

COMMITTEE REPORT

Date: 21 January 2016 **Ward:** Heworth Without
Team: Major and **Parish:** Heworth Without Parish
Commercial Council

Reference: 15/02071/FUL
Application at: Land To The Rear Of York Caravan Park Stockton Lane York
For: Erection of 3 metre high earth bund with 7 metre wide base
By: Mr Richard Wilson
Application Type: Full Application
Target Date: 25 January 2016
Recommendation: Refuse

1.0 PROPOSAL

1.1 This is a full application for the placing of an earth bund on land to the north of York Caravan Park, Stockton Lane, York.

1.2 The site is part of a field located to the north west of York Caravan Park and within the same ownership. It is bounded to its north side by Monk Stray beyond which is Malton Road. To the western and eastern sides are agricultural fields; to the south is the existing caravan park and adjacent residential property, Orchard House. The whole field extends to approximately 2.5Ha; the area of the earth bund takes an area of the field of approximately 0.14 ha.

1.3 The proposal is to access the field via the caravan park across the Old Foss Beck and along the eastern side of the site to construct an earth bund, 7 metres wide at its base, to a height of 3 metres, along the north/north-western and western boundaries of the site. The bund is to be constructed of subsoil with a top soil and grass covering. The applicant indicates that the bund is required to reduce the sound levels from Monks Cross Retail Park.

PLANNING HISTORY

1.4 Access to construct the site is via York Caravan Park which is within the same ownership and the access through the Park forms part of the application area. The following history relates to the Caravan Park; none of the history relates to the field in which it is proposed to construct the bund. Reference is made to the caravan park in the letters of objection:

- 03/03529/OUT - Touring Caravan site for 135 pitches on 3.9ha of land withdrawn following concerns over the effect of the development on the Green Belt and on drainage/flood risk issues

- 04/03206/OUT - Touring caravan site and ancillary outbuilding and 04/012888/FUL. Conversion of agricultural building to caravan storage and rebuilding a former dwelling as a security/reception building. These two applications were WITHDRAWN following concerns over the effect of the development on the Green Belt, the amount of landscaping required to screen the development, lack of information on foul drainage.
- 05/01395/FUL - Touring caravan site for 20 pitches and the use of existing buildings for the storage of caravans was granted in 2005
- 07/02755/FUL - Provision of 20 hardstandings for the 20 pitches approved in 2005 was granted in January 2008
- 08/02729/FUL - Extension to existing Caravan Park to provide an additional 20 touring caravan pitches was withdrawn by the applicant in January 2009
- 09/01271/FUL - Extension to existing caravan park to provide an additional 20 touring caravan pitches refused in 2009 and subsequently allowed on appeal February 2010
- 10/02848/FUL - Replacement toilet and shower block and alterations to vehicular entrance granted in March 2011
- 12/03524/FUL - Additional 10 camping pitches granted in January 2013
- 14/00464/FUL - Increase in the number of pitches from 50 to 55 and the provision of all weather surfacing was granted in April 2014.
- 15/02372/FULM; 15/02371/FUL; 15/02369/FULM; 15/02370/FULM - Permission was granted in December 2015 to extend the opening hours of the caravan park. The extension allows the site to open between the 15th March and the 10th January (previously 6th November).

2.0 POLICY CONTEXT

Please see section 4 of this report.

3.0 CONSULTATIONS

INTERNAL

3.1 PUBLIC PROTECTION - The earth bund is unlikely to protect the caravan park from noise on Malton Road. Would like to know what the source of the materials to

construct the bund will be to ensure the material is not coming from a contaminated source.

3.2 ENVIRONMENTAL MANAGEMENT - ECOLOGY AND COUNTRYSIDE - The construction of a new bridge across the Old Foss Beck could impact on voles. The hedge along the north western side of the site could be affected by the bund. The bund may also impact on the wild life value of the oak tree on the northern boundary. Insufficient information has been provided about the potential impact of the proposed bund on protected species.

3.3 ENVIRONMENTAL MANAGEMENT - LANDSCAPE - The proposed mounding is not in keeping with the landscape quality and landscape character of the vicinity, and would be detrimental to the open character of the Green Belt.

EXTERNAL

3.4 HEWORTH WITHOUT PARISH COUNCIL - Originally raised no objections to the proposal however having understood that the bund is considered to serve no acoustic purpose the Parish Council would now like to see the application rejected.

