Report of the meeting of the Development Control Post-Committee Site Inspection Panel held on 06-MAR-2012

REF NO: **BE/151/11/**

LOCATION: Land South of Shripney Garden Caravan Park, Shripney Lane Bognor Regis

PROPOSAL: Extension to existing caravan park to provide 12no. additional mobile homes, associated parking area, formation of access and construction of electrical intake housing - Amendment to application BE/42/10

Present:- Councillors Haymes, Bower, Charles, Evans, Mrs. Hall, Mrs. Hazlehurst, Mrs. Stainton.

Councillor Mconachie as Ward Member.

The planning merits of the application were discussed in detail at the site visit with regard to changes to the current application from that formerly approved via BE/42/10.

Members voted unanimously to agree with the Officers recommendation.

REPORT UPDATE

Application No: BE/151/11/

Reason for the Update / Changes

Reason for Update/Changes:

Consultation Response

District Engineers
No comment

Letters of Representation regarding the amended plans

Bersted Parish Council
No objection

4 further letters of objection
No further issues raised except the seeking of permission for contraventions and the original permission is not acceptable.

* Letter of Representation criticising Officer Report

The extension is 30m not 17m. An internal access road is not shown. Planning History BE/38/08 has been omitted which shows the Inspectors criticism. Report omits Parish Council statement that the applicant stated all work had been approved by Arun District Council. The Inspector identified the site as Grade I or 2 agricultural land. There is an agricultural use on the site opposite. Environmental Health commented that Fire and Rescue Services should comment on the new access. Economic Development Section were not consulted re: BE/42/10, where is their response? The Inspector stated that the area was environmentally sensitive and that the proposal would have an urbanising effect on the character of the countryside. The Market Needs Assessment did not state other sites in the built up area that could accommodate the need. The GPDO is applicable to sites not requiring a licence and the site requires a licence and beyond the scope of the Caravan Site and Control of Development Act 1960. The access has moved closer to the Myddleton Terrace. The caravans do not need to move to accommodate trees. The boundary with the lane should be a double row of native hedgerow. If conditions were in accordance with Circular 11/95 why were they not enforced?

Officers Comment:

* Noted. The size was measured on site by an Enforcement Officer and is shown on the submitted plan. The conclusion describes the history and Inspectors decision of BE/38/08. Cannot comment on third party discussion when no details submitted. Under application BE/41/95 the Inspector dismissed the appeal on the grounds that the land was Grade I - 2 Agricultural land, however since that time and before BE/38/08 Government policy changed the classification and the Inspector for BE/38/08 raised no objection regarding this. Fire and Rescue is part of the licence and the applicant was advised of Environmental Health response in the officers report. The Economic Development Section were consulted regarding BE/42/10 but made no comments. The Inspectors comment referred specifically to - in the absence of a

justification - that he would have to conclude the proposal had an urbanising effect. The justification was submitted with BE/42/10 Market Needs Assessment. An explanation of planning controls concerning caravan sites was included within the conclusion of the Committee Report. Site layout is controlled by the site licence. This application resulted from Enforcement Investigations, under planning legislation changes can be made to approvals provided they seek retrospective approval such as in this case.

Note: The changes to recommendation, conditions and/or reasons show under Officers Recommendation at the end of the attached report.

Or

Note: The changes to recommendation, conditions and/or reasons are attached on the amended replacement recommendation sheet.

Representations

1 Letter of Objection
No new issues raised except that the writer was not allowed to speak at the Committee as someone else had taken the allocated slot. The access lane in front of Mydletton Terrace was previously owned by the residents of the terrace. This gave access to Marigold Caravan Site as a back entrance.

Officer comments

Noted. Letter from applicant¿s agent stating that the proposed hedgerow on the southern boundary will be difficult to maintain and it would be slow growing. It is understood that the neighbour also did not want the hedging. Therefore request the Condition 3 be amended to standard conditions.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report/Recommendation.

