

COMMITTEE REPORT

Date:
Team: Major and Commercial Team

Ward: Bishopthorpe
Parish: Acaster Malbis Parish Council

Reference: 16/02480/FUL
Application at: Mount Pleasant Caravan Park Cundall Drive Acaster Malbis York YO23 2UP
For: Layout of an additional 10 caravan pitches on existing site (resubmission)
By: Mr W Flannigan
Application Type: Full Application
Target Date: 3 February 2017
Recommendation: Approve

1.0 PROPOSAL

1.1 This application relates to Westfield Caravan Park which forms part of a wider site with Mount Pleasant comprises a residential caravan site which has been in operation since the early 1970s. A Certificate of Lawfulness was issued on 16/08/2010 that confirms use of the land for the siting of up to 60 static caravans is a lawful planning use (ref 10/01388/CPU). The site is located within the Green Belt to the west of Acaster Malbis village. The Certificate of Lawfulness establishes that the site had been operating without restriction as to the type of caravan or duration of stay and, whilst it had previously been used for the stationing of static caravans for holiday usage, it has now been converted to the stationing of more substantial units for residential occupation. That process is now largely complete with 60 pitches laid out on site. Planning permission is presently sought for the layout of an additional 10 pitches within the same site, predominantly at its southern edge. The proposal represents a revised re-submission of an earlier proposal for an additional 13 pitches that was previously refused on the grounds of impact upon the amenity of prospective and neighbouring occupants. The development has been partially commenced. Officers conclude that an increase in use of the land for the siting of 70 caravans does not amount to a material change of use requiring planning permission, however, the hardsurfaced pitches proposed amount to an engineering operation that does require planning permission.

1.2 The application was called in for consideration by the Area Planning Sub-Committee by Councillor John Galvin on the grounds of over-development and lack of amenity space for prospective occupants of the proposed static caravans.

2.0 POLICY CONTEXT

2.1 2005 Draft Local Plan Policy

CYGB1

Development within the Green Belt

3.0 CONSULTATIONS

Acaster Malbis Parish Council

3.1 object to the proposal on the grounds that insufficient amenity space is provided for the occupants of the additional static caravans and the additional units would be harmful to the open character of the Green Belt.

Ainsty (2008) Internal Drainage Board

3.2 raise no objection in principle to the proposal subject to the submission and approval of a detailed drainage scheme for the site.

Neighbour Notification and Publicity

3.3 Fourteen letters of have been received, 12 of support and 2 of objection. The letters of objection raise the following planning issues:-

- Impact upon the open character and purposes of designation of the Green Belt;
- Over development of the site;
- Impact upon the amenities of residents of the proposed pitches;
- Impact upon the local pattern of surface water drainage and infrastructure;
- Impact upon wildlife in the locality.

3.4 The letters of support raise the following planning issues:-

- Support for the additional number of parking spaces;
- Support for the development as it would complete the development to the maximum capacity of the local infrastructure.

4.0 APPRAISAL

4.1 KEY CONSIDERATIONS INCLUDE:-

- Impact upon the openness and purposes of designation of the Green Belt;
- Impact upon the amenities of occupants of the proposed pitches and those surrounding;
- Impact upon the local pattern of surface water drainage;

POLICY

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.

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. Your officer's view is that 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 therefore justifies the application of the more restrictive policies in Section 9 to the NPPF.

IMPACT UPON THE OPEN CHARACTER AND PURPOSES OF DESIGNATION OF THE GREEN BELT

4.7 The application site comprises a static caravan park latterly used for residential purposes within the general extent of the York Green Belt to the south west of Acaster Malbis village. The Certificate of Lawfulness in respect of the site allows for operation of the site without restriction as to occupancy, but describes the lawful use as the siting of 60 caravans. The current proposal seeks the provision of a further 10 formalised pitches within the site. A previous application to increase by 13 pitches was refused.

4.8 It is considered that the current proposal is not a material change of use as it takes place within the confines of an existing residential caravan site operating without restriction and that the location and number of additional vans would not amount of itself to a material change of use by reason of an intensification of the development. However, the development is for the layout of an additional 10 hard surfaced pitches for the stationing of static caravans which comprises an engineering operation which comes within the remit of paragraph 90 of the NPPF .

