

Recommendation Report for Planning Permission

REF NO: BE/7/20/PL

LOCATION: Riverside Caravan Park
Shripney Road
Bognor Regis
PO22 9NE

PROPOSAL: Variation of condition 2 granted under BE/10/50/Q to allow the caravan site to be operated for up to a 12 month period & occupied solely for holiday purposes only & shall not be occupied as a person's sole or main place of residence.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application proposes the variation of condition 2 granted under BE/10/50/Q to allow the caravan site to be operated for up to a 12 month period and occupied solely for holiday purposes only and shall not be occupied as a person's sole or main place of residence.
SITE AREA	17 hectares approx.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The site is bounded by a mixture of main roads and existing retail development comprising the Arun Retail Park. Most boundaries comprise a mixture of hard and soft landscaping in the form of vegetation planting and close timber boarded fencing. Boundary treatments are low lying in nature and there is visibility of the caravans over these boundary treatments.
SITE CHARACTERISTICS	The site comprises the Riverside Caravan Park which is a c. 12 hectare site which sites 650 caravans. The site is one physical site which operates functionally, as a whole. However, 3 no. planning consents (detailed above) have resulted in 3 differering restrictions.
CHARACTER OF LOCALITY	The locality comprises the Arun Retail Park which provides a large number of retail units off the main A29 road. These retail units serve businesses including Tesco, Sainsburys, Marks and Spencer and Pets at Home. The character of the locality is therefore significantly built up in nature.

RELEVANT SITE HISTORY

BE/12/13/	Application for variation of condition 2 of planning consent BE/10/50 'Q' to extend the permitted holiday season for a further 2 months allowing for holiday use	ApproveConditionally 13-05-13
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between 01 March & 02 January each calendar year

BE/33/09/	Continuance of use without compliance with condition no.2 imposed under planning permission BE/10/50 'Q' relating to the extension of permitted holiday season. This application relates to an area of land to the east of the site.	ApproveConditionally 15-07-09
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Permission was granted on 15 July 2009 for the 'continuance of use without compliance with condition 2 imposed under BE/10/50 'Q' relating to the extension of permitted holiday season. This application relates to an area of land to the east of the site.'

BE/12/13 was granted on 13 May 2013 for an 'application for variation of condition 2 of planning consent BE/10/50 'Q' to extend the permitted holiday season for a further 2 months allowing for holiday use between 01 March & 02 January each calendar year.'

The effect of these permissions is that the site comprises 3 no. areas which are governed by their own restrictions required by their individual planning consents. The histories have resulted in:

WESTERN part of the site comprising an occupancy of 8 months between 01 March and 31 October each year.

CENTRAL part of the site comprising an occupancy of 10 months between 01 March and 02 January each year.

EASTERN part of the site comprising a 12 month (all year round) occupancy condition.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bersted Parish Council

No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

None.

CONSULTATIONS

Environment Agency

Environment Agency

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENT AGENCY (15 APRIL 2020)

We have no additional comments to make. Our previous comments (HA/2020/122005/02) still stand.

ENVIRONMENT AGENCY (31 MARCH 2020)

Having reviewed the information provided in the email dated 12/03/2020, as the central and western part

of the caravan site are mainly located in Flood Zone 3 (high risk), we would deem the second option more appropriate - to continue the use of the eastern part of the site for 12 months but revise the application to use the central and the western part of the site for 10 months of the year. This means the eastern and central parts of the site continue to be used as permitted with only the western part of the site extending the months of use by 2 months and not being used all year around.

We would accept the same occupancy as the central part for the western part of the site, 10 months between 1st March and 2nd January each year.

The Council's emergency planners will have to be satisfied with the adequacy of the flood plan for the site. In response to the email dated 16/03/2020, we have photographic evidence the site was affected by flooding in 2012.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:

- 2km Buffer of Felpham Special Site of Special Scientific Interest
- Built-up Area Boundary
- CIL Charging Zone 4

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

EMPSP1	EMP SP1 Strategic Economic Growth
EMPSP2	EMP SP2 Economic Growth Areas
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TOUDM1	TOU DM1 Tourism related development
TOUSP1	TOU SP1 Sustainable tourism and the visitor economy
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Bognor Regis Neighbourhood Development Plan.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. There are no relevant policies contained within the Bognor Regis

Neighbourhood Development Plan that are relevant to this development.

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 accords with the policies contained within the Development Plan and there have been no other material considerations identified that would warrant a decision other than in accordance with the Development Plan.

OTHER MATERIAL CONSIDERATIONS

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 application proposes the extension of the use of the caravans in an existing holiday park. BE/12/13 accepted the use of part of this site for a full 12 months; subject to imposition of conditions.