BE/151/11/

Recommendation Report for Planning Permission

REF NO: **BE/151/11/**

LOCATION: Land South of Shripney Garden Caravan Park, Shripney Lane
Bognor Regis

PROPOSAL: Extension to existing caravan park to provide 12no. additional mobile homes, associated parking area, formation of access and construction of electrical intake housing - Amendment to application BE/42/10

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application is to extend the caravan park approximately 17m to the east on that previously approved BE/42/10. The access and parking arrangements have been altered from that previously approved. The layout of the caravans has also been rearranged.
SITE AREA	0.45 hectares
RESIDENTIAL DEVELOPMENT DENSITY(NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Wire fencing with post and rail fencing to front. Timber fencing on boundary with Myddleton Terrace.
SITE CHARACTERISTICS	Caravan site. New access road and new bases for the approved caravans. New parking area. To the front of the site on the side boundary is a brick electricity cabin.
CHARACTER OF LOCALITY	Rural with fields and farmland opposite. Adjacent to houses which has one side window at first floor level.

RELEVANT SITE HISTORY

BE/165/87	Positioning of caravan for use as all year round wardens accommodation.	ApproveConditionally 20-01-1988
BE/24/90	Continuance of use without compliance with condition 2 of BE/30/69 to allow use to be extended from 1st March - 31st October to 1st February - 30th November each year	App Cond with S106 25-09-1990

BE/29/98/	Continuance of use without compliance with condition No2 imposed under BE/30/69 to allow year round occupancy	Refused 10-02-1999
BE/16/00/	Continue use of land as a caravan park without compliance with Condition 2 imposed upon BE/30/69 to allow year round occupancy	ApproveConditionally 14-03-2000
BE/77/09/	Use of land for extension to existing caravan park to provide an additional 12 no. mobile homes	Refused 16-10-2009
BE/42/10/	Extension to existing caravan park to provide additional 12no mobile homes. (Re-submission following BE/77/09).	ApproveConditionally 07-07-2010
BE/110/10/DOC	Application for approval of details reserved by conditions 3 and 6 of planning application BE/42/10/	DOC Refused 14-09-2011

REPRESENTATIONS

Representations received:

Bersted Parish Council

Bersted Parish Council

The Council does not have an objection to the application modifications. Members visited the site on 30th January 2012. The caravans nearest to the residents will now be moved further away, partial landscaping has taken place and the gate moved in order to accommodate vehicles off the access road. Members agreed that these measures would mitigate the position of the caravans in relation to the existing residents. However at the Planning Meeting 5 objections from local residents and several residents expressed concern:-

Privacy - the closed neighbour raised concern that the landscaping is very immature and it is hoped that more dense, native flora could be added to screen and shelter.

New entrance - should be for caravans only, in order to minimise engine noise and pollution away from the houses.

There is considerable disharmony with the site owner and residents. The residents feel let down and ignored. Mutual respect and co-operation is vital. Consideration should be taken to ensure the least disruption is caused to residents.

The residents feel the position of the caravans is unreasonably close to the existing house and conservation area and the access road is of insufficient capacity for the increase usage.

West Sussex Wildlife Protection
Land needs checking for possible wildlife habitation, we are happy to do a site survey.

28 Letters of Objection (14 either same householder or duplicates)
The size of the site is overbearing, attracts heavy traffic down a narrow lane. The bases are too close to the houses. Mobile homes should not be on prime agricultural land. Children

