



Report Reference Number: 2016/1503/COU (8/10/194E/PA)

Agenda Item No: 6.3

To: Planning Committee
Date: 9 June 2018
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Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2016/1503/COU (8/10/194E/PA)	PARISH:	Escrick Parish Council
APPLICANT:	Mr C Forbes Adam	VALID DATE: EXPIRY DATE:	22nd December 2016 16th February 2017
PROPOSAL:	Change of Use of land as an extension to an existing holiday park (caravan site) together with (in outline) a new laundry building and the construction of a package wastewater treatment plant: siting of caravans to provide classroom, cafe with WC accommodation and potting/machinery shed, additional parking and package wastewater treatment plant		
LOCATION:	Hollicarrs Holiday Park York Road Escrick York North Yorkshire YO19 6EE		
RECOMMENDATION:	APPROVE		

This application has been brought before Planning Committee due to the significant amount of objections received to the application.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site lies within Escrick Park Estate which is circa 3,300ha and is situated mostly to the east of A19 road between Escrick and Riccall. There are two separate areas of land subject to this application.

- 1.2 The land proposed to be an extension of the caravan site is submitted in full and is circa 4ha in area. This area of land is surrounded by Ancient Woodland on its west, north and east perimeters. The application site is not Ancient Woodland, but is wooded.
- 1.3 The smaller parcel of area of land, which is submitted in outline application, is located adjacent to the caravan site entrance road on the eastern flank and includes gravel parking area, enclosed grassland and planting.

The Proposal

- 1.4 The application is submitted as a hybrid application which seeks full planning permission for the change of use of land as an extension to an existing holiday park (caravan site) including a laundry building together with outline consent for the siting of 3 caravans to provide a classroom, a cafe with WC accommodation and potting and equipment shed and to provide additional parking, nursery (plant growing) beds and the construction of a wastewater package treatment plant that would be associated with educational activities at Three Hagges Trust Woodland.

Relevant Planning History

- 1.5 CO/2002/0604 – Permitted 18.11.2003 - Proposed change of use of land to static caravan site with associated access roads, hard standing and landscaping, the erection of a reception/administration building, construction of access to old A19, installation of sewage treatment plant.
- 1.6 2007/0285/FUL – Permitted 21.11.2007 - Use of land as extension to holiday park, erection of shop and cafe, use of land as arboretum/sculpture park, formation of lakes, erection of polytunnels and ancillary works.
- 1.7 2010/1199/DPC - Application disposed of 12.05.2011 - Discharge of conditions 3(mud on road), 5(on-site parking/material storage), 6&7(surface water), 8(contamination), 11(archaeology) and 14(landscaping) of approval 2007/0285/FUL (8/10/194A/PA) for use of land as extension to holiday park, erection of shop and cafe, use of land as arboretum/sculpture park, formation of lakes, erection of polytunnels and ancillary works.
- 1.8 2010/1244/FUL - Permitted 11.03.2011 - Farm shop and cafe with associated parking and servicing, amenity and surface water attenuation drainage ponds, children's play area, farming pens and amenity planting.
- 1.9 2014/0228/DPC – Conditions discharged - 04.07.2014) Discharge of conditions 3(Surface Water), 4(Foul Drainage), 5(Play Equipment), 6(Landscaping), 7(1)(Surface Water Run Off) of approval 2010/1244/FUL Farm Shop and cafe with associated parking and servicing, amenity and surface water attenuation drainage ponds, children's play area, farming pens and amenity planting.

2.0 CONSULTATION AND PUBLICITY

The application was advertised by site notice and neighbour notification letter, with significant objections being received, primarily as a result of a Woodlands Trust

online campaign which attracted the bulk of objections. The circa 800 objections raise a series of issues which can be summarised as follows:

- Development on ancient woodland should not be allowed,
- Will attract more traffic,
- Application made under the pretext that the lodges will be non-residential,
- Will a footpath be constructed to link the site to the A19,
- Urbanisation of the rural area,
- Loss of woodland habitat,
- Screening should have been done under the previous approval,
- Screening should be planned on southern edge of the site,
- The café development should be screened,
- When the development of this caravan park stop,
- Does not meet a local need, only benefits the owner,
- Increased hard surface will affect flooding,
- Possible pollution from the new water treatment plants,
- Inadequate public notice was given.

