

Recommendation Report for Planning Permission

REF NO: P/54/17/PL

LOCATION: Church Farm Holiday Village
Church Lane
Pagham

PROPOSAL: Extension of the occupancy period at Church Farm Holiday Village by one month to allow occupation between 1 March & 30 November in any year.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	24 Hectares.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Mixed. Close boarded fencing, hedgerows, ranch style fencing.
SITE CHARACTERISTICS	Existing large holiday park.
CHARACTER OF LOCALITY	The settlement of Pagham is to the east. To the south and west lies the Pagham Harbour. Open fields to the north.

RELEVANT SITE HISTORY

P/76/92	Variation of Condition No.5 of P/32/63A dated 12/11/64 to allow occupation of recreational caravans from 1st March in any year to 14th January in the following year.	Refused 02-12-1992 Appeal: Dismissed 05 10 1993	<i>Appealed</i>
P/58/00/	Nine hole par 3 golf course and temporary kiosk for use by holiday-makers staying at the park (Departure from the development plan)	Refused 10-01-2001 Appeal: Allowed 20 11 2001	<i>Appealed</i>
P/84/16/PL	Installation of 22 no. caravan bases for 22 no. static caravans with associated car parking, pedestrian footpaths, internal access road, landscaping & infrastructure above & below ground.	App Cond with S106 14-12-2016	
P/36/49/A	Use of land as caravan and camping site sanitary accommodation and sewerage	ApproveConditionally 05-04-1950	

	disposal plant	
P/36/49/D	Renewal of consent for caravan site and winter storage toilet buildings and drainage	ApproveConditionally 30-01-1956
P/36/49/F	Caravan site	ApproveConditionally 05-09-1956
P/36/49/H	Caravan site	ApproveConditionally 05-12-1958
P/32/63/A	New bldgs adapt & use of bldga	ApproveConditionally 12-11-1964
P/159/71	Use of land for childrens play ground and for additional 50 caravans	ApproveConditionally 08-03-1972

The planning history is extensive and commences in 1950. The applicants supporting planning statement provides an analysis of the history and highlights the key historic decisions relating to holiday season.

REPRESENTATIONS

Representations received:

Pagham Parish Council

"No objection to the proposals however given the risks of flooding, particularly during the winter months, it is important that EA commitments to repair and reinforce the training wall at the harbour mouth and the community led sea defence scheme works are undertaken to reduce risks of flooding. Ultimately it is for the EA to be satisfied that flood defences are sufficient to protect the lives and property which are the subject of this application."

Four letters of objection raising the following issues:

- (1) Visiting coaches and holiday park employees park on surrounding local roads as no room within the site;
- (2) These coaches sit from 6.30am with running engines and can see into first floor windows;
- (3) The holiday park does not maintain vegetation on the boundaries;
- (4) Noise pollution from the site inc drones, car radios, megaphones, kitchen fans, kitchen deliveries, movement of gas bottles;
- (5) Previous instances of pollution from the site into the adjacent Lagoon;
- (6) Extra holiday makers put pressure on local doctors;
- (7) Open skips result in Gulls congregating causing noise and damage to cars from droppings;
- (8) conflict with holidaymakers who drop litter and spend a penny on surrounding streets; and
- (8) Odours from kitchens.

One of the objectors has also provided a timeline of the issues set out above which are stated to occur on a daily basis.

One letter of support has been received from a person living in Surrey who owns a holiday lodge within the park. The writer states that the extra occupancy will further benefit the local economy and that issues regarding drone use and parking nuisances are not as result of occupiers of the park but users of the beach area instead. Also that the Park does an

excellent job in parking all holiday users and site visitors.

Comments on Representations received:

The Environment Agency were consulted but have not responded.

The following comments are made in respect of the local resident objections:

- (1) Noted however, it is not considered that these issues will be significantly adverse so as to warrant a refusal of the application;
- (2) Noted but the planning authority is not able to control the parking of vehicles on the highway, the running of engines or the height of windows on such vehicles;
- (3) Noted but this is not a material planning consideration
- (4) Noted. The Council's Environmental Health Officer has thoroughly assessed the application and considers it acceptable subject to a condition restricting the use of amplified noise equipment late at night/early in the morning. In the absence of any objection, it is not considered to be sustainable to refuse the application on these issues. Furthermore, the Council has separate legislation in place to deal with noise pollution.
- (5) Noted however there is no evidence to suggest that the extra 1 months occupancy will result in water pollution. Furthermore, the Environment Agency has separate legislation in place to deal with instances of such pollution;
- (6) Noted;
- (7) Although the open nature of skips and their content may attract Gulls, it should be noted that the Park is in a coastal location and as such Gulls are commonplace;
- (8) Such instances are unfortunate but these issues are not considered to be material planning considerations
- (8) The Council's Environmental Health Officer has not raised any objections with regard to air pollution;

The letter of support is noted but as it is not from a local resident, it attracts less weight than the opinions of local residents.