3.5 FOSS INTERNAL DRAINAGE BOARD - Insufficient information has been provided by the developer in order for the Board to determine the potential impact that proposals may have on existing drainage systems or existing access arrangements.

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

- There is no problem with noise from Malton Road - there is no reason for the bund to be constructed.
- There would be serious environmental issues caused by the bund construction; the water table in the area; drainage to surrounding land; affect on ancient hedges
- Concerned about the impact of the bund on the Green Belt land behind and surrounding Orchard House.
- The construction of the bund will make standing water on adjacent land worse
- The bund would detract from the appearance of the Stray
- Wildlife would be affected
- If decent trees were planted a bund would not be needed for the caravan site
- The bund is not necessary

4.0 APPRAISAL

4.1 Key Issues:-

- Planning policy
- Green Belt
- Access
- Ecology
- Drainage

PLANNING POLICY

4.2 The site is located within the general extent of the Green Belt on the north side of York.

National Planning Policy Framework

4.3 Paragraph 14 of the National Planning Policy Framework (NPPF) says that at the heart of the NPPF is a presumption in favour of sustainable development for decision taking this means that where the development plan is absent, silent or relevant policies are out-of-date granting planning permission unless specific policies in the framework indicate development should be restricted. (Foot note 9 indicates restrictions include Green Belt locations).

4.4 One of the twelve core planning principles set out in the National Planning Policy Framework (NPPF) is to protect the Green Belt around urban areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities (Paragraph 17).

4.5 Section 3 of the NPPF says that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.

4.6 Section 9 of the NPPF says that the essential characteristics of Green Belts are their openness and their permanence (para.79). One of the five purposes of including land within the Green Belt is to assist in safeguarding the countryside from encroachment (Paragraph 80). Once defined Local Planning Authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land (para.81). An engineering operation is not inappropriate development provided the openness of the Green Belt is preserved and proposals do not conflict with the purposes of including land in the Green Belt (paragraph 90).

4.7 Section 11 of the NPPF aims to conserve and enhance the natural environment and requires the planning system to contribute by 'minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures' (Para 109). Paragraph 118 requires that in considering planning applications the aim should be to conserve and enhance biodiversity.

4.8 The NPPF says at Annex 1, paragraph 216, that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. Weight may also be given to relevant policies in emerging plans according to the stage of preparation

Development Plan

4.9 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

4.10 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 however 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.

4.11 The relevant policies applicable to this application include: GP1: 'Design' which requires that development among other things respects or enhances the local environment; NE1: Trees Woodlands and Hedgerows, GB1 'Development in the Green Belt'

4.12 Policy GB1 says that planning permission for development will only be granted where 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 development would not prejudice the setting and special character of York.

4.13 Policy NE1 seeks to refuse development that causes loss or damage to hedgerows

Emerging Local Plan

4.14 The emerging Local Plan policies can only be afforded weight in accordance with paragraph 216 of the NPPF and at the present early stage in the statutory process such weight will be limited. However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application.

4.15 In February 2003, the Council published a 'Green Belt Appraisal' which was produced as supporting evidence to the emerging City of York Local Plan. It sought to identify those areas within York's Draft Green Belt which were key to the City's historic character and setting. The appraisal says that the most important purpose of York's Green Belt is to preserve the setting and special character of the historic city of York. It shows that the site lies in one of a series of relatively flat tracts of undeveloped land that extend from the countryside into the city, and provide extensive views towards the historic core, notably the Minster (these are called 'Green Wedges' in the document).

4.16 In the absence of a formally adopted local plan the most up-to date representation of key relevant policy issues is the National Planning Policy Framework (NPPF). It is against this Framework that the application proposal should principally be addressed.

GREEN BELT

4.17 The site is located within the general extent of the Green Belt as described in the RSS; is shown as being within Green Belt on the proposals map in the DCLP and retained within the Green Belt in the emerging Local Plan.

4.18 Although paragraph 14 of the NPPF sets out a presumption in favour of sustainable development, in accordance with the footnote referenced within paragraph 14 the presumption in favour of sustainable development does not apply in Green Belt locations

4.19 Paragraph 90 of the NPPF advises that engineering operations in the Green Belt are not inappropriate development provided openness is preserved and there is no conflict with the purposes of including land in the Green Belt.