2.1 The change of use application site area was amended twice to take account of the position on the designated ancient woodland area. The first amendment almost halved the site area. However, the second amendment resulted in a small increase to the site area after consultation comments referred to the actual designated ancient woodland area being smaller than first noted. The revised application site area plans were re-consulted on and no new material planning comments were received in comments received as a result of the re-consultation.

2.2 **The Environment Agency**

No objection in principle.

2.3 **Forestry Commission**

Standing advice provided.

2.4 **Environmental Health**

No objection.

2.5 **NYCC Highways**

No objection subject to conditions.

2.6 **Yorkshire Water**

No objection.

2.7 **The Ouse & Derwent Internal Drainage Board**

Does not support the application in its current form and would ask that applicant carry out appropriate testing and reconsider their strategy.

2.8 **Natural England**

No objection. Advice that the recommendations detailed in the Ecological Appraisal for buffers should be included as conditions.

2.9 **North Yorkshire Bat Group**

No comment received on the application.

- 2.10 **Forestry Commission**
Standing advice provided.
- 2.11 **Escrick Parish Council**
No objection and support the application in principle.
- 2.12 **The Woodland Trust**
Strong objection maintained. Second response to amended plans. Still have concerns about the indirect impacts on the surrounding Ancient Woodland. The scheme still results in the loss of 6 hectares of Hollicarrs Wood which makes up a significant part of the Hollicarrs Wood complex which is also a SINC. It will fragment areas of Ancient Woodland from each other and this together with the holiday park will heavily impact on the wider network of the Ancient Woodland. Consider the creation of the existing holiday park has already resulted in over 10HA of Ancient Woodland due to being removed as a result. Previous stated concerns largely unchanged.
- 2.13 **County Ecologist**
No objection subject to conditions.
- 2.14 **Yorkshire Wildlife Trust**
The new development will be in a sensitive area and before the Trust's objection is removed it will be necessary for the Trust to be confident that the remaining areas of AW are subject to an ongoing funded management plan. The plan will need to cover issues such as the removal of species such as rhododendron and Himalayan Balsam and the enhancement of the woodland.

3.0 SITE CONSTRAINTS AND POLICY CONTEXT

Constraints

- 3.1 The application site lies outside defined development limits in the open countryside as defined in Selby District Core Strategy. The site is surrounded on three sides by designated Ancient Woodland with land on the south perimeter arable farmland.
- 3.2 The site lies within Flood Zone 2 as defined by the Environment Agent, which is therefore considered to be at medium risk from flooding.
- 3.3 The application site previously formed part of the "Hollicarrs Site of Importance for Nature Conservation" (SINC) but the boundary was redefined in 2012 due to the reduction in the quality of the habitat and wildlife found on the site, and as a result the site no longer forms part of the SINC. The closest section of Hollicarrs SINC lies circa 0.25km to the north of the site.

National Guidance and Policy – National Planning Policy Framework (NPPF), National Planning Practice Guide (NPPG)

- 3.4 The NPPF introduces, in paragraph 14, a presumption in favour of sustainable development, stating "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking". National

Planning Practice Guidance (NPPG) adds further context to the National Planning Policy Framework (“NPPF”) and it is intended that the two documents should be read together.

- 3.5 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. 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.

Selby District Core Strategy Local Plan

- 3.6 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

- 3.7 As the Local Plan was not adopted in accordance with the Planning and Compulsory Purchase Act 2004, applications should be determined in accordance with the guidance in Paragraph 215 of the NPPF which states " In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans 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)".

The main relevant Selby District Local Plan Policies are:

ENV1 Control of Development
ENV2 Environmental Pollution and Contaminated Land
ENV9 SINC
RT12 Touring Caravan and Camping Sites
RT11 Tourist Accommodation
EMP9 Existing business uses
S4 Retail Development in the Countryside
T1 Development in Relation to Highway
T2 Access to Roads

Other Guidance/Policies

- 3.8 North Yorkshire County Council SuDs Design Guidance, 2015

4.0 APPRAISAL

4.1 The main issues to be taken into account when assessing this application are:

1. Principle of Development
2. Character and Form
3. Residential amenity
4. Nature conservation and Protected Species
5. Highways
6. Flood Risk, Drainage and Climate Change

Principle of Development

4.2 Policy SP1 of the Selby District Core Strategy Local Plan (2013) sets out that when considering development proposals the Council will take a positive approach that reflects the presumption of sustainable development as contained in the National Planning Policy Framework (NPPF). It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

4.3 There are a number of policies within the development plan that are relevant. These include Core Strategy Policies SP2, SP13, SP15, SP18 and SP19. Taken together, the main thrust of these policies is that development in the open countryside (outside development limits) will generally be resisted unless it involves the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes and well-designed new buildings. Proposals of an appropriate scale which would diversify the local economy (consistent with the NPPF) or other special circumstances may also be acceptable.