can no longer play in the lane. Totally opposed to any development and any amendments. Insufficient car parking provision. The road should be repaired and adopted, it is currently owned by the residents. Has an adverse effect on the Conservation Area. The access is unsafe. The wall should not have been demolished and replaced by conifers which are not in keeping. The electricity outhouse is ill placed. The changes have already taken place. The previous approval BE/42/10 was based on a tourist assessment in which there was no justification for 12 further units. Traffic generation will significantly increase. The conditions attached to BE/42/10 have still not been discharged. A previous Inspector concluded that the proposal would harm an environmentally sensitive site. Arun District Council failed to obtain an expert review of the marketing statement submitted for BE/42/10. The application states that there are no trees or hedges adjacent to the site and this is untrue. Do not accept that the original access could not have been used for the additional units. Planning Notices have been removed as previously. The road is privately maintained and the closure of Shripney Lane to construct the new Relief Road will mean more farm traffic. The site is vacant. The new gate will mean cars stopping to open the gate which will increase noise. The landscape for the western boundary should be oak, sycamore, elm etc. The revised plans overcome some of the objections but the fundamental objections remain.

Comments on Representations received:

Parish Council

Noted. The substitute plans have revised the layout back to the position originally approved under BE/42/10 for the units 10, 11 and 12 which are closest to the residential property. Increased landscaping of native species has been proposed and the Council's landscaping section have stated that this is acceptable. This will be in two staggered rows to increase the density and reduce the impact on neighbours. The gates for the access have been pulled back 7m into the site to assist with taking the cars/caravans off the road and away from the existing dwelling. The car park is to serve the additional 12 units only and is required by the site license. Many of the objection regarding the effect on the Conservation Area and location will be addressed in the conclusion as the history of the site is an important consideration in understanding the disharmony between the residents and site owner. It is agreed that mutual respect and co-operation is essential.

Others

The site has already been cleared as per the previous approval BE/42/10 therefore it is considered that wildlife habitats are unlikely to be found on the site. The loss of the wall referred to as historic was a brick wall which was demolished last summer. The Non Compliance Section investigated complains and concluded that there are no controls on boundary treatment. However, landscaping conditions also include boundary treatment as this will be considered as part of the application. The bases have been laid and this application is a result of enforcement action. Whilst the layout of the site is a matter for the license, it was considered that the bases on units 10, 11 and 12 are too close to the residential properties and the applicant has been asked to move the bases back to the previously approved locations and hence the applicant has submitted substitute plans. The land is not Grade I agricultural land and because of its closeness to the existing dwellings and caravan park it would be unlikely to be used for agricultural purposes, even as paddock land it is considered to be of limited use. The ownership of the road is a private matter between the parties. The car parking provision and new access were previously approved and County Highways have raised no objections. As there were substitute plans two sets of orange notices were displayed in accordance with the Council's procedures. Matters referring to the history of the site will be discussed in the Conclusions of this report.

CONSULTATIONS

WSCC Local Development Divis.
Parks and Landscapes
Environmental Health
Engineers (Fluvial Flooding)

Consultations responses received:

County Highways
A site visit was conducted on 11 January 2012 at Arun's request. Visibility onto footpath 149 was satisfactory. No further concerns are raised regarding this application. No highway safety concerns regarding the revised layout of the gates.

District Environmental Health Officer
An application to alter the existing Caravan Site License should be made. The site is run by the Applicant and is well managed and kept in good order. As with previous comments on earlier applications no adverse comments are raised to 12 additional holiday units. The change to the access will need to be referred to the Fire and Rescue Services.

District Landscape Section
No objections

Comments on Consultation responses:

Comments noted. The Applicant should note the comment regarding the License and Fire Service.

POLICY CONTEXT

Designation applicable to site:
Outside Built-Up Area Boundary
Class A Road

DEVELOPMENT PLAN POLICIES

South East Plan:	SEPTSR5	Tourist Accommodation
Arun District Local Plan 2003:	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
	DEV37	Existing Caravan Sites

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPS7	Sustainable development in rural areas

SUPPLEMENTARY POLICY GUIDANCE

XXX3	Good Planning Practice Guide on Tourism

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The site lies outside the built up area boundary and is an authorised licensed caravan park.

