

COMMITTEE REPORT

Team: West Area
Date: 22 June 2006
Ward: Bishopthorpe
Parish: Bishopthorpe Parish Council

Reference: 06/00590/FUL
Application at: York Marine Services Ltd Ferry Lane Bishopthorpe York YO23 2SB
For: Use of land for the siting of 15 no. lodge style holiday static caravans including landscaping and environmental improvements and creation of new marina
By: Mr David Smith And Mr Glyn Aucott
Application Type: Full Application
Target Date: 15 May 2006

1.0 PROPOSAL

1.1 The applicant seeks planning approval to erect 15 no. lodge style, static caravans, including landscaping, environmental improvements and the creation of a new marina. The applicant also proposes to use the spoil from the excavation of the marina to raise the level of the site

1.2 The application site relates to an existing caravan and camping site, located on the fringe of Bishopthorpe village and in close proximity to the River Ouse. The site is located within both the Bishopthorpe Conservation Area and the designated Green Belt. The application site also contains extensive workshops, other permanent buildings/structures, a restaurant and boat storage. In addition the "site" also operates a car park, moorings, boat storage, river-bus pick up point and holiday boat hire fleet.

1.3 The site has been landscaped internally and is enclosed by a number of mature trees. The site is accessed from Bishopthorpe village using Ferry Lane. A single track road owned by the applicant runs through the site and allows access to nearby mooring and fields.

1.4 Relevant Applications

03/00196/FUL - Redevelopment of Workshops, Other Permanent Buildings and Boat Storage Area for the Siting of 18 Chalets - Approved 20th January 2003. (Naburn Marina)

99/00572/FUL - Change of Use of Two Tent Pitches to Two Seasonally Sited Touring Caravan Pitches - Approved 29th April 1999.

99/00570/FUL - Amendment to Maximum Occupation of Campsite from 25 Tents to 25 Pitches - Approved 29th April 1999

99/00567/FUL - Use of Campsite for Tents, Trailer Tents, Campervans and Motorhomes - Approved 30th April 1999

98/02837/FUL - Change of Use of Camping Site to Camping, Caravan and Motorhome Site and Two Additional Seasonally Sited Touring Caravans - Refused 18th February 1999

98/00135/FUL - Provision of 5 Touring Caravan Pitches - Approved 12th March 1998.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Floodzone 3 Flood Zone 3

Floodzone 2 Flood Zone 2 CONF

City Boundary York City Boundary 0001

Conservation Area Bishopthorpe 0015

2.2 Policies:

CYNE2

Rivers and Stream Corridors, Ponds and Wetland Habitats

CYGP1

Design

CYHE3

Conservation Areas

CYGB1

Development within the Green Belt

CYNE1

Trees, woodlands, hedgerows

CYV5

Caravan and camping sites

CYL4

Development adjacent to rivers

CYNE3

Water protection

3.0 CONSULTATIONS

Internal

Urban Design and Conservation Section

3.1 Countryside Officer - No Objections

Banks and surrounding grassland are of limited interest. Any tree removal should have replacement planting. The tree in the middle of the site should be retained if possible.

3.2 Archaeology - Request a "Watching Brief" on all groundwork's

Due to the site proximity to Archbishops Palace and the former site of St Andrews Church.

3.3 Landscape Architect - Comments relating to the principle of the marina and formalisation of the caravan site.

To summarise, from an amenity perspective I am against the development. However if the principal receives overwhelming support, there is significant scope for improvement to the current proposals, namely a reduced plateau area and a consequent reduction in chalet numbers and increased width for the footpath. Construction details for the marina need to be submitted. A path should be retained along the river's edge resulting in the need for a bridge as it would add to the riverside/boating activity that creates interest in this area. Thus the footpath would retain views of the palace, retain the association with the river, keep an open aspect to the footpath and take the footpath away from the less attractive repetitive cabins. Instead, the public footpath ought to reflect the attractive landscape character of the stretch adjacent to St Andrews church ruin, esp. with regard to policy L4 d.

