

PLANNING COMMITTEE – 5 JUNE 2018

Application No:	17/01451/FUL
Proposal:	Application for removal/variation of condition 4 attached to planning permission 17/00147/FUL; Works to facilitate the siting of up to 15 additional caravans for holiday use.
Location:	Robin Hood View Caravan Park Middle Plantation, Belle Eau Park, Bilsthorpe
Applicant:	Mr J Kennedy
Registered:	9 August 2017
	Target Date: 5 October 2017
	Extension of time agreed until 10 November 2017

The application is being referred to Committee at the request of Cllr Rainbow. In addition it is noted that the Parish Council objects to the development which differs to the professional officer recommendation.

The application was previously included on the agenda for the November 2017 Planning Committee however was withdrawn from the agenda prior to being considered on the basis that the conditions referred to for the original permission were not those Members imposed.

The application has been submitted as a Section 73 Variation of Condition application in relation to the extant permission reference 17/00147/FUL. The extant permission was presented to members in July 2017 with the following conditions to deal with concerns over occupancy of the site:

04 The pitches hereby permitted for use as holiday use shall not be occupied by the same person or persons, nor by the same caravan or motorhome, for a total period exceeding 28 days in any calendar year unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the pitches are not occupied for residential purposes in a location where new residential development would not normally be permitted.

05 The owner shall maintain a register of occupiers for each calendar year, which 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 unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the accommodation is not occupied for residential purposes in a location where new residential development would not normally be permitted.

The wording of these conditions arose from concerns raised by Members by an earlier deferral of the application from the April 2017 Committee Meeting.

Unfortunately however, the conditions that were imposed upon the consent when issued were those originally recommended by Officers through the planning committee report considered on 4 April 2017 that requires:

04 The pitches hereby permitted for use of holiday use shall not be occupied by the same person or persons for a total period exceeding 28 days in any calendar year unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the pitches are not occupied for residential purposes in a location where new residential development would not normally be permitted.

05 The owner shall maintain a register of occupiers for each calendar year, which 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 unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the accommodation is not occupied for residential purposes in a location where new residential development would not normally be permitted.

Since the November meeting, the council's legal department has reviewed the consent and does not consider that the additional wording from the committee minutes can be retrospectively imposed upon the existing consent (application ref 17/00147/FUL). The current application is therefore required to be considered on its own merits. With the exception of the 'Other Issues' section which has advanced since November, the report below is unchanged in comparison to that presented to Members in November.

The Site

The site occupies a hill top location within the undulating open countryside and is accessible via a single track private driveway which leads through Belle Eau Park industrial estate. The wider site is generally open in character and contains 2 large agricultural buildings to the south east of the site. Overall the wider existing touring site comprises c2.41 ha. There is a residential dwelling house located to the north-west corner and an amenity building for the caravan site close to the entrance.

The wider site is presently in use as a holiday park for 30 holiday caravans and for the storage of caravans, subject to a planning permission granted in 1997. The site is partly enclosed by an earth bund along the southern boundary of the wider site and the application site.

The site is visible from the main A617 (Kirklington Road) highway due to its elevated position.

The red line of the application site is located to the west of the original caravan park and comprises c0.56 hectares. This was formerly scrubland and is bound by a deciduous hedgerow to the west, mature trees to the north and east (which are still in situ).

The site is within the Open Countryside and is designated as being within the Sherwood Forest Regional Park.

Relevant Planning History

46911253 – Establishment of a holiday caravan park (25 vans)

FUL/961279 (96/50813/FUL) – Replacement office with reception and toilet facilities and use of land for touring caravans and storage of caravans, a condition was imposed restricting the siting to 30 holiday caravans.

10/00261/FUL - Proposed use of land for the siting of 30 timber cabins (caravans) for tourist use plus reception/site managers accommodation. Refused by LPA but approved by appeal. This was instead of the caravan use (not in addition) but was never implemented. The permission has now time expired.

17/00147/FUL - Works to facilitate the siting of up to 15 additional caravans for holiday use (retrospective). This application was approved by Members in July 2017 following deferrals from earlier committee meetings.

17/01450/DISCON - Request for confirmation to discharge condition 7 (relating to a methodology for the investigation of any potential contamination of the application site) attached to planning permission 17/00147/FUL 'Works to facilitate the siting of up to 15 additional caravans for holiday use (retrospective)'. *Application approved 2nd November 2018.*

The Proposal

Permission is sought to remove Condition 4 of planning permission 17/00147/FUL. Condition 4 requires;

04

The pitches hereby permitted for use of holiday use shall not be occupied by the same person or persons for a total period exceeding 28 days in any calendar year unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the pitches are not occupied for residential purposes in a location where new residential development would not normally be permitted.