HISTORY OF THE SITE

The history of the site is that it has been a caravan site since the 1950s with Council records dating back to 1950 confirm this. Several extension have been approved. The most recent was BE/42/10 which was approved for 12 additional mobile homes on site which is the subject of the current application. That application was a resubmission following refusal of BE/38/08. In order to address neighbours concern regarding the chronology of events the Inspectors decision will be precised as follows:-

INSPECTORS DECISION BE/38/08

The Inspector identified the main issue as the effect of the proposal on the character and appearance of the surrounding area including the loss of high quality land.

In his reasoning the Inspector stated that the land was classified as Grade 1 or 2 agricultural land and that whilst the site lies adjacent to a Conservation Area he considered that the proposal would not adversely affect the character, appearance or setting of the Conservation Area. As the site provided a break between the residential development and the existing caravan development he considered the site to be environmentally sensitive. He referred to the Good Practice Guide or Planning for Tourism to the importance and the economy of tourism and the need for sustainable developments. In considering proposals the provision of facilities should be carefully weighed against the need to protect environmentally sensitive sites. The Inspector commented that the application targets the caravan market as a key market to develop and improve Bognor Regis low cost self catering accommodation but does not say how this will be done. Therefore the Inspector concluded that "so the evidence I have does not show that there is a specific need for mobile homes for accommodation in this area and/or that this would be the right way to develop low cost higher quality accommodation to meet the Council's Visitor Strategy for Bognor Regis" and that "in the absence of this evidence I conclude that the proposal would harm this environmentally sensitive site". He also comments that a previous appeal decision in 1996 was only dismissed on

the grounds of the loss of agricultural land, and that whilst residents were concerned about highway safety he had no reason to support that.

In summary, the Inspector judged the site to be a sensitive site due to the proximity to the residential properties, however he did not conclude that no development should take place. He placed the emphasis on having to justify the need for the increase in the tourist use. The Inspectors report made it clear that if a justification had been provided he would have weighted that in his decision and the sensitivity shown to protect the residential amenity of neighbouring properties. It was subsequently confirmed that the land was not classified as Grade I or Grade II agricultural land.

A resubmission application was submitted BE/77/09 which did contain a letter from Tourism South East which supported caravanning in the South East in general terms but they also stated that there was insufficient supporting information from the Applicant to justify an extension to this site. The application was therefore refused.

Application BE/42/10 was submitted with a Market Needs Assessment compiled by Humberts Leisure. This report presented evidence of the expanding need for park holidays and the importance of visitor demand in Arun for caravanning holidays and for owner occupied holidays which this site provides. The Council's Economic Development Section were consulted but did not produce any contrary evidence. Therefore, as the Applicant had now overcome the Inspector's objection by providing the necessary justification, the application was approved. In order to address the sensitivity of the sites relationship with the residential properties, a condition was imposed for landscaping and planting.

The above addresses neighbours comments regarding how the approved application overcame and addressed the Inspector's objection to BE/38/08 namely, a justification was provided for the need to extend the site and landscaping would provide a buffer between the site and the residential proprieties. Other issues raised by neighbours are:-

1. Flooding: The Environment Agency revised its flood risk maps and as a result this site changed from a Zone 3A, which required a Flood Risk Assessment to Zone 1 where flood risk was minimal. The Applicant had submitted a Flood Risk Assessment with the previous application to which the Environment Agency raised no objections. As the site is now designated Zone 1 a Flood Risk Assessment is not required.

2. Conservation Area: The site is not within a designated Conservation Area but is adjacent to one. The Inspector commented on BE/38/08 that "whilst the site lies adjacent to a Conservation Area I agree with both main parties that the proposal would not adversely affect its character, appearance or setting".

3. Landscaping and Walling: The application had landscaping conditions which were submitted to the Local Planning Authority to discharge. Unfortunately negotiations were taking place with the agent during a time in which the agent was seriously and terminally ill and the condition was not able to be discharged, and is still outstanding.

The extended site was consequently commenced, but not in accordance with the approved plans. An investigation by the Council's Non Compliance Section has resulted in this application.

