

CM/12/07**PLANNING APPLICATION REPORT**

DESCRIPTION/ ADDRESS	- Application for variation of Condition 9 imposed on planning permission CM/13/04 to extend length of holiday season to 12 months Land Rear of The Oystercatcher (Jaybelle Grange), Climping
-------------------------	--

THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	This application is for the use of 59no. caravan spaces to be used all year round.
SITE AREA	4.5 acres
RESIDENTIAL DEVELOPMENT DENSITY (NET)	
TOPOGRAPHY	Mostly flat
TREES	To the rear of the site is a large pine, but not worthy of a Tree Preservation Order.
BOUNDARY TREATMENT	Wire fencing and hedging. Macrocarpa to front and side.
SITE CHARACTERISTICS	1no. single storey building and 1no. caravan on the site, otherwise open land. Access onto Yapton Lane.
CHARACTER OF LOCALITY	Rural farmland, adjacent to The Oystercatcher Public House. Existing access.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
CM/9/96	Change of use and proposed extension and internal alterations to form private health care clinic.	Approved Conditionally 11/6/96
CM/24/98	Use of land for temporary storage of holiday caravans.	Approved Conditionally 2/12/98
CM/9/99	Change of use of vacant land to site 59no. caravan spaces with associated roads, parking facilities and office.	Approved Conditionally 11/7/01
CM/13/04	Variation of Condition 9 imposed on planning permission CM/9/99 to extend the length of holiday season from 1 st March to the following 15 th January and provide permanent warden's lodge.	Approved Conditionally 20/12/04
CM/2/07	New highway access off Yapton Road	Refused 16/2/07
CM/5/07	Erection of 3m. acoustic fence to boundaries facing A259	Refused 15/3/07

CM/12/07

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
Climping Parish Council	Objection to permanent occupation. The site was originally limited to storage then holiday use, this is moving to permanent residential. At the last application there were good grounds for restricted occupation, nothing has changed to alter that situation. If permanent residential is allowed then contributions should be paid to local schools.
Local Groups	None
1 letter of objection.	Yapton Road is a busy and dangerous road, this will increase the likelihood of more accidents. During the summer months Yapton Road by the Oystercatcher cars are parked, this application will make the situation worse. There are no footpaths so it will be dangerous to pedestrians. Permanent dwellings are unsustainable.

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
County Highways	No objection - the condition was not imposed for highway reasons.
Tourism Officer	Recommend refusal as it would encourage year round residential occupancy. The seasonal visitor accommodation is encouraged by the 10 month restriction.

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Outside Built-up Area Boundary Class A Road Class B Road

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan : DEV1, LOC1, LOC2, CH1 Arun District Local Plan : GEN3, GEN7, DEV35, DEV37, DEV39
--

PLANNING POLICY GUIDANCE

PPS1	- Delivering Sustainable Development
PPS7	- Sustainable Development in Rural Areas Good Practice Guide on Planning for Tourism

POLICY COMMENTARY

The above policies combine to describe the development control criteria against which all proposals will be determined by the authority particularly with regard to the effect on the countryside.
--

COMMENT ON CONSULTATION RESPONSES

Noted. The proposal is conditional to prohibit permanent residential use.

COMMENT ON REPRESENTATIONS RECEIVED

Noted. A new application would be required for permanent residential accommodation, which would

CM/12/07

COMMENT ON REPRESENTATIONS RECEIVED

be subject to normal planning considerations.

ASSESSMENT OF PROPOSAL**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 an existing permission exists for holiday caravans on site and this application seeks an extension of holiday season to all year round.

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

The site history shows that application CM/24/98 was approved for the temporary storage of holiday caravans. The justification for the application given was that the previous site use for this use at Sevenacres was closing down due to the development of the site for residential. It was argued that the owners of the caravans had been associated with Climping for many years and did not wish to use the area. The report stated "it is considered that exceptional circumstances exist in this case and that on balance the owners of the caravans of Sevenacres should be allowed to store the caravans for a temporary period of one year."