The applicant has commented that they consider that the inclusion of condition 4 is superfluous because the Council's given reason for its imposition is already addressed and safeguarded conditions 5 & 6 which are also imposed on permission 17/00147/FUL. For clarity, conditions 5 and 6 state;

05

The owner shall maintain a register of occupiers for each calendar year, which 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 unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the accommodation is not occupied for residential purposes in a location where new residential development would not normally be permitted.

06

The development hereby approved does not allow for any pitch or any caravan to be occupied for residential purposes at any time.

Reason: For the avoidance of doubt.

The explanation given for the request to remove condition 4 is that the wider Robin Hood Retreat Caravan Park has historically provided 'seasonal pitches' available to guests and continues to do so. It is considered that the 15 additional caravan pitches approved under permission 17/00147/FUL should not be treated as an exception as there is no planning justification to do so.

Seasonal pitches allow guests to book a caravan pitch for a season and leave their caravans stationed on the pitch during that period, rather than towing their caravans to and from the site for each stay. The booking of a seasonal pitch allows guests to occupy their caravans more flexibly, allowing for more spontaneous holidays, breaks for the entirety of the school holidays or for holidays that may be weather dependant.

Departure/Public Advertisement Procedure

Occupiers of nineteen properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy Adopted March 2011

Spatial Policy 3: Rural Areas

Spatial Policy 7: Sustainable Transport

Core Policy 6: Shaping our Employment Profile

Core Policy 7: Tourism Development

Core Policy 9: Sustainable Design

Core Policy 10: Climate Change

Core Policy 13: Landscape Character

ShAP1: Sherwood Area and Sherwood Forest Regional Park

Allocations and Development Management DPD Adopted July 2013

Policy DM5: Design

Policy DM7: Biodiversity and Green Infrastructure

Policy DM8: Development in the Open Countryside

Policy DM12: Presumption in favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2012

Planning Practice Guidance 2014

Landscape Character Assessment SPD, December 2013

Consultations

Kirklington Parish Council – objects to the proposal with the following comments:

- Section 4 provides extra restriction and reassurance to prevent the site being used for permanent residence.

- it was stated that section 4 was additional/not required as covered by other sections – if section 4 is viewed as being redundant, there would be no harm in leaving this in place (as it wouldn't make any difference)
- other sites have facilities for storing caravans when not used - providing such storage would still enable visitors to have flexible holidays without having to tow to and from the site (which was a concern stated in the proposals)

Kirklington Parish Council strongly objects to proposals to remove section 4 from the conditions.

Bilthorpe Parish Council – No response received.

CLlr P Rainbow, the Local Ward Member has formally requested that the Robin Hood caravan park application is 'called in' and go before the planning committee.

NCC Highways Authority – This application relates to the removal of condition 4 of application 17/00147/FUL which states that the permitted pitches shall not be occupied by the same person for a period exceeding 28 days in a calendar year.

The removal of this condition is not expected to have an impact on the public highway, therefore, there are no highway objections.

Trent Valley Internal Drainage Board – The site is outside of the IDB district but within the boards catchment.

There are no IDB maintained watercourses in close proximity to the site.

Access and Equalities officer – No comment.

No representations have been received from local residents/interested parties.

Appraisal

Preliminary Matters

The 1997 planning permission for the caravan site (96/1279) appears to relate to the entire site (including this application site) albeit the quantum of pitches was restricted to the amount that was applied for 30, which were laid out elsewhere on the site. The permission that was granted in July 2017, application reference 17/00147/FUL therefore in essence sought retrospective consent to increase the number of caravans from 30 to 45 and the retrospective alterations to the land to accommodate the additional pitches.

In granting that consent there was a desire to control the use of the site to ensure that there was no possibility that the pitches would become permanent/ main residences. Given that the current application has been submitted as a Section 73 application (which essentially would replace the extant permission) it is necessary to reference all material planning considerations. Nevertheless, the fall back position of the extant permission carries significant weight, particularly in matters of principle.

Principal of Development

Policy DM8 accepts that within the Open Countryside, as in the case of the application site, tourist accommodation will be supported where it is necessary to meet identified tourist needs; it constitutes appropriate rural diversification, including the conversion of existing building, and can support local employment, community services and infrastructure. In addition all proposals need to satisfy other relevant Development Management Policies, take into account of any potential visual impact they create and in particular address the requirements of Landscape Character. This is mirrored by the NPPF which that in order to promote a strong rural economy, plans should 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.

Policy DM5 requires parking provision for vehicles and cycles should be based on the scale and specific location of the development. Development proposals should have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact.

Core Policy 7 states that tourism and visitor based development, including new good quality over-night accommodation will be supported provided that “The extension of existing tourist accommodation is of a scale appropriate to the sites location and where the extension helps to ensure future business viability.”

In assessing the recent application for the extension of the caravan site, 17/01451/FUL, it was accepted that there is a need for an expansion of tourist accommodation and therefore this is not challenged as part of the current application. Allowing the reasonable expansion of an existing rural based tourism development is advocated by the NPPF.

