

Item Number: 8
Application No: 18/00326/FUL
Parish: Yedingham Parish Council
Appn. Type: Full Application
Applicant: Punch Taverns Ltd (Wayne Hunt)
Proposal: Change of use of part of land to rear of public house to a caravan/camping site for touring caravans and tents on 6no. individual plots (retrospective) with the temporary retention of static caravan to 13.03.2019
Location: Providence Inn Main Street Yedingham Malton YO17 8SL

Registration Date: 23 April 2018
8/13 Wk Expiry Date: 18 June 2018
Overall Expiry Date: 21 December 2018
Case Officer: Niamh Bonner **Ext:** Ext 325

CONSULTATIONS:

Parish Council	Responses detailed below
Yorkshire Water Land Use Planning	No response received
Caravan (Housing)	No objection in principle - recommend informative
Highways North Yorkshire	No objection
Neighbour responses:	Mr Ian Langford, Mr Eric Dent, Alec Mitchell, Prof Dominic Powlesland,

SITE:

The application site relates to an area of land immediately to the rear of the Providence Inn public house, Yedingham. The site falls within the village development limit. To the south of the application site is the Village Hall, with open farm land to the west. Beyond the public house, residential properties are located to the east of the B1258. The application site is located in Flood Zone 1.

The River Derwent is located approximately 100 metres to the north of where the proposed caravan site is located and the site totals approximately 1090 square metres (excluding the access route)

Between the river and the application site an open field, also in the ownership of the pub is located. This does not however form part of the application site.

PROPOSAL:

Planning permission is sought for the change of use of part of land to rear of the Providence Inn public house to form a caravan/camping site for touring caravans and tents on 6no. individual plots, with the temporary retention of static caravan to 13.03.2019.

This has been updated to indicate the retrospective nature of the proposal. The application site directly to the rear of the pub has for a number of years been used for the siting of caravans and tents and it is considered that the site may have previously benefitted from a caravan club designation. Caravans have been present on site during the determination period of this application. An existing access is present from the B1258, directly to the east of the site.

This application has been revised several times during the determination period to include;

Alterations to lighting, layout and drainage. (Plan received July 2018) This plan included;

- Demarcation of the 6 plots on site, aiming to prevent intensification of use.
- Revised lighting scheme, including loss of one flood light and control on lighting levels – which has been approved as acceptable by Highways.
- The positioning of the existing sewage treatment plant present on site.

Inclusion of the temporary retention of the static caravan to a 13.03.19 (application updated and readvertised December 2018.) The retention of the caravan was required because of the presence of damp within the onsite manager's accommodation at the pub, as illustrated within supporting photographs.

This included the following information:

- Submission of an letter from the applicant Punch Taverns and signed by the lessee, confirming the lessee would agree to the conditions including the removal of the static caravan by 13.03.19 and that no bookings would be taken which exceeded the proposed limits.

PUBLIC CONSULTATION RESPONSES:

Several letters of representation have been received, which are summarised below, but are also available to view in full on the planning file.

An enforcement request for service relating to unauthorised caravans in the field to the north of the application had also been received. These caravans have now been removed from the site and the enforcement case is closed. This will however continue to be monitored periodically in the future to ensure continued compliance.

Two letters of objection have been received from the occupier of Church View, Yedingham. The first dated 10th May 2018 noted the following summarised concerns:

- Concerns were raised in relation to the details within the application form in relation to the retrospective nature of the application, site area, related development and hazardous substances.
- The required standards for residential homes, holiday and touring caravans were highlighted and concerns were raised that the minimum standards are not being met in line with model standards, including separation distances. What has been marked out on the proposed plan is being ignored and numerous caravans are parked in various locations on the site – a photograph was submitted illustrating 9 caravans, not in accordance with distance requirements of 6 metres between caravans and 3 metres from the site boundary nor model standard densities. The area appears too small to accommodate six caravans and the current use of the area suggests that the applicant/end user has no intention of conforming to the licence conditions relating to maximum number of caravans permitted on the site. It is also noted the proposal does not intend the formation of any hard surfacing.
- Storage of LPG – a photograph showing 3 LPG tanks beside the static caravan was submitted and it was identified that this was in discordance with model standards guidance notes.
- Lighting poles have been erected without permission, resulting in the over illumination of the caravan park and access roadway. It was noted that this created obstructive lighting with a cold temperature, resulting in glare, light trespass and sky glow. This has caused stress and anxiety for neighbouring residents affected and causes significant impacts upon traffic.
- There is a residential mobile home in use on the site which appears not to be included within the application for a change of use to a touring caravan site.

