

## COMMITTEE REPORT

**Date:** 27 October 2016      **Ward:** Wheldrake  
**Team:** Major and      **Parish:** Naburn Parish Council  
Commercial Team

**Reference:** 16/01853/FUL  
**Application at:** Naburn Lock Caravan Park Naburn Lock Track Naburn York  
**For:** Use of the land for the siting of 15 touring caravans / camping pitches  
**By:** Mr & Mrs Wilkinson  
**Application Type:** Full Application  
**Target Date:** 18 October 2016  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 Naburn Lock Caravan Site comprises a 100 pitch touring caravan site on land within the Green Belt to the south of Naburn village. Planning permission is sought for change of use of an area of land to the south of the site presently used for caravan and tent rallies for a period of 28 days a year as Permitted Development to house a further 15 formal touring caravan pitches. The proposal represents a revised re-submission of an earlier proposal ref:- 14/02806/FULM which was previously refused planning permission on the grounds of adverse impact upon the open character of the Green Belt. A subsequent appeal was dismissed. The revised proposal reduces and re-sites the number of pitches, removes the previously proposed amenity buildings and other structures and provides a more naturalistic and locally appropriate form of landscaping.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

2.2 Policies:

CGP15A - Development and Flood Risk

CYGB1 - Development within the Green Belt

CYV5 - Caravan and camping sites

### **3.0 CONSULTATIONS**

#### **INTERNAL:-**

3.1 Highway Network Management raise no objection to the proposal.

3.2 Strategic Flood Risk Management were consulted with regard to the proposal on 25th August 2016. Views will be reported orally at the meeting.

#### **EXTERNAL:-**

3.3 Naburn Parish Council raise no objection to the proposal.

3.4 The Environment Agency raise no objection to the proposal.

3.5 The Ouse and Derwent Internal Drainage Board raise no objection in principle to the proposal subject to any permission being conditioned to require the submission and prior approval of a detailed scheme of surface water drainage.

3.6 122 Letters of Representation have been received, including from a number of neighbouring residential properties. The following is a summary of their contents:-

\* Concern in respect of the increasing difficulty in booking pitches at the main site for large parts of the year;

\* Concern in respect of problems of anti-social behaviour at other touring caravan sites in the locality;

\* Support for the provision of an additional 15 pitches at the site.

### **4.0 APPRAISAL**

#### **KEY CONSIDERATIONS:-**

##### **4.1 KEY CONSIDERATIONS INCLUDE:-**

- Impact upon the open character and purposes of designation of the York Green Belt;
- Impact upon the setting of Naburn Banqueting House, a Grade II Listed Building;
- Impact upon the residential amenity of neighbouring properties.

#### **PLANNING POLICY CONTEXT:-**

4.2 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 clearly outweighed by other considerations.

**4.3 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.

**4.4 IMPACT UPON RESIDENTIAL AMENITY:-** Central Government Planning Policy in respect of amenity as outlined in paragraph 17 of the National Planning Policy Framework "Key Planning Principles" urges Local Planning Authorities to give significant weight to the need to secure a good standard of amenity for all new and existing occupants of land and buildings.

#### **IMPACT UPON THE OPEN CHARACTER AND PURPOSES OF DESIGNATION OF THE YORK GREEN BELT:-**

**4.5** Policy GB1 of the York Development Control Local Plan sets out a firm policy presumption that planning permission for development within the Green Belt will only be forthcoming where the scale, location and design of such development would not detract from the open character of the Green Belt, it would not conflict with the purposes of including land within the Green Belt and it is for one of a number of purposes identified as being appropriate within the Green Belt including agriculture and forestry. Central Government Policy as outlined in paragraph 79 of the National Planning Policy Framework establishes their fundamental characteristics as being their openness and permanence.

**4.6** The proposal envisages the formal layout of a further 15 pitches at the south eastern edge of an existing field used for occasional caravan rallies and camping events under the Permitted Development Rights attaching to the site. The field has a partially metalled access track running from the north with a limited number of service points providing electricity and water which the users of the proposed pitches would have access to. The previously refused proposal included a much larger number of pitches with amenity buildings provided centrally within the field.

The current proposal removes the amenity buildings with pitch users accessing the existing shop and other amenity facilities directly to the north. Significant landscaping has also been undertaken within the field at the break of slope to the south facing Naburn Banqueting House since the previous application was determined.

4.7 Paragraphs 89 and 90 of the National Planning Policy Framework outlines a number of types of development both operational and material changes of use which are felt to be appropriate in the Green Belt providing they do not harm its openness. Caravan sites are not expressly included within paragraph 89 or 90 and therefore are by definition harmful to the open character of the Green Belt. An exception exists in respect of facilities for outdoor recreation that are deemed to be appropriate providing they give rise to no additional harm to openness. The scheme as previously envisaged did give rise to a significant degree of harm to openness however, the removal of the additional amenity facilities, the landscaping of the western and south western boundaries of the site in line with the local form of boundary treatment and the relocation of the proposed pitches into the least prominent section of the site would largely address that issue.

4.8 In order to overcome the usual presumption against inappropriate development within the Green Belt paragraph 87 of the National Planning Policy Framework seeks the submission of a case for "very special circumstances". Furthermore paragraph 88 seeks that such a case must be demonstrated to clearly overcome harm by reason of inappropriateness together with any other harm in order to amount to "very special circumstances". A case for "very special circumstances" has been brought forward in the current case taking account of two elements, the sustainability of the location and significant evidence of unmet demand for caravan pitches in the surrounding area.

