

1.4 The application is supported by a planning statement and a Landscape Appraisal.

1.5 Conditions 3, 14 and 15 of planning permission 04/01105/FUL dated 8th July 2004 state as follows:-

Condition 3 - The number of caravans on this site shall not exceed 20 and none shall be static caravans.

Reason: In order to comply with City of York Local Plan Policy V5

Condition 14 - No caravan on the site shall be occupied between 31 October in any one year and 1 March in the succeeding year.

Reason: To avoid the use of the caravan for permanent residence, which use would not be acceptable to the Local Planning Authority in this location.

Condition 15 No caravan shall be stored on the site between 31 October in any one year and 1 March in the succeeding year.

Reason: It is considered that caravans constitute unacceptable visual intrusion into primarily open rural areas during winter months outside the holiday period

1.6 The applicant is seeking variation of the conditions to increase the number of caravans allowed on the site from 20 to 40 (variation of condition 3) and to operate the site all year round (variation of conditions 14 and 15).

1.7 The application has been called into committee for determination by Cllr Doughty because of concerns about the impact of the development on the Green Belt.

Planning History

1.8 Planning permission was granted for the change of use of land to a caravan site in July 2004 (Planning reference 04/01105/FUL). This permission was subject to various conditions including the restriction that there should be no more than 20 caravans and that the site should only operate between the 1st March and the 31st October.

1.9 In March 2009 approval of details for the discharge of conditions 9, 10, 11 and 12 was agreed.

1.10 In June 2009 approval of details for the discharge of condition 5 was given however the details were considered inadequate in relation to conditions 6, 7, 8 and 16. These conditions remain outstanding.

1.11 In May 2010 a memo sent to the applicant's agent agrees, following a site visit, that the development has commenced sufficiently to constitute a commencement of development within the 5 year timescale of the planning permission.

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:

CYGB1

Development within the Green Belt

CYV1

Criteria for visitor related devt

CYV5

Caravan and camping sites

3.0 CONSULTATIONS

INTERNAL

3.1 Highway Network Management - No objections

EXTERNAL

3.2 Strensall Parish Council - The Parish Council would object most strongly to the siting of any static caravans on the site. The existing conditions are still relevant on 04/01105/FUL. The Parish Council note the applicant has failed to discharge conditions 1, 4 ,6, 7, 8, 9 and 16 of the original approval and in our opinion the works should not have commenced.

3.3 York Natural Environment Panel - The increase in units would set a precedent for further erosion of productive farm land elsewhere in York. Space for landscape planting within the site will be reduced by increase in the number of caravans. The associated increase in hardstanding will also lead to an increase in runoff. If consent is granted conditions should be imposed to ensure the landscape proposals are fully

implemented in keeping with sections 5.2 to 5.4 in the applicant's Landscape Appraisal supporting statement.

3.4 Foss Internal Drainage Board - The board objected to the original application for this site on the grounds that it was undesirable piecemeal development. The board stated that it would be prepared to remove its objection provided that a comprehensive scheme for the disposal of surface water was agreed prior to works commencing. Condition 7 of the subsequent approval states that no development shall commence until a scheme for the provision of surface water drainage works has been approved by the Local Planning Authority. The board are not aware as to whether such a scheme was provided, as it was not consulted on the issue. The current proposals give the board reason for concern as there is the likelihood of increased surface water discharge from the site. The board contend that Primrose Dyke is at capacity and that there should be no increase in the rate or volume of surface water discharge to it. To this end if it is proposed to discharge surface water from the site to Primrose Dyke then this discharge should not exceed that already occurring or that arising from a green field site. If permission is granted the Board suggest conditions with regard to the discharge points of the surface water drainage, to ensure that the site is satisfactorily drained and to reduce the risk of flooding.

3.5 Environment Agency - The last time the Environment Agency commented on this application was the formal consultation for the discharge of conditions for the original planning permission (04/01105/FUL) in particular condition 6 related to foul drainage. The condition could not be discharged because the application referred to the use of a sealed cesspool and the details were not considered to be sustainable. The applicant was encouraged to investigate non mains drainage systems. There has been no further contact with the applicant. Given the concerns about the proposed foul drainage, the Agency object to the proposed development because it involves the use of a non-mains foul drainage system but no assessment of the risks of pollution to the water environment has been provided by the applicant. Furthermore the Environment Agency is strongly opposed to the use of cesspools due to the environmental risk inherent in their use. Further investigation into alternatives such as package treatment plant, discharging to a soakaway or watercourse should be considered.

3.6 Two letters of objection have been received covering the following points:-

- Did not object to 20 caravans for 6 months of the year, however the proposed 40 pitches all year round changes the nature of the concern.
- Despite the applicant's assurances that the site can not be seen from Sheriff Hutton Road, this is not the case. The shower block, even in the summer when trees are in full leaf, is clearly visible.

