

COMMITTEE REPORT

Date: 17 August 2017 **Ward:** Wheldrake
Team: Major and **Parish:** Elvington Parish Council
Commercial Team

Reference: 17/00712/FUL
Application at: Home Lea Elvington Lane Elvington York YO41 4AX
For: Conversion of facilities building to dwelling (use class C3)
By: Mr S Thomas
Application Type: Full Application
Target Date: 18 August 2017
Recommendation: Approve

1.0 PROPOSAL

1.1 Home Lea comprises a 20 pitch touring caravan site being operated as a "transit site" for members of the Travelling Community lying within the general extent of the York Green Belt to the north west of Elvington village. The site has historically been operated as a touring caravan site since being given planning permission on appeal in 1990 going through a period of disuse from 2005 until 2016. Planning permission ref:-12/02755/FUL was given for erection of an amenity building and shop/workshop to serve a refurbished caravan site in 2013. Planning permission is now sought for the conversion of the substantially complete shop building to provide a dwelling house for the site manager.

2.0 POLICY CONTEXT

See section 4 below.

3.0 CONSULTATIONS

INTERNAL:-

3.1 Public Protection raises no objection to the proposal subject to any permission being conditioned to require the provision of a plug socket suitable for recharging an electric car and to remediate against the effects of any unexpected contamination.

EXTERNAL:-

3.2 Elvington Parish Council objects to the proposal on the grounds of harm to the openness of the Green Belt, the lack of a case for "very special circumstances" to justify the proposal and the presence of a residential property on the site in the ownership of the applicants.

3.3 Yorkshire Water Services Limited was consulted with regard to the proposal on 31st March 2017. Views will be reported orally at the meeting.

4.0 APPRAISAL

KEY CONSIDERATIONS:

4.1 KEY CONSIDERATIONS INCLUDE:-

* Impact upon the openness and purposes of designation of the York Green Belt;* Justification for the proposal.

PLANNING POLICY CONTEXT:-

Development Plan

4.2 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt. These are policies YH9(C) and Y1 (C1 and C2) which relate to York's Green Belt and the key diagram insofar as it illustrates general extent of the Green Belt. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

Local Plan

4.3 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF. Relevant draft policies are:

- CYGB1 Development within the Green Belt
- CYV5 Caravan and camping sites

Emerging Local Plan

4.4 The planned consultation on the Publication Draft of the City of York Local Plan, which was approved by the Cabinet of the Council on the 25 September 2014, was halted pending further analysis of housing projections. An eight week

consultation on a further Preferred Sites document has concluded. Recently, however, announced closures of Ministry of Defence Sites in the York administrative area have given rise to further potential housing sites that require assessment and consideration as alternatives. The emerging Local Plan policies can only be afforded weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF. However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application.

The National Planning Policy Framework (NPPF)

4.5 The NPPF was published in March 2012. It sets out government's planning policies and is material to the determination of planning applications. The NPPF is the most up-to date representation of key relevant policy issues (other than the Saved RSS Policies relating to the general extent of the York Green Belt) and it is against this policy Framework that the proposal should principally be addressed.

4.6 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development, unless specific policies in the NPPF indicate development should be restricted. This presumption does not apply to this proposal as the site lies within the general extent of the Green Belt as identified in the RSS and this therefore justifies the application of the Green Belt policies in Section 9 to the NPPF.

4.7 Paragraph 55 of the NPPF is particularly relevant to the determination of this application proposal. It states:-

“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:-

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling.

Such a design should:-

- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- reflect the highest standards in architecture;
- significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area.”

4.8 GREEN BELT:- As noted above, the general extent of the York Green Belt is defined within saved Yorkshire and Humber RSS Policies YH9C and Y1C and 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 paragraphs 79 to 90 of the National Planning Policy Framework identifies Green Belts as being characterised by their openness and permanence. 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 states that when considering a planning application for development in the Green Belt Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. "Very special circumstances" will not exist unless the potential harm by reason of inappropriateness and any other harm are clearly outweighed by other considerations.

IMPACT UPON THE ORK GREEN BELT:-

4.9 Policy GB1 of the York Development Control Local Plan sets out a clear 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.

4.10 Paragraphs 89 and 90 of the National Planning Policy Framework identify specified forms of development which are appropriate in the Green Belt. An exception to inappropriate development exists within paragraph 90 of the Framework in respect of the reuse of buildings providing they are of permanent and substantial construction and providing also the proposals would not give rise to any conflict with the purposes of including land within the Green Belt and would preserve its openness..

4.11 The application site comprises the substantially complete shell of the shop/workshop building permitted by planning permission ref:-12/02755/FUL in respect of the previously intended development of the site as a touring caravan site. The building lies directly to the north east of the existing bungalow on the site frontage and abuts and does not project beyond the rear garden of the adjacent property constructed in the 1930s. It is further defined on its eastern side by the long standing access road into the caravan site with an area of approximately 12 metre to the south separating the site from the bungalow on the road frontage which provides

an area to form a viable domestic curtilage. It does not of itself extend the area of built development further into open countryside and subject to any permission being conditioned to withdraw permitted development rights in respect of its likely domestic curtilage then it is felt that the proposal would preserve the openness of the Green Belt and would not conflict with the purposes of including land within the Green Belt. As such the proposal is felt to be not inappropriate development within the Green Belt. Development that is not inappropriate in the Green Belt is deemed not harmful to the Green Belt. However, there is still the clear need to separately justify the development of a new house within the countryside as required by paragraph 55 of the Framework.