In a further letter dated 19th July 2018, the following summarised comments were made by the occupier of Church View, following amendments to the application.

- As the revised lighting scheme is a significant improvement to what has currently been installed, my previous objections to the existing lighting are now withdrawn.
- My previous objections relating to the density; use and storage of LPG tanks; and the siting of a residential mobile home without planning permission, are still valid.
- The proposed use of chain and posts as a method of plot demarcation is also an improvement. However, it does nothing to prevent users from encroaching within the 3m boundary zone, as they always do at present. If the chain and post is required to be installed across the full length of the rear of the caravan plots/spaces, then this would provide a permanent physical barrier to such encroachment and my objection would be withdrawn.

A letter of objection was received from the occupiers of The Old Bridge Barn, Yedingham dated the 21st May 2018, with a further addendum by email on the same day.

“The proposed plans might be viewed in isolation to be acceptable subject to specific modifications to reduce the number of caravans, increase spacing between caravans and property boundaries, create hardstanding, to fit with the current regulations on the density and siting of touring caravans, to comply with regulations on the siting of LPG tanks”

The following concerns were also raised:

- Lighting poles have been erected without permission, which dominate the view from the road and are very bright. These are different to those previously approved in planning permission 17/00666/FUL and should be replaced.
- Caravan/tent density. The application relates to touring caravans/tents of no more than 6 and the site area is approximately 900 square metres (different to what was noted in application form.)
- It is assumed that the application relates to having up to 6 touring caravans or tents at any one time. It is noted that there have been multiple caravans behind the pub and in the field to the north for many months. At last count there were more than 10 caravans on the extended site over the last weekend.
- Concerns in relation to the presence of the static caravan, without planning permission not included in the current proposal.
- They are unconvinced that the applicant will comply with the permission granted. It would be preferred if the decision could be deferred until the current planning/enforcement issues are resolved.
- The advertisement sandwich boards in the highway forward of the pub are making access more difficult for pedestrians/wheelchair users /people with prams.

A letter confirming no objection was received from the occupier of Derwent House, Yedingham was received on the 3rd May 2018.

A letter of support from the occupier of The Meadows, Yedingham, received 28th May 2018

- Since they have lived at the above address in 2000, the field has been used as a caravan and camping site.
- They have never had problems of cause for concern, the people that stay are pleasant and friendly, the site provides a useful asset to other local businesses
- The Providence Inn is an essential hub to the village, we are aware of the challenges it faces to stay profitable and its future may be in jeopardy

Parish Council Response 15th May 2018

“The Councillors have no objections to the current planning application for 6 caravans or tents. The problem is there is still a static caravan on the site with no planning permission and currently there are 9 caravans on the site. There are 3 on the north field which is not part of this planning application which have now been there for several months. The Parish Council is concerned that the owners do not seem to worry if they have received any planning permission or not.”

Further Parish Council Response 27th June 2018

“The static Caravan is still in situ. There is no current building work happening at the pub. The number of caravans etc, is way beyond the number applied for, this gives an indication that there may be no intention of change in a positive direction. The only change noticed as the glaring flood lights have been less in evidence lately. There are still sandwich boards blocking the pavement.”

Parish Council Response 12th December 2018

“The Councillors have no objection to the short term retention of the static caravan. They wish to stress that they expect the pub to adhere to the planning they have requested for 6 caravans behind the pub, not as currently caravans all over the site.”

HISTORY:

The following applications are considered relevant to the current proposal:

17/00666/FUL: Alterations to existing outbuildings and erection of timber pergola. Approved

This application provided a shower block on site, in addition to the existing 3no. WCs.

