

17 DCNW2005/3093/F - REMOVAL OF CONDITION 9 ATTACHED TO APPEAL DECISION PLANNING REF: 94/0672/C AND 95/0053/C. SITING OF CARAVANS AT ARROW BANK CARAVAN PARK, EARDISLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9BG

For: West Country Park Homes Ltd, Charles F Jones & Son Limited, 16 Grosvenor Court, Foregate Street, Chester, CH1 1HN

Date Received:

**Ward: Golden Cross
with Weobley**

Grid Ref:

22nd September 2005

41721, 58941

Expiry Date:

17th November 2005

Local Member: Councillor J Goodwin

1. Site Description and Proposal

- 1.1 Arrowbank Caravan Park is an established caravan park which lies to the north of the defined village settlement of Eardisland. The caravan park lies between the former farm house (Nun House Farm) and the River Arrow on its north bank, access to the site was originally from Lyme Lane, but is now served by an access further to the east of the bridge over the river onto the C1035. The site is well screened and relatively unobtrusive in the local landscape although glimpses of the site can be seen from Haybridge Lane.
- 1.2 In the mid 1990's the caravan park, then known as 'Riverside' made applications to extend the site. A public inquiry in 1995 led to the decision to allow the appeals with conditions attached. In essence the decision allowed the extension of the site from the agreed number of 60 static caravans to a maximum of 105 static vans. It also allows for the siting of 34 touring caravans. Throughout the application and subsequent appeal a plan showing the siting of the vans was provided. This siting plan showed explicitly where the static vans and touring vans/pitches were sited. Separate landscape plans were provided.
- 1.3 This application seeks the removal of condition 9 of this appeal decision which reads: "No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme which show the area where static caravans and the areas where caravans on tour are to be sited. No caravan shall be sited other than in accordance with the approved scheme."
- 1.4 Removal of condition 9 would essentially allow for the siting of static or touring caravans anywhere within the site edged red on the application. The site, edged red has now been amended to portray the areas previously approved for the siting of static and touring vans plus the areas to be landscaped. A plan detailing the area within which the static caravans would be sited (marked by hatching) and the area that the touring vans would be sited (marked in yellow) was submitted with this application. This plan does not show the siting of each of the vans and shows the extent of the

area only. In addition to this the applicant has provided an indicative plan only of the siting of the vans to the north of the site which forms the extended part of the site. The application submission also includes a copy of the Caravan Sites Licence issued by Herefordshire Council on the 14th October 2004. The application has been the subject of amended plans, revising the site area by reducing the red edge.

- 1.5 Members are reminded that even though the application is to remove the condition, the Local Planning Authority retain the ability to vary the wording of condition 9 should they feel it necessary to ensure a satisfactory form of development. This would effectively replace the existing condition.
- 1.6 Whilst not specifically applied for the position of the access track to serve the extension of the static caravan area to the north has been revised from that approved in 1996. This is shown on the indicative plan of the layout of the vans to the as yet unused area of the site.

2. Policies

2.1 National Planning Guidance

Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 7: Sustainable Development in Rural Areas
Planning Policy Guidance 13: Transport

2.2 Leominster District Local Plan (Herefordshire)

Policy A1 – Managing the District's Assets and Resources
Policy A2(D) – Settlement Hierarchy
Policy A9 – Safeguarding the Rural Landscape
Policy A16 – Foul Drainage

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy S2 – Development Requirements
Policy S4 – Employment
Policy S7 – Natural and Historic Heritage
Policy DR1 – Design
Policy DR2 – Land Use and Activity
Policy LA2 – Landscape Character

3. Planning History

- 3.1 NW2005/1888/F - Removal of condition 9 attached to appeal decision planning ref 94/0672/C and 95/0053/C. Siting of caravans. Refused by Northern Area Planning Sub-Committee on 10th August 2005 for the following reason:

The Local Planning Authority wish to maintain control over the siting of individual caravans in the interest of protecting the visual amenities, character and appearance of the surrounding area. Relaxation of this control would lead to the unrestricted siting of caravans that would be detrimental to the character of the surrounding rural area contrary to Policies A1, A19, A24 and A39 of the Leominster District Local Plan.