CONSULTATIONS

Natural England
Environmental Health
Ecology Advisor
Economic Regeneration
Environment Agency

Consultations responses received:

ENVIRONMENT AGENCY - No response received.

NATURAL ENGLAND - Raise no objection subject to appropriate mitigation being secured to address the additional recreational disturbance caused by the additional 1 month period of occupancy. If this is secured then the proposal will be considered unlikely to have a significant effect on the Pagham Harbour Special Protection Area/Ramsar Site and can therefore be screened out from any further assessment.

CHICHESTER DC ECOLOGY - Provide more detail on the form of the appropriate mitigation requested by Natural England. Recommend a pro rata contribution of £64,573.31

ADC ENVIRONMENTAL HEALTH - Concerns are raised in respect of the noise impact of the additional 1 month's opening on existing surrounding residents. Conditions were requested to cover the attenuation of existing plant/machinery/equipment at the site and to restrict sound

reproduction/amplification equipment to certain times of the day.

ADC ECONOMIC DEVELOPMENT/TOURISM - No response received.

Comments on Consultation responses:

A reduced Pagham Harbour SPA contribution of £32,286.66 has been agreed. This was on the basis of a 50% reduction agreed at the time of application P/84/16/PL to account for the fact that the caravans are not residential dwellings and would not be occupied throughout the year.

In respect of the Environmental; Health comments, extensive dialogue has been ongoing between the parties in order to avoid the imposition of the requested conditions. The applicants have stated that the Park does not use any sound reproduction or amplification equipment and do not propose to introduce such. They have also commented in respect of plant/machinery/equipment that heating/ventilation plant still runs during the closed season and that the swimming pool will not open after November 15th. Furthermore, that the purpose of the additional 1 month is to enable the Owners to visit at the end of the season and prepare their units for the winter closed period. The park will therefore have only a medium to low usage in November (most will only be at weekends) and the facilities of the central complex will likely only operate at weekends.

The applicants have supplied a copy of the existing Noise Management Plan. The Council's Environmental Health Officer has reviewed this and considers that two points still need to be resolved - the likelihood of noise beyond the boundary and whether existing measures have been shown to be adequate. The applicant then wrote to state that:

"We have had no noise issues from any of the licenced venues post the noise mitigation plans and upgrade work including a sound deadening roof and structural insulation, door cut offs and a change to ways of working - some 7- years ago which historically affected a few of our neighbours but no longer does. We now have furnished all local residents with the 24 hour security number to call and my direct e-mail address and contact details but in the recent years no one has needed to contact us"

The applicant also said that although they do not believe it necessary, they would accept a condition on the use of sound reproduction/amplification equipment. the Council's Environmental Health Officer has further commented that he is happy that there is a low likelihood of statutory nuisance and that this could be covered under separate legislation. He is nevertheless concerned about adverse impact from noise on amenity and would prefer to address this now to avoid noise creep. Therefore, the condition regarding use of sound reproduction/amplification should be included (but the other condition on attenuation of plant/machinery/equipment is not required).

POLICY CONTEXT

Designations applicable to the site:

Outside Built up Area;
Pagham Harbour Access Management Zone A;
Grade II Listed Buildings;
Adjacent to Site of Specific Scientific Interest;
Flood Zones 2/3;
Special Control of Adverts;
Archaeological Interest Area;

Class C Road;
Permitted development restriction;
Protected Coastal Area; and
No public sewer.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	<u>AREA13</u>	Sites of International Importance for Nature Conservation
	<u>DEV35</u>	Tourism Development Requiring a Coastal Location
	<u>DEV37</u>	Existing Caravan Sites
	<u>GEN3</u>	Protection of the Countryside
	<u>GEN7</u>	The Form of New Development
	<u>GEN32</u>	Noise Pollution
	<u>GEN34</u>	Air Pollution
Publication Version of the Local Plan (October 2014):		D DM1 Aspects of Form and Design Quality
		C SP1 Countryside
		ENV DM2 Pagham Harbour
		QE DM1 Noise Pollution
		QE DM3 Air Pollution
		QE SP1 Quality of the Environment
		TOU DM1 Tourism Related Development

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE

PDS	Pagham Parish Council's Village Design Statement by PaghamPC
-----	--

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account. The examination into the proposed Plan modifications took place in September 2017.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

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 written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

In December 2014, the Pagham Neighbourhood Plan was withdrawn from the examination process in order to produce further studies in respect of the impact on the Pagham Harbour SPA/Ramsar Site. This work has been completed and the Regulation 14 'pre-submission consultation & publicity' stage was undertaken between 02/10/15 and 13/11/15. It is therefore necessary, in accordance with paragraph 216 of the NPPF, to have regard to the Draft Neighbourhood Plan as a material planning consideration.