17/01390/CLEUD: Certificate of Lawfulness in respect of the use of the land as a caravan park without planning permission for a continuous period that began more than 10 years before the date of this application. Withdrawn.

This application sought a certificate of lawfulness for the above referenced development within the entire site, including the entire field to the north up to the River Derwent.

18/00258/ADV: Display of lettering and amenity board to north elevation, hanging sign, amenity board, lettering, menu board and lettering and poster frame to south elevation together with installation of 9no. low energy LED floodlights to north, east and south elevations. Approved.

POLICY:

Ryedale Plan - Local Plan Strategy

Policy SP1 - General Location of Development and Settlement Hierarchy

Policy SP8 - Tourism

Policy SP16 - Design

Policy SP17 - Managing Air Quality, Land and Water Resources

Policy SP19 - Presumption in Favour of Sustainable Development

Policy SP20 - Generic Development Management Issues

Policy SP21 - Occupancy Restrictions

National Planning Policy

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

APPRAISAL:

The key issues to consider are:

- i. Principle of Development
 - ii. Design and Impact upon the Character and Appearance of the Area
 - iii. Impact on Neighbour Amenity
 - iv. Drainage
 - v. Highways
 - vi. Other Matters,
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- i. Principle of Development

The NPPF supports local planning policies that will support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

Policy SP8 (Tourism) of the Ryedale Plan - Local Plan Strategy states that tourism will be supported through the provision of a range and choice of quality tourist accommodation. In the villages locations touring caravan and camping sites are supported when of an appropriate scale and in appropriate locations on the edge of settlements. It is acknowledged that the area directly to the rear of the pub has been used and is currently being used for caravans at the moment and it is believed that in the past this area has formed part of a designated caravan club site.

Concerns have been raised that the area towards the rear of the pub has been regularly being used to accommodate in excess of 6 caravans/tents. This was confirmed to be the case during a site visit early in the determination period of the application.

Negotiations were undertaken with the agent, liaising with the Punch Taverns Business Manager and the lessees of the pub and in November 2018 a signed letter was received confirming that the publican's are committed to only having 6 caravans on the plots directly behind the pub (demarcated using the rope and post borders as per the previously submitted drawings.) A further email received on the 8th February 2019 from the Agent further clarified for the avoidance of doubt that *"there will be a maximum of 6no. camping plots to be used by either caravans or tents. The client and publicans are aware they must not exceed this limit and must not have situations where, for example, 2 tents share one camping plot."*

This will be conditioned to be the case and on this basis the Local Planning Authority are confident that there is no doubt as to what the maximum capacity of the site should be. This has been agreed in writing by Punch Taverns and the lessees. Any violation of this agreement may be subject to further enforcement action.

Ryedale District Council Housing Services (People) have raised no objection to the application subject to an informative in relation to the required Caravan Site Licence, to remind the applicant of their requirements under this separate legislation.

Whilst the points raised within the letter of objection in relation to density and separate legislative requirements are acknowledged, it is noted the Housing Services Team have raised no objection to the principle of 6no. pitches. This will be controlled through the planning condition but also, the site operators will be required to adhere to the separate, specific requirements administered through the Caravan Site Licence process.

Additionally, in line with current policy, it considered necessary to impose the occupancy restrictions required by Policy SP21 relating to the holiday accommodation not being used as anyone main place of residence and the owner/operator maintaining an up to date list of occupiers along with their home

addresses. The requirement to ensure the accommodation is available for commercial letting for at least 140 days a year is not considered to be necessary given the seasonally restricted condition.

Furthermore, the temporary retention of the single static caravan on site will be limited to the 13th March 2019. The Agent has confirmed in writing that this will be removed from site, whether or not the remedial damp works have been completed by that time and if necessary additional accommodation will temporarily be found for the lessees. It is considered that this caravan (which has been on site since January 2018) has afforded a lengthy opportunity to upgrade the on-site accommodation available for the lessees. It is considered that its removal will satisfactorily address the concerns raised within the received representations from third parties.

