



## 2.5. Draft 2005 Policies:

CGP15A - Development and Flood Risk

CYV1 - Criteria for visitor related devt

CYGB1 - Development within the Green Belt

## 3.0 CONSULTATIONS

### INTERNAL:-

3.1 Environmental Protection Unit raise no objection to the proposal.

3.2 Highway Network Management raise no objection to the proposal.

3.3 Strategic Flood Risk Management were consulted with regard to the proposal on 30th December 2014. No response has been forthcoming at the time of writing.

3.4 Design, Conservation and Sustainable Development raise no objection to the proposal subject to any permission being conditioned to secure wildlife habitat and biodiversity.

### EXTERNAL:-

3.5 The Environment Agency raise no objection to the proposal.

3.6 Naburn Parish Council object to the proposal on the grounds that it is inappropriate development within the Green Belt and therefore intrinsically harmful to its open character, it would lead to a significant increase in traffic on unsuitable rural roads, it would lead to an over-intensification of the development of the site, it would materially harm residential amenity in respect of nearby properties and it would be contrary to the Draft Naburn Village Design Statement.

3.7 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 surface water drainage scheme.

3.8 One letter of representation has been received in respect of the proposal expressing concern in relation to the impact of the development upon the open character of the Green Belt and the potential for a further access point from the site directly on to the B1224 Stillingfleet Lane.

## 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.

### STATUS OF THE YORK DEVELOPMENT CONTROL LOCAL PLAN (2005 4th SET OF CHANGES):-

4.2 The York Development Control Local Plan (4th Set of Changes) 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.

4.5 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:-

4.6 Policy GB1 of the 2005 Draft 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.

4.7 The proposal envisages the formal layout of 20 caravan pitches together with the erection of associated amenity buildings within a field presently used for up to 28 days per year for organised caravan/tent rallies. The field presently has an access track and a limited number of service points to enable visitors to access electricity and water, however, the proposal represents a significant formalisation of activity in the field with the laying out of hard surfaces and the construction of the required amenity buildings. This would fundamentally alter its basic character. 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. As a consequence of the prominence of the field relative to the surrounding landscape there would be significant additional harm to the openness of the Green Belt and no case has been brought forward for the need for additional facilities in view of the close proximity of those serving the existing site.

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". The applicant has submitted a brief case which is based on the presumption in favour of sustainable economic development contained within the National Planning Policy Framework together with the need to

secure the viability of the wider touring caravan enterprise. The National Planning Policy Framework is however very clear that the presumption in favour of sustainable economic development at para 14 does not apply where there is harm to the Green Belt and no detailed viability information has been submitted to accompany the application. An appeal decision in respect of a site at Lathom near Ormskirk in West Lancashire has been submitted in support of the proposal however, local landscape characteristics and operational conditions are fundamentally different and so this may be afforded little if any weight in this case.

4.9 In terms of the specific impact upon the openness of the Green Belt, the site lies on a gently sloping bluff overlooking the River Ouse to the west and is part of a wider landscape of rolling pasture fields incorporating the traditional local boundary treatment of mature trees and lengths of hedgerow. As a consequence of the local topography the site is highly visible in both long and short distance views from the west and north west and as a consequence the proposal to lay it out as a formal caravan site would cause significant detrimental harm to the open character of the Green Belt in that location. The applicant has submitted details of a high degree of landscaping including coniferous species which they feel would largely mitigate its impact upon the open character of the Green Belt. However it is felt that by heavily disrupting the local pattern of field boundaries and by drawing attention to what is clearly a more urban form of development the proposed landscaping would materially harm the open character of the Green Belt. Significant weight is given to the harm to the openness of the Green Belt caused by the proposal in considering this application.