Impact upon the Character of the Area

Spatial Policy 3: Rural Areas of the Newark and Sherwood Core Strategy and Policy DM8: Development in the Open Countryside of the Newark and Sherwood Allocations and Development Management DPD seek to protect the open countryside from inappropriate development.

Policy DM8 advises that tourist accommodation would be considered as being an appropriate use within the Countryside, taking into account any potential visual impact they create and address the requirements of Landscape Character in accordance with Core Policy 13. This is mirrored by the NPPF which supports rural tourism developments that benefit businesses in rural areas and which respect the character of the Countryside.

I note that the character of the site is currently that of a touring caravan park as accepted by the extant permission and therefore the proposal would not be an alteration to this.

Design and Layout of the Site

National and Local Policy states that good design is a key aspect of sustainable development. Core Policy 9 and Policy DM5 of the DPD require new development to achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context, complementing the existing built and landscape environments.

In this regard I note that the application does not detail that there will be any alteration from the previous approval. The site license specifies the density and spacing of the numbers of caravans onsite and I therefore consider that these issues will be enforced outside of the remit of the planning application.

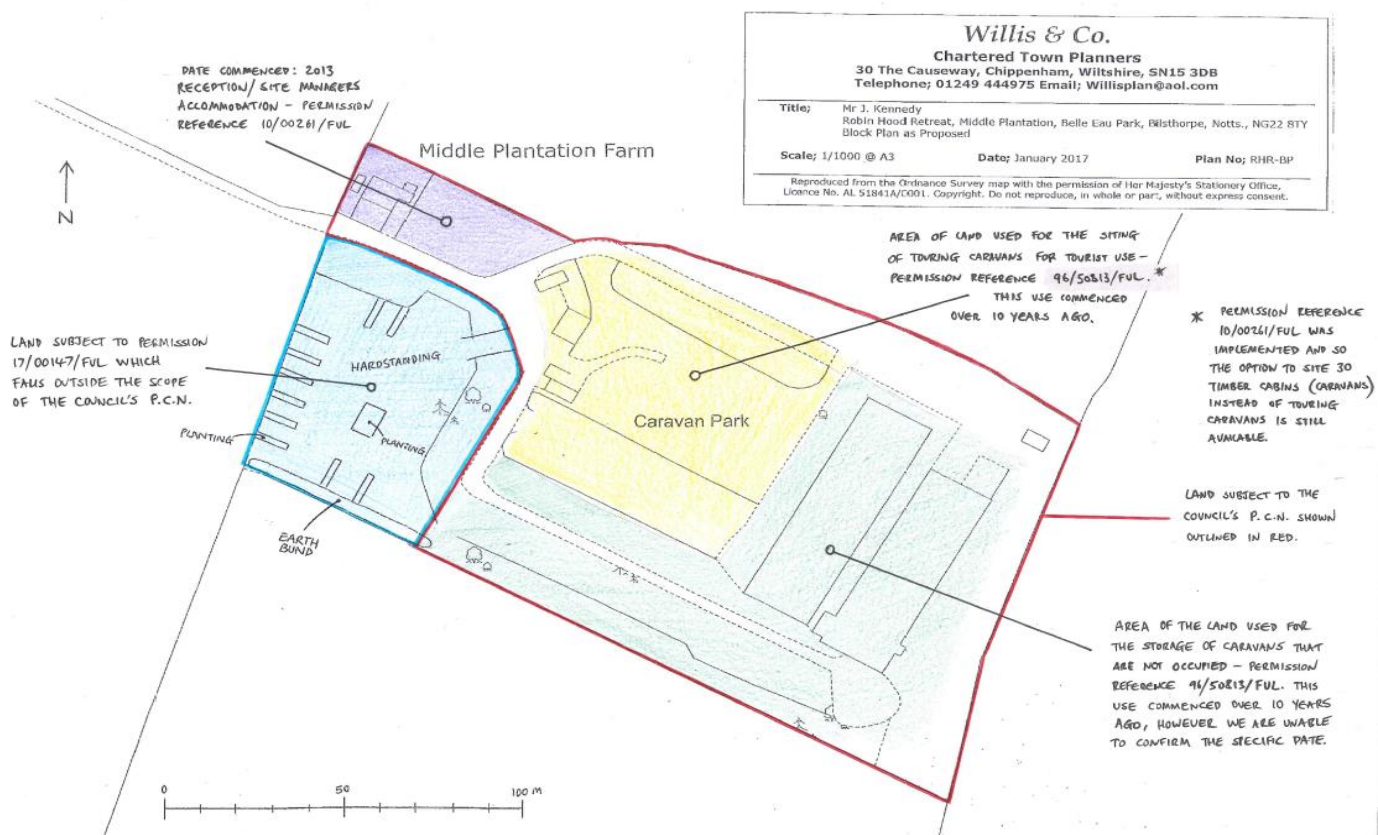
Other Issues

Planning Enforcement Investigation

In accordance with the resolution of the planning committee held on 4th July 2017 a Planning Contravention Notice (PCN) has been issued which seeks to establish specifics on the nature of occupation on the other areas of the site (not the part of the site being considered under this application). In response to the PCN the agent of the applicant provided the plan below which explains the current use of each area of the site. For explanation;

