



**Report Reference Number:** 2019/1216/COU

**To:** Planning Committee  
**Date:** 28 October 2020  
**Author:** Rebecca Leggott (Senior Planning Officer)  
**Lead Officer:** Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2019/1216/COU	PARISH:	Thorganby Parish Council
APPLICANT:	Ms Hardcastle	VALID DATE: EXPIRY DATE:	29th April 2020 24th June 2020
PROPOSAL:	Change of use of land to form a 12-pitch touring caravan site including the siting of shower and toilet facilities, new internal access track and associated works		
LOCATION:	Land Off Westfield Lane Thorganby York		
RECOMMENDATION:	GRANT		

This application has been brought before Planning Committee as directed by the Head of Planning due to the sensitive consideration of the level of objection.

## 1. INTRODUCTION AND BACKGROUND

### Site and Context

- 1.1 The application site is located to the west and just beyond the defined development limits of Thorganby, which is a Secondary Village as identified within the Core Strategy.
- 1.2 Thorganby is a historic village, which dates back to the medieval period. The village has strong links to agriculture and still maintains its relationship with the surrounding farmland.
- 1.3 The application site is within proximity to the Thorganby Conservation Area, which is approximately 75 meters to the east of the application site. Furthermore, the site is located within Flood Zone 1, with a low probability of flooding.

1.4 The application site is a grassed field and currently being used for 5 caravans under a 12-month license. A small toilet shower facility is placed on the land in association with this use. The site is accessed from the narrow single carriageway Westfield Lane, with open fields to the north, south, west and the village to the east.

### **The Proposal**

1.5 Proposals are for the change of use of land to allow an extension to an existing touring caravan site, together with 12 all-weather caravan pitches, replacement shower and toilet facilities, new internal access track and associated works.

1.6 It is noted that the proposals would create an additional 7 pitches, on top of the existing 5 currently existing on site under the permitted 12-month license.

### **Relevant Planning History**

1.7 There are no historical applications which are relevant to the determination of this application.

## **2. CONSULTATION AND PUBLICITY**

2.1. **Land Use Planning Yorkshire Water Services Ltd** – No response received.

2.2. **NYCC Highways Canal Rd** – NYCC have raised no objections to the proposed development subject to the following conditions: (1) New and altered Private Access or Verge Crossing at Westfield Lane, Thorganby (2) Visibility Splays at Westfield Lane, (3) Delivery of off-site highway Works and (4) Provision of Approved Access, Turning and Parking Areas. The aforementioned conditions would address any concerns over the proposal which will see it double in size. Westfield Lane is a single carriageway road approximately 3.17 metres in width. This is not of sufficient dimensions to allow for simultaneous passage of 2 cars let alone 2 cars pulling caravans. Further to this, an informative has been advised relating to a separate license required for works in the highway.

On the 13<sup>th</sup> August 2020 amended comments were received from NYCC Highways, following a request to investigate the issue of passing places. The applicant has been in discussion with the Highways Officer and have met on site and it was determined that there is insufficient land to accommodate a passing place. However, during the site meeting it was felt that the widening of the access and the setting back of the gates, would allow a car and caravan to pull off the highway or wait in the access before proceeding along Westfield Lane should another vehicle be travelling in the opposite direction. The applicant advised that all caravans have to vacate their pitches in the morning and those arriving cannot have access to the site until the afternoon. Therefore, helping prevent simultaneous passage of caravans.

Therefore, NYCC Highways have recommended that only the following conditions be attached should permission be granted: (1) New and altered Private Access or Verge Crossing at Westfield Lane, Thorganby (2) Visibility Splays at Westfield Lane, (3) Provision of Approved Access, Turning and Parking Areas.

2.3. **Environmental Health** – The Environmental Health Officer has raised no objections to the proposed development. However, has advised that the site will require a license under the Caravan Sites and Control of Development Act 1960.

**2.4. Parish Council** - Thorganby Parish Council strongly object to the proposed development. The Parish Council have raised concerns for the following:

- The site is located within the open countryside and therefore outside of development limits.
- The site is located within very close proximity to the boundary of the Thorganby Conservation Area. Which is a designated heritage asset, and consideration should therefore be given to the provisions of the Assets Conservation, Section 72 (1) Planning (Listed Buildings and Conservation Areas) Act, 1972 (Chapter 9) and paragraph 193 of the National Planning Policy Framework of February 2019.
- There are no public benefits which would arise from the development which would outweigh any harm to the Thorganby Conservation Area.
- There are concerns that as a result of the expenses associated with the works required by the LHA and IDB that the applicant will need to further extend the caravan site to make the proposals viable. Further applications to extend the site would exacerbate the issues raised.
- Increased traffic movements through the village and the use of a single-track road are a cause for concern. The single-track road is not considered suitable for caravans. Further to this, there are a number of highway safety concerns through the use of some of the existing roads such as the junction at Westfield Lane and Main Street being dangerous for slow moving vehicles so close to a blind spot.
- Concerns for noise impacts the increase from 4 to 12 caravans would have.
- The expansion of the existing site would lead to an increase in dog fouling
- Thorganby has very limited local amenities.