Subject to the recommended conditions, the proposal is considered to be in accordance with Policies SP8 Tourism and SP21 Occupancy Conditions.

ii. Design and Impact upon the Character and Appearance of the Area

To accord with Policies SP16 (Design) and SP20 (Generic Development Management Issues) and reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings including the topography and landform that shape the form and structure of settlements in the landscape.

It is considered that the proposed change of use to create 6 formalised pitches is acceptable in terms of design, as this would have a minimal impact upon the current appearance of the site. The points raised within the letter of objection in relation to density and separate legislative requirements under are acknowledged.

As per the revised plans, the pitches are internally demarcated by 1.1m high post and chain fencing. This is intended to limit the intensification of use beyond the 6 pitches being applied for. However this will be formalised managed by the above referenced planning condition in relation to number of caravan/tents.

A point was raised within a representation noting that there was no detail supplied on the proposed surfacing of the pitches. Given the relatively small scale of the site, it is not considered that either the retention of the current grassed surfacing or the installing of hardstanding would result in harm to the character and appearance of the site, given that there are limited public views of the application site.

The proposal would incorporate the retention of 1no. flood light within the middle of the site and 3no. wall lights attached to the existing low fence adjoining the vehicular access. The flood light has been altered to have a less intense wattage and it is now angled downwards. One additional flood light positioned in closer proximity to the road has been removed during the determination of this proposal. This level of illumination is considered acceptable in terms of character and form. The consultation responses received indicate support for the revised lighting scheme. These are detailed on the submitted amended plan. However a condition to ensure that no further lighting is installed without the prior approval of the Local Planning Authority is considered to be necessary in this instance in order to prevent any future harm.

iii. Impact on Neighbour Amenity

It is noted that the most closely adjoining residential properties are located to the east of the B1258 and to the southern side of the village hall.

During the consultation period, it became apparent that the original lighting scheme at the site including the 2no. flood lights resulted in harm to residential amenity. This was however amended during the determination period and the objections in relation to lighting were withdrawn.

It is considered that a public house would incorporate a certain level of vehicle movements and it is not

considered the granting of permission for 6 no. caravan/camping pitches would result in additional material harm to neighbouring amenity in this location. The built form of the public house and village hall create a buffer in terms of limiting any impacts of noise or disturbance. This was not highlighted as a concern within any of the received consultation responses.

It is therefore considered that (subject to the previously referenced condition in relation to control of any additional lighting) there would be no harm to neighbouring amenity, in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

iv. Drainage

Policy SP17 (Managing Air Quality, Land and Water Resources) of the Ryedale Plan - Local Plan Strategy states that flood risk will be managed by requiring the use of sustainable drainage systems and techniques,

The application site lies within Flood Zone 1, the area of lowest flood risk. However, the River Derwent is located to the north of the site. Yedingham is not located within a mains drainage area. The Environment Agency were however consulted and confirmed that as this was a non-major development proposing non-mains foul drainage solution that they would consequently not expect a consultation.

During the determination period, the agent confirmed that the site had a packaged sewage treatment plant and provided the relevant specification, together with confirmation that this was installed in 2014 and that it is serviced quarterly. The position of this sewage treatment plant is marked up on the proposed site plan. Given that this is an existing system and no additional connections are required on site this is considered to be acceptable. An informative recommended by the Environment Agency in relation to environmental permitting will be attached to any approval.

v. Highways

The site has an existing access from the B1258. Holiday use such as that proposed tends to result in lower numbers of vehicle trips during the normal 12-hour day (than, for example residential development), being typically 2 to 3 trips per pitch per day.

An updated response on the 11th July 2018 was received from the North Yorkshire Highways Officer to confirm that subject to the revised drawing indicating the alteration to the lighting scheme they had no objections to the scheme.

vi. Other Matters

Discussions were undertaken with the North Yorkshire Highways Officer in relation to the complaints relating to the unauthorised 'A' boards present, which were forward of the main elevation of the public house. This falls outside of the red line plan associated with this application. However a site visit to inspect these noted one small sign in the highway and one larger sign, leaning against the public house wall. The Case Officer discussed this with the Highways Officer, who considered that the public highway in this location was particularly wide and the number of signs was relatively low. The NYCC Officer did not raise any concerns on highway safety grounds. This will be the subject of ongoing monitoring.