4.9 Paragraph 90 to the NPPF states that “engineering operations” are not inappropriate development provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. The proposal has resulted in the removal of the remaining former static caravans used for holiday use and the layout of more formalised pitches. The additional 10 pitches would fall within the scope of the qualification stated in paragraph 90 to the NPPF where engineering development is held to not be inappropriate providing it would not increase harm to openness. The additional pitches would be comprised within the body of the existing site with existing pitches and other ancillary development such as roads largely surrounding them and so there would not be any material change in harm to openness as a result of the proposal. In terms of the purposes of including land within the Green Belt , the proposal would not harm the setting of the historic city, it would not lead to settlements combining and it would lead to urban sprawl and is not therefore felt to be harmful in that respect.

IMPACT UPON THE AMENITIES OF PROSPECTIVE OCCUPANTS OF THE PROPOSED PITCHES

4.10 Central Government Planning Policy as outlined in paragraph 17 of the National Planning Policy Framework "Core Planning Principles" indicates that Local Planning Authorities should give particular weight to the need to maintain a good

standard of amenity for all new and existing occupants of land and buildings. Similarly Policy GP1 of the York Development Control Local Plan seeks to ensure that residents living nearby new development should not be unduly affected by disturbance or overlooking. The application site comprises a densely developed residential caravan site development with each unit closely packed in highly regimented rows and groups. The submitted application details provide for the construction of a further of 9 pitches to accommodate static caravans at the south eastern edge of the site, the provision of an amenity outdoor seating area adjacent to the entrance to the site to the north and a visitor parking area with a further additional unit at the eastern edge of the site.

4.11 Planning permission was refused in respect of the previous scheme on the basis of the density of the development and the lack of adequate amenity space for residents of the new static units creating an unacceptable living environment for potential occupants. The density of the development is extremely high with only a minimal separation distance between each unit. The scheme as amended gives rise to a rather more generous spacing between units particularly in respect of those at the south eastern edge of the site. A dedicated visitor parking and outdoor seating area would also be provided which is on balance felt to be acceptable. It is further acknowledged that amenity distances and the availability of open space falls short of that which would normally be expected on a new residential development however it is reflective of the existing situation at the Mount Pleasant residential caravan site directly to the north east. The pattern of development is also not materially different from that previously allowed for within the earlier Certificate of Lawfulness. It is felt therefore on balance that the revised layout could not therefore be refused permission on the grounds of the standard of amenity that would be made available to prospective occupants.

IMPACT UPON THE LOCAL PATTERN OF SURFACE WATER DRAINAGE:-

4.8 The application site lies within Flood Zone 1 and is therefore felt to be at a low risk of flooding from watercourses. Some concern has however been expressed in respect of the impact of the proposal upon the local pattern of surface water drainage. The application site has however previously been laid out with formalised pitches to accommodate the previous static holiday caravans. Roads and other hard surfaced areas had also previously been laid out. The submitted application details indicate that surface water would be disposed of via the existing soak-away system. It is felt that any additional impact arising from the pitches would be modest and that subject to any permission being conditioned to require the submission and approval of surface water drainage scheme then the proposal would be acceptable.

5.0 CONCLUSION

5.1 Westfield Caravan Park comprises a residential caravan site operating without planning restriction located within the Green Belt to the west of Acaster Malbis

village. Planning permission is presently sought for the layout of an additional 10 pitches within the site, predominantly at its southern edge. The proposal represents a revised re-submission of an earlier proposal for 13 pitches that was refused on the grounds of impact upon the amenity of prospective occupiers and those surrounding. It is felt on balance that the current proposal would not give rise to conditions prejudicial to the residential amenity of prospective occupants and is therefore acceptable in planning terms. Approval is therefore recommended.

COMMITTEE TO VISIT

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: - Site Layout Plan.

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

3 Within 28 days of the date of this permission full details of the proposed external amenity area 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 details prior to any caravan being sited on the additional pitches and the area shall be retained thereafter as an amenity area for the occupant's caravan site.

Reason: - To safeguard the amenity of occupants of the units and to secure compliance with paragraph 17 of the NPPF and to secure compliance with Policy GP1 of the York Development Control Local Plan.

4 The units shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

5 Within 28 days of the date of this permission a detailed scheme for the provision of surface water drainage for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thenceforth be implemented to the reasonable written satisfaction of the Local Planning Authority before the occupation of any of the additional pitches hereby approved.

Reason: - To ensure that the development is provided with satisfactory means of surface water drainage whilst reducing the risk of flooding to the surrounding area.

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) Clarification in respect of the existing arrangements in terms of surface water drainage.

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