

Parish: Hutton Sessay
Ward: Sowerby & Topcliffe
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Committee date: 29 September 2022
Officer dealing: Marc Pearson
Target date: 12 May 2022
Extension of time: 30 November 2022

21/02011/MRC

Application to vary condition 2 of 97/50736/M (2/97/074/0001Y) to allow for up to 30 static caravans to be sited on land (OS Field 4775) comprising part of the approved caravan site which is currently used for touring caravans, also to vary condition 2 to allow for the proposed static caravans to operate all year round, and to vary condition 3 to allow for the caravans approved and sited in OS Fields 3900, 4700, 5190 and 5376 to operate all year round.

At: White Rose Caravan Park, Hutton Sessay
For: Mr W Harrison

This application is referred to Planning Committee at the request of a Member

1.0 Site, context and proposal

- 1.1 White Rose Caravan Park is an established site located on the south side of main highway in Hutton Sessay. Vehicle access is located off the main highway and the site comprises a majority of static caravans with small section of tourers, office building, indoor and swimming pools, a children's play area located in the centre of site, whilst an amenity area with football goal posts and children's play equipment located at the north-east corner of the site. The site is defined by hedgerows along its west, east and southern boundaries. Views into the site from main highway are limited to glimpsed views from the pub car park and vehicles entrance. Longer distance views are possible from east and west. Views from the public footpath to west of the application are possible but are restricted by the perimeter hedgerows. The Environment Agency Flood Zone Map indicates that the site is within Flood Zones 1 and 2
- 1.2 The surrounding context is defined by housing to the north, north-west and north-east and to the south, south-west and south-east is agricultural land that forms part of the rural setting to the village. Whilst the local village Public House (Horse Breakers Arms) does not form part of the caravan park it has a close relationship and physical pedestrian linkages through its grounds and car park area.
- 1.3 During the application process the applicant has amended the site layout of the caravans and provided additional information with regarding to the concurrent application for a Certificate of Lawfulness (20/02700/CLP). The application for the Certificate of Lawfulness makes the case that the open space within the site forms part of the caravan site and can lawfully be used for the siting of holiday caravans. As noted in the accompanying report officers have negotiated a control over the numbers of static caravans that would be located on the site and an expansion of the existing play facilities located within centre of the site. This particular element is proposed to be controlled through the imposition of a s.106 agreement.

- 1.4 The proposal involves the provision of a maximum of 30 static caravans on land comprising part of the approved caravan site which is currently used and licenced for 50 touring caravans in the south-west corner of the complex. As part of the proposal the existing W/C and shower block would be demolished. In addition, the application seeks to vary the existing condition that restricts the occupation of the whole caravan site (excludes December to March) to provide all year-round occupation.

2.0 Relevant planning and enforcement history

- 2.1 The site has an extensive planning history and therefore only relevant applications are noted below.
- 2.2 97/50736/M - Variation of a condition to permit an extended period of time for the occupation of static holiday caravans at O.S. Fields 3900, 4700, 5190 and 5376. Approved.
- 2.3 20/02180/FUL - Change of use of an existing play area for the siting of 18no static caravans with associated access. Withdrawn
- 2.4 20/02700/CLP - Application for a Lawful Development Certificate for a proposed permanent use of play area for the siting of up to 18 static caravans without restriction on the layout of the land or number of caravans sited on it. Pending consideration.

3.0 Relevant planning policies

- 3.1 The relevant policies are:
- Local Plan Policy S1 - Sustainable Development Principles
 - Local Plan Policy E1 - Design
 - Local Plan Policy E2 - Amenity
 - Local Plan Policy EG8 – Visitor Economy
 - Local Plan Policy CI2 - Transport and Accessibility
 - Local Plan Policy RM1 - Water Quality and Supply
 - Local Plan Policy RM2 - Flood Risk
 - Local Plan Policy RM3 - Surface Water and Drainage Management

National Planning Policy Framework (NPPF)

4.0 Consultations

- 4.1 Hutton Sessay Parish Council

Comments of 28.10.2022 (verbatim)

1. Sewerage – we are having ongoing issues in the village and more static caravans will add to this problem.

2. Traffic, there will be an increase in traffic in the village causing a disturbance to residents of Hutton Sessay, also cars are often parked on the roadside rather than on the caravan site which is a nuisance to residents in the village.