As noted, there had been an enforcement case opened and representations received in relation to caravans in the field to north of site, between the public house and the River Derwent. The Case Officer sent formal requests for these to be removed. The agent confirmed these were removed on the 10th January 2019. A follow up visit was undertaken by the Case Officer which confirmed they had been removed. Through discussions with the planning agent and business manager, the lessees of the pub are now fully and clearly aware that any caravans in this location to the north of the pub would require a formal change of use application and if any caravans are reintroduced into this area (even if just for

storage) may result in further enforcement action.

Subject to the recommended conditions, it is considered that the change of use of the land for the proposed development, together with the temporary retention of the static caravan until the 13th March 2019 is acceptable. The proposal is considered to accord with Policies SP1, SP8, SP16, SP17, SP19, SP20 and SP21 of the Ryedale Plan, Local Plan Strategy and National Planning Policy. The proposal is therefore recommended for approval, subject to the following conditions:

RECOMMENDATION: Approval

- 1 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

Site Location Plan (Drawing no. 2008-100 Rev B)

Proposed site plan, including lighting plan and post and rail elevations (Drawing no. 2008-200 Rev A) Scanned onto the Local Planning Authority system 9th July 2018.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 2 The permission hereby granted shall only authorise the use of this site for the stationing of a maximum of up to 6 touring caravans / tents in the positions shown on the following plan (Drawing no. 2008-200 Rev A). No more than 1 tent or touring caravan shall be installed within a single pitch.

Reason: In the interest of amenity, visual amenity and site density to satisfy the requirements of Policies and SP20 of the Ryedale Plan - Local Plan Strategy.

- 3 The accommodation hereby permitted shall be occupied for holiday purposes only; and not as a person's sole or main place of residence.

Reason: It is not considered that the application site is suitable for permanent residential use and as the application has only been considered in relation to holiday use and to satisfy the requirements of Policies SP20 and SP21 of the Ryedale Plan - Local Plan Strategy.

- 4 The accommodation hereby permitted shall be available or commercial let for at least 140 days a year and no let must exceed total of 31 days in any one calendar year.

Reason: It is not considered that the application site is suitable for permanent residential use and as the application has only been considered in relation to holiday use and to satisfy the requirements of Policies SP20 and SP21 of the Ryedale Plan - Local Plan Strategy.

- 5 The owners/operators of the accommodation hereby permitted shall maintain an up-to-date register of lettings/occupation, and advertising will be maintained at all times and shall be made available for inspection to an officer of the Local Planning Authority on request.

Reason: It is not considered that the application site is suitable for permanent residential use and as the application has only been considered in relation to holiday use and to satisfy the requirements of Policies SP20 and SP21 of the Ryedale Plan - Local Plan Strategy.

- 6 Unless otherwise agreed in writing with the Local Planning Authority, the unauthorised static caravan presently within the application site shall be removed from site, together with any associated infrastructure on or before the 13th March 2019.

Reason: It is not considered that the application site is suitable for permanent residential use and this has not formed part of the consideration of this application in accordance with the

requirements of Policies SP20 and SP21 of the Ryedale Plan - Local Plan Strategy.

- 7 No additional external lighting shall be installed within the application site without the prior approval of the Local Planning Authority.

Reason: To prevent harm to neighbouring amenity, in accordance with the aims of Policy SP20 Generic Development Management Issues of the Ryedale Plan, Local Plan Strategy.

INFORMATIVE(S)

- 1 The applicant/agent is required to contact the Ryedale District Council's Specialist People Department in order to obtain a Caravan Site Licence.
- 2 This development may require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2016 from the Environment Agency, unless a waste exemption applies. The applicant is advised to check the following web site for further information or by telephoning 03708 506 506.