- 3.2 NW2000/2903/F - Variation of condition 3 of decision dated 25th January 1996 - Approved 30th January 2001. Condition now reads as follows:

"No caravan on tour shall remain on the site between 7th January and 1st March in any one year."

- 3.3 95/0053/C - Provision of 30 no static van sites and 23 no tourer van sites, toilet/washing facilities and upgrading of internal service track - allowed on appeal.
- 3.4 94C0672 - Provision of 45 additional static caravan sites and 34 tourer van sites, toilet and washing facilities, and upgrading of internal service tracks - allows on appeal.
- 3.5 75/C110 - 45 static caravans - approved

4. Consultation Summary

Statutory Consultations

- 4.1 The Environment Agency response to the initial consultation is as follows:

"The lower portion of the original application site lies within the Agency's Flood Zone 3.

The layout of caravans shown on the submitted plan, is outside of the Agency's Flood Zone 3 and we would therefore raise no objection. We would recommend that you apply standing advice for 'camping and caravan sites within flood Zone 1'.

However, we would recommend that you do not remove Condition 9 as it enables reasonable control to ensure that caravans are located outside of Flood Zone 3 (the 1:100 year floodplain). It should be noted that the Agency would object to any proposals to site caravans within the 1 in 100 year floodplain."

Internal Council Advice

- 4.2 Traffic Manager raises no objection.
- 4.3 The Environmental Health Manager raises no objection.
- 4.4 The Public Rights of Way Manager comments that:

"The proposed development would not appear to affect public footpaths ED5 and ED6. However the following points should be noted:

There is a footpath (ED5/6) running through the development area and although part of the path has eroded into the river, the parts that remain on the bank are still public rights of way and should remain free from any obstruction."

5. Representations

- 5.1 Eardisland Parish Council have responded as follows to the original plans submitted:

"As a Council we are unanimous in wishing to object in the very strongest of terms to the proposal to remove condition 9 attached to the Appeal decision (planning reference 94/0672/C and 95/0053/C) relating to Arrow Bank Caravan Park.

The reasons for our objections are as follows:

- If condition 9 were to be removed, the owners of Arrow Bank Caravan Park would be able to site, at their will, static vans within the boundaries of the map which accompanied the application. The boundaries include both the area currently used by touring caravans and the recreation area next to Lyme Lane (an area prone to flooding). This would mean a considerably larger area for static vans and would not comply with the recommendations made out in the appeal decision document by the Planning Inspectorate on 25th January 1996.
- The current landscaping requirements could be contravened. Indeed, on the large-scale plans submitted with the application, structures are already shown as being site on the recommended landscaped area.
- Eardisland lies within a Conservation Area. The Council considers that there could be a serious detrimental effect on the beauty of the village if, as a result of the removal of condition 9, large static vans were to be located on the current touring and recreation areas and if there were to be a reduction in landscaping on the site.
- We have given due consideration to the revised wording of clause 9 as noted in the letter dated 21st September for Charles F Jones and Son Ltd. We are of the opinion that the revised wording confuses the approved plan with the schemes highlighted in condition 9 of the Planning Inspectorates report.
- For the reasons submitted on the form sent to you on the 5th July, and for the more detailed reasons given above, the clear view of the Parish Council is that the application for the removal of condition 9 should be refused.

5.2 Eardisland Parish Council comments on amended plan not yet received.

5.3 The application submission was received with a covering letter which can be summarised as follows:

- By way of background, this condition requires the provision of a plan to confirm the precise siting and layout of holiday caravans within the existing confines of the approved caravan park.
- Such a condition is, in fact, ultra vires as the siting and layout of caravan pitches within an approved caravan site boundary is strictly a matter for the Site Licence to control via the imposition of its own conditions and spacing standards and is not an issue for a local planning authority to dictate.
- To this effect, I enclose herewith as part of this application a copy of the current Site Licence Document (No. 106) that controls the siting of holiday caravans at Arrow Bank Caravan Park, and there from, you will take note of the specific conditions which relate to the density and space between caravans.
- In having regard to the earlier planning application made on this basis it was agreed that the applicant needed to clarify and confirm the previously approved boundaries for both the static holiday caravan and touring caravan elements at Arrow Bank Caravan Park. Accordingly, the 1:2500 location plan enclosed

illustrates the existing approved confines of the static holiday caravan element of the caravan park (hatched black) and the touring caravan element (edged yellow).