Openness and Purposes of Green Belt

4.20 Paragraph 79 of the NPPF indicates that openness and permanence are essential characteristics of Green Belt. The proposed bund will be visible above the hedged site boundary and from adjacent sites including Monks Stray. Although ultimately the bund will be grassed its height and position will introduce a substantial visual element into the landscape that will be prominent because of its contrast with the surrounding generally flat landscape (although it is acknowledged that there is some rise in land levels between the caravan site and the site where the bund is to be placed). The introduction of the bund along the northern and western boundaries of the field is considered to impact on openness because of its height, its visibility in the landscape and the visual barrier created between fields.

4.21 Paragraph 80 of the NPPF sets out the purposes of Green Belt. These include, amongst others, to check the unrestricted sprawl of large built up area; assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns and to assist in urban regeneration by encouraging the recycling of derelict and other urban land. The creation of a bund which would act as a visual barrier between fields would introduce an inappropriate sense of enclosure between sites. The change to the land would not directly impinge on views through to the Minster but would nevertheless change the setting in which views through to the City are experienced. It is considered that the size and siting of the bund would be detrimental to the setting of the city and would therefore bring some conflict with the purposes of Green Belt.

4.22 In Officers' opinion the bund will reduce openness and adversely affect [at least] one of the purposes of Green Belt and therefore, in accordance with paragraph 90 of the NPPF, is inappropriate development in the Green Belt.

4.23 Paragraph 87 says that inappropriate development is by definition harmful to the Green Belt and should not be approved except in 'very special circumstances'. Paragraph 88 says that substantial weight should be given to harm and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. Whether there are such other considerations which amount to 'very special circumstances' is assessed below at paragraph 4.32 and 4.33 below.

Character and Appearance of the Area

4.24 The application site consists of a single field that is grassland pasture. Its eastern boundary is marked by an incomplete native hedge. The field is not completely flat; it is slightly undulating as a shallow dip falls towards Old Foss Beck, which forms the southern boundary of the site (and the northern boundary of the adjacent caravan park).

4.25 There is some young mixed tree planting, largely evergreen, along the north and west boundary of the field (between approximately 3-5m in width) which appears to be establishing well; these trees are planted in front of the native hedgerows forming the original field boundaries. The nature of the planting is not entirely in keeping with the landscape character of the area, due to the high evergreen content, in particular the inclusion of conifers in the mix.

4.26 To introduce a steep, engineered, tight bund around the field, would introduce a man-made feature that would be out of character with the natural landscape form. The site immediately abuts Monk stray and its boundary is close to Malton Road, the proximity of which is noticeable from within the application site by way of moving traffic.

4.27 In order to instate the bund in the locations shown on the proposed site plans, the bunding would cover the area currently occupied by the young tree planting. Thus, either the tree planting would have to be removed, or the earthworks would suffocate the trees which would then fail, or the drawings are incorrect and the intention is to build a mound in front of the planting. Either way the proposed earth bund is out of character with the locality and would have a detrimental impact on the quality of the landscape.

4.28 The introduction of the bund would be incompatible with the surrounding topography and detrimental to the area's rural landscape character. Officers are also concerned that the position of the bund will be detrimental to the openness and setting of the Monk Stray As a result there would be harm to the character and appearance of the area. This would be contrary to the core planning principle of the NPPF of recognising the intrinsic character and beauty of the countryside (paragraph 17) and GP1 of the DCLP which similarly expects proposals to respect or enhance the local environment.

ACCESS

4.29 The proposal is to construct the earth bund by accessing the site through the caravan park, over the Old Foss beck and along the eastern boundary of the site. There is no detail within the application of the amount of material needed to create the bund or of the numbers of lorry loads of materials that would need to be brought to site. There is also no indication of how the access would bridge the Old Foss Beck. The principle of accessing the site through the caravan site is likely to be acceptable because the access to Stockton lane is well constructed and able to take larger vehicles for a temporary period. However without full details of the traffic movements and construction implications for the access across the Beck and to support the weight of lorries along the eastern side of the field the full implications of transporting materials to the site can not be assessed.

ECOLOGY

4.30 Paragraph 109 of the NPPF acknowledges that the planning system should contribute to and enhance the natural and local environment. Paragraph 118 says that local planning authorities should aim to conserve and enhance biodiversity. The Ecology and Countryside Officer has raised concerns that there is not sufficient assessment within the application about the impact of the development on protected species (Voles, Greater Crested Newts, and Bats) or sufficiently detailed plans to establish the exact location of the earth bund and its impact on the existing boundary hedges. Without additional information the impact on protected species can not be assessed.