Policy TOU SP1 of the Arun Local Plan makes clear that proposals for visitor related development will be determined by Arun's capacity to absorb such growth; for Arun this means tourism growth which:

- a. Encourages long-term visit interest/activity;
- b. Ensures a viable visitor economy;
- c. Provides benefit to local people;
- d. Extends the visitor season; and
- e. Protects and enhances the natural and built environment

The development would extend the holiday season which would provide betterments to the viability of the visitor economy. The extended season provides economic benefits to the District (assessed below) which provide benefit to local people. The development utilises an existing site which would not result in any material impacts upon the natural or built environment. On this basis, Policy TOU SP1 of the Arun Local Plan is supportive of development of this form, in principle.

Policy TOU DM1 is consistent with TOU SP1 in that it requires proposals for development, including expansion, to be (a) in accessible locations, (b) accompanied by workable and realistic travel plans, (c) address visitor management issues; and (d) achieve good design. The development would be consistent with the spirit of Policy TOU DM1, in principle, which seeks to support tourism development in the District without giving rise to other impacts.

However, S38(6) of the Planning and Compulsory Purchase Act 2006 (as amended) requires all development to be assessed against the policies contained within the Development Plan, unless material considerations indicate otherwise. An assessment of compliance with the Development Plan policies is detailed further in the following sections of this assessment.

ECONOMIC DEVELOPMENT

Policy TOU SP1 requires proposals for visitor related development to (b) ensure a viable visitor economy and (c) provide benefits to local people. Policy EMP SP1 of the Arun Local Plan requires development to promote the sustainable growth of the District's economy to meet the varying needs of different economic sectors.

Paragraph 80 of the National Planning Policy Framework (2019) states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.

Paragraph 82 of the National Planning Policy Framework (2019) states that planning policies and decisions should recognise and address the specific locational requirements of different sectors.

Riverside Caravan Centre is an employment generating site which includes full-time jobs for grounds maintenance persons, cleaners, site wardens and shop attendants. The continuation of this use, within an extended period of time, would improve economic benefits associated with the development.

The location of the site, being in close proximity and walking distance of a number of key supermarkets, ensures the users of the caravan park would be encouraged to spend money in the local retail services within the immediate locality.

The extended use of the east portion of the caravan park throughout the 12 month period, and central and western portions for 10 months, would encourage an extended visitor season results in increased opportunities for expenditure within local businesses within the Bognor Regis and wider West Sussex area.

The development would increase opportunities for economic development in accordance with Policies TOU SP1 and EMP SP1 of the Arun Local Plan and paragraphs 80 and 82 of the NPPF (2019).

HIGHWAYS, TRANSPORT AND PARKING

Policy T SP1 of the Arun Local Plan seeks to ensure growth in the District strengthens Arun's economic base, reduces congestion, works to tackle climate change and promotes healthy lifestyles. The Council will ensure development provides safe access on to the highway network; contributes to highway improvements and promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network.

Policy T DM1 of the Arun Local Plan states that new development must ensure ease of movement, prioritising safe pedestrian and cycle access to the green infrastructure network and access to public transport and community transport services where a need has been identified. Access to alternative modes of transport including public transport services, the public right of way and cycle networks, must be available and accessible to all members of the community.

Paragraph 109 of the National Planning Policy Framework makes clear that development should only be refused on highways grounds if there would be a severe and unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The use of the whole site as a caravan park has been established for many years with different sections of the park being permitted throughout various seasons of occupancy under the remit of the above detailed consents. The development seeks to allow the whole site to be used for up to 12 months.

Following comments received from the EA, the central and western portion of the sites will be increased to 10 months and the eastern portion of the site will remain as 12 months occupancy. Therefore, the only increase in traffic movements to and from the site will relate to an additional 2 months for the western and central parts of the site.

The additional months of usage are likely to relate to off-peak times of the year, owing to the holiday usage of the caravans, which will ensure that additional movements will not result in severe cumulative impacts. The road network surrounding the site is one that is substantive and well-established due to the wider retail park use. Therefore, this road network is sufficient to support this minor additional increase in vehicle movements.

The site is in walking distance to numerous services, facilities, attractions and shops. The users of the caravan park would not have to rely on the use of private motor vehicles. There are numerous footpaths around the application site and surrounding area. Therefore, owing to the nearby available modes of sustainable travel located in the nearby vicinity, the development would not require the use of private motor vehicles by default.

It has been noted that the site is located in close proximity to numerous bus stops, for example, at North and South Bersted which are all located approximately 300m from the application site.

Taking into account the above factors, the development would not result in cumulative highways impacts that could be considered severe and sustainable modes of transport would be available to occupants within this additional period. Therefore, the development accords with Policies T SP1 and T DM1 of the Arun Local Plan and paragraph 109 of the National Planning Policy Framework.