- Within the overall context of this planning application it should be noted that it is not the intention to extend upon these previously approved limits, nor is it proposed to increase the current number of approved static and touring caravan pitches.
- With this in mind, the applicant would be happy to accept a commensurate planning condition limiting the siting of static and touring caravans to those areas defined on the enclosed 1:2500 location plan - as per the current approved area(s) referred to by way of the 1996 appeal decision.
- Indeed, it is noted from the previous planning committee report that it was ultimately the intention of the Local Planning Authority to vary condition No. 9 to the following wording:

Condition

"At no time shall any static caravans be sited outside of the area shown as being hatched or any touring caravans be sited outside of the area shown coloured yellow on the approved plan."

Reason

To clarify the terms of this permission and to protect the quality of the landscape.

This redrafted condition clearly provides sufficient control over the future siting of both static and holiday caravans at Arrow Bank Caravan Park and if it is again the intention of the Local Planning Authority to amend the present condition along these lines rather than to completely remove it or introduce a replacement condition, I can confirm that this would be acceptable.

In response to concerns raised by members of the public and the case officer a revised plan was submitted, redefining the area edged red on the submitted plan by reducing the size of the application site. A second covering letter was submitted which can be summarised as follows:

- In line with your request, you will note that the area edged red has been reduced on the eastern boundary of the application site, which now results in a reduced site area.
- In terms of the ongoing landscape planting at Arrow Bank Caravan Park, I can confirm on behalf of my client that this will now be completed in full and we did discuss the prospect of agreeing a new and updated landscaping scheme for the whole of the site - in line with condition No. 7 attached to the 1996 appeal decision.
- Such landscape planting would of course embrace the area to the north west of the site (including the orchard) and also the continuation of planting in and around the current caravan sales area.
- In the alternative, we did discuss the imposition of a new (variation of condition) planting condition on any permission granted in this instance. Again, a new and updated landscape planting condition would be acceptable to my client.

5.4 At the time of writing at least 29 letters of objection have been received from local residents:

The concerns raised can be summarised as follows:

- a) This new application has no new significant changes to the one previously submitted and should be refused
- b) Removal of the condition would allow the caravans to encroach into areas outside of the original remit
- c) The design of new chalets are out of keeping with surroundings
- d) The inspectors report of 25th January 1996 makes clear and unambiguous findings of the location of the agreed holiday static caravans
- e) The site has often breached its conditions - siting, external appearance of vans, creation of an access road, lack of landscaping
- f) Commercial interests should be balanced with community values
- g) Potential for increase in population of park which may lead to Eardisland being swamped
- h) Removal of condition 9 would be an unwelcome development, and not in the best interests of the village of Eardisland
- i) Increase in traffic lead to highway safety concerns
- j) Concern that this is development by the 'back door'
- k) Concern relating to flooding and environment agency responses
- l) The revised site plan extends into an area meant for landscaping
- m) Gross alteration in the ratio of caravan site residents to villagers to the detriment of the character and peculiarities of Eardisland
- n) Impact on the environment and wildlife in River Arrow

5.5 A letter has been received from:

Ramblers Association

- Lack of correct detail, as plan is not up to date OS map
- Path No. ED 5 & 6 cross the site - the path is subject to a modification order submitted by the Ramblers Association. Vans obstruct this Public Rights of Way
- Removal of condition 9 would mean they could site vans anyway
- Is the existing septic tank able to cope
- Outlines proposal made by Herefordshire Council to move Public Rights of Way along which owners refused.

Campaign to Protect Rural England

1. The map supporting the application appears to include areas for caravans that had previously been excluded.

The original planing permission granted West Country Park Homes Ltd gave permission for 105 static caravans and 34 touring caravans. Areas for occupation by the two types of caravan were marked on the original permission but with the map supporting this application the Company have interpreted the areas differently. For example, the field bordering Lyme Lane is included in this application but was not designated part of the caravan park in the previous scheme. There is a need for a definitive map and for that to be the basis for any decisions about future development.