**2.5. The Ouse & Derwent Internal Drainage Board** – The IDB have raised no objections subject to a condition requiring drainage works to be agreed and a number of standard informatives relating to, (1) Riparian maintenance responsibility, and (2) Consent discharge.

**2.6. Conservation Officer** – The Conservation Officer initially raised concerns due to insufficient information as there had been no consideration for any of the surrounding heritage assets within proximity of the site. This includes the Thorganby Conservation Area and surrounding Listed Buildings.

The Conservation Officer also raised initial concerns that the prefabricated shower block should be simplified in design to remove the gable section from the roof and the glazing bars and raised issues in terms of the visual impact of up to 12 caravans on site would be viewed in the context with the Conservation Area and surrounding Listed Buildings.

Following the receipt of additional information by way of a Heritage Statement, further comments were provided by the Conservation Officer on the 26<sup>th</sup> August 2020. In summary these state that the additional information does not constitute a 'Heritage Statement' and does not adequately provided an assessment of impact.

However, the Conservation Officer does acknowledge that there appears to be a good degree of screening from the Conservation Area. Though it is still considered that there would be views on the approach to the Conservation Area down Westfield Lane unless hedgerow trees are still present, when in leaf this may partially screen the site.

The comments also states that, it appears that the existing use as a caravan/ campsite has limited impact as the field remains as such and the introduction of the vehicles and tents comprise the greatest change (which is temporary). The proposal would formalise the use and introduce permanent features including changes to the access to the site.

The Conservation Officer, concludes that whilst there would likely be a degree of harm to the setting of the Conservation Area from the change of use of the field in the manner proposed, this would be very low level of impact when considering the significance of the Conservation Area as a whole.

**2.7. Landscape Architect** – The Landscape Architect has recommended that the scheme be amended to take into account the following:

- Existing boundary hedgerows and trees; should be protected and retained. These should be accurately located on the plans together with root protection area (to BS5837). Existing and proposed screening hedgerows should be maintained to a minimum target height of 3m, which could be conditioned.
- Proposed new hedgerows; should be located along the site west boundary, to maintain screening of the site. Hedgerows should be 75% Hawthorne + other locally occurring native species. The plan to specify planting species, quantity, size together with notes for maintenance establishment.
- Pitch hardstanding's; set at least 2m away from boundary hedgerows (particularly along Westfield Land) to allow the hedgerow to grow and maintain screening of the site.
- Proposed access; to protect the corner Oak tree root protection area. Plans also to show highway visibility splay requirements. Would recommend permeable stone for drainage and to protect rural setting character.
- Proposed services; drainage outfalls through hedgerow to the ditch minimised to protect existing hedgerow (e.g. drain runs combined on site side). Show electricity supply and other service runs, to protect trees and hedgerow.

**2.8. Neighbour Summary** – All immediate neighbours were informed by letter and a site notice was erected. Resulting in 3 letters of support and 6 letters of objection.

In summary the letters of support state:

- The proposals would support the villages amenities including the public house and the bus service.
- In this current climate extra trade for local businesses is essential as long as no environmental impact.
- This is a small extension of a further 6 caravans to an existing site.
- Since the local pub, The Jefferson Arms reopened the support from people using the existing caravan site has been phenomenal. On average amounting to at least 30% of the weekend trade.
- The caravans are not considered to contribute to speeding vehicles through the village
- No noise issues experienced from the caravan site.

In summary the letters of objection raise concerns for the following:

## Highways

- Highway safety and the junction at Westfield Lane and Main Street.
- Increased traffic along Westfield Lane will make it more difficult for residents to access their driveways.
- Westfield Lane is not suitable for larger vehicles.
- The use of Westfield Lane would cause issues with cyclists, joggers, horse riders and people who walk their pets along this road.
- Increased pollution.
- The village has no shop meaning campers would need to use their vehicles for come and go more frequently.
- Objections to the suggested highways conditions for putting passing places along Westfield Lane. This is as this would alter the character of the road.
- A runoff area should be provided so that vehicles are not left on Westfield Lane.

## Conservation

- Noise pollution would disturb the amenity of surrounding wildlife, walkers and residents.
- The development would not be in keeping with the Thorganby Conservation Area. The shower block specifically would be inappropriate in the Conservation Area and would negatively impact on the rural nature of the area.

## Sewerage system

- It would be inappropriate to connect the site to the existing inadequate sewerage system.

## Other

- Trespassing on to neighbour's land.
- The access should be moved away from the ancient Oak trees.
- Lack of supervision on site, someone should visit the occupants each night at curfew and enforce the rules.