JUSTIFICATION FOR THE PROPOSAL UNDER PARAGRAPH 55 OF THE NPPF:-

4.12 The application site comprises a touring caravan site originally permitted on appeal in 1990 but which has only been used intermittently as such since 2005. In recent years attempts have been made to develop the site with timber lodges but which have been rejected at appeal. Proposals have subsequently been brought forward to develop the site as a touring caravan site once again with a shop/workshop and an amenities building which exists to foundation level connected to a timber clad static amenities block. The applicant's further own a bungalow on the site frontage which was reconstructed following a planning permission in 2005.

4.13 Paragraph 55 of the NPPF (as set out in paragraph 4.7 of this report) is clear that new isolated dwelling houses within the countryside (i.e. out with settlement limits) including conversions should not be permitted unless there are special circumstances and it sets out guidance for assessing such applications. Planning permission is sought on the basis that a clear requirement exists for a residential managerial presence in respect of the operation of the caravan site as now configured. The site is being used as a form of "transit" site to allow members of the travelling community to access work and business commitments in the wider region whilst residing in a tidy and secure environment. The applicant has submitted a further case for functional need which identifies the need to have a managerial presence on site at all times due to the nature of the operation, the need to register those arriving and leaving at often unsocial hours, the need to have a presence to deal with emergencies at often unsocial hours, the need to have a presence to deal with issues of ant-social behaviour and rowdiness and the need to give users reassurance that expensive vehicles, caravans and other items of equipment are being kept securely. Due to the physical remoteness of the site other accommodation to fulfil the function is not readily available and it is felt that due to the configuration of the site and the functional nature of the managerial role a caravan would itself not be appropriate.

4.14 The applicants own the existing bungalow on the road frontage which raises the further issue as to why that is not suitable to provide the required managerial function as it also partially fronts on to the access road to the site. The original

bungalow at the site does however substantially predate the functioning of the caravan site having been originally constructed in the 1930s along with its neighbours directly to the west. When reconstructed in 2005 (ref:-05/02087/FUL) the proposal was treated as being separate from the functioning of the caravan site and was identified as being intended for the occupation of the applicant's parents as a retirement home. No restriction was at the same time placed upon the planning permission in respect of the adjacent caravan site or its management. The applicant has confirmed that this remains his intention.

4.15 In terms of the requirements of paragraph 55 of the NPPF it is agreed that in order to secure the effective and secure management of the site that a continuous management presence would be required and that that may not be properly undertaken from another caravan or from other accommodation in that locality by virtue of the remoteness of the site. In terms of the occupation of the bungalow directly on the road frontage its reconstruction was previously considered in planning terms as separate from the functional operation of the adjacent caravan site and on balance it is felt that it would not be reasonable in the current circumstances to place such a restriction on its occupation. These matters are considered to be of sufficient weight to amount to a justifiable need for a new dwelling at this location for the purposes of paragraph 55 of the Framework. The proposal is therefore felt to be acceptable subject to being conditioned to require a continued functional relationship between the occupants of the property and the management of the caravan site.

OTHER ISSUES:-

4.16 The site as presently in operation, as a "transit" site for members of the travelling community occupying touring caravans, has been provided with lighting via substantial 3 metre high columns without authorisation. At the same time amenity facilities are provided via an unauthorised static caravan sited within the foundations of the previously permitted block. In order to preserve the openness of the Green Belt and to regularise the operation of the site it is recommended that any planning permission be conditioned to require the further submission for approval of a low level lighting scheme together with a more permanent solution in terms of amenity facilities.

5.0 CONCLUSION

5.1 The building subject to the application for its conversion is physically well related to the existing strip of dwelling houses and their curtilages dating to the 1930s directly to the west. It would not extend the built footprint of the site beyond the existing and it would not give rise to any harm to the Green Belt. In terms of paragraph 55 of the NPPF it is felt on balance that in view of the nature of the occupation of the site that a permanent managerial presence on the site is a

requirement that may not be easily provided either by accommodation in the near vicinity or by another caravan . The proposal is therefore felt to be acceptable and approval is recommended.

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:- D101; D201A; D202B.

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

3 The hereby authorised shall be solely used to provide residential accommodation for the site manager for the associated caravan site and for no other purpose including any other within Class C3 to the 1987 Town and Country Planning (Use Classes) Order (as amended).

Reason:- To safeguard the open character and purposes of designation of the York Green Belt and to secure compliance with Paragraphs 55 and 90 of the National Planning Policy Framework.

4 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), development of the type described in Classes A, E and F of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of securing the openness of the York Green Belt the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 2015.

5 PD5 No openings in side elevation

6 VISQ4 Boundary details to be supplied

7 Prior to the conversion works hereby authorised being first undertaken a detailed lighting scheme including fitting designs, luminance, numbers, heights and locations for the wider caravan site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the approved scheme prior to first occupation of the converted

dwelling and maintained as such thereafter.

Reason:- To safeguard the open character of the York Green Belt.

8 Prior to the conversion works being first undertaken full details of the amenity facilities to support the caravan site including design, location and drainage connections shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved prior to the conversion being first occupied and maintained as such thereafter.

Reason:- To safeguard the open character of the York Green Belt.

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:

- i) Sought a detailed explanation as to why the existing bungalow on the site frontage could not be used to provide the required manager's accommodation;
- ii) Sought a detailed justification for the need for a permanent managerial presence on the site.

2. CONTROL OF POLLUTION ACT 1974:-

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to; failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(c) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers' instructions.

(d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(f) There shall be no bonfires on the site

Contact details:

Author: Erik Matthews Development Management Officer

Tel No: 01904 551416