

Parish: Thornton-le-Street
Ward: Bagby and Thorntons
14

Committee date: 31 May 2018
Officer dealing: Mrs C Strudwick
Target date: 08 June 2018

16/02771/FUL

Change of use of land to allow for the siting of touring caravans with new landscaping works and retrospective permission for siting of gas tanks
At Hawthorn Parks, Thornborough Grange Park, Stockton Road, South Kilvington
For Mr J Burnside

This application is referred to Planning Committee at the request of Councillor Baker

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site, of 1.2 hectares, lies some 150m to the north of the Development Limits of South Kilvington. The land immediately to the south east is has approval for, and is part implement as a site for 18 timber holiday lodges, allowed on appeal in 2008, and a two-storey dwelling. The site lies 120m to the north of South Kilvington Primary School, with the school playing fields between the site access road and school buildings.
- 1.2 The caravan site is described as an extension to the existing timber lodge holiday park. Access to the two facilities is proposed at the same point off Stockton Road. Occupants would use the same reception facilities, based in the dwelling on site. A dedicated mobile amenity block is proposed for the caravan park, which would not be for the use of the occupiers of the timber lodge development.
- 1.3 The entire application area, except for the eastern leg of the access to Stockton Road, is within Flood Zone 3, which is land at a high risk of flooding, and slopes gently towards Cod Beck. Cod Beck flows from north to south along the western boundary of the site. The area of land is described on the application form as having no previous use although it appears to have been used as grazing land. The timber lodge development and access road are not within Flood Zone 2 or 3.
- 1.4 The application seeks permission for the siting of 40 touring caravans, which would operate between March and October. Included in the application is a mobile amenity block which would provide toilet and showering facilities. Foul water from this facility would be connected to the mains sewage system but due to the lay of the land a gravity fed system cannot be used, so a pump would have to be sunk into the ground. In times of flood the mobile amenity block could be disconnected and towed off site to ensure foul water does not contaminate Cod Beck.
- 1.5 20 tent pitches were originally proposed within the application; however, this element has since been removed. The application also seeks retrospective permission for the siting of a set of gas tanks in the eastern part of the site. The gas tanks serve the holiday caravan development on land to the south east of the site.
- 1.6 The application offers a landscaping scheme which would provide a green buffer between the caravan pitches and Cod Beck and could limit the risk of people accessing Cod Beck, which could otherwise result in pollution and damage to the water course.
- 1.7 There is a public right of way, 200m from the site, alongside Cod Beck into Thirsk (2.6km). Access is available along the A61, via a dedicated cycle lane and pedestrian path is 2.7km.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 07/02078/FUL - Change of use of land for the siting of 18 timber clad holiday caravans and the siting of a package sewerage treatment plant; Refused 12 September 2007, Appeal allowed 23 July 2008.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP15 - Rural Regeneration
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP5 - Community facilities
Development Policies DP6 - Utilities and infrastructure
Development Policies DP8 - Development Limits
Development Policies DP9 - Development outside Development Limits
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
National Planning Policy Framework - published 27 March 2012
National Planning Practice Guidance

4.0 CONSULTATIONS

- 4.1 Parish Council – There has been significant interest in this application; the location sits on the boundary with a number of Parish Councils and so they have all been consulted.

Thornton le Moor with Thornton le Street Parish Council does not support the application. Its reasons are:

- The application is for a very intensive use of the site. If fully occupied there would be in excess of 190 people on site with at least 60 cars. This seems to be excessive;
- South Kilvington School has legitimate concerns that the lack of on-site play/leisure spaces makes it likely that the school sports field would be trespassed on with possible dog fouling issues; and
- The suggestion that this is an extension of an existing business is misleading; the application for static caravans was initially refused partly because it was thought that the site would not appeal to tourists. This was not accepted by the inspector who granted permission at appeal. It is difficult to see how adding a large number of touring caravans will make the site any more attractive.

South Kilvington Parish Council objects for the following reasons:

- The site is inappropriate as a campsite; it is too near to the roundabout causing traffic danger and problems;
- Concerns that the plans keep changing at regular intervals; and
- The destruction of wetland and river environments, negative effects on the fishing business and possible contamination to the Cod Beck effecting the fish stocks, flood zone pollution, traffic congestion and additional pollution in Stockton Road, particularly at school dropping off/collection times, concerns of any adverse effects being in the near vicinity of the Primary School, evacuation problems in case of flooding or fire, no advantages to the residents of the village.