2. The nature of the Caravan Park is in danger of changing as caravans are replaced by cabins.

A number of static caravans have been replaced by more permanent cabins or chalet style buildings. These are larger than the caravans they have replaced. West Country Parks own 9 residential parks in the South West for 'the retired and semi retired'. The nature of the park is changing fundamentally, changing from holiday based occupation to a more permanent type of residential establishment with many implications for Eardisland and its environment. It could be seen to be housing development by the back door.

We urge the Council to retain Condition 9 but if a variation is considered, we ask that conditions be put in place as part of that variation. Key matters to be covered should include:

- A definitive map of areas permitted for caravan siting
- Defined and screened recreation areas to control noise levels
- Lighting plan to minimise light pollution
- Sewage treatment to protect the River Arrow

We trust our concerns are considered so that the special environment of Eardisland and the River Arrow with their tranquility, beauty and importance to the County, can be protected.

5.6 In response to the amended plans 11 letters have been submitted which withdraw their objection. These can be summarised as follows:

- Continue previous objections to the removal of the condition.
- Accept and appreciate the revised red edge.
- Continued concern about impact on the Conservation Area.
- If 'completely effectual' screening were provided to the east end of the extra land to the extreme north then withdraw objection to the lifting of condition 9, provided that Herefordshire Council Planning Authority, retained overall control and this did not move to the site licence.
- Withdrawn objection now that red edge accepted but extra care should be taken to monitor caravan park and ensure that owners comply with conditions.
- Withdraw objection subject to landscaping being implemented with some urgency.
- Removal of condition 9 would allow vans to be sited in areas not agreed by Environment Agency.

5.7 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

6.1 Arrow Bank Caravan Park has received planning permission to extend its site into the adjoining field as outlined in the initially approved plan. The principle of doing this has been established and this application does not require us to revisit this matter. The main issue for consideration lies with the acceptability of removing or varying condition 9 and the implications that this would have.

6.2 Earlier in the year the owners of Arrow Bank Caravan Park have begun to undertake works to progress with the enlargement of the site as per the approval received on appeal in 1996. As a result of this a new service track was partially laid and a number of new 'chalet' style static homes provided. A number of complaints were received in April 2005 that led to visits from the Councils Enforcement Team and subsequently

Planning Officers. As a result of this it was noted that the approved siting plan did not accord with that previously submitted. There are currently 57 static vans on site, which are laid out to comply with the restrictions of the site license. At present this does not take full advantage of the site and could be increased significantly under the existing permission. The site has approval for a further 48 static vans.

- 6.3 After careful consideration it was requested that an application to remove or vary condition 9 be submitted to the local planning authority. This would allow the exact siting of the vans and laying of the service tracks to be free from the restrictions of planning control in relation to the exact position of each individual van still strictly controlled by the conditions of the Site License. Other conditions within the planning permission would restrict the numbers of static and touring vans allowed on site and the landscaping that should be planted. The maximum number of static and touring vans allowed on site would not be affected.
- 6.4 Members will recall that a similar application was refused by Committee on the 10th August 2005 due to concerns relating to the lack of control over the siting of the vans and the impact that this would have. In particular local residents concerns about the potential to site the vans outside of the approved areas but within the red edged area was noted.
- 6.5 It is considered that the application now before you has taken into account the views expressed by the local residents and the supporting letters submitted on behalf of the applicant acknowledge and accept the possibility of essentially replacing the existing condition 9 with a revised condition. In response to local concern the application has also been amended through the provision of a revised location plan that shows a reduced red-edged area. This excludes the area of the site that is only used as informal recreation area (adjacent to Lyme Lane) from the site leaving only the areas that are to be used for the siting of the touring vans, static vans and areas that should have been landscaped and are being pursued as an enforcement matter.
- 6.6 The location plan also details the areas where the touring vans and static vans can be sited. This plan give the local planning authority the opportunity to vary the condition with the explicit intention of restricting the siting of the 105 static caravans to the area shown as being hatched on the submitted plan and the siting of the 34 touring caravans within the area marked yellow. This condition would be deemed reasonable and necessary, as it would provide clear control and ensure that the vans would not be sited outside of these areas, but would allow the control of the precise location of each van to fall within the strict jurisdiction of the site licence. The variation of the condition would not allow and increase in the numbers of the vans. Nor would it remove any restrictions imposed by the other conditions. It would essentially replace the condition imposed by the inspector with the condition proposed.
- 6.7 The benefit to the local planning authority of allowing the variation of the condition would be that it would regularise the situation that is currently on site. It would also provide a precise wording and clarity over the general siting of the vans within the site context and allow for immediate enforcement action through the serving of a breach of conditions notice if any vans were sited outside of these areas. It would prevent the duplication of responsibility in the exact siting of each van within the prescribed area as this would be monitored and controlled by Environmental Health Licensing Officers under their own legislation.