- The site is clearly seen from the rear of properties on Pottery Lane, the proposed hedgerow will in no way provide all year screening. The plans do not show where the extra twenty caravans will be sited.
- The increased traffic from the change to the conditions will exacerbate existing traffic problems on Main Street and on Pottery Lane. Pottery Lane is a narrow country lane with a national speed limit.
- The site is located on the River Foss flood plain and the extra hard landscaping required for the pitches will not help the situation.
- It is a concern that extra noise from the site will be heard in the cemetery, a place for quiet contemplation outside the village bounds should remain just that. Adjacent properties will also be disturbed by noise all year round.
- There are a number of planning conditions that are part of the original consent that have not yet been adhered to.
- The surrounding area is rural in nature with no street lights there is concern about the amount of light that will be needed in winter to keep the site going. The entrance lights to the applicant's other caravan site on Sheriff Hutton Road already cause a distraction in winter
- There are already two large lodge/caravan sites at either end of Pottery lane (Nelson Lodges and Goose Wood) and therefore Green Belt land does not need to be used for further provision.
- There is already a coach depot at Forest Hill Farm using Pottery Lane and when there is traffic congestion on surrounding roads traffic is pushed into the countryside.
- There are several other sites within the vicinity, the permission should remain as 20 for six months not 40 all year round.

4.0 APPRAISAL

4.1 Key Issues:-

- Policy background
- Impact on openness of the green belt
- Flood risk and drainage
- Highways issues
- Sustainability
- other matters

4.2 The following national planning advice in Planning Policy Guidance Notes (PPG) and Planning Policy Statements (PPS) are considered of most relevance to this application:-

4.3 PPS1: "Delivering Sustainable Development" - promotes sustainable development as well as mixed use development, offers guidance on the operation of the plan led system and considerations to be taken into account in determining planning applications.

4.4 PPG2: "Green Belts" identifies the purposes and uses of land within the Green Belt, and states that their most important attribute is their openness. In relation to the change of use of land, this is inappropriate unless it maintains openness and does not conflict with the purposes of including land within the Green Belt. Very special circumstances to justify inappropriate development will not exist unless the harm is clearly outweighed by other considerations. The thrust of the Draft National Planning Policy Framework is similar to PPG2 in respect of advice about development within the Green Belt .

4.5 PPS7: "Sustainable Development in Rural Areas" identifies the planning system as having an important role in supporting and facilitating development and land uses in helping to maintain and manage the countryside. It also advises of the importance of protecting the quality and character of the countryside, and supports re-use of buildings in particular for economic purposes. It is also supportive of farm diversification. In relation to farm diversification in the Green Belt, it states, where relevant, favourable consideration should be given as long as the development maintains openness. The wider benefits of a proposal are capable of constituting very special circumstances.

4.6 In relation to touring caravan parks, it provides particular advice. Authorities should balance the need to provide facilities with the need to protect landscapes and scope for relocating sites away from flooding, and to ensure new sites are not prominent , and visual intrusion is minimised by screening.

4.7 PPG13: Transport seeks to promote more sustainable transport choices for people, and to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling, and seeks to reduce the need to travel, especially be car in new developments.

4.8 PPS23: Planning and Pollution Control gives guidance on the relevance of pollution controls to the exercise of planning functions, including light pollution and contamination.

4.9 PPS25: Development and Flood Risk sets out the importance the Government attaches to management and reduction of flood risk in the planning process.

4.10 Relevant policies in the City of York Draft Local Plan (incorporating the Fourth Set of changes) (April 2005) include GB1, GP1, V1 and V5. Policy GB1 reflects advice within PPG2. Policy GP1 'Design' includes the expectation that development proposals will, inter alia; respect or enhance the local environment; ensure residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape and incorporate appropriate landscaping.

4.11 Policy V1 says that visitor related development will be encouraged. In determining applications account will be taken of whether the proposal has made adequate servicing arrangements, is accessible to public transport routes, will result in increased traffic, is likely to improve the prosperity of the tourism industry and the city's economy, will adversely impact on the reasonable use and enjoyment of adjacent buildings and land or adversely impact on the countryside setting of the city.

4.12 Policy V5 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.

4.13 Government Circular 3/99 provides advice on the exercise of planning controls on non-mains sewerage and associated sewage disposal aspects of future development so as to avoid environmental, amenity or public health problems which could arise from the inappropriate use of non-mains sewerage systems, particularly those incorporating septic tanks. If the system proposed is unsatisfactory, this would normally be sufficient to justify refusal of planning permission for a proposed development. An annex to the Circular sets out the factors to be considered in reaching a decision, including (amongst other things) contravention of recognised practices, adverse effect on water, damage to the environment, high water table and liability to flood.

