

	<b>REPORT TO PLANNING &amp; DEVELOPMENT COMMITTEE</b>  <b>TO BE HELD ON THURSDAY, 11 March 2021</b>	
<b>APPLICATION REFERENCE NO:</b>  <b>20/00057/FL</b>	<b>TARGET DATE:</b>  <b>13 August 2020</b>  <b>Extended date:</b> <b>31 March 2021</b>	<b>GRID REF:</b>  <b>502294-479892</b>

## REPORT OF THE PLANNING SERVICES MANAGER – PSM/21/43

**SUBJECT: Change of use of paddock to form part of caravan park. Formation of associated site roads, caravan pitches, parking and landscaping at Merry Lees Caravan Park Spital Road Staxton Scarborough North Yorkshire YO12 4NN for Andrew & Martin Cockcroft**

### 1.0 THE PROPOSAL

1.1 This proposal concerns Merry Lees Caravan Park, an established holiday caravan park, which is situated on the east side of the A64 (Spital Road) approx. 3km south of Seamer and 8km south west of Scarborough. The current site license allows for 48 units. The proposal is to extend the area of caravan development and increase the number of static caravan units by changing the use of a paddock on the site to an area for siting 30 no. caravans, together with associated infrastructure including a surface water drainage system and landscaping.

1.2 The host site in this instance is a large grassed field, currently in use as a paddock. It measures 1.5 ha in area and is located to the north of the existing caravan site and some business units. The identified area is surrounded by established vegetation in the form of trees along its western, northern and eastern boundaries. Beyond the tree belts, the site is flanked by highway (A64) to the west, farmland to the north and east, and the existing caravan site and business units to the south.

1.3 With respect to planning designations and constraints, the site is located in the open countryside, outside of the Development Limits of any settlement defined in the adopted Local Plan. The application site is land identified by the Environment Agency as being at low (1 in 1000 year) risk of surface water flooding.

1.4 Access to the site would be via the existing vehicular access off Spital Road (A64). Additionally, a porous access road off the existing one will be constructed around the site providing vehicular access to each property. Each caravan would have 1 no. designated parking space.

1.5 In addition to the plans, the application is accompanied by several supporting documents (available to view on the Council's website) including:

- Design and Access Statement;
- Flood Risk and Drainage Assessment;
- Ecological Appraisal.

1.6 In response to the initial concerns expressed by the Lead Local Flood Authority, the applicant submitted a detailed drainage strategy on 28 September 2020 and further technical information on 15 January 2021. Having received further technical information, a targeted re-consultation exercise with the relevant statutory consultee (the Lead Local Flood Authority) has been undertaken.

1.7 In response to the initial comments by the council's Ecologist, the applicant submitted a detailed Construction Ecological Management Plan (CEMP) and Ecological Enhancement Management Plan (EMP) on 16 October 2020. Having received further technical information, a targeted re-consultation exercise with the relevant consultee (Parks and Countryside Services Ecology (SBC) has been undertaken.

1.8 This application is required to appear before Members as the application site area is over 1ha and therefore constitutes major development.

## 2.0 SCREENING OPINION REQUIRED?

2.1 No.

## 3.0 PRE-APPLICATION COMMUNITY ENGAGEMENT

3.1 None undertaken.

## 4.0 CONSULTATIONS AND COMMENTS

4.1 The following is a summary of the key and relevant comments received from consultees and interested parties. Their full comments and any accompanying documentation are available to view on the Council's website.

4.2 Folkton Parish Council - No objections.

4.3 Highways England - No objections.

4.4 Environmental Health Housing (SBC) - No objections to the granting of consent in terms of caravan site licensing. The applicant will be aware of the need to update the current caravan site licence to reflect the additional numbers should the proposal be given planning consent.

4.5 Environmental Health Commercial Regulations (SBC) - No response received.

4.6 Parks and Countryside Services Ecology (SBC) - No objections (following re-consultation).

4.7 Tourism (SBC) - No response received.

4.8 Flood and Coastal Engineer (SBC) - No response received.

4.9 Lead Local Flood Authority (LLFA) - The LLFA has no objection to the approval of the application subject to two conditions.

4.10 Vale of Pickering Internal Drainage Board (IDB) - No comments to make, the Board's position is neutral.

4.11 Publicity - Consultation period expired on 8 October 2020. No comments received.

## 5.0 RELEVANT SITE HISTORY

5.1 1996: Re-organisation of existing caravan park to site 48 No. static units and 32 No. touring units. Application Permitted (with conditions).

