

Item Number: 8
Application No: 10/00032/EXTM
Parish: Wombledon Parish Council
Appn. Type: Extend time limit Major
Applicant: Mr D Willoughby
Proposal: Extension of time limit for implementation of application 06/01099/MFUL dated 19.01.2007 for Change of use of scrapyard to allow the siting of 16no. timber clad static holiday units
Location: Fosters Scrapyard Moorfields Lane Wombledon York YO62 7RY
Registration Date: 11 January 2010
8/13 Wk Expiry Date: 12 April 2010
Overall Expiry Date: 18 February 2010
Case Officer: Judith Vokes **Ext:** 329

CONSULTATIONS:

Environment Agency	No objection
Yorkshire Water Services	Recommend conditions
Environmental Health Officer	No objection - recommend conditions
Housing Services	No views received to date
Parish Council	Recommend approval
Highways North Yorkshire	No views received to date

Neighbour responses:

OFFICER REPORT TO PLANNING COMMITTEE 10/00032/EXTM

This is a planning application made via the Town and Country Planning (General Development Procedure) (Amendment No.3) (England) Order 2009, which came into force on 1st October 2009 and allows for the extension of time limits for implementation of planning permissions granted.

The planning permission in question (06/01099/MFUL) was granted on 19th January 2007 for the change of use of the Fosters Scrapyard in Moorfields Lane, Wombledon to allow for the siting of 16 no. timber clad static holiday units. The three year permission has not been implemented and whilst the permission expired on 19th January 2010 the LPA retains jurisdiction to determine an application where the original permission expired after the application was made but before determination.

The owners of the adjacent Wombledon Caravan Park have now made an application for an extension of time for the implementation of planning permission 06/01099/MFUL. It is noted that the landowner remains as per the original planning permission, however, the Order allows for differing applicants to submit these type of applications.

If this application is approved it will result in the granting of a new planning permission for the development authorised by the original planning permission ref. 06/01099/MFUL. The original planning permission was classed as a major planning application and under the current Planning Code of Practice, this current planning application also needs to be determined by the Planning Committee.

The guidance currently available to Local Planning Authorities in determining these type of applications advises that:-

- In current circumstances, LPAs should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly.

The development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date. While these applications should, of course, be determined in accordance with S38(6) of the Planning and Compulsory Purchase Act 2004, LPAs should, in making their decisions, focus their attention on development plan policies and other material considerations (including national policies on matters such as climate change) which may have changed significantly since the original grant of permission.

Officers have set out below key changes to development plan policies and other considerations, which have arisen since the granting of the previous planning permission and are considered material to determination of this current application.

The Local Plan policies against which the existing permission was determined in relation to tourism, highways etc remain saved policies against which this current application should be determined. Members will note, however, that Policy ENV1 is no longer a saved policy and cannot therefore carry weight in the determination of this application.

At a national level the Good Practice Guide on Planning for Tourism was taken into account in determining the 2006 planning permission and remains relevant to determination of this current planning application.

Planning Policy Statement No.4, which came into being in December 2009, should now be read in conjunction with the advice set out in PPS7. The policy advice contained in these documents continues to be supportive of this kind of development with the more site / development specific matters contained in the Good Practice Guide.

The Regional Spatial Strategy (RSS), adopted May 2008, did not form part of the Development Plan in 2006 but needs to be taken into consideration in determining this current application. The RSS recognises rural tourism and economic led opportunities and as such is also considered to support this current application.

Policy ENV5 of the RSS sets a 10% requirement for energy to be provided from the use of decentralised / renewable low carbon energy generation unless it can be demonstrated that this is not feasible or viable. This policy requirement is applicable to 'major' developments and has been applied to recent permissions for tourism related developments across the District. In accordance with up to date planning policy requirements as well as the specific Government advice issued in respect of dealing with applications of this nature it is recommended that a relevant condition is applied to this 'renewal' application.

Officers are not aware that there have been any planning applications determined since the granting of planning permission 06/01099/MFUL, either positively or negatively within the site vicinity, which are considered to materially effect determination of this planning application.