4.4 As describes at paragraph 1.4, there are two parts to the application.

Firstly; the use of the land which is an area of mixed woodland, for the siting of 42 caravans as an extension to the established holiday park. This part seeks full planning permission and includes a laundry building.

Secondly; the smaller area, extending to 1ha is proposed to be used for the siting of 3 caravans to provide a classroom, car parking, a cafe with WC accommodation and a potting and equipment shed and to provide additional parking, nursery (plant growing) beds. This part seeks outline planning permission.

4.5 Policy SP2 of the CS sets out the locational principles of future development within the district. Criteria A(c) sets out that 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 or other special circumstances. None of these are applicable to this hybrid proposal which therefore conflicts with Policy SP2.

- 4.6 Dealing first with the change of use of land from a woodland to the extension to the existing caravan site at Hollicarrs; There are no specific policies relating to the provision of holiday lodges, chalets, static caravans or cabins within the Local Plan. Policy RT12 of the Selby District Local Plan relates specifically to proposals for touring caravan and camping facilities and acknowledges that such developments are likely to be located beyond development limits. As such it is not directly relevant to this proposal for cabins which fall within the definition of static caravans (subject to size limitations etc). Historically, static caravan site proposals have been assessed against SDLP Policy RT11.
- 4.7 Saved Policy RT11 allows proposals for serviced or non-serviced tourist accommodation (including extensions to existing premises) within defined development limits of settlements. If outside of a settlement (as is the case with Hollicarrs) they are acceptable only in a range of limited circumstances which are clearly set out in the Policy, none of which are applicable to this site.
- 4.8 The justification for the policy sets out that new accommodation should be associated with existing development rather than in the open countryside. Where new development is proposed in the open countryside, the need for the development in that specific location must be justified.
- 4.9 Notwithstanding the above, this application is not a new tourist accommodation facility but an extension to an existing one. Planning permission was granted for the holiday park in 2002 with and further facilities granted and an extension allowed 2007 and 2010. Moreover, due to the NPPF's focus on supporting a rural economy, it is now considered that less weight should be given to Policy RT11 since it is over restrictive on the limited types of development allowed in rural areas.
- 4.10 As such, Core Strategy Policy SP13 is of greater weight in assessing this proposal. This seeks to support the rural economy by allowing development which delivers sustainable economic growth through local employment opportunities or expansion of businesses and enterprise including, amongst other things, rural and leisure developments. In all cases the 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.
- 4.11 In relation to the extension to Hollicarrs, The site has a planning permission for the siting of 10 holiday lodges and is subject to conditions which restrict the use to holiday accommodation. The reason for the condition was because the site is not in an area where residential development would normally be permitted. A further condition was imposed to ensure the timber cabins are not occupied as a person's sole or main place of residence.
- 4.12 The proposal to increase the number of lodges by 42 onto the adjoining area of woodland would conflict with the aims of Saved Policy RT11 since it does not fall within any of the limited exceptions allowed under this policy. However, the limited weight given to RT11 is discussed above and since the thrust of SP13 seeks to support such enterprises in principle, an increase in the number of static caravans from a pre-existing permission would now be acceptable subject to compliance with other policies of the development plan as described above.

Therefore in principle the proposed increase in lodges would not conflict with the Policies SP1, SP2 and SP13 of the CS.