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

4.10 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. The proposal would fundamentally erode the setting of the building by adding inappropriate engineered landscaping structures including roads and the proposed amenity buildings along with the caravans themselves , into the principal view of the building from the west. The proposal would therefore fundamentally compromise the setting of the building. The LPA has a statutory duty under Section 66 to give special regard to this harm when determining the application. Substantial weight should be given to this harm in the assessment of the application. The existing temporary use of the field is fundamentally different, being largely transitory in nature and without the degree of formalisation now proposed. Despite the setting of the Listed Building being a

consideration which is to be afforded substantial weight, the submitted application details fail to mention it.

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

4.11 Policy GP1 of the York Development Control Local Plan sets out a policy 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. Concern has been expressed in respect of the impact of the proposal upon residential amenity and the significant increase in the intensity of use would have some detrimental impact upon the amenity of the property directly to the south of the site. The degree of distance is however such that any harm could be effectively mitigated against by the proposed landscaping and this would not in itself be sufficient reason to refuse the proposal.

## OTHER ISSUES:-

4.12 Concern has been expressed in respect of the impact of additional traffic upon the local rural road network. The proposal would utilise the existing access point which has been designed to accommodate significant volumes including visitors to Naburn Lock itself. It is felt that notwithstanding the likely increase in traffic from the proposal that there is sufficient capacity within the local network to accommodate what would arise.

4.13 Concern has been expressed in relation to the implications of the proposal in relation to the Draft Naburn Village Design Statement. The document is however at a very early stage in production and has not been adopted for Development Management purposes and can therefore only be afforded fairly limited weight in consideration of the current proposal.

## 5.0 CONCLUSION

5.1 The proposal to change the use of a substantial pasture field to provide an additional 20 caravan pitches with associated amenity buildings represents inappropriate development within the Green Belt which would by definition give rise to significant material harm to its character and openness. In order to overcome the usual presumption against inappropriate development in the Green Belt the applicant must supply a case for "very special circumstances". In this case the applicant has failed to submit a case for "very special circumstances" which fulfils the test identified in paragraph 88 of the National Planning Policy Framework of

overcoming harm due to inappropriateness and "any other harm". Planning permission should therefore be refused due to the harm to the Green Belt..

5.2 Furthermore the application site lies within the setting of Naburn Banqueting House a Grade II Listed Building. The building was designed in the early 19th Century for the entertainment of corporate guests of the Ouse Navigation Company and was intended to be viewed against the backdrop of a rolling natural landscape. The proposal would significantly compromise the setting of the building by introducing alien, urban engineered elements together with inappropriate landscaping to the key views of the building. Such harm is given substantial weight in the determination of this application in accordance with Section 66 of the 1990 Planning(Listed Buildings and Conservation Areas) Act and paragraph 132 of the National Planning Policy Framework. Planning permission should therefore be refused for this reason.

## **COMITTEE TO VISIT**

### **6.0 RECOMMENDATION: Refuse**

1 The proposal lies within the general extent of the Green Belt as set out in the saved RSS policies YH9C and Y1C. The application has therefore been considered against the policies in the Framework at Section 9 relating to development in the Green Belt. The proposal constitutes inappropriate development within the Green Belt and is therefore by definition harmful to the openness of the Green Belt contrary to paragraphs 89 and 90 of the National Planning Policy Framework and Policy GB1 of the York Development Control Local Plan(4th Set Changes 2005). The proposed additional buildings do not fulfil the test within paragraph 89 of the NPPF as being appropriate to the use and to the site and the submitted case for "very special circumstances" fails to overcome the test within paragraph 88 of overcoming harm due to inappropriateness and any other Green Belt related harm.

2 The proposal by virtue of its alien, engineered appearance and use of inappropriate landscaping would cause significant detrimental 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 Conservation Areas) Act, and paragraph 132 of the National Planning Policy Framework. The proposal also conflicts with Draft Policy HE4 of the York Development Control Local Plan (2005, 4th Set of Changes).

## **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:

Sought details of mitigation of impact upon the setting of Naburn Banqueting House.

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