Thirsk Town Council objects for the following reasons:

- There would be no screening of the site from the west;
- Inadequate vehicular access – the entrance will serve 18 chalets and 40 pitches for caravans in close proximity to a busy roundabout;
- Flood risk (this area has flooded twice in the last seven years);
- Contamination of Cod Beck through human waste and materials;
- The Cod Beck is an unacceptable risk to life and should ideally be fenced off for safety reasons, though this would be unsightly;
- This is a green corridor of riverside meadows, an unbroken line into Thirsk; and
- It is believed that the site is prone to flooding, which would cause problems to vehicles and caravans leaving the site.

4.2 Highway Authority – Conditions recommended.

4.3 Ministry of Defence – No safeguarding objections.

4.4 Natural England – No specific comments; refer to standing advice.

4.5 Environmental Health Officer – No objection subject to conditions regarding holiday occupancy.

4.6 Swale and Ure Drainage Board - This site is in the Board's district but is served by the Cod Beck which is main river at this point. I have no comment about the proposed drainage strategy as the hard standings are to be permeable. However there are concerns that a caravan site is proposed in a flood plain which can flood up to a depth of 900mm within the design range. The FRA talks about flood warnings and evacuation but evacuating 42 caravans and a number of tents is not something which can be achieved quickly, especially at night when a high proportion of severe events seem to occur.

4.7 Yorkshire Wildlife Trust – Concerns regarding the lack of information regarding disposal of sewage and the potential for pollution of Cod Beck. There is also a possibility that otters are in the area; these are a European Protected Species. Bats on site should be considered and a low-lighting scheme after construction should be conditioned. (Officer note: an otter survey has since been received and is considered in section 5 below.)

4.8 Yorkshire Water – No objection subject to recommended conditions.

4.9 Environment Agency – Several responses have been sought during the lifetime of this application; the final comments, dated 31 October 2017, recommend a condition for the provision of compensatory flood storage.

4.10 Public comments – 21 objections have been received, in summary these are:

- The effects of flooding as a consequence of development on site;

- Contamination from development affecting the water course and angling. There is a thriving licensed fishing business on the river bank.
- Concern regarding the septic tank polluting the water course, and damaging the ecology. Salmon, otters, kingfishers, heron and many other species now inhabit this watercourse, and would be wiped out should pollution be allowed to leach in to the Beck;
- Access onto the site is poor and dangerous, given the proximity to the primary school.
- The land has been filled with unspecified material;
- The development will affect the water pressure in the area;
- The area already floods; this will make it worse and affect the wildlife by polluting the water course;
- The site overlooks the primary school, which is not acceptable;
- Development will raise traffic levels and noise levels at antisocial hours;
- The gas tanks are an eyesore and very visible from the public footpaths which surround the site. Why are these on site prior to permission?
- Tourist use will increase the risk of poaching and theft of the fish in the stream;
- People sleeping in tents are at real danger of losing their lives at times of flash flooding. How will the site be effectively evacuated in times of flood?
- The access is to a roundabout and road, which is extremely busy and congested by school traffic; this will make the situation worse;
- This enterprise will not generate any real jobs for the area;
- There are no facilities in the village other than the church, and Old Oak Tree pub. The nearest facilities and shops are two miles away in Thirsk and this will generally require the use of a car to facilitate the purchase and transport of any goods.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development; (ii) flood risk; (iii) ecology; (iv) highway safety; and (v) impact on the landscape.

Principle

- 5.2 The proposal seeks approval for a caravan site outside Development Limits. As set out in CP4, development in the countryside will only be supported in exceptional circumstances, one of which is where development is necessary to meet the needs of tourism with an essential requirement to be located in the countryside. A caravan site can be an acceptable form of development in the countryside and so the principle of a caravan site in this location, beyond Development Limits, can be accepted.
- 5.3 South Kilvington is classified as a Secondary Village and Thirsk as a Service Centre within the Hambleton Settlement Hierarchy. The site has good access to South Kilvington, and is 300 metres from “The Old Oak Tree” public house in the village. Access to Thirsk is via public rights of way across the countryside (2.6km) and along the A61 (2.7km). The route along the road also includes a dedicated cycle path, which forms part of the National Cycle Network. This provides holiday makers good access to services and facilities within the two settlements using a choice of sustainable transport methods.
- 5.4 A bus stop is located 200m from the entrance to the site. From this site the city of Ripon, and the towns of Northallerton and Thirsk can be accessed. From both Northallerton and Thirsk rail services can be accessed for onwards journeys. It is considered that the proposal meets the requirement of policy CP2 that development is located so as to minimise the need to travel. The proposal is in a location which has convenient access to South Kilvington and Thirsk via footways, and cycle-paths

which in turn provides convenient access to bus routes and trains to other destinations.