3. *Environmental issues, flooding from local experience due to the size now of the site some fields in Hutton Sessay flood.*

4. *Dog Mess, people staying at the caravan park walk round the village it is noticeable in the 10 months of opening of the park dog mess increases in the village.*

5. *Noise issues also when people are coming and going to the caravan park.*

The park brings no benefit to the village and we feel the increase in static caravans will only bring more problems as described above to the village

Comments of 24.6.2022 (verbatim)

- The application would result in too intensive a use of the site, which would be out of proportion to the size of the local village community. The current winter closure gives permanent residents a two month respite and allows the surrounding footpaths and byways a chance to recover from the heavy dog walking usage.
- The proposed new play area is a fraction of the size of the existing play field and football pitch, and closer to residential properties. The increased noise arising from such an intensively used area would cause an unacceptable loss of amenity for both village residents and occupiers of existing mobile homes.
- The sewerage infrastructure has a fixed maximum capacity and already fails to protect Sessay residents from sewage pollution during periods of extended rainfall. We believe that Yorkshire Water should be asked to confirm that the increased load, from the proposed increase in the number mobile homes, and a move to year-round opening, will not aggravate the existing problems.

4.2 NYCC Highways – No observations.

4.3 Environmental Health – No objection but notes the need for a Caravan Site Licence as required by the Caravan Sites and Control of Development Act 1960.

4.4 Swale & Ure Drainage Board – No observations.

4.5 Environment Agency – No objection based on the Flood Risk Assessment contained within the submitted Planning Statement. The consultation also provides comments on foul and surface water, pollution prevention together with flood warning and evacuation.

4.6 Yorkshire Water – note that a public sewer crosses the site and that landscaping should be avoided. [Officer note: clarification has been sought from the applicant on the alignment of the public sewer.]

4.7 Site notice and Neighbour notification. 14 objections as summarised below:

- Impact on sewage system which is already overloaded and requires pumping out by Yorkshire Water.
- Surface water disposal concerns and request an attenuation system
- Concern about some parts of the wider caravan site flooding.

- All year-round noise and disturbance to the detriment of villages mental wellbeing.
- Concern about the increased use of the Public House (which has many outside events to detriment of the villagers)
- Light pollution
- Traffic impact for additional users/parking on highway/will not be a reduction in vehicle movements.
- Problems with dog fouling and rubbish in village
- Construction noise concerns and noise associated with the delivery of statics to site.
- Concern that the expanded play area is not sufficient.

Some comments have been received to this application relating to the CLP. These are summarised below:

- Concern for the loss of the children's play area and where will the children play who visit the site

5.0 Analysis

5.1 The main issues to consider are:

- i) principle;
- ii) The siting, design and external appearance;
- iii) residential amenity;
- iv) flood risk and drainage;
- v) highway matters;
- vi) biodiversity.
- vii) planning controls relating to both this planning application and the Certificate of Lawfulness applications (conditions and s106)

5.2 Local Plan policy EG8 supports the expansion of existing tourists' facilities subject to the appropriateness of the design that would not impact on the character or amenity of the surrounding area, or cause unacceptable harm to the living conditions of neighbours or prejudice the operation of existing land uses and accessible by sustainable travel options. The proposal to provide static caravans in lieu of touring caravans within an existing tourist facility normally accessed by vehicles is considered to satisfy the requirements of Local Plan policy EG8.

- ii) The siting, design and external appearance

- 5.3 The layout of the proposal has been amended during the application process to provide a greater opportunity for tree planting and landscaping along part of the western and southern boundary and parking spaces identified within the proposed layout. With regard to the size and design of the static caravans it is noted that these are caravans are proposed to be muted colours. The caravans will be c.0.6m above ground and here views might be possible to the upper levels of the caravans from the Public Right of Way to the west above the boundary hedgerows. It is considered the visual impact would be minimal given the presence of the backdrop of the remainder of the caravan park in these views. On the basis of the above the proposal is considered to satisfy the design and landscape requirements of Local Plan policy E1.

iii) Residential amenity

- 5.4 It is noted that a number of public observations relate to the impact of the proposal on the amenity of local residents, particularly given the proposal to provide all year-round occupation on the entire caravan site. Furthermore, comment have been received regarding impact during construction and delivery of the static caravans. Environmental Health has been consulted on the application and raise no concerns. On this basis the proposal raises no amenity concerns and therefore complies with the requirements of Local Plan policy E2.
- 5.5 It is also noted a number of concerns have been raised regarding the noise and disturbance from the Public House. However, this does not form part of this application and in any event is controlled by other legislation beyond planning control. It is also noted that increased patronage of the public house is likely to increase the viability and the service function it provides to the local community. Whilst it is acknowledged that use of Public Houses can cause disturbance Policy IC4 "Community Facilities" resists the local of pubs as they have the potential to host a range of other facilities for local communities.