6.8 The Site License, issued pursuant of the powers conferred to the District of Herefordshire County Council by sections 3 and 5 of the Caravan Sites and Control of Development Act 1960 controls matters relating to:

- The number of mobile homes and definition of site boundaries
- Density and space between caravans
- Roads, gateways and footpaths
- Hard standings
- Fire fighting appliances
- Storage of Liquid Petroleum gas
- Electrical installations
- Water supply
- Drainage sanitation and washing facilities
- Refuse disposal
- Parking
- Recreation Space
- Notices/Signage

6.9 The variation of condition 9 would allow the Holiday Park to react to the requirements of this site licence within the areas shown on the plan. Licensing will receive notification of the decision and refer to the plan approved under Planning Legislation. This should ensure that no vans are sited outside of their approved area. Any development required to be undertaken to comply with the site licence would constitute permitted development and would not necessarily require planning permission.

6.10 The plans do show a number of particular changes, namely the laying of an access track, which has been partially completed to the west of the eastern landscaped area (not undertaken) and the ability to site vans to the far north east corner of the site which was previously not shown to have any vans shown. This includes an area some 40m beyond the area where the vans are sited on the approved plan. This area had no explicit designation on any of the approved plans and is considered to be implicit in part of the application site. In response to residents concerns relating to this the applicant/agent has agreed in writing to provide further landscaping along the North Eastern Boundary of the site and around the sales area. If this is undertaken the proposed expansion of the caravan park into this area would be considered acceptable. In order to ensure that this is undertaken further conditions are recommended which will require the landscaping scheme to be submitted and agreed before the vans are sited in this area, and implemented in the first planting season after the vans are sited in this area.

6.11 The indicative site plan shows a revised service/access track. The track approved was much more intrusive than the revised access that would follow the contour of the land adjacent to the proposed landscape orchard area and wood. The removal of the condition would allow the laying of the new access track under the control of the site license.

6.12 The approved landscaping plan has been implemented but there are large areas of planting which remain outstanding. The Local Planning Authority Enforcement Team are actively pursuing that this planting is undertaken in the next planting season (October 2005 to March 2006). This was an integral part of the approval and is of importance.

- 6.13 Local residents have also raised concern relating to the installation of the new static caravans that have the appearance of a 'chalet'. These are double static vans, imported in no more than two pieces and then joined on site. They fall within the definition of a caravan and are therefore deemed acceptable and outside of the control of planning legislation.
- 6.14 To conclude, the removal of the condition restricting siting would allow for uncontrolled and potentially detrimental development. As such the variation of the condition is deemed to be the most appropriate course of action. This would restrict the siting of vans to defined areas within the amended red-edged site. The site license would control the exact siting of each caravan, including the draining, access and facilities. The agreed additional landscape would be controlled through the inclusion of an additional condition attached to this approval as well as continuing to pursue the outstanding landscaping agreed in 1996.

RECOMMENDATION

That Condition 9 of appeal decision planning permissions reference 94/0672/C and 95/0053/C be varied as follows:

- 1 - At no time shall any static caravans be sited outside of the area shown as hatched on or any touring caravans be sited outside of the area shown yellow on the approved plan.**

Reason: To clarify the terms of this permission and to protect the quality of the landscape.

- 2 - G04 (Landscaping scheme (general))**

Reason: In order to protect the visual amenities of the area.

- 3 - G05 (Implementation of landscaping scheme (general))**

Reason: In order to protect the visual amenities of the area.