## 6.0 PLANNING POLICY

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of The Town and Country Planning Act 1990 require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise (in the case of advertisement applications the Advertisement Regulations 2007 are applicable). Attention is drawn to the following Development Plan and other planning policies and guidance which are considered to be particularly relevant to the consideration of this application:-

### **Scarborough Borough Local Plan 2017**

**SD 1** - Presumption in Favour of Sustainable Development

**DEC 1** - Principles of Good Design

**DEC 4** - Protection of Amenity

**TOU 1** - New Tourism Facilities

**TOU 4** - Visitor Accommodation and Facilities in the Countryside

**ENV 3** - Environmental Risk

**ENV 5** - The Natural Environment

**ENV 6** - Development Affecting the Countryside

**ENV 7** - Landscape Protection and Sensitivity

### **National Planning Policy Framework**

**NPPF6** - Building a strong, competitive economy

**NPPF12** - Achieving well-designed places

**NPPF14** - Meeting the challenge of climate change, flooding and coastal change

**NPPF15** - Conserving and enhancing the natural environment

### **Scarborough Borough Supplementary Planning Documents**

None relevant

## Local Planning Policy and Guidance

None relevant

### 7.0 ASSESSMENT

7.1 Taking into account the relevant planning policy, consultation responses and all other material planning considerations, in Officers' view the key issues for consideration in the determination of this application are:

- A) Principle of the proposed development and landscape impact;
- B) Highways;
- C) Impact on amenity;
- D) Flood Risk and Drainage;
- E) Ecology and trees.

A) Principle of the proposed development and landscape impact

7.2 The application site lies within the open countryside outside of the Development Limits of any settlement as defined in the Local Plan. Therefore, as a proposal for improvements to an existing site in the open countryside, policies ENV6 (Development Affecting the Countryside) and TOU4 (Visitor Accommodation and Facilities in the Countryside) are applicable. Additionally, policy TOU1 (New Tourism Facilities) is also relevant.

7.3 Local Plan policy ENV6 seeks to protect the 'open countryside' for its own sake, and restricts development to that for which a countryside location is essential and precludes development except for certain circumstances. One such circumstance is where a development proposal accords with the provisions of policy TOU4. Policy TOU4 states that new visitor accommodation in the countryside will be permitted where: it is of an appropriate scale relative to its location; sited to be visually unobtrusive and able to be successfully integrated into the surrounding landscape due to the topography and established screening; and, has a road network and access which can safely accommodate the associated traffic. This policy overrides the need for essential development where tourist accommodation is concerned. In addition, policy TOU1 lends general support to new or enhanced tourism facilities which respect the distinctive tourism character of the area in terms of scale and nature and, where possible, help to reduce the seasonal nature of tourism.

7.4 The National Planning Policy Framework is also an important consideration in assessing the principle of the development. It states that significant weight should be placed on the need to support economic growth and productivity; and, that the sustainable growth and expansion of all types of business in rural areas should be enabled, including sustainable rural tourism developments that respect the countryside.

7.5 It is considered that these policies are generally supportive in principle of the expansion of tourist accommodation like proposed, providing it meets the detailed criteria of those policies, other relevant planning policies and satisfies other material considerations.

7.6 This is a proposal for an expansion of static caravan site of a scale and nature which is commensurate with the existing facility in a locality in which is characterised in a visual sense by the existing caravan site. In general terms, the proposal is in compliance with policy TOU1 and your Officers consider that the proposal is supported by the provisions of the NPPF.

7.7 Considering the criteria of policy TOU4 outlined above, the proposal is for a modest level of development that would not be likely to cause detrimental impact on its countryside location. It is considered that the number of caravans proposed would be appropriate for the identified site area; it would allow for the necessary road infrastructure (including a turning head) and sufficient space between caravans. The development is sited within the confines of the site, largely screened from public views by established tree planting on all sides. The landscaping is effective even in the winter period. The proposal does not involve any alteration to the site's existing boundaries. There are no proposed alterations to the existing constructed access.

7.8 Given the effectiveness of the existing screening, it is evident that the proposed development will not detract from the appearance of the surrounding landscape, make the site more prominent within it or impact upon residential amenity. Indeed it will hardly be visible from outside the site so dense is the existing planting. Also, additional planting is proposed within the site and along the boundaries. As the site is already part of the general caravan site, its context within the local area will remain the same.

7.9 Local Plan policy ENV7 is concerned with landscape protection including: the sense of openness; the pattern and complexity of the landscape; the experience derived from a particular landscape character; its relationship with settlement edges and inter visibility. In the context of the wider landscape and its enjoyment by the wider public, it is not considered that this proposal would have a serious adverse impact. Should planning permission be granted, it is suggested that conditions be used to ensure that the proposed landscaping is carried out.

7.10 With this in mind, subject to the favourable consideration of the other planning matters, Officers consider the scheme to be in accordance with policies TOU1, TOU4, ENV6 and ENV7 and therefore acceptable in principle.