### **3. SITE CONSTRAINTS**

#### **Constraints**

3.1. The site is located outside development limits within the open countryside.

### **4. POLICY CONSIDERATIONS**

4.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.

4.2. The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.

4.3. On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options would take place early in 2020. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.

4.4. The National Planning Policy Framework (February 2019) (NPPF) replaced the July 2018 NPPF, first published in March 2012. The NPPF does not change the status of an up to date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2019 NPPF.

4.5. Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

*“213.....existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”*

### **Selby District Core Strategy Local Plan**

4.6. The relevant Core Strategy Policies are:

- SP1 - Presumption in Favour of Sustainable Development
- SP2 - Spatial Development Strategy
- SP13 - Scale and Distribution of Economic Growth
- SP15 - Sustainable Development and Climate Change
- SP18 - Protecting and Enhancing the Environment
- SP19 - Design Quality

### **Selby District Local Plan**

4.7. The relevant Selby District Local Plan Policies are:

- ENV1 - Control of Development
- ENV25 - Development in Conservation Areas
- EMP2 - Location of Economic Development
- RT12 – Touring Caravan and Camping Facilities
- T1 - Development in Relation to the Highway Network

## **5. APPRAISAL**

5.1. The main issues to be considered when assessing this application are:

- The Principle of Development
- Impact on the Surrounding Heritage Assets
- Impact on the Character and Appearance of the Area
- Impact on Residential Amenity
- Impact on Highway Safety

- Flood Risk and Drainage

## **The Principle of the Development**

- 5.2. The proposals are for the change of use of land to form 12 all-weather caravan pitches, the siting of a shower and toilet facility, new internal access track and associated works. The site lies within open countryside and its former use was an agricultural field. However, is currently being used in part, as a caravan site under the Caravan License exemption for 5 touring caravans.
- 5.3. Policy SP1 of the Core Strategy outlines that *"when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework"* and sets out how this will be undertaken. Policy SP1 is therefore consistent with the guidance in Paragraph 14 of the NPPF.
- 5.4. The application site is located outside any defined development limits and is therefore located within the open countryside.
- 5.5. Policy SP2A (a) of the Core Strategy states, *"The majority of new development will be directed to the towns and more sustainable villages depending on their future role as employment, retail and service centres, the level of local housing need, and particular environmental, flood risk and infrastructure constraints"*. Further to this, the Policy SP2A (b) states, development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13.
- 5.6. Policy SP13 of the Core Strategy states that in rural areas, sustainable development which brings about sustainable economic growth through local employment opportunities or expansion of businesses and enterprise will be supported, including (amongst other things) the re-use of existing building and infrastructure and the development of well-designed new buildings, the redevelopment of existing and former employment sites, the diversification of agriculture and other land based rural businesses, rural tourism and leisure development, small scale rural development. In all cases development should be sustainable and be appropriate in scale and type to its location, not harm the character of the area, and seek a good standard of amenity.
- 5.7. Policy RT12 states that, proposals for touring caravan and camping facilities will be permitted provided:
- 1) *The proposal would not have a significant adverse effect on the character and open appearance of the countryside, or harm acknowledged nature conservation interests;*
  - 2) *Any proposal for development within the locally important landscape areas, as defined on the proposals map, would conserve and enhance the landscape quality of the area in terms of scale, siting, layout, design, materials and landscaping;*

- 3) *The proposal would not be visually intrusive and would be well screened by existing vegetation, or would incorporate a substantial amount of landscaping within and around the site;*
- 4) *The site would have good access to the primary road network;*
- 5) *The proposal would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity;*
- 6) *Any new ancillary buildings or structures are essential to providing basic services on the site; and*
- 7) *The number of pitches in anyone would be in proportion to the size of the locally resident population so as not to disrupt community life.*

5.8. The proposal is for the change of use of land to form a 12-pitch touring caravan site. The operational development includes a new internal access track and the siting of a new well- designed pre-fabricated amenity block of an appropriate scale, which would not appear uncommon within the rural landscape. The proposals are considered to contribute towards and improve Thorganby's local economy and will maintain the vitality of rural community though attracting tourism to the village and encouraging use of existing facilities. Therefore, the proposals would be acceptable in principle in terms of Policy SP2A (c). However, proposals that are acceptable in principle are still required to meet the policy tests set out within this policy. This includes whether the proposed development would contribute towards or maintain the vitality of rural communities, in accordance with policy SP13.

5.9. Where the proposed scheme may be acceptable in principle it would be required to meet the policy tests set out in Local Plan Policy RT12 (1), (2), (3), (5), (6) and (7) and all other relevant local and national policy tests.

5.10. The impact on acknowledged interests against the above policy tests is considered in the following parts of the report.