TOWN AND COUNTRY PLANNING(GENERAL PERMITTED DEVELOPMENT) ORDER 1995 Part 5 Caravan Sites

The use of land other than a building as a caravan site where a caravan site license is required under the 1960 Caravan Site and Control of Development Act is permitted development.

Therefore the Local Planning Authority is only looking at the change of use of the land from paddock to caravan site. The layout is part of the license.

CHANGE TO PREVIOUSLY APPROVED PLAN

The side boundary of the site to the east has been extended by approximately 17m. It would appear that this is to protect the position of 2 trees to the north. This has resulted in caravans 10, 11 and 12 being moved closer to Myddleton Terrace. The layout of the parking area has changed as well as the access. A new electricity cupboard 2m x 1.5m has been erected on the front boundary.

EFFECTS ON THE COUNTRYSIDE

The increase of the site by 17m is not considered to result in any visual harm to the countryside as it abuts the park homes on an adjacent site Marigold Park Homes. As have been discussed above, the boundary walling has been removed to create the new access.

As part of this application, a landscaping proposal has been submitted to provide 2 staggered rows 300mm apart of native hedgerow and 2 maple trees. This has been considered and acceptable by the Council's Landscapes Section. This will be planted along the southern boundary with Myddleton Terrace and the western boundary along the access road. This is considered to provide adequate screening of the site from the road.

HIGHWAY SAFETY

The access has already been constructed. County Highways Engineers have inspected the access on site and have raised no objections to the access as constructed. A substitute plan has been submitted to move the gates further into the site to avoid any waiting on the access lane. Therefore the proposal is not considered to result in any harm to highway safety.

NEIGHBOUR AMENITY

As stated above the layout of the site is subject to the Caravan License and for planning purposes is indicative only. However it is considered that units 10, 11 and 12 were laid out on bases which were closer to the residential properties than previously shown. It is considered that the closeness to the residential dwelling would result in an increased potential for nuisance to the residents of 4 Myddleton Terrace. This was raised with the Applicant who agreed to move the bases back to the previous location for these 3 units and a substitute plan has been submitted and as stated above landscaping has been proposed to be increased along the side boundary with Myddleton Terrace.

The access gates have been proposed to be moved further into the site to prevent any cars opening the gates waiting on the hard standing close to the residential property. The electricity

cupboard will be partly screened by the proposed landscaping.

It is therefore considered that the proposal extension to the site does not result in any harm to the residential amenity of the area.

SUMMARY

The increase in the site by 17m to the east is considered to be acceptable. The new access and revised position of the gate and car park are not considered to result in any harm to the countryside and neighbours on highway safety. It is therefore recommended that the application is approved subject to the following conditions.

RECOMMENDATION

APPROVE CONDITIONALLY

1 The development hereby approved shall be carried out in accordance with the following approved plans:-
Proposals 01B

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

2 The moving of the bases 10, 11, and 12 as indicated on Plan 01B, shall be made within 3 months of the date of this approval, and shall remain in perpetuity in these positions unless otherwise agreed with the Local Planning Authority in an application on that behalf.

Reason: In the interests of neighbouring residential amenity in accordance with policy GEN7 of the Arun District Local Plan.

3 Landscaping shall be carried out in accordance with the details shown on the site plan (proposals 01B) and the planting schedule in the agents letter dated 13th January 2012. All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons prior to the occupation of the caravans, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

4 The caravans hereby permitted shall be occupied solely for holiday purposes only and shall not be occupied as a persons' sole or main place of residence. The owners/operators shall maintain an up-to-date register of the names of owners/occupiers of individual caravans 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: The use of the site for all year round residential occupation would conflict with

policies GEN2, GEN3, DEV39 of the Arun District Local Plan on the use of caravans and and on residential development.

5 INFORMATIVE: Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

SUMMARY
This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN3, GEN7, DEV35

NATIONAL POLICIES: PPS1, PPS7

SUPPLEMENTARY POLICY GUIDANCE: Good Planning Practice Guide on Tourism

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.