It is recognised that a series of reports have been submitted to assess potential contaminated land at the site, although this has not lead to the full discharge of the planning condition applied to permission 06/01099/MFUL. The investigative work has not been submitted with this current planning application and it is not known whether the current applicant has the agreement of the original applicant to rely on the work undertaken to date. To ensure that the identified on-site contamination is satisfactorily dealt with it is proposed that the original planning condition is imposed in full on this application for 'renewal', albeit in a format which reflects the current approach to dealing with contaminated site.

This current application has been subject to full consultation, which has not resulted in the receipt of any objections nor concerns being raised. Wombleton Parish Council has supported this current application.

For ease of reference officers have set out below in italics the original officer report to Planning Committee for planning permission 06/01099/MFUL. This forms a material consideration in the determination of this current application for an 'extension of time'.

OFFICERS REPORT TO PLANNING COMMITTEE FOR 06/01099/MFUL

SITE:

The application site lies within open countryside outside the development limits for Wombleton village. The site lies within a small cluster of commercial and tourism uses on the north-western edge of Wombleton Airfield. The application site is currently in use as a scrapyard. Surrounding land uses include a touring caravan site to the south and east of the application site. An area of land to the north of the existing access to the application site was previously in use in connection with the existing scrapyard but now appears to fall under a different land ownership and falls outside the red line application site boundary.

The application site slopes gently southwards and is characterised by a mix of hard-standings, hard-core surfaces and two buildings. The site is subject to open storage of vehicles and parts and whilst there is a good level of landscaping in place along the site boundaries it is not considered that the site has a positive visual impact on its generally open and rural surroundings.

The site is considered to be well located in relation to the key towns and attractions across the District and makes an appropriate re-use of a previously developed site.

PROPOSAL:

Full planning consent is required to cease the existing use of the site within the red line application site boundary as a scrapyard and to allow the siting of 16 timber clad holiday units.

The applicant has put forward four different indicative designs of the units providing 2, 3 and 4 bedroom accommodation. The maximum dimensions will be 13.7 metres long by 6.1 metres wide and up to 4.1 metres in height. Some of the indicative designs of the units show the provision of verandas. The applicant has confirmed that each of the 16 units will be capable of meeting the definition of a caravan as set in the relevant Acts.

Each unit will be clad in a dark timber with dark grey profile sheeting roof and dark brown timber or PVC windows and doors.

The submitted plans show a detailed landscaping programme for the site which will supplement existing landscape measures along the site boundaries.

Access to the site will remain via the existing entrance off Moorfields Lane.

POLICY:

National Policy Guidance

PPS4 - Planning for Sustainable Economic Growth

PPS7 - Sustainable Development in Rural Areas

Good Practice Guide on Planning for Tourism

Ryedale Local Plan

Policy ENV7 - Landscaping
Policy T3 - Access to the local highway network
Policy T7 - Parking
Policy TM3 - Chalet, cabin and static caravan development

HISTORY

It is understood that the site has been used for a variety of purposes in connection with the primary used of the site as a scrapyard.

APPRAISAL

The main issue when considering this application is whether it complies with Policies ENV1 and TM3 of the Ryedale Local Plan.

Policy ENV1 requires that new development outside development limits maintains or enhances the rural environment and for the proposal to be compatible with the character of the surrounding area and not to have a material adverse impact on the environment.

Policy TM3 requires sites for new chalet / cabin development to be well screened by landform and/or existing landscaping from roads, elevated viewpoints and other public places and the development not to have a material adverse effect on the character and appearance of the countryside. Additionally the layout, design and landscaping of the site and the chalets/cabins must satisfactorily blend into the landscape in terms of their siting, design and colour and materials.

In principle, it is considered that the use of the site as a caravan site in comparison to its existing use as a scrapyard will offer significant visual, amenity and environmental improvements in relation to both the site and its surroundings.

