

REPORT UPDATE

Application No: BE/85/18/PL

Reason for the Update / Changes

Reason for Update: Environmental Health Comments have been received after Committee agenda was published:

Officers Comment:

The Council's Environmental Health Officer does not wish to object to this application subject to the imposition of conditions.

They note that the static caravans on the site are holiday caravans and therefore unsuitable for all year round occupation, with regards to their size and that they would not provide sufficient insulation/warmth. They also state that the site has the site has planning permission for use for holiday purposes, and a site licence for the same.

They raise concern that by increasing the period of the year during which the caravans can be occupied to all but two weeks of the year, it would blur this important distinction between holiday and residential use. It would provide the circumstances for residential misuse of this holiday site. Therefore they recommend 4 conditions:

1) keeping of register:

It shall be the site owner's responsibility to ensure that the holiday caravans are only used for holiday purposes, and that each holiday caravan owner has a main home at which they are recorded on the electoral register. In order to satisfy this responsibility, the site owner shall maintain a register that includes the names of all the caravan owners. That this register is updated at least every 12 months. The register must include, for each holiday caravan owner, their holiday caravan number, and the address and postcode of the property at which they are registered on the electoral register. In order to make an entry in the register, the site owner, or his/her representative must have seen and retained a copy of documentary evidence that the holiday caravan owner is registered is on an electoral register at a different address. The register must include for each entry, a record of when the entry was made, by whom, and who it was that has seen the documentary evidence provided by the holiday caravan owner.

2) Availability of register:

The register shall be kept on site and made available on request by an officer of the Council at any reasonable time.

3) Preventing access to caravans during 2 weeks:

During the two weeks, it shall be the responsibility of the site owner to prevent access to all the holiday caravans.

4) Dates occupation restricted:

The two weeks during which the site must not be occupied are STATE THE DATES .

With regard to condition number 1 Officers note that a condition requiring that a register is kept has already been imposed as condition 4. Condition 4, as imposed, also requires that the information in the register is available at all reasonable times to the Local Planning Authority. Therefore, it is not considered necessary to impose condition 2 as recommended.

Condition 3, as recommended, requires that it shall be the responsibility of the site owner to prevent access to all the holiday caravans during the 2 weeks of no occupation. While no condition has been imposed with the wording of condition 3 as recommended, Officers do not consider such a condition necessary and consider condition 2 as imposed sufficient. While condition 4 as recommended, would clarify the dates (2 weeks) that the caravans cannot be occupied. Officers consider condition 2 as imposed, is sufficient to ensure that the caravans are not occupied for holiday use during 2 weeks of the year (1st to 14th February (inclusive)) in order to prevent all year round occupation.

Condition 2 as imposed has been amended to remove the words 'in any one year' as the dates that the use of the site is being permitted for are the 1st March and 14th February and fall between 2 years rather than 1.

Condition 2 previously read:

The site shall only be used as a caravan site between 1st March and 14th February (inclusive) in any one year, with the exception of the three existing wardens caravans which may remain occupied throughout the year.

and now reads:

The site shall only be used as a caravan site between 1st March and 14th February (inclusive), with the exception of the three existing wardens caravans which may remain occupied throughout the year.

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 Report for Planning Permission

REF NO: BE/85/18/PL

LOCATION: Orchard Caravan Park
Chichester Road
Bognor Regis
PO21 5ED

PROPOSAL: Variation of conditions granted under BE/46/10/ relating to conditions 2-use of caravan site between certain dates.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Applications seeks to vary condition 2 of application BE/46/10/ - use of caravan site between certain dates, for a period of 50 weeks rather than the 52 as stated on the application form.

TOPOGRAPHY	The application has been amended accordingly.
TREES	Predominantly flat.
BOUNDARY TREATMENT	None affected by the development.
SITE CHARACTERISTICS	Mature hedging.
CHARACTER OF LOCALITY	The site is a holiday park for caravans. The existing caravan park (site) comprises a number of static caravans.
	The application site was formally set within the countryside but is now set within the Built- up Area Boundary.