- 4.13 Turning to the second part of the proposal for outline planning permission, the erection of a new laundry building, construction of a package wastewater treatment plant, siting of caravans to provide classroom, cafe with WC accommodation and potting/machinery shed, additional parking and package wastewater treatment plant.
- 4.14 The proposed classroom will be used principally for educational projects promoted by or associated with the Three Hagges Trust woodland but would be available as a meeting room, if required, by visitors to the holiday park. The cafe would be available to visitors to both the Three Hagges Wood and to the holiday park. The Three Hagges Wood project is in its infancy but it already provides a range of learning and recreational activities. It is intended that the scope of these activities can will be significantly widened with the establishment of a classroom, refreshment and WC facilities. Promoting biodiversity and disseminating knowledge of the environment is the prime motivation behind the Three Hagges Wood development. The David Bellamy and the extracts from the Trust's website submitted by the agent describe the range of activities which currently takes place at the site, which is extensive for a project at an early stage in its development. The educational and social events and the recreational use of the Three Hagges Wood are currently stated to be constrained by the lack of a warm and clean indoor learning area, refreshment and WC facilities.
- 4.15 These buildings and infrastructure would be subject to Policy SP2A(c) and also Policy S4 of the Local Plan. The former Policy permits well-designed new buildings of an appropriate scale that would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities. The design and form of the caravans, café and WC accommodation, would in principle satisfy this Policy as it would indirectly be a positive form of development in the countryside that would support an existing educational woodland venture. The Three Hagges Wood Trust, which is being developed as a native broadleaf woodland with wildflower meadow planting. This trust recently received a heritage lottery fund to support the work of this environmental charity. The land is located north west of the area of land subject to these buildings.
- 4.16 Policy S4 of the Local Plan refers to development for retail and commercial premises such as cafes and sets out that these will only be permitted subject to one of three scenarios. One option refers to the proposal being ancillary to an existing use. The cafe would be considered as an ancillary use that would support the work of the charity, the Three Hagges Wood Trust and also the existing caravan site. The café, laundry building and package treatment plant would be ancillary to the caravan site. The classroom, cafe and WC, potting shed and parking would relate to the charity venture. It is considered the proposed outline development would be in accordance with this Policy.
- 4.17 Policy S4 also states that there are three planning criteria that the development should accord with and include, that the scale of provision would be appropriate to the locality, raise no highway safety or local amenity issues and not affect the character and appearance of the area. All of these matters will be discussed further in this report.

- 4.18 It is considered that the proposal would bring forward rural development that supports the rural economy and would therefore be generally supported, subject to assessment of other criteria discussed further below. The principle of development, for the extension of the caravan site for use of land for the siting of caravans would be acceptable in principle and the outline development would raise no adverse matters of principle.

Character and Form

- 4.19 The application site is located outside defined development limits on land that is adjacent to an existing caravan park. The park has grown over the last 16 years since permission was granted in 2002 and 140 lodges, reduced to 135 here sited. What is known as phase 2 was granted permission in 2007 and another 42 lodges sited. In 2007 and 2011 permission was granted for a shop with the latter being a smaller scheme, of which neither were implemented.
- 4.20 This proposal for phase 3 would include the removal of commercially planted woodland trees (not Ancient Woodland) in an area that is largely wooded and is transversed with footpath networks and drains. This land lies adjacent to the eastern boundary of the caravan park boundary and would not appear isolated in respect to the existing holiday park. There would be vehicular and pedestrian linkages between this site and the existing site. As this element of the proposal is submitted for change of use of the land, the plans indicate that the site could accommodate 42 pitches and includes vehicular access and a planting buffer on part of the west, east and the entire southern perimeter of the site.
- 4.21 There are clear boundaries to this site with the northern boundary defined by an existing drainage ditch north of a woodland ridge. The eastern boundary is defined by a large drainage dyke and the southern boundary is formed by arable farmland. The western boundary has an access road and track linking the caravan park. The site would be largely screened on three sides with the exception of the southern boundary and this is recommended to retain woodland trees to enable a screened buffer, which would ensure that the site is not visible from distance views from the south. The current lodges on the caravan park have the appearance of chalets or wooden lodges. Some of the single unit caravans which were the first to be introduced to the site were traditional metal clad caravans. Over time these have been replaced by timber lodges.
- 4.22 The specific finish and type of holiday caravan that would be introduced to Phase 3 would be at the discretion of the applicant and given that this area of land would be largely screened from public vantage points, there would be no adverse concern for the character and form of this area of the countryside. This site also includes in the layout the erection of a laundry building and a sewage treatment plant, which would not raise issues in principle, on the character and form of the locality. A condition can be attached to seek the detail of this development.
- 4.23 The area of land subject to the Outline application is located in a more visible area of land that lies adjacent to the access road to the caravan park. The proposal includes the siting of caravans to provide a classroom, café with WC and a potting/machinery shed, and additional parking a package treatment plant. The development will have some visual impact. It is stated that all the caravans will have

the appearance of lodges or cabins and will be either timber clad or clad in timber-effect wood based composite material – this latter being most regularly used by all the major caravan manufacturers due to its low maintenance and longevity. Colours will be in the brown, dark beige and green ranges – or otherwise subject to the approval of the Local Planning Authority. All these matters can be the subject of planning conditions. Conditions appropriate to an outline consent can be imposed requiring the submission of further details.