- 5.5 The principle of locating a caravan site within Flood Zone 3 is addressed below.

Flood risk

- 5.6 The entire site is within Flood Zone 3. Policy DP43 guides development to areas of low flood risk and where appropriate, proposals in Flood Zones 2 and 3 should be guided by the Environment Agency's advice and should meet its tests. A caravan site is classified as a highly vulnerable development in the Environment Agency's Flood Risk Vulnerability Classification. Development in areas of flood risk are required to undergo a "Sequential test" and where relevant the "Exception test" as set out in paragraphs 101-104 of the NPPF.
- 5.7 The premise of the Sequential Test is to guide new development to areas with the lowest probability of flooding. The Government's online Planning Practice Guidance indicates (paragraph 019 Reference ID 7-019-20140306) Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 (areas with a high probability of river or sea flooding) be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required.
- 5.8 The Government's online Planning Practice Guidance indicates (paragraph 033 Reference ID 7-033-20140306) that it might be impractical to suggest that there are more suitable alternative locations for development where the proposal would be an extension to an existing business.
- 5.9 The proposal is considered by the applicant to be an extension of the adjacent holiday park which came into operation during the lifetime of this application. The house on site is not yet completed and occupied, however work has progressed on site, evident from site visits. There are approximately 6 completed holiday units completed, and at the time of the officer's site visit in early April two of the units appeared to be occupied.
- 5.10 Despite the application site being adjacent to, and accessed through the operating holiday park, the applicant has identified other parcels of land adjacent to Thornborough Grange Park, and explained why the chosen site is the most appropriate for their scheme. Whilst the other parcels of land are not completely within Flood Zone 3, as the application site is, there are other factors which could make them unsuitable including proximity to the A168, and high visibility in the landscape. The details supplied by the applicant and from information available to the Council it is considered that this development cannot be located in an area of lower flood risk. In accordance with the NPPF, for the development to be permitted the proposal must meet the demands of the Exception Test.
- 5.11 For the Exception Test to be passed:
- It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk; and
 - A site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 5.12 The applicant expects that the touring caravan site alone, without the timber lodge element, based on a 210 night occupancy (at approximately £20 per night for two

adults in each of the 40 caravan pitches) would generate £168,000 per annum. The Tourism Statement has suggested that 210 days is a 58% occupancy, but this is across an entire calendar year (365 days).

- 5.13 The applicant has suggested the caravan site will be open March to October, which is 245 days. A 58% occupancy of 245 days is actually 142 days. The income generation of a 142 night occupancy using the same £20 per night for two adults in each of the 40 caravan pitches would be £113,600.
- 5.14 The applicant considers that the development will have a wider positive impact on South Kilvington and Thirsk with visitors making use of local restaurants, pubs, shops and attractions. The second tourism statement submitted in support of this application anticipates that approximately £1.2 million would be spent in the Thirsk area each year by tourists staying at the current lodge site and proposed caravan site. However, it should be noted that the tourism statement, submitted after it was agreed that the tent element of the scheme would be removed, refers to 520 adults pitching tents over 13 weeks. As such this estimate does not accurately reflect the proposed tourism offering.
- 5.15 Other than in the application form, which states that the scheme will provide 1 full-time employee, no information has been submitted which outlines how the business will benefit the local economy other than allowing visitors somewhere to stay which will then mean they can visit other areas, such as York, Whitby and Darlington to spend money, none of which are within the Local Authority and can be argued will not benefit the local economy or community.
- 5.16 Given the location of this site, in flood zone 3 and the vulnerability of caravans, it is not considered that it has been adequately demonstrated that the development provides wider sustainability benefits to the community which outweigh the flood risk. The figures in both of the Tourism Report are high level approximations, with discrepancies in the details of the proposals and the level of anticipated income.
- 5.17 The second part of the exception tests requires that the flood risk assessment demonstrates the safety of the development for its users. The applicant proposes measures to ensure that the flood risk to holiday makers using the can be reduced. A flood evacuation plan, which sets out how flood risk alarms would be raised, where caravans would be evacuated to and who would be contacted in an emergency have been provided. The site layout has also been amended to include a dedicated notice board which can display the flood evacuation plan. There are a number of concerns associated with the flood evacuation plan, these include:
- Whether or not the owner/operators of the suggested evacuation addresses (Sowerby Caravan Site, Lakeside Caravan Site and Thirsk Racecourse) could accommodate the additional visitors and whether they have agreed to this arrangement;
 - The Flood Evacuation Plan (part 1C) states that, if appropriate, it will take 10 minutes or less to evacuate a maximum of 41 touring caravans off the site;
 - The Flood Evacuation Plan (part 1C) states that, if appropriate, it will take 10 minutes or less to move the Amenity Block off site; and
 - There is no information on the Flood Evacuation Plan which notifies guests of what alarm will be used in times of flood risk.
- 5.18 It is considered, that despite the level of research and revision which has gone into the supporting documents for this scheme, the level of flood risk and risk to users of the caravan site is not outweighed by the benefit to the community that the scheme will bring. There is little reference to South Kilvington or Thirsk, with the focus on