RELEVANT SITE HISTORY

BE/59/18/CLE	Lawful development certificate for existing use of land for static caravans	
BE/46/10/	Application for removal or variation of condition following grant of planning permission- BR/25/68.	ApproveConditionally 09-07-10

Officers note previously granted planning application ref: BE/46/10/PL which sought the removal or variation of condition 1 following grant of planning permission- BR/25/68. Condition 1 of application ref: BR/25/68 restricted the operational season from 1st March to 31st October. Condition number 2 allowed the site to be used as a caravan park between 1st March and 31st January (inclusive) (approx.48 weeks) in any one year. This application seeks permission for an increase of 2 weeks to 50 weeks.

It should be noted that this application, BE/85/18/PL, in no way determines application BE/59/18/CLE as lawful or unlawful. BE/59/18/CLE will be determined separately.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bersted Parish Council

Object:

- Condition 3 should remain as the site has not expanded to warrant the extra 3 wardens.
- Condition 2 to remain as per the precedent set by other sites in Bersted to be closed for at least 1 month, so as not to attract permanent residency of the site.

1 letter of neighbour representation has been received in support and is summarised as follows:

- Holiday home owners should be able to access their property at their leisure.
- Would not bring any extra congestion to the roads.
- Proposal would also support local businesses with extra custom.

COMMENTS ON REPRESENTATIONS RECEIVED:

The applicant has confirmed that they no longer seek to alter condition 3 of BE/46/10/PL to increase the number of workers (wardens) accommodation from 3 to 6 caravans.

This application seeks to extend the time that the site can be used as a caravan park from 48 to 50 weeks. Officers note that allowing extra time for the site to be used as a caravan park could lead to people residing on site (almost) all year. However, Officers note that the application site, now falls within the Built-up area boundary where Policy SD SP2 of the Arun Local Plan applies:

Also, it is noted that previously granted application ref: AW/361/16/PL gave permission at Copthorne Caravan Park, Rose Green Road, Aldwick to allow static holiday caravans to be occupied throughout the year, subject to restriction as holiday use only.

As, such Officers consider that should an extension of the time that the site can be used as a caravan park be given, a condition would be re imposed for holiday use only, as was the case in previous permission BE/46/10/PL. Should users of the caravan park use the site for permanent residency they would be in breach of the holiday use only condition.

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Built-up Area Boundary

Pagham Harbour Zone B

DEVELOPMENT PLAN POLICES

SDSP2	SD SP2 Built-up Area Boundary
TOUDM1	TOU DM1 Tourism related development
ENVDM2	ENV DM2 Pagham Harbour
DDM1	D DM1 Aspects of form and design quality
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution

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 Neighbourhood Development Plans.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

The relevant NDP is the Bersted Neighbourhood Plan. Officers consider that Policy ES1: Design of new development would apply.

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 (as the mobile homes are already on site) or the residential amenities of any nearby properties (as there would be limited additional occupation of the units) , nor would it have an adverse impact on the established character of the surrounding area (as the mobile homes area already on site).

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

Policy SD SP2 of the Arun Local Plan states that development should be focused within the Built Up Area Boundary, and will be permitted subject to consideration against other policies in the Local Plan.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy QE DM1 of the Arun Local Plan seeks that new noise sensitive development (residential) that is likely to experience noise from certain roads and rail is supported by the noise exposure category assesment and that noise impact is taken into account. Also noise generating development must seek advice from an early stage to determine the level of noise assessment required.

Policy QE DM2 of the Arun Local Plan seeks to protect the wider environment/area from light soilage and Planning permission for proposals which involve outdoor lighting must be accompanied by a lighting scheme prepared according to the latest national design guidance and relevant British Standards publications. Outdoor lighting schemes will be considered against set criteria.