A year later, application CM/9/99 was approved for the change of the land to 59no. caravan spaces with associated roads, parking facilities and office.

CM/13/04 was an application to vary Condition 9 of the above approval to extend the holiday season from 1st March to 15th January the following year and to provide a permanent warden's lodge. The use has not been implemented since the approval in 1999.

PPS7 states that when assessing caravan parks, careful consideration should be given to providing adequate facilities and sites with the need to protect landscapes and examine the scope for relocating any visually intrusive sites relocated away from sensitive areas. The site is outside the built up area boundary in an area which is predominantly rural in character. The site was granted consent as it is adjacent to a public house.

In the supporting statement, the applicant has not stated why an additional extension to the time limit is required, and given that the approved use has not been instituted there is no measure of the current use of the site in comparison to other sites. Instead the applicant is arguing that consideration has been given to preventing permanent residential occupation and therefore they suggest 3no. conditions to restrict permanent residential use. As further support they state that other caravans owned by the applicant with these conditions attached to the approvals, however it is noted that these are for 4no. caravans at the Littlehampton Marina.

The applicant states that holidays are taken year round and that it would benefit the holiday maker and the local economy to extend the period to year round. However as the change of use has not been implemented, use has not been monitored.

Rural countryside s to be protected for its own sake. It should be noted that caravan parks in the

CM/12/07

CONCLUSIONS

area have previously been converted to permanent residential dwellings. This is a concern that has been raised by the Parish Council. This can be prevented by conditions and legal agreement. Previous permissions have had a legal agreement attached to prevent residential use.

The "Good Practice Guide on Planning for Tourism" states that when determining tourism proposals "authorities should give sympathetic consideration to applications to extend the opening period allowed". The guidance recognises that the extension of the season may occur in areas in which the provision of permanent housing would be contrary to Local Plan Policies, such as at Climping. The recommendation therefore is to restrict the use by conditions and legal agreement. The applicant in the supporting statement has suggested such conditions be imposed. The Parish Council's concerns are noted, and it is considered that a permanent residential use would require a separate application when all the infrastructure implications would be considered along with all other planning considerations.

It is therefore considered that the application is approved subject to the conditions set out overleaf, and that a variation to the Section 106 (CM/13/04) be sought and agreed prior to a decision being issued.

CLIMPING

CM/12/07/

Application for variation of condition 9 imposed on Planning Permission CM/13/04 to extend length of holiday season to 12 months subject to conditions.

Land rear of The Oystercatcher
(Jaybelle Grange)
Yapton Road
Climping

RECOMMENDATION

AppCond SubS106

- 1 The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- 2 No development shall take place unless and until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indication of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interests of amenity and of the environment of the development in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan

- 3 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, 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 policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

CLIMPING

CM/12/07/

- 4 There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

Reason: To prevent pollution of the water environment in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 5 No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason: The site is potentially of archaeological interest in accordance with policies CH7 of the West Sussex Structure Plan and AREA17 of the Arun District Local Plan.

- 6 The footpath to the eastern side of Yapton Road shall be extended northwards to a point directly opposite to the existing entrance to this site before the site is occupied.

Reason: In the interests of pedestrian safety in accordance with policies DEV1 and NE17 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 7 Before development commences, details of the design, in the form of scaled plans, and calculations relating to the capacity of soakaways shall be submitted and approved by the local planning authority. The surface water drainage works agreed by this condition shall be completed before any caravan hereby permitted is occupied.

Reason: In order that there is an adequate surface water drainage system, in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 and GEN9 of the Arun District Local Plan.

- 8 The caravans hereby approved shall be occupied solely for holiday purposes only and shall not be occupied as a persons'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 at 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 GEN2, GEN3, DEV39 of the Arun District Local Plan and NE12 of the West Sussex Structure Plan on the use of caravans and on residential development.

CLIMING

CM/12/07/

- 9 One caravan on the site shall be used for warden purposes only in connection with this site only, and be inhabited all year round.