The following policies are considered to be relevant to this application:

Policy 1 "A Spatial Plan for the Parish":

"The Neighbourhood Plan directs development proposals within the Built Up Area Boundary, as shown on the Proposals Map, provided they accord with other provisions of the Neighbourhood Plan and development plan. Development proposals outside of the Built Up Area Boundary will be required to conform to development plan policy in respect of the control of development in the countryside."

Policy 7 "Tourism Development":

"The Neighbourhood Plan will strongly support proposals to broaden the range of attractions for

visitors and residents. Initiatives seeking to increase the number and range of holiday accommodations available across the parish will be encouraged."

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 in a countryside location outside the built-up area boundary where the principle of new development is generally considered to be unacceptable. The proposal does not seek to develop the site further but rather, simply to allow the existing development to be used for an additional 1 month per year. Notwithstanding, Arun Local Plan policy GEN3 states that development in the countryside will not be permitted other than in accordance with criteria (i) to (v). Criteria (iii) is 'the diversification of the rural economy' and it is considered that the proposal would further diversify and contribute to the local economy and so would accord with GEN3.

It is further considered that the proposal would gain support from Arun Local Plan policy DEV35 in that that the proposal represents a small scale 'extension' to an existing park and will not affect the character of the area.

The National Planning Policy Framework (NPPF) states at paragraph 28 that: "Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should: ... (c) support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres;"

The proposal relates to an existing long established holiday park which is a major contributor to the local economy. The extra 1 months occupancy will further benefit the local economy without affecting the character of the countryside.

It is considered that significant weight should be attributed to the relevant policies of the emerging Arun Local Plan 2011-2031 Publication Version showing Modifications which has recently been through an Examination in Public. Policy TOU DM1 states that all proposals for development including expansion of existing sites which are likely to attract visitors will demonstrate that they are in accessible locations. This site lies in an accessible location on the edge of the settlement of Pagham and within walking distance of nearby shops and facilities.

There is considered to be further support from policy 7 of the proposed Pagham Neighbourhood Plan which states that there will be strong support for proposals which seek to increase the amount & range of holiday accommodation in the area.

DESIGN & VISUAL AMENITY:

As the caravans 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:

Arun Local Plan policy GEN7 (iv) states that development will only be permitted if it does not have an unacceptable adverse impact on adjoining occupiers, land, uses or property.

Policy GEN32 states that: "Development which is a potential source of significant noise pollution will not be permitted unless the Council is satisfied that appropriate measures have been included in the proposal to reduce noise pollution to acceptable levels".

Policy GEN34 is also relevant in view of the resident concerns over odours from the existing kitchens. This states that: "Development that contributes to air pollution through dust, smell, fumes, smoke, heat, radiation, gases, steam or other forms of pollution will not be permitted unless the Council decides that the health, safety and amenity of users of the site or surrounding land is not put at risk and the quality of the environment would not be damaged or put at risk."

The increase in the occupancy of the caravans within the holiday park from 7 to 8 months will result in persons being present on the site during the month of November when they currently are not. It may also result in plant/machinery/equipment being operated when currently it is not. This has the potential to create additional noise pollution to surrounding residential occupiers.

Local residents have raised a number of concerns with noise and odour impacts currently associated with the existing Holiday Park. They are concerned that their lives will be adversely affected for an additional month of the year.

The applicants have stated that:

- * The plant equipment within the Complex for heating & ventilation already operates within the 'closed period' and is insulated, contained and maintained during this period;
- * All units of accommodation are independent by nature;
- * No additional plant will be required to operate the site/facilities in the additional month above what would normally be needed;
- * The key reason for the additional month of operation is to enable the Owners to visit at the end of the season and prepare their units for the winter closed period;

- * The usage in November is therefore anticipated to be medium to low in nature;
- * There is no intention to open the outdoor pool past the 15th November; and
- * A Noise Management Plan is in use at the park and since this was adopted in 2009, the Park has had no records of issues in relation to noise.

The Councils Environmental Health Officer has thoroughly assessed the application and considers it acceptable subject to a condition restricting the use of amplified noise equipment late at night/early in the morning. No concerns are raised with regard to other noise sources, kitchen odours or other amenity issues. In the absence of any objection from the Councils experts on noise/odour impacts, it is considered that a refusal on these grounds would not be sustainable as it would be difficult to defend on appeal. Furthermore, the Council has separate legislation in place to deal with noise pollution.

It is not considered that the additional 1 month would cause an unacceptable adverse impact on the living conditions of existing local residents and as such, it is considered that the application is in accordance with the relevant development plan policies.