## B) Highways

7.11 Pedestrian and vehicular access to the new caravan bases is to be via the existing holiday park. Parking is to be provided on-plot/ pitch.

7.12 As access to the site is off the A64 which is a major road, Highways England and not the Local Highway Authority (NYCC) is the statutory consultee in this case in the planning process on highways related matters, and the Council is reliant on their expert advice. They have offered 'no objections', and with this in mind Officers do not consider that the safety or convenience of users of the public highway will be harmed by the development.

## C) Impact on amenity

7.13 Policy DEC4 of the Local Plan requires that new development will not unacceptably harm the amenity of existing residences and that occupiers of new development will be afforded a good standard of amenity. Further, the NPPF

strengthens the established 'agent of change' principle and makes it clear that planning decisions should ensure that new development can be integrated efficiently with existing business and facilities.

7.14 With regards to the application site, there are no private residential properties in close proximity of the site. The closest relationship between any of the existing caravans on the site and existing third party property (the neighbouring dwelling to the south west of Merry Lees) will be approximately 40 metres. Given the separation distance involved and the nature of the site (long established holiday park), Officers do not consider that this proposal will have an adverse effect on residential amenity.

7.15 With regards to the existing business units to the south of the application site, these are currently operating well adjacent to the existing caravan park and it is not anticipated that the new development would put a greater constraint on those units.

7.16 It is not considered that this proposal will have an unacceptable impact on amenity, and therefore meets the requirements of Local Plan policy DEC4.

#### D) Flood Risk and Drainage

7.17 Policy ENV3 of the Local Plan states that development proposals will be expected to mitigate against the implications of environmental risk.

7.18 The County Council as the Lead Local Flood Authority (LLFA) is the statutory consultee on matters related to surface water drainage and the Council is reliant on the technical advice of this agency.

7.19 The applicant has supplied a detailed Flood Risk Assessment and drainage strategy, and this has been scrutinised by the statutory consultee (the LLFA). It is proposed to discharge surface water runoff into the proposed pond (constructed within the centre of the site). No restriction will be applied to the discharge of surface water. An overflow will be provided into a soakaway chamber. The caravan runoff will be collected by a series of rainwater pipes and sewers and brought to the front of the caravan. This will be collected and discharged into the pond.

7.20 The foul water will be collected from each caravan by a series of chambers and sewers. This will be collected and brought to the south-east of the site before flowing into a treatment plant. The treated wastewater will then flow further south before discharging into a drainage field.

7.21 Following initial concerns from the LLFA, the applicants have recently supplied further technical information to demonstrate that the proposals can be drained in accordance with national and local planning policy. Consequently, the case officer liaised further with the statutory consultee and subject that conditions are applied to any permission granted, the LLFA has no objections to the proposals.

7.22 One of the conditions relates to 'Climate Change and Urban Creep' with regards to additional impermeable areas. The other one, which is a pre-commencement condition, relates to 'Designing for Exceedance' with regards to resilience to flood risk and flood risk in extreme events. The agent has confirmed that they accept the pre-commencement condition.

## E) Ecology and trees

7.23 Local Plan policy ENV5 requires that proposals should respond positively and seek opportunities for the enhancement of species and habitats. The NPPF states that if significant harm to biodiversity cannot be avoided, adequately mitigated or, as a last resort, compensated for, then planning permission should be refused.

7.24 An Ecological Assessment (Phase 1 Habitat Survey) has been submitted with this application. The report concludes that the proposed development is unlikely to impact upon any European protected species or associated habitats. However, the survey makes recommendations for protection and enhancement of habitat as part of the development and these can be secured by condition. Subject to these measures, it is not considered that the development will have an adverse impact on nature conservation and presents opportunities for enhancement in accordance with Policy ENV5 of the Scarborough Borough Local Plan 2017. Therefore, the Local Planning Authority has no reason to consider that the scheme is unacceptable in relation to this technical consideration. The council's Ecologist did not raise objections to the proposal and is satisfied with the recommendations contained in the Ecological Assessment.

7.25 The applicant has latterly supplied a detailed Construction Ecological Management Plan (CEMP) and Ecological Enhancement Management Plan (EMP), and this has been scrutinised by the consultee (the council's Ecologist). The CEMP/EMP fully satisfy the initial recommendations made by the Ecologist and should planning permission be granted, it is suggested that a condition be used to ensure that the proposed development is carried out in accordance with the document.

7.26 No trees will be removed as part of the proposed development.

7.27 No lighting is proposed as part of the proposed development.

### Other matters

7.28 Should Members be minded to grant consent, your Officers would advise that holiday occupancy conditions are attached to the caravan pitches to match the existing park. In this instance, it is considered that the objective of ensuring the units are not occupied as permanent residences (whilst recognising the broadening of the traditional holiday season recently) can be most practically achieved by applying the condition that is attached to the remainder of the site.