- The area shaded green is described as being used for the storage of caravans that are not occupied.
- The area shaded yellow is being used for the siting of touring caravans for tourist use.
- The property and land shaded purple is a residential dwelling house and associated garden.
- The land shaded blue is the subject of this application.

In addition the agent has replied that since Mr Kennedy purchased the site no caravans or pitches have been occupied as a person's main residence.



Drainage/Flooding

I am aware that Environmental Health has been investigating alleged continued drainage problems from the existing areas of the site. The outcome of these investigations is in any case not deemed to be of relevance to the consideration of the current proposal relating to occupation conditions.

Conditions Restricting Use

Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition(s) previously imposed on a planning permission. The local planning authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide that the original condition(s) should continue.

The rationale behind the submission of the current S73 application (as outlined in the proposal section above) is noted. However, there remains a concern as was with the previous application that the pitches may be used for permanent occupation, thus there is a clear need to control usage through condition. Officers have carefully considered the wording of the currently imposed conditions and do feel that it would be appropriate that the application be approved (in allowing the removal of Condition 4). However, in doing so a revised condition should be imposed upon the consent which would require the owners/operators to not only maintain an up-to-date register of the names of all owners/occupiers of individual caravans on the application portion of the site, but also their main home addresses, and shall make this information available at all reasonable times to the local planning authority. This condition is compliant within government guidance for practice on planning for tourism. I consider that the imposition of this condition in place of the current condition 5 of planning consent 17/00147/FUL would enable the Council to actively monitor the type of occupation of the pitches to ensure that occupation remains for holiday use only.

Conclusion

The approved use of the site relates to a wider site that is already successfully operating as a touring caravan site. When approval was granted for this in the 1990's the quantum of pitches was restricted by the fact that the applicant applied for 30 pitches and this features in the description of the development at that time.

I have had regard to the arguments presented in this application and the notions in the NPPF which encourage Councils to proactively drive and support sustainable economic development and enterprise in rural areas. I conclude that the removal of Condition 4 of planning permission 17/00147/FUL could maintain the Council's desire for the area of site in question to remain in use for 'holiday' purposes only but would also allow the applicant to operate their business in accordance on a more flexible model. To ensure this, I consider that the imposition of a varied condition (now condition 3) as part of a new decision notice would allow the Council to maintain control over the use of the site for the purposes previously discussed. The conditions below amalgamate the above discussion and for the avoidance of doubt are shown as underlined where changed from the decision notice of the extant application (17/00147/FUL). Members may note that the contamination condition (originally condition 7) and landscaping conditions (originally 1) has been addressed since the approval. Environmental Health Officers were satisfied with the Phase 1 Contamination report submitted (received 31st July 2017) which clarifies that there are no significant potential contaminant sources at this particular application site. As such a contamination condition is no longer required. The original condition 2 has been amended to ensure that the implementation of the landscaping is as per the previously agreed details.

I have concluded that there is no other demonstrable harm. Overall it is considered that there are no material considerations why planning permission should not be granted.

RECOMMENDATION

That full planning permission is approved subject to the following conditions:

01

The approved soft landscaping as shown on 'Landscaping Scheme Plan (reference: RHR-LSP) received on 7th August 2017' received in connection to the original application reference 17/00147/FUL shall be completed during the first planting season following the approval of details, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority. Any hard landscaping shall be carried out to an agreed timescale.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

02

Within the application site (as identified by the Site Location Plan referenced RHR-LP) there shall be no more than 15 pitches provided and these shall be laid out in accordance with the approved Block Plan, plan reference RHR-BP.

Reason: for the avoidance of doubt and in the interests of sustainability and amenity.

03

The pitches hereby permitted shall:

- i. be occupied for holiday purposes only;
- ii. the pitches shall not be occupied as a person's sole, or main place of residence;
- iii. the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans/log cabins/chalets on the site, and of their main home addresses, and shall make this information available on request to the local planning authority;

Reason: To ensure that the pitches are not occupied for residential purposes in a location where new residential development would not normally be permitted.

Notes to Applicant

01

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

02

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development given that there is no net additional increase of floorspace as a result of the development.

Background Papers

Application Case File

For further information please contact Richard Marshall on ext 5801.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Matt Lamb
Business Manager – Growth and Regeneration

Committee Plan - 17/01451/FUL