DRAINAGE

4.31 The earth bund is to be located in the part of the site that is within flood zone 1. The point where the access route crosses the Old Foss Beck is located within Flood Zone 3. The Foss Internal Drainage Board (IDB) say that there is not sufficient detail within the application to assess whether the access over the beck and the design of the bund will have any impact on drainage of the site and adjacent land or to be satisfied that maintenance of the beck by the IDB is not inhibited by the proximity of the development to it.

OTHER CONSIDERATIONS - VERY SPECIAL CIRCUMSTANCES

4.32 The applicant says that the earth bund is needed to provide noise attenuation for the adjacent caravan site. With this in mind Officers have consulted colleagues in Environmental Protection on the noise attenuation potential of the proposed bund. Environmental Protection say that 'the bund it is to be located at least 150m away from the current boundary of the caravan park and 200m from Malton Road. From an acoustic perspective this is unlikely to have much sound reduction, other than any potential psychosomatic effect, as the increase in distance provided by the barrier from the noise source on Malton Road to the received at the caravan park would be minimal as the path distance increase provided by the 3 metre high bund would only be a few centimetres. Normally barriers are either placed adjacent to the noise source or as near as possible to the receiver. In such situations the acoustic attenuation increases'. As the barrier would serve no acoustic purpose the noise attenuation of the bund can not constitute 'very special circumstances' that would outweigh harm to the Green Belt and any other harm.

4.33 Harm has been identified to the openness and purposes of the Green Belt, to the character and appearance of the area and insufficient information has been submitted to show that there will be no harm to protected species and no adverse drainage impacts.

5.0 CONCLUSION

5.1 The application site, land to the rear of York Caravan Park, Stockton Lane, is considered to be within the general extent of the Green Belt as defined in the RSS. The erection of an earth bund on the site is considered to be inappropriate development in the context of section 9, paragraph 90 of the NPPF.

5.2 The NPPF confirms at paragraph 87 that inappropriate development is by definition harmful to the Green Belt. Paragraph 88 says substantial weight would need to be given to harm by reason of inappropriateness and any other harm. Very special circumstances will not exist unless the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

5.3 In officers' opinion the very special circumstances put forward by the applicant, that the bund will protect the caravan park from noise from Monks Cross, is not substantiated by Public Protection and does not constitute sufficient other considerations to outweigh the harm by reason of inappropriateness and other harm (that is harm to the purposes of Green Belt, openness, the character and appearance of the area and harm arising from insufficient information regarding ecological and drainage impacts of the development) identified in this report. As advised by paragraph 87 and 88 of the NPPF development that is harmful to the Green Belt for which there are no very special circumstance should not be approved.

5.4 Insufficient information has been submitted with the application for the Local Planning Authority to be satisfied that the scheme would provide adequate safeguards for protected species, access to the Old Foss Beck for the Internal Drainage Board and to show that the design of the bund would not have an impact on drainage of the site and adjacent land.

6.0 RECOMMENDATION: Refuse

1 Policy YH9 and Y1 of the Yorkshire and Humber Plan - Regional Spatial Strategy to 2026 defines the general extent of the Green Belt around York with an outer boundary about 6 miles from the city centre. The site is identified as Green Belt in the City of York Development Control Local Plan (Approved April 2005). It is considered that the proposed development constitutes inappropriate development in the Green Belt as set out in section 9 of the National Planning Policy Framework which is by definition harmful to the Green Belt. No 'very special circumstances' have been put forward by the applicant that would outweigh harm by reason of inappropriateness and any other harm, including the impact on the openness of the Green Belt and conflict with the purposes of including land within Green Belt, character and appearance of the area, ecology and drainage. The proposal is therefore considered contrary to advice within the National Planning Policy

Framework, in particular section 9 'Protecting Green Belt land', and Policy GB1 of the City of York Development Control Local Plan (Approved April 2005).

2 Insufficient information has been submitted with the application for the Local Planning Authority to be satisfied that the proposed earth bund can be satisfactorily accommodated within the site without detriment to protected species (Voles, Greater Crested Newts and Bats), without detriment to the drainage of the area and to be satisfied that maintenance of Old Foss Beck by the Internal Drainage Board is not inhibited by the proximity of the development to it. Without additional information the Local Planning Authority is not satisfied that the development complies with the requirements of paragraphs 17, 100, 109 and 118 of the National Planning Policy Framework.

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:

Informed the agent of the concerns about the proposal in this Green belt location.

However, the applicant/agent was unwilling to withdraw the application, resulting in planning permission being refused for the reasons stated.

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