Recommendation Report for Planning Permission

REF NO: **EP/91/13/**

LOCATION: Coastal Caravan Park
Sea Road
East Preston

PROPOSAL: 2 No. static caravans for holiday lets (1st April - 31st October Annually)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal seeks permission to provide 2 static caravans on the site in lieu of 2 of the existing touring pitches. This would reduce the total number of touring pitches to 10. The units would be located on the northern boundary of the site and would be occupied from 1st April to 31st October each year.
SITE AREA	0.026 hectares
RESIDENTIAL DEVELOPMENT DEN	77 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Flintwall 2.5 m high along Sea Road frontage. To East 2 m high flint wall , seafront Tamarisk hedging. Rear hedging
SITE CHARACTERISTICS	Site is operating as a touring caravan site. Boat house and 129 Sea Road are 2 storeys. Public house to north west side of site.
CHARACTER OF LOCALITY	Predominantly residential area, located close to beach

RELEVANT SITE HISTORY

EP/34/87	Use of land for 12 touring caravans	ApproveConditionally 03-06-1987
EP/98/90	Use of land for 12 touring caravans	ApproveConditionally 13-12-1990
EP/110/06/	Non compliance with condition 2 imposed on EP/98/90 to allow use of the land from 1/11 to 31/3 for storage of 6 caravans. This proposal is for a 3 year period (Re-submission following EP/99/05)	ApproveConditionally 12-09-2006

EP/62/09/	The use of the caravan park to store 9 caravans from 1st November to 31st March in any year	ApproveConditionally 16-07-2009
EP/2/82	Change of use to increase present 6 touring caravans to 12 touring caravans	ApproveConditionally 10-03-1982

REPRESENTATIONS

Representations received:

East Preston Parish Council

No Objection

East Preston and Kingston Preservation Society
The appearance of the development is contrary to policy GEN7 in that the 2 static caravans would detract from rather than improve the visual amenities of the location. This would be a step towards permanent residential use. The site is shown at risk of flooding.

8 letters of support - Would wish to stay in the mobile homes provided when visiting family and friends. Would be a great asset and be an alternative form of accommodation and therefore improve local tourism from a financial and social aspect. Great to boost tourism on such a lovely site. Will help increase local tourist trade. This area needs more holiday homes. Need to attract more tourists to the area and this site is ideally suited next to the beach. Being a member of the caravan club for 10 years these 2 static caravans will further support the local economy.

Comments on Representations received:

It is not agreed that 2 caravans on this site would adveresly affect visual amenity. Permission already exists for 9 caravans to be located on the caravan site all year round. Concerns regarding permanent residential use are shared. The description of the application has been amended to reduce months of occupation to 1st April - 31st October in any year in accordance with occupation of the rest of the site. The ideal location and social and economic benefits generated from the tourism use of the site are accepted. However this part of the site is already used for tourism purposes by providing touring caravan pitches and the proposal would not generate a significant amount of additional visitors. It would merely change the nature of the accommodation. The application contains no information to demonstate how potential tourist numbers would be altered from those existing.
The site is not identified as an area at high risk of flooding and the application is not for permanent residential accommodation.

CONSULTATIONS

Economic Regeneration

Environmental Health

Consultations responses received:

Economic Regeneration -
Awaited
Environmental Health - No objection. Conditions set out in Site Licence would need to be complied with and amended.

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:
Within built-up area boundary
Class C road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN7	The Form of New Development
	DEV34	Tourist Accommodation and Attractions
	DEV37	Existing Caravan Sites

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

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:

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING
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

The proposal is to change 2 caravan touring pitches to static caravans which will be occupied annually between 1st April and 31st October. The site currently has permission for 12 touring caravan pitches with occupation restricted to 1st April to 31st October plus winter storage of 9 caravans.

The site lies within the built up area and is an existing caravan park. The application therefore falls to be considered against policy DEV37 of Arun District Local Plan in that it does not relate to an extension of an existing tourist facility, but seeks approval to amend the nature of the existing facility. Since the application would provide 2 static caravans in lieu of 2 touring spaces and facilitate occupation for the same time period it would have a neutral impact and therefore comply with policy. It would not result in a change of use of part of a holiday caravan site to permanent residential use.

The surrounding area is predominantly residential in character. The site is bordered to the north west side by a Public House, neighbouring back gardens to the north east, a boat park to the south east and Sea Road and a neighbouring property to the south west. It is considered that the provision of two static caravans on site throughout the year with occupation restricted to 1st April to 31st October would be acceptable and would cause no greater harm to the residential amenities of neighbouring properties than that currently experienced by touring caravans. This part of the caravan site has permission for storage of static caravans in the winter so in terms of visual amenity there would be no difference throughout the year.

It is therefore recommended that the application be approved, subject to the following conditions.

HUMAN RIGHTS ACT

FOR APPROVAL
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 (the right to respect for 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 no negative 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).

RECOMMENDATION

APPROVE CONDITIONALLY

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

2 The development hereby approved shall be carried out in accordance with the following approved plans 12090/Olvan(a).

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

3 Neither of the caravans hereby approved shall be occupied before 1st April or after 31st October in each year.

Reason: The use of the site for all year round residential occupation would conflict with policy DEV37 of the Arun District Local Plan, on the use of caravans and on residential development.

4 The caravans hereby approved shall be occupied only for holiday use purposes and shall not be occupied by any persons for a total period exceeding 28 days. The owner shall maintain a register of occupiers for each calendar year which shall include:
1)The full names, occupation, permanent address and contact telephone numbers of all of the person(s) occupying the premises; and
2)The start and end date of the stay and the purpose of the stay.
It shall be made available for inspection by the Local Planning Authority at any time, and a copy of the register shall be supplied to the Local Planning Authority at the end of each calendar year.

Reason: The ensure retention of tourist accommodation in accordance with policy DEV37 of Arun District Local Plan.

5 No development shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, 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 five years from the completion of 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.

6 No development shall take place until details of fences have been submitted to and approved by the Local Planning Authority and no caravan shall be occupied until such screen fences associated with them have been erected.

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

7 No development shall be carried out unless and until precise details of the size and position and materials of the decking have been submitted to and approved by the Local Planning Authority and the development shall proceed in accordance with the details so approved.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

8 INFORMATIVE: All mobile homes are required to obtain a Site Licence under the provisions of the Caravan Site and Control of Development Act 1960 and the existing Licence would need to be complied with and take account of 2 static caravans. The applicant is advised to contact Steven Pope on extension 37868 for further information.

9 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.