It is considered that the siting of the static units would not be unduly prominent in their surroundings and would not have a material adverse effect on the character and appearance of the countryside. The impact of the caravans will be further lessened by the provision of a detailed programme of landscape measures which will supplement existing landscaping measures around the site boundary.

The nearest dwelling to the application site is The Bungalow adjacent to the western boundary. The layout plans show a substantial area of planting between The Bungalow and the site which will act as a buffer between the two land uses. It is understood that The Bungalow was until recently occupied in connection with the scrapyard use but now falls under separate ownership. It is considered preferable that the land be used as a caravan site rather than scrapyard when considering visual and amenity impacts on surrounding land uses.

In light of concerns raised by various parties, the applicant's agent has been asked to provide further information in respect of the following matters:-

- Land ownership and rights of way affecting the site*
- The provision of site services (water and electricity)*
- Foul drainage provision*
- Management of the site*

The occupiers of land to the north-west (The Bungalow) and south and east (Wombleton Caravan Park) of the site have raised queries with regards ownership of the land shown within the application site boundary. The applicant's agent has been asked to consider these points and have confirmed that they are satisfied that the submitted certificate and red line site boundary remains correct.

An amended layout drawing has been received which allows for the claimed right of access through the site to be accommodated. The agent has advised that if the right of access is not found to be required additional planting would be undertaken at the end of the internal road to ensure a continuous belt of planting along the eastern boundary of the site.

It is not considered necessary to impose a condition requiring that the units are removed from the site when unoccupied over the winter months. It is understood that such a requirement is placed on the adjacent caravan site to preserve the openness of the area. However, it should be noted that the caravans are not removed from the site but stored in a field to the rear of the application site. It is considered that the appearance of the units and the level of landscaping provided on the application site do not warrant the unit's removal from the site on visual or amenity grounds. If Members are minded to approve this application then appropriate conditions can be imposed to ensure that the units are not subject to permanent residential occupancy.

The applicant's agent has submitted a detailed response to further concerns raised by consultees and a copy of this response along with the amended site layout is subject to a 14 day re-consultation period which expires beyond the date of this Committee. It is considered that the applicant's agent has satisfactorily responded to the points raised and that officer's are now in receipt of all the necessary information by which to bring this application before the Committee for a decision.

A number of concerns have been raised regards the applicant's ability to provide water and electricity to the site. The applicant's agent has advised that mains water and electricity can all be provided to serve the site, including any necessary upgrading of the existing infrastructure. No detailed information has however been provided to identify how such services will be provided and it is therefore considered reasonable to impose a planning condition preventing the use of generators to provide electricity on site as such measures are likely to raise issues of amenity nuisance.

The site is not currently connected to the mains network for foul drainage but it is understood that connection can be achieved. Yorkshire Water have raised no objection to this application but have recommended a series of conditions requiring details of the proposed methods of discharge and the proposed means of disposal of foul water drainage to be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development. Appropriate conditions are also suggested to address matters of surface water drainage from the site.

The Environment Agency has also raised no objections to the proposed development but has confirmed that as the site has been used as a scrapyards it is likely that the land will be contaminated. Whilst some initial survey work has been undertaken the results of which indicate that contamination is of generally minor extent at the site a suitable condition can be imposed to ensure that a full programme of investigate works and remedial measures are completed prior to the commencement of development.

The applicant's agent has confirmed that it is not the intention for a manager / warden to live on the site. It is understood that it is the intention to employ local people to manage and maintain the site and provide 24-hour telephone contact for residents.

The occupiers of the adjacent touring caravan park have requested that the applicant be required to erect a security fence along the southern boundary of the application site. This has been passed to the applicant's agent who has declined the request on the grounds that the presence of holidaymakers and staff on site for much of the time will provide additional security and there would appear to be no overriding reason to provide security fencing or similar within the site. On balance, it is considered that there is no sound planning reason for requiring the provision of the fence and as such this is considered to be matter for negotiation between the applicant and the owners of the caravan park.

The Council's Environmental Health Section has confirmed that the provision of adequate fire measures would be a requirement of obtaining a site licence.