FLOOD RISK

Policy W DM2 of the Arun Local Plan requires that development in areas at risk from flooding, identified on the latest Environment Agency flood risk maps and the Council's Strategic Flood Risk Assessment (SFRA), will only be permitted where all of the following criteria have met. Criteria (a) - (d) requires a Sequential Test to be undertaken and fulfilled. Subject to the ST being fulfilled, Policy W DM2 then requires the Exception Test to be met.

The applicant has not provided a Sequential Test as the proposals comprise the extension of the existing occupancy period and do not include the construction of new buildings or an increase in the number of caravans on the site. Paragraph 158 of the NPPF makes clear that the aim of the Sequential Test is to steer new development to areas with the lowest risk of flooding. This application does not propose new operational development; only an alternative form of operations. The LPA are satisfied that these factors, combined with the nature of the site being for holiday purposes only, do not require the submission of the Sequential and Exception Tests.

The development does not comprise any alterations or additions to the caravans on the site and, consequently, the proposals will not result in the loss of flood storage. In addition, compensatory flood storage would not be required.

The site is at risk of fluvial flooding in a 1 in 100 year event when the additional +45% climate change allowance is applied. In conjunction with recommendations set out in the Environment Agency's response, the occupation of the central and western elements of the site (the areas at risk of flooding) are capable of being occupied between March - January each calendar year. The areas to the east of the site which are at lowest risk of flooding are capable of being accommodated through a 12 month occupancy period.

The Environment Agency's Early Flood Warning Service is able to be used to inform visitors of the

potential risk of flooding and evacuate the site before the onset of floodwater affects the site. Given the nature of the accommodation proposed, persons staying in the caravans would have alternative suitable accommodation to be displaced to in the event of a 1 in 100 year flood event, including the +45% climate change allowance.

Such an approach is both proportionate and accordant with Policy W DM2 of the Arun Local Plan and paragraph 158 of the National Planning Policy Framework (2019).

SUSTAINABLE DEVELOPMENT

Paragraph 7 of the NPPF (2019) makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the 2019 Framework makes clear that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

The development would help to support growth in the tourism sector within a highly accessible location. This growth would support existing services through local expenditure in the economy. Therefore, the economic objective is fulfilled.

The development would provide a mix of accommodation types which would support year long round accommodation within the tourist sector. Such accommodation would ensure "dead" periods in each calendar year are reduced, reducing pre-existing social problems experienced within seasonal variations in areas that are predominantly tourist based. Therefore, the social objective is fulfilled.

The development would minimise pollution owing to its sustainable location being located near to existing services required for day-to-day living which, in turn, would help to reduce reliance upon the private motor vehicle. This would mitigate the impacts of climate change in support of the move towards a low carbon economy. Therefore, the environmental objective is fulfilled.

On the basis of the above, it is considered that the development accords with sustainable development as outlined in paragraph 7 of the Framework.

SUMMARY

This report has assessed the application having regard to the policies contained within the Development Plan and having regard to other material considerations. In this instance, no other material considerations have been identified which would require a determination other than in accordance with the policies contained within the Development Plan. Therefore, subject to the conditions set out in the following sections of this assessment, planning permission should be granted.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to

be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans: Location Plan - DWG 01/A (Rev A April 2020).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D SP1 of the Arun Local Plan.
- 2 The development shall be occupied at all times in accordance with the detailed floor warning and evacuation plan submitted in support of this application (received 13 January 2020) and be retained as such on site throughout all times of occupancy thereafter.

Reason: To mitigate the risk of flooding in accordance with policy W DM2 of the Arun Local Plan.
- 3 No caravan shall be occupied in the period between first day of January and the last day of February in each year within the central and western (parcel 3) portion of the site identified within Location Plan DWG 01/A (Rev A April 2020). The eastern portion of the site (parcels 1 and 2) can be occupied at all times throughout any given calendar year. Any occupancy of the caravans shall be occupied in accordance with the restriction outlined in condition 4 of this permission.

Reason: To mitigate the risk of flooding in accordance with policy W DM2 of the Arun Local Plan.
- 4 The caravans which are the subject of this application shall be occupied solely for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The owners/operators shall maintain an up-to-date register of the names of owners/occupiers of individual home addresses, and their home addresses, and shall make this information available at all reasonable times to the local planning authority.

Reason: To accord with policies TOU SP1 and TOU DM1 of the Arun Local Plan.
- 5 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 6 INFORMATIVE: The applicant should be aware that all other conditions, save for those varied

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by the grant of this consent, imposed under planning permission BE/10/50/Q shall have full effect.