INFORMATIVES:

- 1 - It is brought to the attention of the applicant that the other remaining conditions continue to apply.**
- 2 - It is brought to the attention of the applicant that the implementation of the approved landscaping scheme remains outstanding and should be implemented in the next available planting scheme.**
- 3 - N15 - Reason(s) for the Grant of PP/LBC/CAC**

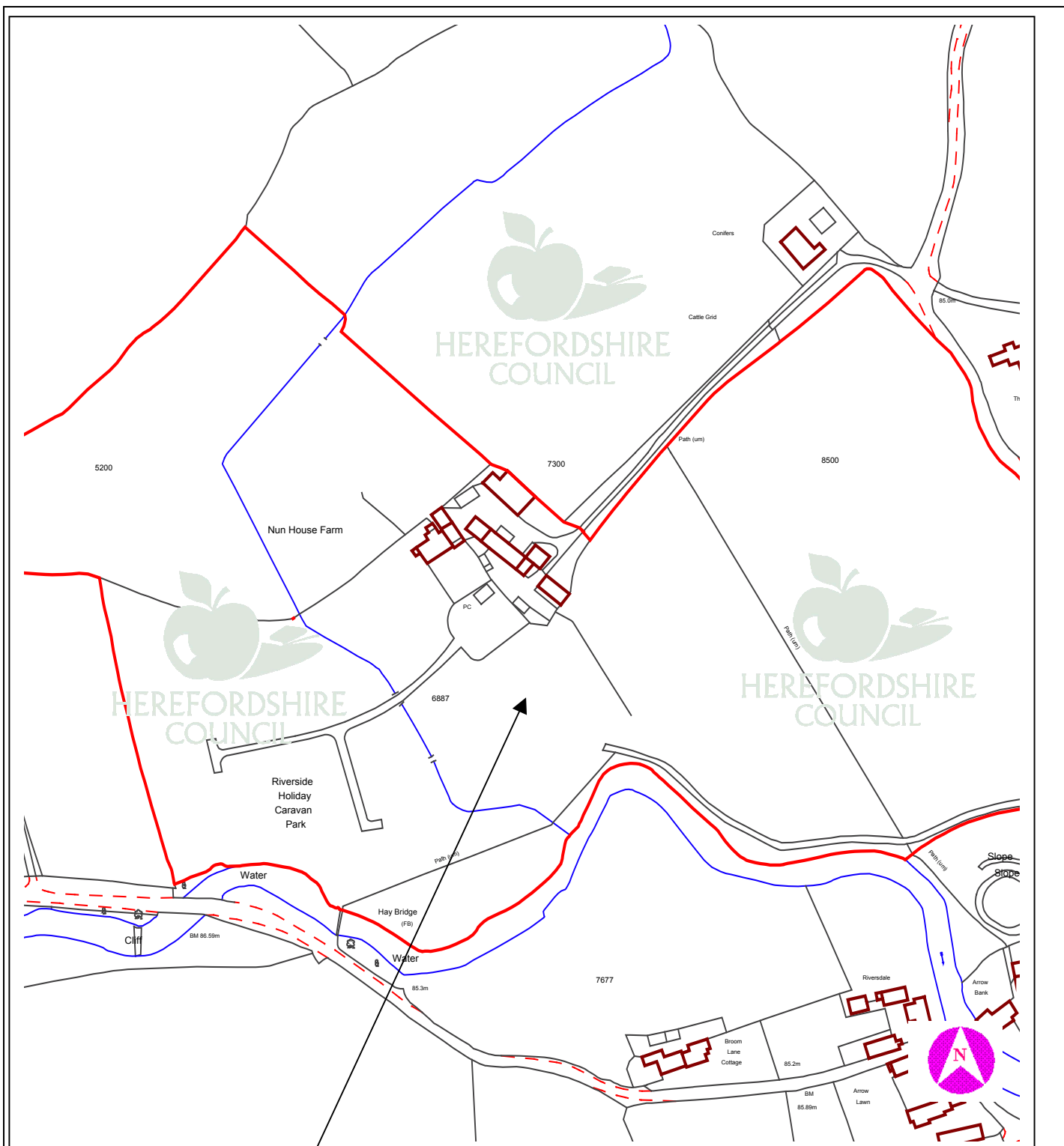
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: DCNW2005/3093/F

SCALE : 1 : 2500

SITE ADDRESS : Arrow Bank Caravan Park, Eardisland, Leominster, Herefordshire, HR6 9BG

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005