### **Impact on the Surrounding Heritage Assets**

5.11. The application site is within proximity to the Thorganby Conservation Area, being 75m to the east. It is also noted that there are a number of Grade II Listed Buildings within the village of Thorganby. The closest Listed Building being Thorganby House, which would be over 100 meters away.

5.12. When considering proposals which affect Conservation Areas regard should be made to S72 (1) of the Planning (Listed Building and Conservation Area Act) and S66 (1) of the Town and Country Planning Act 1990, which states that with respect to any buildings or other land in a Conservation Area, of any powers, under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

5.13. It is noted that Section 66 of the Act states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.



- 5.14. Relevant policies in respect to the impact of development on the Thorganby Conservation Area and the character and form of the area include Policy ENV1 (1), (4) and (5) and ENV25 of the Selby District Local Plan, and Policies SP18 and SP19 of the Core Strategy.
- 5.15. Significant weight should be attached to the Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF. However, less weight should be given to policy ENV25 as it does not accord with the approach taken within the NPPF in relation to the emphasis on significance and on weighing harm to significance against other considerations, depending on whether there is substantial harm or less than substantial harm.
- 5.16. Relevant policies within the NPPF, which relate to development within a Conservation Area and the significance of the setting of the adjoining listed building, include paragraphs 189, 190, 191, 192 193 and 194.
- 5.17. Comments have been received from the Conservation Officer, who initially objected to the application due to insufficient information being provided. It is noted that concerns have been raised in respect of the changes of materials on site from grass to hardcore, the appearance of the amenity block and also the overall impact of 12 caravans.
- 5.18. Officers requested additional information from the planning agent and the applicant has subsequently submitted additional information labelled 'Heritage Statement'.
- 5.19. Further comments have been provided from the Conservation Officer, in summary these comments state that the additional information does not constitute a 'Heritage Statement' and does not adequately provided an assessment of impact. However, the Conservation Officer, concludes that while there will likely be a degree of harm to the setting of the Conservation Area from the change of use of the field in the manner proposed, but that this would be very low level of impact when considering the significance of the Conservation Area as a whole.
- 5.20. Having carried out a site visit and noted the boundary treatments around the site including hedging and tall trees, it is not considered that the application site would be visible from public vantage points within the Conservation Area. It is however noted that, at present there may be some limited views from the rear gardens of some of the nearby properties within the Conservation Area and minimal views on the approach to the Conservation Area along Westfield Lane. Furthermore, the site is not visible from any of the nearby Listed Buildings. The woodland to the south of the site would block views from the closest Listed Building Thorganby House.
- 5.21. In respect of any impacts on surrounding Listed Buildings, given there would be no views from these buildings to the site. There would be no harm to the Listed Buildings and their settings.
- 5.22. In respect of any impacts on the Thorganby Conservation Area given the limited views of the site. There would be less than substantial harm. Whilst it is noted that the harm is less than substantial this is still harm. At para 196 the NPPF states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposals.' Therefore, Officers are required to weigh this against the public benefits.

- 5.23. The proposal would provide some public benefits in contributing to local services. This includes the use of the local pub and also local bus services, ensuring the vitality of Thorganby village and its rural economy. This is also as noted within the neighbour support letters submitted. Therefore, officers consider that the less than substantial harm is outweighed by the public benefits associated with the proposed use.
- 5.24. Therefore, having had regard to Policies ENV1(1), (4) and (5) and ENV25 of the Selby District Local Plan, and Policies SP18 and SP19 of the Core Strategy and the NPPF it is considered that the proposals are acceptable.

### **Impact on the Character and Appearance of the Area**

- 5.25. The application site is located outside the defined development limits of Thorganby, as defined within the Core Strategy. The proposal involves change of use of land to create a 12-pitch touring caravan site together with, new shower and toilet facilities, new internal access track and associated works.
- 5.26. Taking each criterion within Policy RT12 in turn.
- 5.27. Criterion 1 relates to, *whether the proposal would have a significant adverse effect on the character and open appearance of the countryside, or harm acknowledged nature conservation interests.*
- 5.28. The application site is an existing field surrounded by mostly open fields and some residential gardens and dwellings further to the east. To the north of the application site would be the highway, Westfield Lane. To the east of the application site would be an open field outside of the applicant's ownership. To the south of the application site would be a field within the applicant's ownership. To the west of the application site would be an open agricultural field.
- 5.29. The third-party comments received raise concerns over the insufficient boundary treatment. These comments are noted, and it is therefore considered reasonable to secure a detailed scheme of landscaping by way of condition. This is to ensure that there is adequate screening and boundary treatments along the eastern boundary along common boundaries with neighboring properties.
- 5.30. In respect of the touring caravans these would not have a permanent presence on site. Touring caravan sites are generally more actively used in spring and summer months so the site will remain vacant and open for longer periods, particularly the winter months. Furthermore, the caravan pitches are only likely to be occupied when the weather permits, meaning the site will be still relatively open for periods throughout the year specifically the winter months.
- 5.31. In respect of the proposed amenity block on site, consisting of shower and toilet facilities. This would have a permanent on-site presence. The new well-designed pre-fabricated amenity block, would be sited to the south east corner of the site. In considering the scale, siting, and design of this block. It is considered proportionate to the proposals and would not create any significant adverse impacts on the open countryside.
- 5.32. In respect of the proposed internal access track. This would be of porous materials and is considered to be proportionate and necessary to what is being proposed. The track is not considered to cause any undue harm to the open countryside.