- 4.24 All new car parking areas and pathways will be surfaced in permeable materials except for the disabled parking spaces and paths from those spaces to the facilities to which the public will have access, to provide ease of access for wheelchair users and others with mobility problems. Additional landscaping within and round this area can also be made the subject of a planning condition.
- 4.25 Subject to the above conditions the development is considered to be acceptable in this location in terms of the impact on the character and form of the area. It is therefore considered that the proposed development would accord with Policies RT12 (1), (2) and (3) and ENV1 (1) and (4) of the Selby District Local Plan and Policies SP18 and SP19 of Selby District Core Strategy.

Residential Amenity

- 4.26 The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in detrimental impact on the nearest houses in this locality.
- 4.27 There are a cluster of houses situated to the west of the application site on York Road. The closest house to the Outline proposal would be circa 120m away and subject to operating hours for the café and education uses in the classroom, there would be no adverse harm to the amenity of these neighbours.
- 4.28 There is a farm to the south of the site at Approach Farm which also stores caravans and sites touring caravans. The essential workers dwelling on the site is circa 180m away from the southern boundary of the outline site with farm buildings acting as intervening buildings.
- 4.29 Significant objection has been received on the application but the primary focus has been on the loss of Ancient Woodland. The portion of the development that was in the Ancient Woodland has now been excluded from the proposal.
- 4.30 The proposals, due to the appropriate separation distances to neighbouring houses, ensures that there would be no significant detrimental impact in terms of impact on residential amenity in accordance with Policies ENV1 (1) and RT12 (5).

Nature Conservation and Protected Species

- 4.31 In respect to impacts of development proposals on protected species planning policy and guidance is provided by the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010 and the NPPF. The presence of a protected species is a material planning consideration. In addition

Policy ENV1 (5) require proposals not to harm acknowledged nature conservation interests.

- 4.32 It is important to fully understand the direct and indirect impacts of the development upon surrounding habitats, including designated ancient woodland adjacent to the change of use site, on its west, north and east perimeters.
- 4.33 There has been objection to the proposal from the Woodland Trust and Yorkshire Wildlife Trust which are noted above and these have been considered in the determination of the application. Comment has also been provided by North Yorkshire County Council Ecology Officer.
- 4.34 The application was accompanied with a Great Crested Newt and Woodland Ground Flora Survey dated June 2015, an Ecology Report dated December 2016 and a Preliminary Ecological Appraisal dated October 2014.
- 4.35 Subsequent to the comments received from NYCC Ecology the following information was submitted, supplementary Ecology information dated 17th April 2018, Landscape Assessment dated November 2017 and an Arboricultural Impact Assessment dated August 2017.
- 4.36 The North Yorkshire County Ecologist has advised that the information now submitted is considered to be a satisfactory assessment of the indirect impacts of the scheme and that the impacts which are expected as a result of the works can be minimised by the proposed avoidance, mitigation and enhancement measures, which area recommended in both the initial ecological reports and the further information prepared.
- 4.37 The measures include all groundworks and clearance to avoid the bird nesting season but if not then work to commence after a bird nesting survey has been carried out; nesting boxes to be installed on the vegetation to be retained or within a new building to provide enhancement; all equipment to be kept within a bunded compound at least 15m away from the ancient woodland and all of the RPA's; construction to take place in daylight hours; demarcated wastewater treatment plant working area before ground works begin; no permanent lighting will be installed on the wastewater treatment plant; and construction works to proceed inline the BS5837:2012.
- 4.38 The County Ecologist considers the additional information submitted by the agent to be a satisfactory assessment of the indirect impacts of the scheme. Furthermore, it is considered that the impacts which are expected as a result of the works can be minimised by the proposed avoidance, mitigation and enhancement measures which are recommended in this further information and in the initial ecological reports prepared.
- 4.39 As such, having regard to the submitted appraisals, it is concluded that the proposal is acceptable and in accordance with Policy SP18 of the Core Strategy and ENV1(5) of the Local Plan and the NPPF.