IMPACT ON THE PAGHAM HARBOUR SPECIAL PROTECTION AREA:

The holiday park lies adjacent to the defined edge of the Pagham Harbour Special Protection Area. The Harbour is a designated SSSI and has also been designated as a Special Protection Area and Ramsar site. As such it is protected through European Directive 92/43/EEC and nationally under Conservation of Habitats and Species Regulations. This has been incorporated into the emerging Local Plan through Policy ENV DM2, although policy AREA13 of the Arun Local Plan 2003 attempts the same thing. Policy ENV DM2 states with respect to Zone A (sites within 400m of the boundary) that:

"development will only be permitted in exceptional circumstances where the developer is able to demonstrate there will be no detrimental effects on Pagham Harbour, including non-native species and the water environment. Regard shall also be had to tests 1-4 as set out in policy ENV DM1 (Designated Sites of Biodiversity or Geological Importance)."

Policy ENV DM1 states that: "1. Proposed development likely to have an adverse effect on land within or adjoining a Site of Biodiversity or Geological Importance as listed in Tables 17.1 - 17.6 (either individually or in combination with other developments), will not normally be permitted. Exceptions will only be made where the following can be demonstrated:

- a. There is no alternative solution (which shall be adequately demonstrated by the developer) and
- b. There are reasons of public health or public safety or
- c. There are benefits of primary importance to the environment or
- d. There are imperative reasons of overriding public interest."

Natural England has assessed the application and have raised no objection provided that mitigation is secured in the form of a financial contribution to assist with mitigating recreational disturbance resulting from new residential development around Pagham Harbour through wardening, new signage, a dog project, interpretation and monitoring. Arun and Chichester District Councils have along with the RSPB developed a joint strategic scheme of avoidance and mitigation measures along the lines of that which exists for the Solent Maritime SAC. This involves a jointly agreed uniform level of developer contribution in the two zones of influence, set

at a level to fund the measures in-perpetuity. The current level of contribution to the interim scheme is £871 per unit.

This would have resulted in a total contribution of £64,573.31 but it has been agreed to reduce this by 50% as the application concerns holiday caravans not residential dwellings. The applicant has therefore agreed to a revised contribution of £32,286.66 and has signed a Section 106 agreement to this effect. There is therefore no objection to the proposal in respect of harm to the Special Protection Area.

PAGHAM VILLAGE DESIGN STATEMENT:

The existing holiday park falls within Character area 5 "Church Lane & Church Farm". However, the only relevant development criteria is no. 4; that the character of the area should be preserved. It is not considered that the extra month opening will adversely affect the character of the area.

SUMMARY:

It is considered that this application to extend the existing holiday season by 1 month will benefit the local economy through additional spending on local shops and services and potential new or continued employment of local people. The proposal is considered to be acceptable in principle and gains support from the development plan as well as the NPPF and the emerging Neighbourhood Plan. Furthermore, the proposal is not considered to be significantly harmful to the amenities of neighbouring properties such that an objection should be made. The addition of the condition on the use of noise amplification equipment should also benefit local residents by preventing such noise at unsocial times throughout the year. It is therefore recommended that permission be granted subject to the following conditions and the signed Section 106 agreement.

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.

SECTION 106 DETAILS

This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £32,286.66 for the purposes of mitigating the impact of the additional occupancy on the nearby Pagham Harbour Special Protection Area.

RECOMMENDATION

APPROVED CONDITIONALLY WITH A SIGNED SECTION 106 AGREEMENT

- 1 The development hereby approved shall be carried out in accordance with the following approved drawing: "Site Location Plan" ref 3440-104.

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.

- 2 No holiday caravan or lodge shall be occupied other than between 1st March in one year and 30th November in the following year.

Reason: In the interests of the amenities of the area and to ensure that the site remains in use for holiday purposes only in accordance with Arun District Local Plan policies GEN7 & DEV35 and the National Planning Policy Framework.

- 3 The holiday caravans and lodges within the site shall be occupied for holiday use 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 all owners/occupiers of individual caravans/lodges on the site of their main home 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 Arun District Local Plan policies DEV35 and DEV37.

- 4 The submitted "Church Farm Holiday Village Flood Evacuation Plan" (November 2016) shall be fully implemented and adhered to throughout the life of the holiday park and a copy shall be made permanently available to guests and members of staff working at the site.

Reason: To ensure safe egress from the site in the event of a flood in accordance with the National Planning Policy Framework.

- 5 No sound reproduction or amplification equipment (including public address systems, tannoys, loudspeakers, etc.) which are audible outside the site boundary shall be operated on the site outside of the following times: 08:00 to 22:00 hours Mondays - Saturdays and 09:00 to 21:30 hours on Sundays and Public/Bank Holidays.

Reason: To safeguard the amenities of the neighbouring properties in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 6 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.
- 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.
- 8 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £32,286.66 to mitigate the impact of the additional occupancy on the nearby Pagham Harbour Special Protection Area.