- 5.33. In respect of the cesspit, this would be located underground and would therefore have no impacts on the open countryside.
- 5.34. Overall, the change of use of land to form a 12-pitch touring caravan site including the siting of shower and toilet facilities, new internal access track and associated works, would have some impacts on the character and appearance of the open countryside by way of the changes to the application site, the enlarged access to the site and vehicle movements along Westfield Lane. However, from an inspection of the site Officers note that the application site is surrounded by a variety of existing boundary treatments, including fencing, hedges and mature trees. These existing boundary treatments provide screening to the site, particularly when viewed from Westfield Lane. Furthermore, given the density of the hedging and trees it is considered that this would still provide some screening in winter also, this is addressed further against criterion 3.
- 5.35. Given the location of the application site and the existing boundary treatments it is not considered that the proposed caravan site would have a significant adverse effect on the character and open appearance of the countryside.
- 5.36. Criterion 2 relates to, *whether the proposal is located within a locally important landscape area.*
- 5.37. The application site is not located within a locally important landscape area and therefore criterion 2 is not applicable.
- 5.38. Criterion 3 relates to, *whether the proposal would not be visually intrusive and would be well screened by existing vegetation, or would incorporate a substantial amount of landscaping within and around the site.*
- 5.39. The application site is currently bound by tall hedging, trees and the highway, Westfield Lane to the north, hedging and residential development to the far east, post and rail fencing and woodland to the far south and a newly planted Hornbeam (*Carpinus betulus*) hedgerow with Dog Rose (*Rosa canina*) to the west as shown on the submitted plans and drawings.
- 5.40. Officers also note that a Tree Protection Order is being considered for one of the Oak trees to the east of the entrance to the site. The tree in question is located on the neighbour's land though this tree would have a root protection zone of approximately 9 meters. Therefore, some of the roots for the tree would be located on the applicant's land.
- 5.41. In considering this comment have been sought from the Landscape Architect who has advised the following:
- Existing boundary hedgerows and trees accurately plotted and showing as maintained to a minimum target height of 3m.
  - Root protection areas to be provided (to BS5837).
  - A new hedgerow along the western boundary of the site.
  - Specified plant species, quantity, size together with notes for maintenance establishment.
  - Pitch hardstanding's set at least 2m away from boundary hedgerows.
  - Visibility splay requirements to ensure the protection of the corner oak tree.

- Permeable stone for drainage.
- Drainage outfalls through hedgerow to the ditch minimised to protect existing hedgerow. Show electricity supply and other service runs, to protect trees and hedgerow.

5.42. Following discussions with the applicant the proposals have been amended to move the access west and away from the root protection zone of the tree. Therefore, no root protection or further details are required in respect of this specific oak tree. The gap in the hedge created by the existing access will be replanted. Furthermore, the boundary treatments for the site have been accurately plotted on the site layout plan. The amendments to the proposals address all of the points raised by the landscape architect, which includes limiting the hard standing near the hedge adjacent to Westfield Lane.

5.43. In considering seasonal changes, given the density of the hedging along with the likelihood that there will be less activity on site in the winter, it is not considered that seasonal change is of concern.

5.44. Overall, it is considered acceptable to secure the boundary treatments via condition as well as condition the height the hedging along the northern boundary of the site to 3 meters.

5.45. Given all the above, the proposals are not considered to be visually intrusive and are well screened by existing boundary treatments including, fencing, hedges and mature trees. It is also noted that a furthermore detailed scheme of landscaping is to be required and secured by way of condition.

5.46. Criterion 5 and 5 relate to highway matter and are to be addressed within the '*Impacts on Highway Safety*' section of the report.

5.47. Criterion 6 relates to, *whether any new ancillary buildings or structures are essential to providing basic services on the site.*

5.48. The proposed scheme is for the change of use of land and includes the provision of a free-standing amenity block. This includes toilet and washing facilities and is considered reasonably necessary for a functioning caravan site. Furthermore, the new pre-fabricated amenity block is considered to be of a limited size and scale and overall could therefore be considered essential to providing basic services on the site.