3.4 Conservation Officer - Comments

Not convinced that this proposal will preserve or enhance the character of the conservation area. The lack of conviction is not helped by the paucity of the submitted information. Better information would be useful to explain the scheme. The underlying principles (marina, bank and chalets) seem to be at odds with the character of the conservation area and the green belt. This harm is not offset by the cohesion to the site that this scheme will bring.

3.5 Acaster Internal Drainage Board - Request the inclusion of conditions.

3.6 City Development - Comments

The proposal constitutes development in the green belt. The impact of the development on the green belt should therefore be appraised against the economic benefit to the City from high-end tourism.

If the application is to be approved, conditions to control the occupation of lodges, shall be included. If this is not established we would request an affordable housing contribution, amounting to 50% of the development on site, in line with H2A.

The applicant should submit a sustainability statement in line with GP4a, in particular considering how refuse and waste would be dealt with and how the development would minimise its impact on the environment through construction methods and renewable energy regeneration.

3.7 Environmental Protection Unit - No Objections, however recommend conditions.

3.8 York Consultancy (Drainage) - No Objections.

3.9 Highway Network Management - No Objections, however recommend conditions.

3.10 York Natural Environment Panel - Comments

The excavated area should be smaller to retain existing trees. The diversion of the riverside path is inconvenient to regular users. The claimed environmental benefits are not clear.

External

3.11 English Heritage - the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

3.12 Environment Agency -

3.13 British Waterways - Support the application.

3.14 Yorkshire Water - Comments and Conditions.

3.15 16 letters of comment and 6 letter objection regarding the applicants' proposals have been received from local residents and interested parties. The letters raise the following issues.

- * Increased Flooding.
- * Access of Existing Paths/Tracks.
- * Highway Safety.
- * Noise and Light.
- * Visual Impact upon Conservation Area and Green Belt.
- * Conditions of Occupancy/Site Management.
- * Impact of Soil Movement

4.0 APPRAISAL

PLANNING POLICY

4.1 Policy GP1 'Design' of the City of York Local Plan Deposit Draft includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, 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; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

4.2 Planning Policy Guidance Note 2 'Green Belts' sets out the purposes of including land within Green Belts and establishes specific categories of development that are appropriate within Green Belts. All other development is deemed inappropriate and therefore harmful to the Green Belt. For such development to be acceptable in Green Belts very special circumstances must be demonstrated to show that the harm is outweighed by other considerations. Policy E8 of the North Yorkshire County Structure Plan establishes a Green Belt around the City of York and Policy E9 states that planning permission will only normally be granted for the change of use or redevelopment of existing buildings in connection with agriculture, outdoor sport, cemeteries or large institutions and 'other uses appropriate in a rural area'. The boundaries of the Green Belt are detailed on the Proposals Map of the City of York Local Plan Deposit Draft (CYLPDD) and this site clearly falls within the Green Belt.

4.3 Policy GB1 'Development in the Green Belt' states that planning permission for development will only be granted where:

- a) the scale, location and design of such development would not detract from the open character of the Green Belt; and
- b) it would not conflict with the purposes of including land within the Green Belt; and
- c) it would not prejudice the setting and special character of the City of York;

and it is for one of the following purposes:

- * limited infilling or redevelopment of existing major developed sites
- * reuse of existing buildings.
- * essential facilities for outdoor sport and outdoor recreation
- * limited affordable housing for proven local needs

4.4 Policy HE3 'Conservation Areas' states that within Conservation Areas proposals for the following types of development will only be permitted where there is no adverse effect on the character and appearance of the area.

- * demolition of a building (whether listed or not);
- * external alterations
- * changes of use which are likely to generate environmental or traffic problems.

4.5 Policy NE1 'Trees, Woodlands and Hedgerows' the aforementioned, which are of landscape, amenity, nature conservation or historical value, will be protected by:

- * Refusing development proposals, which result in their loss or damage; and
- * Requiring trees or hedgerows which are retained on development sites to be adequately protected during any site works; and
- * Making tree preservation orders for individual trees and groups of trees which contribute to the landscape or local amenity; and
- * Making hedgerow retention notices where appropriate to protect important hedgerows and; ensuring the continuation of green/wildlife corridors.