destinations further afield which would be accessed (in 97% of cases – Tourism Statement) via private vehicle.

- 5.19 The Environment Agency is satisfied that, subject to a condition which requires the provision of seven cubic metres of compensatory flood storage and that the scheme is carried out in accordance with the Flood Risk Assessment (MD1115/rep/001 Rev D), that the proposed development will meet the requirements of the National Planning Policy Framework. This measure is to provide storage on site for the volume of flood water which would be displaced by the gas tanks on site. The Flood Risk Assessment (Rev D) clearly sets out how the volume of compensatory flood storage has been calculated, with the site plan showing the flood storage to be sited to the east of the gas tanks.
- 5.20 Through discussions with the agent and applicant it has been agreed that the access road and pitches would be constructed of a porous material to reduce surface water run-off. In the absence of any specification of materials it is recommended that the use of porous material is secured by condition.

Ecology

- 5.21 Significant concerns have been raised by members of the public and the Yorkshire Wildlife Trust that development on this site could unacceptably impact on the ecology of the area.
- 5.22 One of these concerns is the possibility of a foul water leaking into the water course. The proposed mobile amenity block would be brought onto the site during the operating season (March to October) and removed when it is not required. Mobile blocks can be connected to the existing water supply and foul drainage systems; in the case of the application there is a system that drains to the main sewer. The applicant has supplied manufacturing specifications for the proposed pumps that indicates there would be no scope for foul water to escape in the event of a flood, ensuring there is limited risk of pollution to the water course and the use of these particular systems should be conditioned to protect the watercourse. In addition to this, the building would be capable of being relocated to the higher ground of the timber lodge site, which is in Flood Zone 1, or off-site should there be a flood warning.
- 5.23 Concerns have been raised regarding the wealth of wildlife in and around Cod Beck, including salmon and potentially otters. Additional information has been submitted in the form of an otter scoping survey, this report concluded that “There was evidence of otter activity all along the beck, both up and downstream of the proposed site. There are potential holts within 500m of the site and prints on the banks of the beck.” The report recommends that a 10m buffer zone is created in order to prevent excess disturbance to Cod Beck from increased activity on site which may have an adverse effect on the river and inhabitants, such as otters. This buffer zone should ideally be planted and managed to provide suitable habitat and screening of the beck.
- 5.24 As such a landscape buffer zone supporting statement has been received; the buffer has been designed to provide a barrier of native species to deter people from getting close to Cod Beck. The buffer would be planted with a mixture of native trees and shrubs including blackthorn, hawthorn, dog rose, crab apple, alder, buckthorn and tree species including oak, whitebeam, rowan, field maple, ash, birch and hazel. A landscaping plan should be required by condition to show how the buffer would be planted up, with fencing to be used until the buffer is established enough to provide a deterrent.