5.49. Criterion 7 relates to, *whether the number of pitches would be in proportion to the size of the locally resident population so as not to disrupt community life.*

5.50. It is noted that the application site is located outside the defined development limits of Thorganby. However, the site is within close proximity to the village of Thorganby and it is therefore considered reasonable to weigh up the proportion of pitches proposed on site to the population of Cliffe.

5.51. The proposal is for 12 pitches; however it is acknowledged that it realistically 7 additional pitches to the existing 5 that operate under the Caravan License currently. In total the site would have the ability to accommodate 12 groups at once. While Thorganby is a Secondary Village as defined within the Core Strategy, it is considered that the caravan pitches cumulatively would be proportionate to the population of Thorganby.

5.52. Therefore, in considering the above it is considered that the proposal is acceptable and would not have a significant or detrimental impact on the character and appearance of the area. Therefore, having had regard to Policies ENV1(1), (4) and (5) and RT12 of the Selby District Local Plan, and Policies SP18 and SP19 of the Core Strategy and paragraphs 124, 127, 128, 130 and 131 of the NPPF.

### **Impact on Residential Amenity**

5.53. Relevant policies in respect to impact on residential amenity include Policies ENV1 (1) and (4) and EMP9 of the Selby District Local Plan and Policy SP19 "Design Quality" of the Core Strategy. In respect of the NPPF it is noted that one of the Core Principles of the framework is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

5.54. Any such leisure use has the potential to cause noise and disturbance through increased comings and goings and from occupants of the leisure site. Occupants of such facilities are more likely to spend time outside enjoying their leisure time and this often brings with it noise and nuisance if not properly controlled by the owner/site license.

5.55. Given this is essentially a rural location with residential development to the far east. It is the most significant material consideration within this application. In this case the site could accommodate a maximum of 12 families at any one time and is therefore regarded as small scale.

5.56. The comments of the occupiers of the surrounding properties and the Thorganby Parish Council in relation to concerns for noise impacts are noted. However, given the existing use of the site for 5 caravans a scheme of this scale is not considered to significantly harm the amenity of neighbouring properties.

5.57. The submitted Design and Access Statement, states that, as the applicants live close by and there is CCTV in place therefore the site is closely managed. The site is also described as an adults only site, so as to ensure limited impacts of noise. The applicants ownership and adults only restriction cannot be controlled by condition, however providing the situation remains this way these measures are therefore considered to reduce any impacts on the amenity of occupiers of any of the residential properties within proximity of the site. Though it is noted that the closest residential dwelling would be approximately 80 meters away.

5.58. Also, from a review of the website the applicants appear to have a number of rules for the site as follows:

- *All prices above are for the 2 registered people, 1 caravan.*
- *The maximum age for a caravan being used as a seasonal pitch is 10 years old.*
- *a maximum of 2 dogs are allowed providing they are well controlled, kept on a lead and any fouling left by them is cleared up immediately.*
- *Day visitors are allowed on request but please consider your neighbouring caravans.*
- *No clothes line are permitted.*
- *There will be a noise policy in place and guests will be asked to keep noise to a minimum between 11pm and 8am.*
- *No commercial vehicles allowed on the park at any time.*

- *Nothing is permitted to be stored underneath the caravan: the area must be kept clear.*
- Gas bottles are not to be left outside your caravan.
- Awnings are allowed without groundsheets.

5.59. The scheme looks to small adult groups and not to cause any unnecessary pollution regarding, noise or environmental impact on the neighbourhood.

5.60. Whilst the above measures cannot be considered as planning conditions, they will ensure the facility is small scale and run in such a way that the amenities of the adjoining neighbours are not affected. The running of the site is also regulated by the need for a site license which the Local Authority control and monitor.

5.61. In respect of overlooking the site would be located some distance away from the surrounding residential properties. Furthermore, it is not considered that the change of use would pose any additional impacts of overlooking to the existing use, in terms of views from the land in question.

5.62. In respect of overshadowing the proposed amenity block would be set some distance away from residential properties. Therefore, there are not considered to be any impacts of over shadowing.

5.63. Further to this, in considering any impacts in terms of noise and impacts on the surrounding neighbouring properties. Environmental Health have been consulted on the application. In summary the Environmental Health Officer has raised no objections to the proposed development.

5.64. Overall given the siting of the proposed scheme, the position of the access and distances from surrounding residential properties, it is considered that the proposal would not result in any adverse effects on the amenities of the occupiers of any neighbouring properties.

5.65. Subject to the aforementioned condition, it is considered that the proposal is acceptable in terms of its impact on residential amenity in accordance with Policies ENV1 (1) and (4) and EMP9 of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained with the NPPF.

### **Impact on Highway Safety**

5.66. Relevant policies in respect to highway safety include Policies ENV1, T1 and T2 of the Selby District Local Plan and requirement (c) set out in Policy SP19 of the Core Strategy. These policies should be afforded substantial weight as they are broadly consistent with the aims of the NPPF.