iv) Flood Risk and Drainage

- 5.6 The Environment Agency Flood Zone Map indicates that the caravan park is situated within Flood Zones 1 and 2 and the caravan park currently operates on this basis. The southern extent of the caravan is identified in Flood Zone 2. Local Plan policy RM2 requires the consideration of flood risk issues and the Planning Practice Guidance provides a matrix for flood risk vulnerability and incompatibility. The guidance classifies sites used for holiday or short-let caravans and camping as "more vulnerable" (subject to subject to a specific warning and evacuation plan) and therefore does not require an exception test. The submission has been accompanied by a Flood Risk Assessment that specifies the flood waring and evacuation plan. The Environment Agency raise no concerns regarding the flood risk issue but note that flood warning and evacuation should be conditioned to any approval. On this basis the proposal is considered to satisfy Local Plan policy RM2 subject to a suitably worded condition.
- 5.7 With regard to foul drainage, it is understood the existing foul drainage system for the entire caravan park is pumped from within the site to connect to the existing foul system in Church Lane (that flows to Dalton Sewage Treatment

Works via a piped system). The downstream system is noted to suffer from overloading at times of rainfall and the introduction of additional foul flows risks pollution in Sessay. The applicant has provided a proposed drainage solution that would provide retention of a percentage of the flow at peak times. This would be retained within a storage vessel located within the on site foul drain network. The storage vessel will outfall into the network in low flow conditions during 10pm-6pm on a daily basis for only the area of this application and the associated CLP and not the whole site. This provides a betterment on the current situation as the outfall from the touring caravans is unrestricted and the outfall from the CLP area is not restricted, and can be supported in principle. A condition can be prepared to require the submission of details of the scheme including telemetry system to prevent pumping commencing at times of high load at pumping stations downstream. On this basis as the issue to avoid pollution and significant harm to amenity of residents is so important, greater detail is required before the decision is issued. Subsequently, it is considered that a condition can be used to require the implementation and future maintenance and management of the drainage system.

- 5.8 A number of public observations relates to concerns about sewage, surface water and flood risk. The majority of the application site sits in Flood zone 2 and the Environment Agency raises no concern given the existing use of the site and change to static caravans. It also noted that a flood evacuation plan should be implemented and this can be controlled via a suitably worded condition.
- 5.9 It is noted that the proposal would not result in increased amount of impermeable surfaces (other than below static caravans) and will not increase the rate of surface water run-off and therefore raises no concerns relating to flood risk or surface water management.

v) Highway matters

- 5.10 The proposal does not generate any additional traffic movements due to the reduction in number of pitches – 30 statics compared to 50 tourers. Whilst it is noted that a number of observations do not concur with this view the proposal does represent a reduction in numbers. It is also noted that public observations relate to on-street parking where there is unrestricted parking and thus raises no concerns. Furthermore, NYCC Highways has been consulted on the application and raise no concerns. On this basis the proposal is considered to comply with Local Plan policy CI2.

vi) Ecology and biodiversity

- 5.11 The amended site layout plan provides the opportunity for further tree planting and therefore on this basis the proposal is considered to be able to provide a net gain for biodiversity and can comply with Local Plan policy E3 subject to the imposition of a suitably worded condition.
- 5.12 It is noted the applicant is willing to agree to a S.106 agreement to cover a number of issues as noted below. The items 1 and 5 are considered to be appropriate to be controlled by a planning obligation. However, items 2, 3, 4

and 6 could be the subject of planning conditions and do not require a planning obligation.

