

COMMITTEE REPORT

Date: 6 February 2014 **Ward:** Strensall
Team: Major and **Parish:** Strensall With Towthorpe
Commercial Team Parish Council

Reference: 13/03299/FUL
Application at: Manor Park Sheriff Hutton Road Strensall York YO32 5TL
For: Retention of former domestic garages as 2no. holiday cottages
By: Nelson Park Lodges
Application Type: Full Application
Target Date: 15 January 2014
Recommendation: Refuse

This item has been Withdrawn by the Agent.

1.0 PROPOSAL

1.1 Manor Park comprises a substantial mixed touring and static (timber lodge) caravan site lying in open countryside to the north of Strensall village outside of the Green Belt.

1.2 Planning permission is sought for the retention of two single storey brick built holiday cottages which were originally constructed as two domestic garages under previous planning permission ref: 09/01128/FUL. The site lies adjacent to the site boundary with Hoxne Farm House and to the southern entrance to the caravan park.

1.3 The application was called in by Councillor S Wiseman by Committee because of continuing concern in respect of the nature and scope of development taking place at the site.

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:

CYH4A Housing Windfall Sites
CGP15A Development and Flood Risk

Application Reference Number: 13/03299/FUL

Item No: 4d

CYGB3 Reuse of buildings
CYV1 Criteria for visitor related devt
CYGP1 Design

3.0 CONSULTATIONS

INTERNAL

3.1 Highway Network Management raise no objection to the proposal.

3.2 Environmental Protection Unit raise no objection to the proposal.

3.3 Strategic Flood Risk Management raise concerns in respect of the level of information submitted with the application relating to drainage, specifically surface water drainage.

EXTERNAL

3.4 Strensall with Towthorpe Parish Council object to the proposal on the grounds that the property is in the process of being marketed as a permanent residence; a lack of sufficient detail in respect of foul and surface water drainage submitted with the application; concern in respect of possible contamination from the infilling of the former fishing pond and that further permissions should not be granted until the planning authority are satisfied that previously imposed conditions requiring holiday-only lettings at the park are being adhered to.

4.0 APPRAISAL

KEY CONSIDERATIONS

4.1 KEY CONSIDERATIONS INCLUDE

- * Principle of the Development;
- * Proposed means of Surface and Foul Water Drainage;

STATUS OF THE YORK DEVELOPMENT CONTROL LOCAL PLAN

4.2 The York Development Control Local Plan (DCLP) was adopted for Development Control purposes in April 2005; its policies remain material considerations in arriving at Development Management decisions although their weight is limited except where in accordance with the National Planning Policy Framework.

PRINCIPLE OF THE DEVELOPMENT

4.3. Policy GB3 of the York Development Control Local Plan sets out a firm policy presumption in favour of re-use of existing buildings within the open countryside providing the building is capable of conversion without substantial additional conversion, the proposed reuse would take place within the fabric of the building and there is a clearly defined curtilage. Central Government Planning Policy in respect of planning for the rural economy as outlined in paragraph 28 of the National Planning Policy Framework urges Local Planning Authorities to give significant weight to supporting the sustainable growth and expansion of all types of enterprise in rural areas through well designed new buildings and conversion of existing buildings.

4.4 The application site comprises a former garage block of recent construction that is now surplus to requirements. The conversion scheme is compatible in land use terms with the other activities taking place on the site and has not resulted in an undue amount of additional construction work outside of the original built foot print. It is therefore consistent with the terms of Policy GB3 of the DCLP and paragraph 28 of the National Planning Policy Framework. Its design and location render it unsuitable to be used as permanent residential accommodation in accordance with Policy H4a) of the DCLP.

SURFACE AND FOUL WATER DRAINAGE OF THE SITE

4.5 Policy GP15a) of the York Development Control Local Plan sets out a firm policy requirement that developers must satisfy the Local Planning Authority that any flood risk will be successfully with the minimum environmental effect whilst ensuring that the site can be developed, serviced and occupied safely. Central Government planning policy as outlined in paragraph 103 of the National Planning Policy Framework indicates that Local Planning Authorities should give significant weight to in dealing with new development to ensuring that flood risk is not increased elsewhere. The application site lies in Flood Zone 1 which carries a low level of risk however; the applicant in dealing with proposals in the near vicinity has previously indicated a problem of high ground water levels which has at the same time been accepted by the Environment Agency.

4.6 The application details specify a "sustainable system" to deal with surface water disposal but no other detail is given other than a link to a soak-away a short distance to the north east. Notwithstanding the generally low level of flood risk there are two residential properties outside of the applicant's ownership directly adjacent to the property to the south. They would both be significantly affected by any failure to the surface water drainage provision in respect of the application site. The drainage scheme required under the original permission has never been submitted and approved and insufficient information has been made available with the application to be able to adequately assess any adverse impact upon adjacent properties which the previously identified problem of high local ground water levels has indicated that there could be. The proposal therefore does not comply with Policy GP15a) of the

York Development Control Local Plan or the requirements of paragraph 103 of the National Planning Policy Framework.

4.7 In terms of foul drainage an assessment based upon Department of the Environment Transport and the Regions Circular 03/99 'Development Served by Non-Mains Drainage' has been submitted with the application. This indicates that a package treatment plant discharging to a raised soak-away would be the favoured option. However, further negotiation based upon the previous difficulties identified at the site with high levels of ground water has led to further details being submitted which favour a connection to the existing network of connected cess pools which include adequate spare capacity to enable this to be accomplished. On balance this is felt to be acceptable.

OTHER ISSUES

4.8 Concern has been expressed in relation to the property being marketed via a specialist letting agent for general residential accommodation. Whilst this is a clear issue of concern the pattern of usage of the property is capable of control by means of a condition appended to any planning permission and is not therefore material to the determination of the current application. Concern has also been expressed in respect of the potential for contamination arising from the infilling of the lake which originally sat at the western end of the site. The development has however already been undertaken and the application site is some distance from the site of the former lake. The issue is not therefore felt to be material to the determination of the current application.

5.0 CONCLUSION

5.1 Whilst the conversion is considered to be acceptable in land use terms the proposal raises serious concerns in respect of the surface water drainage of the site. The requirement for the prior written approval of a surface water drainage scheme in respect of the original permission has not been complied with and the submitted information with the current proposal is extremely vague. Reference is made to a sustainable system in place with no clear information being given as to what that is, at the same time the submitted application plan makes reference to a soak-away connection. Whilst the site is within Flood Zone 1 and generally assessed as at a low risk of flooding, the presence of a high water table has been a factor in considering other earlier developments at the site and the proximity of the adjacent residential property, Hoxne Farm House does pose a risk of harm in the absence of a clearly defined solution. In view of the significant concerns the development as it stands is not acceptable and it is therefore recommended that planning permission be refused.

COMMITTEE TO VISIT

Application Reference Number: 13/03299/FUL
Page 4 of 5

Item No: 4d

6.0 RECOMMENDATION: Refuse

1 Insufficient information has been submitted with the development proposal to enable a realistic assessment to be undertaken of any impacts in terms of surface water drainage upon neighbouring properties, along with any harm that may be caused and potential means of mitigation contrary to Policy GP15a) of the York Development Control Local Plan and paragraph 130 of the National Planning Policy Framework.

7.0 INFORMATIVES: **Notes to Applicant**

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:

The submission of an operable surface water drainage scheme for the site.

However, the applicant/agent was unwilling to amend the application in line with these suggestions, resulting in planning permission being refused for the reasons stated.

Contact details:

Author: Erik Matthews Development Management Officer

Tel No: 01904 551416