access to the large retail/leisure park, employment sites and the Park and Ride site at Monks Cross. Malton Road is used by a number of high frequency public transport services and has bus priority measures along its route to protect the frequency and reliability of public transport services. The adjacent footway along Malton Road which crosses the site access is a shared pedestrian/cycle route. This is a key corridor which links Monks Cross to adjacent residential areas and the city centre. The width of the private drive for the initial 50m from the public highway leading to the site itself is of very limited and only capable of accommodating single flow traffic. The land either side of the initial 50m of the site access and along its length is outside the applicant's control and the red line boundary does not connect to the public highway. It is therefore not possible to improve/upgrade the access to provide two-way flow, provide passing places or accommodate the level of traffic that could be expected to be generated by the development. The private drive also serves as an access to a local business which manufactures windows. This business will generate a certain level of traffic, a proportion of which can be reasonably assumed to be HGV's.

4.15 The applicant's view is that the proposal will generate no more traffic than the current certificated site operated from the land. The application is however not supported by any documentary evidence or surveys of current traffic generation. Paragraph A2 of part 5 of schedule 2 of the Town and Country Planning General

Permitted Development Order (GPDO) sets out permitted development rights for caravans. It says that caravans are exempt from planning permission where exempt by a site licence by paragraphs 2-10 of Schedule 1 of the caravan and site licences 1960 Act. The GPDO and the Caravan Act 1960 together allow use of any land for up to five touring caravans by members of the Caravan Club, the Camping and Caravanning Club and other recognised recreational organisations, provided the site has an exemption certificate. Part 27 of Schedule 2 of the GPDO 1995 permits the use of land by members of a recreational organisation for the purposes of recreation or instruction, including the erection or placing of tents on the land for the purposes of the use.

4.16 The applicant has an exemption certificate from the Caravan and Camping Club which allows up to 5 caravans and an unlimited number of tents to be placed on the site provided these are used by members of the Club. Mr Wardell considers that this exemption is sufficient to represent a fall back position in planning terms such that the formalization of the caravan site for 20 pitches would not increase the levels of vehicle movement.

4.17 The 'fallback' position (i.e. what the applicant could do without the need for planning permission or if planning permission is refused) is a material consideration in the decision making process, of which permitted development rights granted by the GPDO comprise a part. Thus when making a decision on a planning application some weight may be given to a situation where development carried out to slightly reduced dimensions or at a marginally lesser level could be implemented using permitted development rights. The weight to be given to such a material consideration varies according to whether that which could be carried out using permitted development rights would have a broadly similar or worse impact than that proposed, and the likelihood that, if permission was refused, permitted development rights would be used as an alternative. Obviously in this case the site already benefits from a "five caravan" exemption certificate and this is acknowledged as part of the consideration of the impact of the development on the openness of Green Belt.

4.18 From a highway perspective, Highways Network Management have considered the application with regard to the exemption certificate but still consider that the development proposals will significantly increase the level of traffic generated by the site, which would increase the number of caravans from 5 to 20, thus leading to an intensification of use of the substandard access. Existing levels of use are also restricted by the lack of toilet facilities and the restriction of use to members of the Caravan and Camping Club. It is likely that vehicles entering the site will, with increasing frequency, be faced with a vehicle wishing to exit the site, or vice versa. This would result in vehicles, which given the land uses are likely to be cars with trailers/caravans or HGV's, being required to reverse with restricted visibility back out into Malton Road.

Clearly, this presents a highway safety issue for road users particularly vulnerable users such as pedestrians and cyclists using the adjacent shared pedestrian/cycle route. Furthermore Malton Road is an A classified highway which is a main artery into/out of the city for traffic including a Park and Ride service. Vehicles having to wait on Malton Road to turn into the site or reverse out of the site access due to the limited width and lack of two-way traffic flow will also therefore obstruct the free flow of traffic to the detriment of public transport service reliability. Thus the development is considered to conflict with the requirements of the NPPF (section 4 - paragraph 32) which states that decisions should take account of whether safe and suitable access to sites can be achieved for all people, and Policies T2a and V5 of the DLP.