Low bollard lighting as shown on the submitted plans is considered to achieve an appropriate balance between preventing unnecessary light intrusion and ensuring that the site is satisfactorily lit. The substantial landscaping measures along the site boundaries will further ensure that any lighting spread remains within the site.

It is considered that this planning application is in accordance with policies ENV1 and TM3 of the Local Plan. Whilst there are a number of issues to be addressed, primarily in relation to the detailed development of the site, it is not considered that any of these matters override the development's compliance with policy.

It is recommended that the application be authorised for approval subject to the expiry of publicity on the revised plans and additional information supplied by the agent. Subject to no additional comments being received which have not previously been addressed, the Development Control Manager be authorised to grant permission for the development subject to conditions.

If Members are minded to approve this application there are a range of planning conditions which it is considered reasonable to impose to ensure that the site is laid out, landscaped and operated in a manner which would retain its compliance with Local Plan Policy TM3. The suggested conditions are set out in full below.

SUMMARY

It is considered that the development remains in compliance with relevant Development Plan policies and that there are no other material considerations, which would materially prevent the granting of a new planning permission for the development authorised by planning permission ref. 06/01099/MFUL.

The recommendation is one of conditional approval in accordance with planning permission 06/01099/MFUL.

Ryedale Local Plan - Policy ENV7 - Landscaping
Ryedale Local Plan - Policy T3 - Access to the local highway network
Ryedale Local Plan - Policy T7 - Parking
Ryedale Local Plan - Policy TM3 - Chalet, cabin and static caravan development
National Policy Guidance - PPS 4 - Planning for sustainable economic growth 2009
National Policy Guidance - PPS7 - 'Sustainable Development in Rural Areas' 2004
National Policy Guidance - PPS23 - 'Planning and Pollution Control' 2004

RECOMMENDATION: Approval

1 The development hereby permitted shall be begun on or before .

Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

2 The holiday units at Fosters Scrapyard shall be used for holiday purposes and for no other purpose including any other purpose in Class C3 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (or any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification).

Reason:- In order to ensure that the holiday units do not become permanently occupied as dwellings within the open countryside, and to comply with Policy TM3 of the Ryedale Local Plan.

3 The holiday units hereby permitted shall not be occupied as a persons sole or main place of residence.

Reason:- In order to ensure that the holiday accommodation is not used for unauthorised permanent occupation and to comply with Policy TM3 of the Ryedale Local Plan.

- 4 The owners/operators shall retain an up-to-date register of the names of all owners/occupiers of individual holiday units on the site and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

Reason:- In order to ensure that the holiday accommodation is not used for unauthorised permanent occupation and to comply with Policy TM3 of the Ryedale Local Plan.

- 5 Unless otherwise agreed in writing with the Local Planning Authority, the finish and colour of the holiday units, including verandas, decking and other features as shown on the indicative design layouts, shall be dark timber boarded with dark grey pantile profile sheeting on the roof and dark brown timber or uPVC windows and doors. Development shall be carried out in accordance with these details.

Reason:- In order to ensure that the development does not use inappropriate materials that could be harmful to the appearance of the area, and to comply with Policy TM3 of the Ryedale Local Plan.

- 6 Prior to the commencement of any other part of the development hereby permitted, access(es) to the site shall be laid out and constructed in accordance with the following agreements:-

(ii) any gates, barriers or other means of enclosure shall be erected a minimum distance of 10 metres back from the carriageway of the existing highway and shall open into the site.

NOTE: The applicant should be advised that prior to any works commencing, permission is required from North Yorkshire County Council as the local Highway Authority for all works within the public highway. The applicant should contact North Yorkshire Highways (Tel 08453 669504) who will provide the detailed constructional specification, list of approved contracts, forms etc, referred to in the Condition on their Planning Approval.

Reason:- To ensure a satisfactory means of access to the site from the public highway, in the interests of vehicle and pedestrian safety and convenience, and to comply with Policy T3 of the Ryedale Local Plan.