Highways

- 4.40 The proposed caravan park development would be accessed via an existing road network that is taken off York Road. The change of use development would have estate routes serving each lodge plot and there could be adequate parking provision for visitors to the lodges.
- 4.41 The new car park proposal is submitted in outline, and is located adjacent to existing parking which is situated adjacent to the entrance to the holiday park. The proposed site plan for this outline development illustrates 48no. parking spaces, of which 4no. are disabled parking bays and a coach parking area in the existing car park. A new access would be created off the access road that serves the existing holiday park.
- 4.42 NYCC Highways initially advised that the required visibility splay is 2.4m x 215m, which the current access to the site would not be achievable. As a result a speed survey was carried out to determine what the actual 85th percentile speeds are at the access. The speed survey highlighted that the 85th percentile speeds both north and south are in line with 40mph rather than the 60mph unrestricted road. In this context NYCC Highways advised that the achievable splays of 120m to the north and 150m to the south are acceptable.
- 4.43 The Highways Officer recommends that a footway is constructed connecting the site to the bus stop on the A19, as this would promote sustainable travel and it would also be necessary to have at least one parking space for each lodge which can be secured by condition.
- 4.44 As the new car park is submitted in outline, the reserved matter(s) application would specifically determine access and parking arrangements.
- 4.45 There are no highways objections to the extension to the holiday caravan park subject to conditions and the outline development is acceptable in principle. As such, it is considered that the proposal would not lead to adverse highway conditions in this locality. As such, the proposal is considered to accord with Policies ENV1 (2), T1 and T2 of the Local Plan and Paragraphs 34, 35 and 39 of the NPPF.

Flood Risk, Drainage and Climate Change

- 4.46 The application site lies within Flood Zone 2 which is land assessed as having between a 1 in 100 and 1 in 1,000 annual probability of river flooding (1% – 0.1%), or between a 1 in 200 and 1 in 1,000 annual probability of sea flooding (0.5% – 0.1%) in any year.
- 4.47 The NPPF seeks to avoid inappropriate development in areas at risk of flooding by directing development away from areas at highest risk. It requires Local Planning Authorities to apply a Sequential Test to planning applications in Flood Zones 2 and 3 to ensure that new development is located in areas at the lowest flood risk. Any application for planning permission in Flood Zones 2 or 3 must therefore demonstrate that there are no other reasonably available alternative sites that could be developed within the search area that are at a lower risk of flooding. An exceptions test is then required to be met in order to demonstrate that the development is justified and can be made safe.

- 4.48 The Environment Agency advised that the NPPF requires a sequential test to be carried out for changes of use to caravan and camp sites. Given the proposal is for an extension to an existing site, the LPA will need to decide whether the application of the sequential test is appropriate in this instance.
- 4.49 The caravan park boundary is situated entirely within Flood Zone 2 and thus there are no sequentially preferable areas of the site that could accommodate the proposed development.
- 4.50 The proposal falls within the 'highly vulnerable' flood risk classification which includes caravans, mobile homes and park homes. The exception test is therefore required to be passed for development in Flood Zone 2. The submitted flood risk assessment refers to the proposal being classed as 'more vulnerable' which would not require an exception test to be passed. Officers do not concur with this classification.
- 4.51 The recommendations in the report refer to the floor levels of the buildings raised to a minimum height of 300mm above the existing ground level or adjacent road whichever is higher and the new caravan units a minimum of 600mm above ground level. The primary risk to the site is from fluvial flooding from Dam Dike resulting from the river defences being breached or overtopped during an extreme flood event. It is considered that the proposed FFL would ensure that the proposal is safe from flooding.
- 4.52 The second part of the Exception Test requires that the development provides wider sustainability benefits to the community that outweigh flood risk. The outline development which is associated to educational purposes and the Three Haggas Trust project is considered to contribute to sustainability benefits for the community and these would outweigh the flood risk. The change of use application would extend the existing caravan park which provides a holiday experience and would provide some community benefits in this respect that would outweigh the flood risk.
- 4.53 The IDB does not support the application in its current form and have asked that the applicant carry out appropriate testing and reconsider their strategy. The submitted drainage assessment states that no ground investigation works have been undertaken but notes that the current caravan park has experienced no surface water flooding. It is considered that technical detail of the surface water disposal can be secured by condition.
- 4.54 The outline application includes the construction of two sewage treatment plants. One is located in an area classified as Ancient Woodland in the south east corner of the development site. The waste water treatment works and associated construction activity would be circa 0.12ha and located within a clearing within the woodland. The second treatment plant is situated near the proposed new car park. There are no statutory objections to the proposed treatment plants subject to specific detail being agreed. Given this aspect of the proposal is submitted in outline, detail of foul water disposal can be secured by condition.
- 4.55 Whether it is necessary or appropriate to ensure that schemes comply with Policy SP15 (B) is a matter of fact and degree depending largely on the nature and scale of the proposed development. Having had regard to the nature and scale of the proposal, it is considered that its ability to contribute towards reducing carbon