- 5.25 The Yorkshire Wildlife Trust remain opposed to the scheme, based on lack of information as to how, in times of flood, contamination will be avoided. The agent has pointed out that the amenity block will be unconnected, and the chamber, which features non-return valves, will be locked to prevent seepage into any flood water. However, no plan has been provided which details how the chamber will be sealed should the site flood too quickly to access the amenity block. Additionally the Flood Evacuation Plan states that 10 minutes or less would be required to remove the amenity block from the flood zone.
- 5.26 The flood evacuation plan also only allocates 10 minutes for the evacuation of the caravan site. Consultees and officers consider that it is not realistic that 40 caravans can be evacuated in under 10 mins, or before the site floods, restricting evacuation. This could potentially result in caravans, vehicles and paraphilia which goes in association with caravanning being engulfed in a flood event, and then as it subsides, polluting the water course.
- 5.27 The Yorkshire Wildlife Trust maintain the concern that the high potential for Cod Beck to be polluted remains and this risk has not been adequately addressed or details of how it will be managed submitted.
- 5.28 The report also recommends that any permanent lighting on site, such as on the proposed amenity block, should be directed away from Cod Beck and the buffer zone to prevent disturbance to otters and other species using the beck by use of low level lighting. It is recommended that a condition is imposed to ensure any external lighting is submitted for approval to ensure these safeguards can be achieved.

Access and highway issues

- 5.29 All parking would be contained within the proposed development, with users of the site parking adjacent to their individual pitches where necessary. Each pitch would be provided with space for a minimum of one car, with space for more parking available throughout the site. The 150m distance from the main access to the entrance to the proposed caravan site is considered sufficient to deter people staying at the site from parking on Stockton Road.
- 5.30 Within the site itself amendments are proposed to the layout of the access driveway which includes a passing place adjacent to the administration building to ensure safe and convenient access to the caravan site.
- 5.31 Trip generation rates have been supplied; however, these are based on the original scheme of 42 caravan pitches and 20 tent pitches. These rates also assume full occupation at all time; thus a worse-case scenario.
- 5.32 The transport statement sets out the peak arrival time at a caravan site is estimated to be 13:00 to 14:00; which does not coincide with peak arrival time at the primary school in the morning, however the peak departure time would coincide with high road network activity at 17:00-18:00. However, this would not coincide with the school finishing time.
- 5.33 It is considered that there would be a maximum of 13 vehicles an hour leaving the site at peak departure time (caravan and tent site, excluding the timber lodges). The report concludes that "the additional trips generated by the proposed development will have a negligible effect on the road network capacity, which will cope with the slight increase in traffic comfortably."
- 5.34 The Highway Authority has not objected to the application and recommends conditions in the event of approval.

Impact on the landscape

- 5.35 This area is a predominately flat area, with sparse linear planting. It does not have the areas of dense wood copse that exist in other parts of the District.
- 5.36 A detailed planting scheme has not been submitted, however, the layout does show a 5m landscaped buffer along the northern and eastern boundaries of the site and 10m buffer along the banks of Cod Beck. This provides an opportunity for trees as well as hedgerows to be included within the landscaping which would be welcomed from a landscape and ecology perspective.
- 5.37 It should be acknowledged that this intensive planting may create a dense visual block which is in contrast to the simple hedgerows that exists to the south of the A168 and east of the Northallerton Road. Soft, appropriate landscaping should be incorporated into a scheme to help assimilate development into the landscape; it is not the role of landscaping to simply screen or hide development. Using planting to such a degree that it appears out of keeping with landscaping in the area is not appropriate.
- 5.38 Conversely, until an appropriate landscaping scheme is fully mature the scheme will remain highly visible to users of the A168 and Northallerton Road, impacting on the appearance of the open countryside.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reasons:
1. The scheme does not pass the Exception Test, as set out in paragraph 102 of the Framework, in that the perceived social and economic benefits of the scheme will not outweigh the considerable risk to the vulnerable occupiers of the caravans. Additionally there are significant flaws in the Flood Evacuation Plan which does not demonstrate that the development will be safe for users throughout the lifetime of the development. For these reasons the proposal is contrary to policies CP21 and DP43 of the Hambleton Local Development Framework and the NPPF.
 2. The scheme is contrary to policy CP21 of the Hambleton Local Development Framework in that it does not adequately mitigate development from the consequences of pollution of the watercourse and contrary to policy DP43 and DP31 as it has not been adequately demonstrated that the proposal will not have an adverse effect on the water quality of Cod Beck, and does not demonstrate how the potential for significant harm from pollution during a flood event has been safeguarded against.
 3. The scheme will introduce a use of land that will result in the temporary siting of caravans that will cause a significant harmful visual impact on the openness of the landscape that is contrary to policies CP16 and DP30 of the Hambleton Local Development Framework in that it does not take into account the landscape character, or the distinctive qualities of the local landscape. The scheme has not demonstrated how it will meet the requirements of policy DP33, by designing a landscaping scheme which contributes to the character and appearance of the immediate area.