- 7 The site shall be developed with separate systems of drainage and foul and surface water on and off site.

Reason:- In the interests of satisfactory and sustainable drainage, and to comply with Policies U1 and U4 of the Ryedale Local Plan.

- 8 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the Local Planning Authority before development commences.

Reason:- To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading, and to comply with Policy U1 of the Ryedale Local Plan.

- 9 No development shall take place until a scheme for the disposal of drainage (foul and surface), including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development unless otherwise agreed in writing with the Local Planning Authority.

Reason:- To ensure that the development can be properly drained and to prevent pollution of the water environment, and to comply with Policies U1 and U4 of the Ryedale Local Plan.

- 10 Unless otherwise approved in writing by the Local Planning Authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason:- To ensure that no foul and surface water discharges take place until proper provision has been made for its disposal, and to comply with Policies U1 and U4 of the Ryedale Local Plan.

- 11 Before any part of the development hereby approved commences, plans showing details of a landscaping and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the planting of trees and shrubs and show areas to be grass seeded or turfed. The submitted plans and/or accompanying schedules shall indicate numbers, species, heights on planting, and positions of all trees and shrubs including existing items to be retained. All planting seeding and/or turfing comprised in the above scheme shall be carried out during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

Reason:- To enhance the appearance of the development hereby approved and to comply with the requirements of Policy ENV7 of the Ryedale Local Plan.

- 12 The development hereby permitted shall be carried out in accordance with the revised layout plan (F21/01/02 Rev A) and accompanying information from Edwardson Associates received by the Local Planning Authority on 8 December 2006.

Reason:- For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the approved plans, and to comply with Policy TM3 of the Ryedale Local Plan.

- 13 All electricity used on site shall be mains electricity only. Generators shall only be used during times of power failure.

Reason:- In the interests of protecting the amenities of neighbouring occupiers, and to comply with PPG24 - 'Planning and Noise' 1994.

- 14 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least the equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, plus 10%. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason:- This condition is imposed in order to prevent pollution of the water environment, and to comply with PPG23 - 'Planning and Pollution Control' 1994.

- 15 Unless otherwise agreed in writing with the Local Planning Authority and prior to the commencement of development, a schedule of works identifying at least 10% of energy on the site can be sourced from decentralized and renewable or low carbon sources, shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in full.

Reason:- In order to comply with the requirements of Policy ENV5 of the Regional Spatial Strategy and PPS22 - Renewable Energy.

- 16 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 4 (below) have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 (below) has been complied with in relation to that contamination.

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme

works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

Reason:- To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and complies with the requirements of PPS23 - Planning and Pollution Control.

INFORMATIVES

1. All work involving the demolition, handling and on site storage of bonded asbestos cement material shall be carried out in accordance with Health and Safety Guidance. The disposal of such material shall be at a suitably licensed waste disposal site via a suitably licensed waste disposal contractor.
2. The applicant is reminded of their need to comply with the appropriate model standards for caravan sites as laid down by the Caravan Sites and Control of Development Act 1960 relating to static caravans.
3. The applicant is required to apply directly to Ryedale District Council Environmental Health and Housing Services Section for a caravan site licence.
4. A copy of the comments received from Yorkshire Water Services Ltd dated 29 November 2006 are attached to this decision and should be taken into consideration in complying with the relevant planning conditions.
5. The applicant must ensure that that any waste arising from the site is passed to a registered waste carrier, have the necessary documentation associated with each load and must ensure that the waste is taken to an appropriately licensed site.
6. The application must ensure that the provisions of the Waste Management Licence are adhered to at all times. Further information on this matter can be obtained from the Environment Agency.

Background Papers:

Adopted Ryedale Local Plan 2002

Regional Spatial Strategy

PPS1 - Delivery Sustainable Development 2005

PPS4 - Planning for Sustainable Economic Growth

PPS7 - Sustainable Development in Rural Areas

PPS23 - Planning and Pollution Control

Responses from consultees and interested parties