4.14 The Good Practice Guide for Planning and Tourism replaced PPG21 in 2006. The guide reiterates much of the advice in PPS7 with regard to planning policy. The guidance states that Local Planning Authorities should carefully weigh the objective of providing adequate facilities and sites with the need to protect landscapes and environmentally sensitive sites. They should examine the scope for relocating any existing visually or environmentally intrusive parks away from sensitive areas, or for re-location away from sites prone to flooding or coastal erosion.

Green Belt

4.15 The application is located within an area of Green Belt. PPG2 states that the most important attribute of Green Belts is their openness. The purposes of including land within the Green Belt include the need to assist in safeguarding the countryside from encroachment and to preserve the setting and special character of historic towns.

4.16 The application site is not yet operating as a caravan site although the toilet block has been constructed, the access road formed, landscaping undertaken and some of the hardstandings for the caravans have been put in place. The submitted drawings do not show the number of hardstandings increased and the applicant has indicated that each base is sufficient to accommodate two caravans each.

4.17 The application is supported by a landscape appraisal. The appraisal is flawed in that it assesses the visual impact of increasing the numbers of pitches from 10 to 20 rather than 20 to 40 and it considers a site area that is greater than the planning permission for which the conditions are proposed to be varied. The report nevertheless concludes that there will be minimal visual impact from the development and that new planting and the management of existing planting will integrate the development into the landscape.

4.18 The site is set in an open and undeveloped area of Strensall Parish between a small amount of frontage commercial/agricultural development to New Lane and scattered residential properties along Pottery Lane. The land is relatively flat and the boundaries between fields are marked by existing hedging. The existing character of the area remains open and rural. The site amenity block and access road are visible from the Sheriff Hutton Road despite extensive landscaping and vegetation being in full leaf. The increase in numbers of caravans would in officer's view increase the visual significance of the caravan site in the landscape such that the openness of the Green Belt would be adversely affected. The use of the site all year round would introduce another dimension to the visual significance of the site as the site will be more visible in the winter when landscaping is not as evident. Furthermore the year round use will require higher levels of lighting on the site and along the access route further increasing the visibility of the site. It is considered, therefore, that the variation of the conditions as requested would have an adverse impact on the openness of the Green Belt.

4.19 As PPG2 states that the material changes of use within the Green Belt are inappropriate unless they preserve openness, it is considered that the proposal constitutes inappropriate development, which is, by definition, harmful to the Green Belt. In these circumstances it is for the applicant to show why permission should be granted. The applicant's agent suggests in his supporting statement that there is increased demand for touring caravan sites but this is not supported by any

evidence of likely demand, thus little weight can be attached to this argument and is not considered sufficient to outweigh the impact of the development on openness.

4.20 Furthermore it is considered that the landscape appraisal does not provide sufficient evidence that the landscaping will mitigate the harm to openness. It is considered that there will be significant harm to the open and rural character of the area associated with the increase in vehicular movements to the site, the increase in numbers of caravan units and the associated lighting and site activities required to allow the site to operate all year. The stance taken within PPG2 is supported in Draft Local Plan Policy V5 which requires that proposals for caravan sites should have no adverse effect on the openness of the Green Belt. Furthermore Policy V5 says that the number of pitches should not exceed 20. The increase in pitches on this site would undermine the basis of Policy V5 which seeks to permit small-scale sites which whilst benefitting tourism do not overpower existing settlements or become visually prominent in the Green Belt/open countryside.

Highways

4.21 Access to the site is taken from Pottery Lane to the side of Park House Farm. The access also serves an existing industrial unit. Pottery Lane is a country lane that operates the national speed limit. Some of the objections received refer to concerns about the ability of the road to take the increase in traffic movements to a year round 40 space caravan site. However, Highways Network Management does not raise any objections to the application. It is considered that Pottery Lane is of sufficient design and construction to accommodate the proposed development, and as such there are no objections to the proposal in terms of the access arrangements for the site.

Flood Risk and Drainage

4.22 At the time of the consideration of the original application the site was located within the flood plain for the River Foss. This is no longer the case. The site is now located within flood zone 1 and is not at risk of river flooding.

4.23 Conditions attached to the original permission required that details of surface water drainage works be submitted prior to commencement of the development. Conditions also required that there should be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters whether directly or via soakaways. The Environment Agency have objected to the current proposal because no information has been submitted with the proposals in relation to how foul water from the site will be treated. Furthermore the proposals put forward for the original permission to discharge the requirements of the drainage condition were not considered satisfactory and remain unresolved. The proposed method of disposal for the foul water from the site appears to be a sealed tank (cesspool) the Environment Agency consider that such a drainage option is inappropriate because

of the environmental risks inherent with their use. In the event of a breach or overflow of the tank there is potential to cause substantial pollution to the local environment. In addition, the carbon footprint associated with the ongoing need for the cesspool to be emptied can be considerable, potentially calling into question the overall sustainability of the proposal.