1. Not more than 12 caravans, all of which shall be static units, shall be sited on the land subject to the certificate of lawfulness application reference 20/02700/CLP with no caravans or part(s) of caravans being sited within the area shown edged green, that area being retained for the building on it, access through it and as amenity grassland with tree and shrub planting only.
2. Not more than 30 caravans, all of which shall be static units, shall be sited on the land shown hatched black subject to the planning permission reference 21/02011/MRC. The ablutions block building shall be removed off the site within 12 months of the date of this agreement.
3. All caravans referred to in clauses 1 and 2 shall be sited so as to achieve a minimum separation distance between caravans of 6 metres.
4. All caravans referred to in clauses 1 and 2 above shall be roofed using pressed metal profiled sheeting in colour RAL 7016 (dark grey finish) or dark brown - RAL 8017. The walls to all caravans referred to in clauses 1 and 2 above shall be finished with pressed metal or Conexel wood effect or natural wood with all units on the peripheral/outside rows of caravans adjacent to the boundaries of the caravan park being coloured in code RAL 6021 (Environmental Green) or RAL 8011 (dark brown) colours. If the specified colours are not available, their nearest available BS colour code equivalents will be utilised unless otherwise agreed in writing by the Local Planning Authority. Thereafter, no caravans shall be brought onto these parts of the caravan park other than those that conform to the approved finishes/colours.
5. The existing caravan unit within the area shown edged blue on the plan forming part of this agreement shall be removed and thereafter not be replaced and the land shown edged blue shall be incorporated into the adjacent amenity space for use as a children's play area, such works to be completed within 12 months of the date of this agreement.
6. The foul sewage disposal arrangements serving the development set out in clauses 1 and 2 above shall be such as to result in no foul flows into the public sewer from at least 42 static caravans on the park discharging into the public sewer other than between the hours of 10pm and 6am unless otherwise with the prior written agreement of the local planning authority.

Other matters

- 5.13 Public observations relating to loss of play space are not relevant to this particular application and the issues is dealt with in the concurrent CLP application.

Planning Balance and Conclusion

- 5.14 The proposal accords with the overarching policies contained within the Hambleton Local Plan and represents sustainable development that would provide the opportunity for expansion of an existing leisure facility. Subject to the imposition of conditions and the s.106 the proposal is considered that the proposed development complies with the relevant Local Plan policy in terms of principle design, visual impact, amenity, drainage and flood risk and is otherwise in accordance with local and national policy requirements.

6.0 Recommendation:

6.1 That the application is **APPROVED** subject to receipt of a S.106. and subject to the imposition of the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the site plan received by Hambleton District Council on 8th April 2022 unless otherwise approved in writing.
3. The hedge surrounding the caravan park shall be maintained at a height of at least 2 metres.
4. No more than 30 caravans shall be sited in OS Field 4775 and no more than 41 caravans shall be sited in OS Field 5376 at any one time.
5. The approved development can be occupied in an all year-round basis and the development must comply with the following requirements that:
 - (i) the caravans or cabins/chalets are occupied for the holiday purposes only;
 - (ii) the caravans or cabins/chalets shall not be occupied as a person's sole, or main place of residence;
 - (iii) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans/cabins/chalets on the site, and of their main home addresses. The owner/operator shall advise the Local Planning Authority of the name and address of the holder of the records and shall make the information on the register available at all reasonable times to the Local Planning Authority.
6. Prior to any construction works a scheme of foul and surface water drainage including attenuation and pumping systems shall be submitted to and be approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details before any piped discharge of water and the drainage system shall be operated and maintained in accordance with the approved details throughout the lifetime of the development.
7. The approved development shall not be brought into use until a Flood Evacuation Plan has been submitted in writing to the Local Authority for approval. The approved Flood Evacuation Plan shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority
8. Prior to the commencement of development a landscaping and biodiversity net gain scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide a) a landscape scheme including details of any change in surfacing materials and any planting schemes and shall show the retention of any significant existing landscape features and shall provide b) details to show how a 10% net gain of biodiversity will be achieved on site using the DEFRA biodiversity metric 3.1 (or the latest published version) and include a programme of work and

subsequent maintenance arrangements. The development shall thereafter be carried out in accordance with the approved scheme.

The reasons for the above conditions are:-

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with Hambleton Development Plan Policies E1 and E2.
3. To ensure the maintenance of a reasonable standard of landscape in accordance with the approved designs, and in accordance Hambleton Development Plan Policies E4 and E7
4. To protect the amenities of the locality in accordance with Hambleton Development Plan Policy E2.
5. To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation and can thereby contribute to the economy without undue demands on local schools, social and health services etc, and in accordance with the objectives of the Hambleton Local Plan policies S1, S3 and EG8.
6. In the interest of satisfactory drainage and to avoid pollution of the water environment in accordance Local Plan policies RM1, RM2, RM3 and RM5.
7. To ensure that the flood risks are suitably mitigated to protect human health.
8. To ensure that the future health of trees within the site and biodiversity requirements of the Local Plan are met.