emissions, or scope to be resilient to the effects of climate change is so limited that it would not be necessary and, or appropriate to require the proposals to meet the requirements of criteria SP15 (B) of the Core Strategy.

- 4.56 Therefore having regard to Policy SP15 (B) of the Core Strategy it is considered that the proposal is acceptable.

Legal Issues

4.57 Planning Acts

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

4.58 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.

4.59 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.

Financial Issues

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

5.0 CONCLUSION

- 5.1 The application is submitted as a hybrid development which includes a full change of use development to extend the existing holiday caravan park and in outline the construction of a new laundry building, two package waste water treatment plants (one situated in the south east corner of the change of use site and the other adjacent to the new car park), siting of caravans to provide a classroom, café with WC accommodation and a potting/machinery shed and new car parking.

- 5.2 Having assessed the proposal against the relevant policies, it is considered that the proposal is acceptable in principle and with respect of the impact on the character and appearance of the area, impact on residential amenity and impact on highway safety. Furthermore, the proposals are considered to be acceptable in respect of flood risk, drainage and climate change, nature conservation and protected species.

6.0 RECOMMENDATION

This application is recommended to be APPROVED subject to the following conditions:

- 01 No construction shall commence on those parts of the application site subject of outline approval, as shown on "Amended Application Site Plan Reference 201B", until the details of the (a) access, (b) appearance, (c) landscaping, (d) layout, and (e) scale, (hereinafter called "the reserved matters") have been obtained from the Local Planning Authority in writing.

Reason:

Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

02. Application for approval of the reserved matters, on those parts of the application site subject of outline approval, shall be made to the Local Planning Authority not later than three years from the date of this permission.

Reason:

Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

03. The development hereby permitted on those parts of the application site subject of outline approval shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

Reason:

Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

04. The change of use 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.

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

- Amended application site plan 201B
- Proposed site plan 203E
- Existing trees on site 50254-DR-ARB-101
- Trees constraints plan 50254-DR-ARB-102

Reason:

For the avoidance of doubt

06. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 120 metres measured along northern vehicle track and 150 metres measured along the southern vehicle track of the major road York Road from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In accordance with Policy T1 of Selby District Local Plan and in the interests of road safety.

07. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until:
- (i) The details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority,
 - a. Provision of a footway connecting the site to the bus stop on the A19.
 - (ii) An independent Stage 2 Road Safety Audit for the agreed off site highway works has been carried out in accordance with HD19/15 - Road Safety Audit or any superseding regulations and the recommendations of the Audit have been addressed in the proposed works.
 - (iii) A programme for the completion of the proposed works has been submitted to and approved writing by the Local Planning Authority.

Reason:

In accordance with Policy T1 of Selby District Local Plan and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

08. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number 7:
- a) Provision of a footway connecting the site to the bus stop on the A19.

Reason:

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

09. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:
- a) vehicular parking
 - b) vehicular turning arrangements
 - c) manoeuvring arrangements

Reason:

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

10. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas for the development are available for use.

Reason:

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

11. There shall be no HCVs brought onto the site until a survey recording the condition of the existing highway has been carried out in a manner approved in writing by the Local Planning Authority.

Reason:

In accordance with Policy T1 of Selby District Local Plan and in the interests of highway safety and the general amenity of the area.

12. There shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

- a) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
- b) on-site materials storage area capable of accommodating all materials required for the operation of the site.

The approved areas shall be kept available for their intended use at all times that construction works are in operation.

Reason:

In accordance with Policy T1 of Selby District Local Plan and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

13. The change of use to a caravan park development shall have at least one parking space per caravan lodge and each space shall be retained for the lifetime of the development.