4.24 Government Circular 3/99 provides advice in respect of non-mains drainage proposals. It states that where proposed, the suitability of the use of such sewerage systems is likely to be a material consideration in reaching planning decisions, Local Planning Authorities should aim to satisfy themselves on the basis of:

- a) Any information provided by the developer,
- b) Comments provided by other appropriate bodies and
- c) Their own considerations,

that the sewerage proposals for a development are suitable, and that significant environmental and amenity problems which might justify refusal of planning permission are unlikely to arise.

4.25 The applicant has been requested to submit an assessment under Circular 3/99, but has so far failed to do so. Without the assessment it is assumed that the applicant proposes to use a cesspool arrangement for the drainage of the site. The Environment Agency are not satisfied that the site can be satisfactorily drained by a cesspool arrangement and are concerned about the wider sustainability of such a drainage option. In the absence of any additional information being submitted it is considered that the application, which will increase the need for the disposal of both surface and foul drainage, is in conflict with advice in Circular 3/99.

4.26 In terms of surface water drainage the Foss IDB are concerned that the adjacent Primrose Dyke is at capacity and that no information has been submitted to show how surface water will be disposed of from the site, however, the IDB suggest conditions to ensure that the site is satisfactorily drained in respect of surface water. This would necessitate attenuation to ensure that the rate of run off is the same as for the original agricultural field.

Sustainability

4.27 It is generally accepted that those travelling to caravan sites will arrive by car. The sustainability credentials of the site therefore focus upon the ability of the site to provide alternative means of travel and recreation from the site. As a result of a way through from the site on to New Lane, the site has relatively easy walking access to Strensall village and has good links from the village by bus to the city centre. From a

sustainability perspective the site is considered well related to alternative modes of transport and to recreation opportunities.

4.26 The sustainability of the site from a drainage perspective is discussed above.

Other Matters:-

4.27 The discharge of conditions attached to the original permission will need to be pursued through enforcement procedures, although as the site has not been brought into use some of the conditions have not yet being contravened. This matter will be passed to enforcement following determination of this application.

5.0 CONCLUSION

5.1 The proposal is considered to adversely impact on the openness of Green Belt. PPG2 states that material changes of use are inappropriate unless they preserve openness, and it is considered that the proposal constitutes inappropriate development, which is, by definition, harmful to the Green Belt. No very special circumstances sufficient to outweigh harm to the Green Belt have been put forward by the applicant.

5.2 The applicant has been requested to submit a drainage assessment under circular 3/99 but none has been forthcoming. Without the assessment it is understood that the applicant proposes to use a cesspool arrangement for the drainage of the site. The Environment Agency are not clear that the site can be satisfactorily drained by a cesspool arrangement and are concerned about the wider sustainability of such a drainage option. In the absence of any additional information being submitted it is considered that the application, which will increase the need for the disposal of both surface and foul drainage, is in conflict with advice in circular 3/99.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The site is located within an area of Green Belt which is characterised by its open and rural appearance. It is considered that the increase in the numbers of touring caravans and the extension of the opening of the site to all year round would compromise the openness of this area and would conflict with the purposes of including land within Green Belt. The proposal is therefore inappropriate development in terms of the advice contained in Planning Policy Guidance Note 2 "Green Belts", and is, by definition, harmful to the Green Belt. No very special circumstances have been advanced by the applicant which would outweigh the

harm to the Green Belt. The proposal would also conflict with Policy V5 of the City Of York Draft Local Plan (CYDLP) which does not permit touring caravan sites in Green Belt where there is an adverse effect on the openness of the Green Belt and Policy GB1 of the CYDLP which does not support development that detracts from the open character of the Green Belt.

2 The application indicates that foul drainage is to be discharged to a non-mains drainage system. In these circumstances Circular 3/99 'Planning Requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development' advises that a full and detailed consideration be given to the environmental criteria listed in Annex A of the circular in order to justify the use of non-mains drainage facilities. No such information has been submitted. The application does not, therefore, provide a sufficient basis for an assessment to be made of the risks of pollution to the water environment arising from the proposed development. In particular the application fails to:

- (i) Address the issues set out in section 6 Annex A of Circular 3/99 and
- (ii) Justify the use of a cesspool over preferred alternative means of foul disposal in accordance with the hierarchy set out in Circular 3/99.

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