DRAINAGE

4.19 The application form indicates that soakaways are to be used for the development. The Internal Drainage Board has objected to the application until it is shown that soakaways will work at the site. It appears from the response of the Internal Drainage Board that they have received information from the applicant that the land would have difficulty supporting the use of soakaways. The agent has now confirmed that soakaways will not be used and that a Sustainable Urban Drainage solution (SUDS) will be used. The use of SUDS could be sought through condition.

4.20 The site is not connected to mains drainage, and foul water is proposed to be disposed of via a cess pit. Additional information is awaited on the use of the cess pit and the comments of the Environment Agency on the proposal. A verbal update will be given to Committee.

RESIDENTIAL AMENITY

4.21 The adjoining residential property is located immediately adjacent to the access road to the site. The property is a detached bungalow that has a small side conservatory type structure which covers the side entrance into the house. The main rooms of the building are orientated north/south on the site and the bungalow is served via a separate drive access. The property has commercial development to its northern and eastern boundaries and the access road to the rear industrial unit and the applicant's property is to the west. Whilst the development will result in increased traffic movements and could create some difficult manoeuvres given the restricted width of the access, officers consider that the orientation of the property and the current environment of the dwelling mean that an objection on residential amenity grounds would be difficult to sustain. The remaining residential properties in this small enclave of buildings are a sufficient distance from the site and would not be adversely affected by the development.

Other Matters:-

4.22 Objectors refer to the site having camping pods within it. There are also reviews on the ukcamping web site from people who have stayed in the pods. Officers are unclear where these pods are located and have asked the applicant to confirm where and how such pods are used. The camping pods are likely to need planning permission and will be dealt with as a separate issue.

5.0 CONCLUSION

5.1 The principle of the use of the site as a caravan site is considered to comply with policies within the NPPF and accord with the principle requirements of policy V5 of the DLP. However, the site access cannot accommodate two way traffic flows for the first 50 metres back from Malton Road. The proposal would, therefore, be likely to result in vehicles being required to reverse with restricted visibility into Malton Road, presenting a highway safety issue for road users particularly vulnerable users such as pedestrians and cyclists using the adjacent shared pedestrian/cycle route.

5.2 Furthermore Malton Road is an A classified highway which is a main artery into/out of the city for traffic including a Park and Ride service. Vehicles having to wait on Malton Road to turn into the site or reverse out of the site access due to the limited width and lack of two-way traffic flow will also therefore obstruct the free flow of traffic to the detriment of public transport service reliability. As a result, the development is considered to conflict with the requirements of the NPPF (section 4) which states that decisions should take account of whether safe and suitable access to sites can be achieved for all people, and Policies T2a and V5 (h) of the Draft Local Plan.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The proposed development would be likely to intensify the use of a substandard access of restricted width. The increase in traffic using the access will predominantly be by vehicles with trailers/caravans. The access is taken from an A classified highway which is a main artery into the city and carries high frequency public transport services. The limited width cannot be improved due to boundary features and land ownership issues, and will make access for cars towing trailers/caravans and HGV's particularly difficult. The restrictive width together with the increased frequency of use of the access will increase the likelihood of such vehicles having to wait on or reverse out onto A1036 Malton Road. Such manoeuvres would be detrimental to the safety of highway users, particularly vulnerable highway users such as pedestrians and cyclists using the adjacent shared pedestrian/cycle route.

Furthermore the increased frequency of vehicles having to wait to enter the site or having to reverse into Malton Road will interfere with the free flow of traffic with associated detrimental impacts on service reliability to public transport routes including Park and Ride. Thus the development is considered to conflict with advice contained within the National Planning Policy Framework (section 4 - paragraph 32) which states that decisions should take account of whether safe and suitable access to sites can be achieved for all people, and Policies T2a and V5 of the City of York Draft Local Plan.

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