Reason: In order to administer and protect from crime the rest of the site in accordance with Arun District Local Plan policy GEN18.

10 INFORMATIVE

The applicant's attention is drawn to the provisions of the Wildlife and Countryside Act 1981 (as amended) insofar as it relates to any protected species recorded but found to be affected by the development.

11 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 principal of development has been permitted by previous planning permission CM/13/04. The extension of the holiday season is not considered to give rise to any greater visual impact or detriment to highway safety. Furthermore the Good Practice Guide To Tourism encourages all year round use for tourism developments such as this. Planning conditions and a legal agreement have been attached to the decision notice to ensure the development serves tourist purposes. There are no other material considerations to indicate otherwise.

RELEVANT POLICIES

STRUCTURE PLAN: LOC1 LOC2 DEV1CH1

LOCAL PLAN: GEN3 GEN7

NATIONAL POLICIES: PPS1 PPS7 Good Practice Guide on Planning for Tourism

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

REPORT UPDATE

Application No :	CM/12/07/
Agenda Page No :	P 128- 135
Reason for the Update: • Conditions	
Officer Comment : A typing error has occurred in condition 8. An amended recommendation sheet is attached with corrected condition 8.	
Notes : Changes to recommendations, conditions and/or reasons for refusal will always be accompanied by a new replacement recommendation sheet.	

CLIMING

CM/12/07/

Application for variation of condition 9 imposed on Planning Permission CM/13/04 to extend length of holiday season to 12 months subject to conditions.

Land rear of The Oystercatcher
(Jaybelle Grange)
Yapton Road
Climping

RECOMMENDATION

AppCond SubS106

- 1 The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- 2 No development shall take place unless and until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indication of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interests of amenity and of the environment of the development in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan

- 3 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, 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 policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

CLIPPING

CM/12/07/

- 4 There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

Reason: To prevent pollution of the water environment in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 5 No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason: The site is potentially of archaeological interest in accordance with policies CH7 of the West Sussex Structure Plan and AREA17 of the Arun District Local Plan.

- 6 The footpath to the eastern side of Yapton Road shall be extended northwards to a point directly opposite to the existing entrance to this site before the site is occupied.

Reason: In the interests of pedestrian safety in accordance with policies DEV1 and NE17 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 7 Before development commences, details of the design, in the form of scaled plans, and calculations relating to the capacity of soakaways shall be submitted and approved by the local planning authority. The surface water drainage works agreed by this condition shall be completed before any caravan hereby permitted is occupied.

Reason: In order that there is an adequate surface water drainage system, in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 and GEN9 of the Arun District Local Plan.

- 8 The caravans hereby approved 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 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 GEN2, GEN3, DEV39 of the Arun District Local Plan and NE12 of the West Sussex Structure Plan on the use of caravans and on residential development.

CLIPPING

CM/12/07/

- 9 One caravan on the site shall be used for warden purposes only in connection with this site only, and be inhabited all year round.

Reason: In order to administer and protect from crime the rest of the site in accordance with Arun District Local Plan policy GEN18.

10 INFORMATIVE

The applicant's attention is drawn to the provisions of the Wildlife and Countryside Act 1981 (as amended) insofar as it relates to any protected species recorded but found to be affected by the development.

11 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 principal of development has been permitted by previous planning permission CM/13/04. The extension of the holiday season is not considered to give rise to any greater visual impact or detriment to highway safety. Furthermore the Good Practice Guide To Tourism encourages all year round use for tourism developments such as this. Planning conditions and a legal agreement have been attached to the decision notice to ensure the development serves tourist purposes. There are no other material considerations to indicate otherwise.

RELEVANT POLICIES

STRUCTURE PLAN: LOC1 LOC2 DEV1CH1

LOCAL PLAN: GEN3 GEN7

NATIONAL POLICIES: PPS1 PPS7 Good Practice Guide on Planning for Tourism

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