4.9 In terms of sustainability the caravan site is located on a major bus route accessing the City Centre with a bus stop directly adjacent serving the site. A main cycle route and public footpath also lies a short distance away along the Ouse river bank feeding into the City Centre. The site is generously provided for in terms of on-site amenities with a shop/tea room and laundry and other recreational cycle and walking routes lie in close proximity. At the same time the proposed development as amended involves a minimal amount of additional built development simply comprising a change of use of a section of the existing field with no additional hard standing created.

4.10 In terms of unmet demand for/need for additional pitches evidence has been brought forward from Visit Yorkshire of a potential additional annual tourism spend within the City of £285,000 per additional pitch which has not come forward due to lack of either hotel bed spaces or caravan pitches. At the same time there is a lack of alternative sites suitable for development or expansion within reasonable proximity of the City Centre and its associated visitor attractions which are not

affected by a Green Belt designation with its associated presumption against such development. A significant number of letters of support have also been submitted in respect of the proposal which highlight difficulties in accessing suitable pitches with suitable sites full for long periods of the spring and summer along with issues of anti-social behaviour at other sites and others being converted to static and residential occupation.

4.11 In terms of overall impact upon the Green Belt it is felt that the submitted material does represent a case for "very special circumstances" that would clearly outweigh the harm caused to the character of the Green Belt by reason of inappropriateness. At the same time the reduction in the overall number of pitches from the previous refused scheme, the removal of the amenity buildings, the landscaping of the site boundary and the reconfiguration of the location of the proposed pitches, in combination all effectively remove the previous harm to the openness of the Green Belt. Any permission would be conditioned to further secure the total maximum number of caravans, motor homes or tents within the site in order to further secure the character of the Green Belt and to restrict the use to holiday occupancy only.

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

4.12 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. This is reflected in paragraph 132 of the National Planning Policy Framework and Policy HE 4 of the York Development Control Local Plan(2005 4th Set of Changes). Naburn Banqueting House is Listed Grade II as an example of the work of the early 19th Century Greek Revival Architect J T Atkinson. It was built as a corporate entertainment venue for the Ouse Navigation Company in 1822 closely to the banks of the River Ouse with gently sloping well landscaped pasture fields behind. Since the refusal of permission for the previous larger proposal the break of slope within the associated field has been planted with a substantial hedge using native species and to a design and layout reflecting the local practise in terms of boundary treatment. As a consequence the visual relationship with the Banqueting House has been transformed and the inter-visibility between the two sites removed. No harm would therefore be caused from the proposal to the setting of the Listed Building, provided that the screening is retained for the lifetime of the development

#### IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES:-

4.13 Policy GP1 of the 2005 York Development Control Local Plan sets out a presumption in favour of new development proposals which respect or enhance the local environment, are of a scale, mass and design that is compatible with

neighbouring buildings, spaces and the character of the area and ensure that residents living nearby are not unduly affected by noise, disturbance or dominated by overbearing structures. Two residential properties lie directly to the south and to the south east of the proposal. That to the south is some 16 metres from the site and that to the south east is some 28 metres from the site. The reduction in the scale of the development together with the degree of additional landscaping which has taken place would it is felt effectively mitigate against any harm to residential amenity to adjoining properties.

## **5.0 CONCLUSION**

5.1 . As described above, it is considered that a case for "very special circumstances" has been submitted in respect of the proposed development which would clearly outweigh any harm caused to the Green Belt by reason of inappropriateness together with any other harm. The potential impacts of the previous proposal upon the setting of Naburn Banqueting House and the residential amenity of neighbouring properties have also been effectively addressed. The scheme is therefore recommended for approval subject to conditions.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

Drawing Refs:- Proposed Site Layout Plan Dated 12th July 2016

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

3 This permission is restricted to the siting of the following types of holiday accommodation only: touring caravans, motor homes and tents. At any one time there shall be no more than an overall combined total of fifteen touring caravans and/or motor homes and/or tents within the site.. At no time shall static caravans be permitted on site.

Reason: In the interests of the protection of the openness of the Green Belt as static caravans and a larger number of touring vans/ tents would have a materially greater impact on the openness of the green belt and would be likely to require increased amenity facilities.

4 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees ,shrubs and hard landscaping This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within the lifetime of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site and to secure the setting of Naburn Banqueting House, a Grade II Listed Building.

5 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

6 The use of the land for the siting of touring caravans, motor homes and tents hereby approved shall not be used for residential purposes other than holiday letting. For the purpose of this condition "holiday letting" means letting to the same person, group of persons or family for period(s) not exceeding a total of 28 nights in any one calendar year. The site operator shall maintain an up-to-date register of the names and main home addresses of all occupiers of the accommodation on site, including dates and durations of each stay by each occupier, and shall make this register available for inspection at all reasonable times when requested by the Local Planning Authority. No individual caravan, motor home or tent (whether occupied or otherwise) shall be located on the site hereby permitted for a total of more than 28 nights in any one calendar year.

Reason: In order to prevent the full time residential occupation of the site. The site is not considered appropriate for full time

## **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 order to achieve a positive outcome:

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Clarification as to the case for “very special circumstances” to justify the proposal.

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