Reason: To ensure appropriate car parking provision in accordance with Policy T1 of Selby District Local Plan.

14. The development hereby approved shall be carried out in accordance with the information set out in the Ecology Report dated December 2016 along with the further Ecology comments in the letter dated 17 April 2018. The mitigation measures set out in those documents shall be provided and complied with in full. The mitigation measures are set out in Section 5 of the Ecology Report dated December 2016 received by the Local Planning Authority on 22 December 2016 prepared by Surface Property and the additional Ecology comments set out in the letter dated 17 April 2018 from Surface Property.

Reason: To ensure appropriate ecological and mitigation measures are undertaken in accordance with Policy SP18 of the Selby District Core Strategy Local Plan and Policy ENV1(5) of the Selby District Local Plan.

15. Before the development hereby permitted is commenced full details of the proposals for the disposal of foul sewage and surface water drainage, including the results of any necessary percolation tests, shall be submitted to and approved in writing by the local planning authority. The development hereby approved shall not be brought into use until the approved scheme for the discharge of surface and foul water has been implemented. The implemented scheme shall thereafter be retained.

Reason: To ensure provision of adequate and sustainable means of drainage in the interests of amenity, in accordance with Policy ENV1 of Selby District Local Plan and Policy SP15 of Selby District Core Strategy.

16. The change of use development hereby permitted shall be used for holiday accommodation only and for no other purpose including any purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order.

Reason: The site is not within an area where residential development would normally be permitted, therefore any such use, other than the proposed holiday use, would be contrary to the policies of the Selby District Local Plan in respect of such development and NPPF.

17. The static caravans hereby approved shall not be occupied as a person's sole or main place of residence and the caravans owners/operators of the site shall maintain an up-to-date register of the names of all owners/occupiers of individual holiday caravans on the site, and of their main home addresses, and shall make this information available to the Local Planning Authority at all times.

Reason: To ensure the approved holiday accommodation is not used for unauthorised permanent residential accommodation.

18. There shall be a maximum of 42 caravans on the holiday park site extension site and any caravan placed on the site shall fall within the statutory definition of a caravan as defined in the Caravan Sites and Control of Development Act 1960 as supplemented by sec.13 of the Caravan Sites Act 1968. (The 1960 Act at sec. 29 states that a "caravan "means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any other motor vehicle so designed or adapted. Section 13 of the Caravan Sites Act 1968 under the heading "twin-unit caravans" states that twin-units are composed of not more than two sections, constructed or designed to be assembled on site by means of bolts, clamps or other devices, and should not exceed 60 feet in length, 20 feet in width and 10 feet in height overall. They shall not be treated as not being a caravan as defined in the 1960 Act by reason only that they cannot lawfully be so moved on a highway when assembled. These dimensions were updated through The Caravan Sites Act 1968 and Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of Caravan) (Amendment) (England) Order 2006 to the

following maximum dimensions length (exclusive of any drawbar): 20 metres (65.616 feet), width: 6.8 metres (23.309 feet) with an internal height of 3.05 metres (10.006 feet.)

Reason: The limitation on numbers is to ensure the impact on the surrounding woodland is not increased. The limitation to statutory caravans is because the site is not within an area where residential development would normally be permitted, therefore any such use, other than the proposed holiday caravan use, would be contrary to the policies of the Selby District Local Plan in respect of such development and NPPF.

19. There shall be no external lighting erected on the site, unless first agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting the character of the area and nature conservation in accordance with Policy ENV1 of Selby District Local Plan and the NPPF.

20. Before any work commences on the Laundry Building for the Phase 3 extension to Hollicarrs, details of its size, position, layout, materials and external design shall be submitted for the written approval of the Local Planning Authority and thereafter only the approved details shall be implemented.

Reason: In the interests of protecting the character of the area and nature conservation in accordance with Policy ENV1 of Selby District Local Plan and the NPPF.

21. No development shall commence on the extension to the holiday park site until a scheme of landscaping has been approved in writing by the Local Planning Authority. The landscaping shall be carried out in the first planting and seeding season following occupation of any of the caravans or the completion of the development, whichever is the sooner; any trees or plants which within a period of five years, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure a satisfactory landscaped setting for the development in the interests of the character and appearance the area and to comply with policy ENV1 of the Local Plan.

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Appendices: None