4.6 NE2 'Rivers and Streams Corridors, Pond and Wetland Habitats' states that development which is likely to have a detrimental impact upon the natural features of the river and stream corridors, ponds or wetland habitats will not be permitted. Their environmental and amenity value will be conserved and enhanced by:

- * Protecting existing natural features and marginal vegetation and encouraging their reinstatement when lost;
- * Resisting development that would have adverse impact on their landscape character
- * Promoting the maintenance, enhancement and , where appropriate, the restoration of their character;
- * Ensuring the design of structures and engineering works are appropriate in form and scale to their setting.

4.7 NE3 'Water Protection' states that when determining applications, account will be taken of any impact the development will have on watercourses, open water or underground water supplies. Development proposals will be expected to minimise any adverse effects on these sources.

4.8 V5 'Caravan/Camping Sites' states that planning permission for new (or extensions to existing)caravan/camping sites outside defined settlement limits will be granted providing

- b) there will be no pitches for static caravans on the site; and
- f) there is no adverse effect on the openness of the Green Belt.

4.9 L4 'Development Adjacent to Rivers' states that planning permission will only be granted for development adjacent to rivers where:

- * there would be no loss to established and thriving recreational interests and uses; and
- * the proposed development would complement existing recreational uses and the existing character of the area; and
- * the navigational capacity of the rivers would not be decreased; and

* existing walkways and cycleways along the river banks are retained and where possible enhanced, as part of the proposed development.

4.10 North Yorkshire County Structure Plan Policy R10, states that holiday caravan, chalet and camping development will be permitted only where the local environment can absorb such development. Sites should be well screened, particularly from roads and elevated viewpoints, preference being given to well wooded areas.

4.11 North Yorkshire County Structure Plan Policy R11, there is a presumption in favour of touring caravans and tents rather than static caravans. Proposals for the development of touring caravan and tent sites will normally be permitted where they are in accordance with policy R10, except where they are located on grade 1, 2, or 3(a) agricultural land or on the valley bottom land in upland areas.

Preference will be given to the development of holiday chalet sites rather than static caravan sites. The conversion of static caravan sites to chalet sites will normally be permitted.

IMPACT ON THE GREEN BELT

4.12 Key components of this particular submission are considered to be unacceptable in this instance. As they fail to meet the strict parameters set by Planning Policy Guidance Note 2 and Policy GB1 of the City of York "Development Control" Draft Local Plan (CYDCDLP), which specify categories of development deemed appropriate within areas designated as Green Belt.

4.13 The proposed chalets by virtue of their permanency within the Green Belt and failure to embrace the development criteria considered acceptable by the aforementioned policies, represent a threat to the open character of the Green Belt. This is particularly pertinent when the open nature of the surrounding countryside (especially to the east) and the proposed increase in the height of existing land levels is taken into consideration.

4.14 The North Yorkshire Structure Plan Policy R10, bolsters the refusal decision further; stating that holiday, caravan, chalet and camping development will be permitted only where the local environment can absorb such development.

4.15 It must be noted that the proposed marina as an individual entity is considered to be an "essential facility for outdoor sport or recreation", unifying a number of the sites existing usages and would be considered as appropriate development within the Green Belt.

IMPACT UPON CHARACTER AND APPEARANCE OF THE CONSERVATION AREA.

4.16 Although the applicants' proposals will undoubtedly bring some cohesion to the site by removing the clutter and random character associated with the existing buildings, the overall benefit to the designated Conservation Area is debated. The Conservation Officer is of the opinion that the formalisation of the site layout and introduction of "Swiss style" chalets would be at odds with the underlying principles of a Conservation Area designation; appearing out of place with the character and appearance of its surroundings.

4.17 However, it could also be argued that the removal of the aforementioned buildings, in conjunction with the introduction of a low density alternative would be amore appropriate option. This is particular pertinent when you consider the apparent lack of development opportunities available to the applicants' within the confines of this particular site and their willingness to ensure the site compliments the principals of the Conservation Area designation and the village of Bishopthorpe.