Policy TOU DM1 of the Arun Local Plan states that" Proposals for development, including expansion,

which are likely to attract visitors (such as leisure or cultural facilities) will be supported provided that they:

- a. are in accessible locations;
- b. are accompanied by workable and realistic travel plans;
- c. address visitor management issues; and
- d. achieve good design.

While Policy TOU DM1 doesn't specifically state it, the above criteria apply to development within the Built-up Area Boundary.

Policy TOU DM1 also states that "Change of use of camping and caravan sites to other uses, including permanent residential use, will not be permitted, unless the site is allocated for other development within the Local Plan."

The proposal to extend the existing holiday use would be in accordance with policy TOU DM1 of the Arun Local Plan.

Bersted Neighbourhood Plan 2014-29:

Policy ES1: Design of new development. New development which would have an effect on the appearance or character of the surrounding area should be of a high quality design and should contribute to local character by creating a sense of place appropriate to its location.

Officers note that the caravans are already in situ and would therefore not have significantly more of an impact than existing. As such the proposal would adhere to Policy ES1, above.

DESIGN & VISUAL AMENITY:

As the caravans (static) are already in situ on the site, it is not considered that the act of extending the period of holiday occupancy would be harmful to the visual amenities of the locality.

RESIDENTIAL AMENITY:

The increase in the occupancy of the caravans from 11 months (48 weeks) to 11 and a half months (50 weeks) will result in persons being present for an additional 2 weeks, during February. Given that the caravan park currently operates for most of the year, including the winter, Officers consider that an addition of 2 weeks use of the site as a caravan park would not lead to the creation of noise and light pollution such that this application should be refused.

PAGHAM HARBOUR ZONE B:

Policy ENV DM2 of the Arun Local Plan seeks to protect Pagham Harbour from the impacts of development. Within Zone B (0-5km) for all new residential development and development which is likely to have an impact on Pagham Harbour will be required to provide mitigation measures as set out in the 2 criteria.

The caravan park/site already operates for most of the year and as such the additional operation as a caravan park (holiday use only) for an additional 2 weeks would not have a significant impact on Pagham Harbour, such that would warrant refusal of this application.

OTHER:

The objections raised by Berstead Parish Council are noted and have been discussed above in the OFFICERS COMMENTS ON REPS section.

SUMMARY:

The application to extend the holiday season by an additional 4 months is not considered to be harmful to the amenities of neighbouring properties and the proposal adheres with Policies SD SP2, TOU DM1, QE DM1, QE DM2, DDM1, ENV DM2 of the Arun Local Plan and ES1 of the Bersted Neighbourhood Plan 2014-29 it is therefore recommended that permission be granted subject to the following conditions and informatives.

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

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 additional approved drawing:

Site Plan - Received 10/08/2018.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun District Local Plan.
- 2 The site shall only be used as a caravan site between 1st March and 14th February (inclusive), with the exception of the three existing wardens caravans which may remain occupied throughout the year.

Reason: In accordance with Arun District Local Plan Policy TOU DM1 of the Arun District Local Plan.
- 3 The three residential caravans hereby permitted shall be occupied only by persons and dependents of such persons employed at the Orchard Caravan Park in connection with the management of the caravan site on the said land.

Reason: To control the use of the development of the land in detail, in accordance with Policy D DM1 of the Arun District Local Plan.

- 4 The caravans, apart from those covered by condition 3, 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 caravans on the site and of their main addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: The application seeks permission for an extended holiday use and it is important to retain existing holiday caravan parks within the district in accordance with Policy TOU DM1 of the Arun District Local Plan.

- 5 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received.
- 6 INFORMATIVE: Occupation of the site for holiday use from the 1st to 14th February (inclusive) in any year could be a breach of the existing Licence Conditions. An application to vary the conditions should be made to the Council. A suitably amended licence should be in place before allowing the site to be used within the above period.
- 7 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.