## 8.0 PRE-COMMENCEMENT CONDITIONS

8.1 One pre-commencement condition relating to 'Designing for Exceedance' with regards to resilience to flood risk and flood risk in extreme events. The agent has confirmed that they accept the pre-commencement condition.

## POSITIVE AND PROACTIVE STATEMENT

The applicant and Planning Officers engaged in pre-application discussions to consider the principle of and potential for this development. Officers acted positively and

proactively by agreeing an extension of time to accommodate amendments to the applicant's surface water drainage details.

## **RECOMMENDATION**

**PERMISSION BE GRANTED**, subject to the following condition(s)

- 1 The development hereby approved shall be carried out in strict accordance with the following:

Site Location Plan (drawing no. 001) received by the Local Planning Authority on the 10 January 2020,

Proposed Site Plan (drawing no. 101) received by the Local Planning Authority on the 14 May 2020,

Proposed Caravan 38x12 (drawing no. 102) received by the Local Planning Authority on the 10 January 2020,

Proposed Caravan 40x13 (drawing no. 103) received by the Local Planning Authority on the 10 January 2020,

Design and Access Statement received by the Local Planning Authority on the 10 January 2020.

Reason: For the avoidance of doubt.

- 2 The development hereby approved shall be occupied for holiday purposes only and only during the period commencing on 1st March in each year and ending on 4th January in the following year. None of the development hereby approved shall be occupied as a person's sole or main place of residence.

Reason: In order to preclude permanent occupancy in the interest of avoiding such development in the countryside in accordance with policy ENV6 of the Scarborough Borough Local Plan 2017.

Note: If the caravans on this site are occupied by any individual for more than six months in any 12 month period then the Local Planning Authority would regard it as amounting to that person's main residence and a clear breach of planning permission.

- 3 The development shall be implemented with separate systems for foul and surface water drainage.

Reason: To ensure environmental risk is properly managed in accordance with policy ENV3 of the Scarborough Borough Local Plan 2017.

- 4 The development shall be implemented and permanently maintained in accordance with the submitted document 'Drainage Impact Assessment 28799/DIA/DJC 01' dated 23 September 2020.



Reason: To ensure the site is properly and sustainably drained in accordance with policy ENV3 of the Scarborough Borough Local Plan 2017.

- 5 Prior to the continuation of the development beyond preliminary groundworks, a detailed scheme of new planting, including proposals to enhance biodiversity, shall be submitted to and approved in writing by the Local Planning Authority. The planting scheme shall be implemented within the first planting season following the commencement of development. The landscaping shall be implemented in accordance with the approved planting scheme.

Reason: To ensure the character of the open landscape is protected, and in the interests of the appearance of the area and to ensure opportunities for biodiversity enhancement are maximised in accordance with policies DEC1, ENV5 and ENV7 of the Scarborough Borough Local Plan 2017.

- 6 The development shall be implemented in accordance with the recommendations and proposals contained within the submitted CEMP/EMP received by the Local Planning Authority on 16 October 2020.

Reason: In the interests of the appearance of the area and to ensure opportunities for biodiversity enhancement are maximised in accordance with policies DEC1, ENV5 and ENV7 of the Scarborough Borough Local Plan 2017.

- 7 The existing planting on the site's boundaries shall be permanently retained.

Reason: To ensure the site is properly screened in perpetuity in accordance with Policy TOU4 of the Scarborough Borough Local Plan 2017.

- 8 The on-pitch car parking and manoeuvring areas shown on the approved drawings shall be made available for use prior to the first use of the respective pitch and shall be permanently retained for no other purpose than the parking and manoeuvring of vehicles.

Reason: To ensure that car parking and manoeuvring is properly designed for in the interests of highway safety, in accordance with policy DEC1 of the Scarborough Borough Local Plan 2017.

- 9 No additional impermeable areas in and around the caravans shall be created without the prior approval of the Local Planning Authority in consultation with the LLFA.

Reason: In the interest of flood risk and drainage to ensure the capacity of the drainage system is not exceeded as a result of additional hard standing being introduced during the lifetime of the development.

- 10 No development shall take place until an appropriate Exceedance Flow Plan for the site has been submitted to and approved in writing by the Local Planning Authority. Site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding on or off site. This is achieved by designing suitable ground exceedance or flood pathways. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30 year event. The

design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site.

Reason: To prevent flooding to properties during extreme flood events and to mitigate against the risk of flooding on and off the site.

*David Walker*

**Background Papers:**

Those documents referred to in this report.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT MRS KATJA HARPER ON 01723 383532 email [katja.harper@scarborough.gov.uk](mailto:katja.harper@scarborough.gov.uk)



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