5.67. The proposal would involve the closing of the existing access and the construction of a new access.

5.68. NYCC Highways have been consulted on the application. It is noted that NYCC Highways originally requested a condition requiring passing places to be constructed along Westfield Lane. However, following a site meeting with the applicant and NYCC Highways. It was concluded that, such a condition could not be met and would therefore be unreasonable.

- 5.69. NYCC Highways latest comments raise no objections to the proposals subject to the following standard conditions: (1) New and altered Private Access or Verge Crossing at Westfield Lane, Thorganby (2) Visibility Splays at Westfield Lane, (3) Provision of Approved Access, Turning and Parking Areas. The highway improvement details have been detailed on the updated site layout plan and therefore this can be secured by way of condition
- 5.70. From a site visit it is not considered that the proposed development would create conditions which would be of a detriment to highway safety subject to these improvements. It is also noted that the site is currently being used as a caravan site for up to 5 caravans. Officers consider that the site would have a good access to the primary road network and would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity.
- 5.71. Overall, the proposal would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity. Given all of the above the proposals are considered acceptable in respect of highway safety.
- 5.72. Overall, in respect of Policy RT12 of the Selby District Local Plan on balance the proposed development would be comply to criteria (4) and (5) of the policy and would be acceptable in respect of Local Plan Policy SP19 of the Core Strategy and policies contained within the NPPF.

### **Flood Risk and Drainage**

- 5.73. Firstly, in addressing the issues of flood risk, the application site is within Flood Zone 1 and therefore at low risk of flooding. Therefore, despite being a more vulnerable use, no sequential or exceptions test are required.
- 5.74. In terms of drainage, the submitted application form sets out that the foul water will be disposed of via cesspit and surface water will be disposed of via an existing water course.
- 5.75. In respect of surface water discharge, it is noted that the IDB have raised no objections to the proposed development. However, the IDB have advised that soakaways should be considered on site rather than directly discharging into existing water courses. Therefore, the IDB have suggested a condition requiring drainage details to be submitted and agreed. Having discussed this condition with the planning agent this condition is agreed. Therefore, it is considered reasonable to secure drainage details by way of condition. Further to this a number of standard informatives have been suggested as follows: (1) consent required from IDB, (2) consent outfall and (3) consent discharge.
- 5.76. In respect of foul water discharge it is proposed to use a cesspit. This would require an Environmental Permit from the Environment Agency, which would need to be obtained beyond the planning process.
- 5.77. It is noted that Yorkshire Water have not provided a response within the statutory consultation period. However, the foul and surface water drainage would not be discharged via any of the Yorkshire Water assets. Therefore, no response is required.
- 5.78. It is noted that, limited information has been provided in terms of the scheme for drainage. However, it is considered that an acceptable scheme of drainage can be

achieved. Therefore, notwithstanding the information submitted further information can be requested and subsequent measures secured by way of condition.

## **6. CONCLUSION**

- 6.1. Having had regard to the development plan, all other relevant local and national policy consultation responses and all other material planning considerations, it is considered that the proposed development is acceptable in principle providing a leisure use within the open countryside which will help sustain local village facilities and attract tourism the area. The proposal would not have a detrimental effect on the character and appearance of the area, residential amenity of the occupants of neighbouring properties, highway safety or drainage and flooding. In terms of the adjacent heritage assets the proposal is considered to cause less than substantial harm and this is outweighed by the public benefits associated with the proposed use.
- 6.2. The application is therefore in accordance with Policies, SP1, SP2, SP13, SP18 and SP19 of the Core Strategy and Policies ENV1, ENV 25, RT12 and T1 of the Local Plan.

## **7. RECOMMENDATION**

7.1. This application is recommended to be GRANTED subject to the following conditions and reasons:

1. The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

Reason:

In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the plans and drawings listed below:

Location Plan – LOC 01

Proposed Site Plan - DN-001 / D

Amenity Block Floor Plan - DN-003

Amenity Block Elevations - DN-004

New Road and Pitch Construction – received 14<sup>th</sup> January 2020

Reason:

For the avoidance of doubt.

3. The development must not be brought into use until the existing access to the site at Westfield Lane, Thorganby has been closed and the new access as shown on plan reference, DN-001 / D has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements:

The existing access must be improved by installing 10 metres radius kerbs, to give a minimum carriageway width of 7.3 metres, and that part of the access road extending 13 metres into the site must be constructed in accordance with Standard Detail number A1 or E2 (E2 specification will not require the radius kerbs) and the following requirements.



a) Any gates or barriers must be erected a minimum distance of 13 metres back from the edge of the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.

b) Measures to enable vehicles to enter and leave the site in a forward gear.

c) Provision should be made to prevent surface water from the site/plot discharging onto the existing or proposed highway in accordance with the specification of the Local Highway Authority.

All works must accord with the approved details.