APPLICATION ASSESSMENT

4.18 Although this particular submission is clearly contrary to a number of Green Belt and related policies, a number of potentially mitigating factors and issues should be addressed. The application site while predominantly green in character has been heavily developed over the years. Restaurant buildings and other units associated with the camping and boat usage (most of which are redundant) along with large areas of hard landscaping contribute negatively to this particular site and the Bishopthorpe Conservation Area.

4.19 A similar proposal at Naburn Marina (Application Ref. No. 03/00196/FUL) was granted permission as it was considered that special circumstances applied in this case to overcome the presumption against development in the Green Belt as described in PPG2, Structure Plan and CYDCDLP Policy GB1. These were;

- * existing prominent, visually intrusive, and inappropriate workshop buildings will be removed and replaced by chalets with a smaller overall footprint, with good landscape screen planting areas and with less visual impact.

- * this will be a recreational use which complements existing recreational uses nearby (marina, national cycle routes) and gives good access to open countryside on the edge of the urban area.

- * the development will improve damaged land and will secure nature conservation interests.

4.20 These were recognised in PPG2, Structure Plan and draft Local Plan policy GB1 as being objectives for development in green belts and consequently the benefits which the development will bring to the appearance and use of the site were considered to outweigh concerns about the principle of development in an area which has been included in the draft green belt.

4.21 Although no special circumstances have been highlighted in this instance the two schemes do bear some resemblance to each other.

FLOODING

4.22 Considerable concerns and objections have been raised regarding the knock on effect associated with the marina and raising of land levels in respect to the continual flooding problem. In response to these concerns the applicant commissioned a Flood Risk Assessment. The assessment appears to alleviate the concerns of local residents stating "that this additional survey information shows the field area consisting of the lngs on the east bank of the Ouse to be materially lower than the low lying land adjacent to the residential development to the south of the site around Myrtle Avenue and that it would therefore be likely that flood water would inundate the field area first at the time of flood, there is however an existing risk from unexpected events and that risk would be likely to continue purely because of the proximity of the site to the river".

4.23 This particular assessment has alleviated the initial concerns of the Environment Agency. To date the Environment Agency are considering withdrawing their original objections.

ACCESS

4.24 Concerns have also been raised regarding the access road running through the site. The access road is not a definitive "Public Right of Way", however it is currently under investigation for the definitive map. The applicants have confirmed that the access road is within their ownership and the access to moorings owned by the Bishopthorpe Charity

Trustess and neighbouring fields, as well as the usage of some parking facilities is at the applicants discretion.

4.25 The site access road would be rerouted to accommodate the marina, however, it will remain within the application site and made available for further usage. The proposal appears to respect the principals of Policy L4 as it retains an retains a walk and cycleway in close proximity to the river.

4.26 Overall the applicants proposal has a number of positive attributes, with many of the original concerns easily overcome with minor amendments or further consideration. The proposed works would obviously result in considerable disruption and alter the general character and appearance of the area considerably. However as the applicants' have stated, the design principles behind the submission could reinstate many of the vegetative features and ensure through pro-active site management that the proposed usage would benefit the site in a positive manner.

5.0 CONCLUSION

5.1 Although the applicants proposals contain both positive and negative attributes, no special circumstances apply in this case to overcome the presumption against development in the Green Belt as described in PPG2, Structure Plan Policy R10 and Policy GB1 of the City of York Development Control Draft Local Plan.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

- 1 The proposed use of land for the siting of 15 lodge style static caravans is considered to be inappropriate development in the Green Belt and by virtue of its overall design, appearance and prominent location within the designated Green Belt, would harm the open character and appearance of the Green Belt, contrary to PPG2 guidance, Structure Plan Policy R10 and Policy GB1 of the City of York Development Control Local Plan.

7.0 INFORMATIVES:

Contact details:

Author: Richard Mowat Development Control Officer
Tel No: 01904 551416