Reason:

In accordance with policy T1 of the Selby District Local Plan and to ensure appropriate a satisfactory means of access to the site from the public highway in the interests of highway safety.

4. There must be no access or egress by any vehicles between the highway and the application site at Westfield Lane until splays are provided giving clear visibility of 45 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In accordance with policy T1 of the Selby District Local Plan and in the interests of highway safety.

5. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In accordance with policy T1 of the Selby District Local Plan and in order to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

6. No development approved by this permission shall be commenced until the Local Planning Authority has approved a Scheme for the provision of foul and surface water drainage works. The following criteria should be considered:

- The suitability of soakaways, as a means of surface water disposal, should first be ascertained in accordance with BRE Digest 365 or other approved methodology.
- If soakaways are not feasible, then the Board may consider a proposal to discharge surface water to a watercourse (directly or indirectly).
- Discharge from "greenfield sites" taken as 1.4 lit/sec/ha (1:1yr storm).
- Storage volume should accommodate a 1:30 yr event with no surface flooding and no overland discharge off the site in a 1:100yr event.
- A 30% allowance for climate change should be included in all calculations.

- A range of durations should be used to establish the worst-case scenario.

Any such Scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

Reason:

To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding.

7. The development hereby permitted shall be carried out in accordance with landscaping as identified on plan reference, DN-001 / D. The boundary hedges and trees shall be maintained to a minimum height of 3 meters along the north and east boundaries and 2 meters along the west boundary.

All trees, shrubs and bushes should be adequately maintained for the period of five years beginning with the date of completion of the scheme and during that period all losses should be made good as and when necessary.

Reason:

In order to ensure that the proposals are in keeping with the character and appearance of the area, to prevent any adverse overlooking of neighbouring properties and to comply with Policy ENV1 of the Selby District Local Plan.

8. Notwithstanding plan reference, DN-001 / D within the first available planting season a hedge of a native species shall be planted in line with the existing hedge row along the northern boundary along location of the existing access to be close to a length of 7 meters and maintained to a height of 3 meters.

All trees, shrubs and bushes should be adequately maintained for the period of five years beginning with the date of completion of the scheme and during that period all losses should be made good as and when necessary.

Reason:

In order to ensure that the proposals are in keeping with the character and appearance of the area, to prevent any adverse overlooking of neighbouring properties and to comply with Policy ENV1 of the Selby District Local Plan.

9. The site shall only be occupied by touring caravans, tents or motor homes and the number of pitches on the site at any one time shall not exceed 12.

Reason:

In order to ensure that the scale of the proposed use accords with its location, adjacent to residential properties and to ensure compliance with Policy RT12 of the Selby Local Plan.

10. The site shall be occupied for holiday purposes only and no caravan, tent or motor home, shall be occupied on a permanent basis.

Reason:

This condition is imposed in the interests of restricting the use of the accommodation to a temporary holiday use only. The Council acknowledges that these sites fulfil an important social function by providing holiday accommodation. It also acknowledges that tourism has an important part to play in the economy of the area and that these sites are important in this respect. However, these considerations must be set against

policies SP2 of the Core Strategy which seek to restrict residential development in the open countryside.

11. All service points, refuse collection points and the chemical toilet area shall be as those specified on submitted drawing Proposed Site Plan - DN-001 / B and no facilities shall be sited in other areas of the site without the prior written approval of the Local Planning Authority.

Reason:

In order to ensure that the proposals are in keeping with the character and appearance of the area, and to comply with Policy ENV1 of the Selby District Local Plan.

12. The pitches shall be limited to those areas specified on submitted drawing Proposed Site Plan - DN-001 / D and no caravan, tents or motor home shall be sited in other areas of the site.

Reason:

In order to ensure that the scale of the proposed use accords with its location, adjacent to residential properties and to ensure compliance with Policy RT12 of the Selby Local Plan.

13. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason;

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

### **INFORMATIVE(S):**

#### **1. HIGHWAYS:**

You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

Notwithstanding any valid planning permission for works to amend the existing highway, there must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and North Yorkshire County Council as the Local Highway Authority. To carry out works within the highway without a formal Agreement in place is an offence.

2. IDB:

Any watercourse adjacent to this development is not maintained by the Board. The responsibility for the continued maintenance of the watercourse and its banks rests ultimately with the riparian owners.

Under the Board's Byelaws the written consent of the Board is required prior to any discharge (directly or indirectly) into any watercourse within the Board's District.

## 8. Legal Issues

8.1. Planning Acts

This application has been determined in accordance with the relevant planning acts.

8.2. Human Rights Act 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

8.3. Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However, it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

## 9. Financial Issues

9.1. Financial issues are not material to the determination of this application.

## 10. Background Documents

10.1. Planning Application file reference 2019/1216/COU and associated documents.

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**Appendices:** None