

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/15/01520/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Change of use and associated works to permit siting of 16 executive holiday lodges
<b>NAME OF APPLICANT:</b>	Evergreen Park Ltd
<b>ADDRESS:</b>	Land adjacent Evergreen Park, Crimdon
<b>ELECTORAL DIVISION:</b>	Blackhalls
<b>CASE OFFICER:</b>	Barry Gavillet, Senior Planning Officer, 03000 261958, <a href="mailto:barry.gavillet@durham.gov.uk">barry.gavillet@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### Site:

1. This application site is situated off the Coast Road in the Crimdon Dene area of the former District of Easington area, just north of Hartlepool. It is not within a settlement boundary and is technically classed as being in the countryside. Evergreen Park is an established rural enterprise which operates as a residential park, the majority of residents on the park are of retirement age and live on site permanently. The area of land to which this application relates is north of the existing park and is a paddock area used for occasional storage of materials but is not part of the same planning unit as the existing caravan park.

### Proposal:

2. This application seeks planning permission for the siting of 16 executive holiday lodges with associated hardstandings, access roads and landscaping. The lodges would be laid out in accordance with the spacing requirements for holiday sites which would be enforced in the site licence, they would also meet the statutory definition of caravans as stated in the Caravan Sites and Control of Development Act 1960. It is proposed that the accommodation would be high quality and constructed from timber and green tile effect roofs. It is intended that the lodges would be used for holiday purposes only and not as a permanent residence. The lodges would be served by an existing access which would extend into the proposed development. Each lodge would have an individual parking space alongside it and four visitor parking spaces would be provided near to the western boundary. A dog walking area would be provided to along the eastern boundary along with a refuse collection area. Bat boxes would be installed within the existing WWII air raid shelter which is located to the north eastern corner of the site.
3. This application is being reported to committee at the request of local councillors.

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## PLANNING HISTORY

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4. Evergreen Park is a well-established caravan and holiday park which has operated since the 1970's. More recently, the 28 static homes on the park have become occupied on a permanent basis by residents who are mostly of retirement age. The use of the site for permanent residential use was established in 2006 when a certificate of lawful use was issued. The owner of the park also lives on the site in a dwelling that was approved in 2009.

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## PLANNING POLICY

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### NATIONAL POLICY

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
6. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
7. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.

The following elements of the NPPF are considered relevant to this proposal;

8. *Part 1* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
9. *Part 3* – Supports 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.
10. *Part 4* - Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
11. *Part 7* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

12. *Part 8* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
13. *Part 11* - The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

#### **LOCAL PLAN POLICY:**

##### District of Easington Local Plan

14. *Policy 1*- Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.
15. *Policy 3* - Development limits are defined on the proposal and the inset maps. Development outside 'settlement limits' will be regarded as development within the countryside. Such development will therefore not be approved unless allowed by other policies.
16. *Policy 18* - Development which adversely affects a protected species or its habitat will only be approved where the reasons for development outweigh the value of the species or its habitat.
17. *Policy 35* - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
18. *Policy 36* - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.

#### **RELEVANT EMERGING POLICY:**

##### The County Durham Plan

19. The emerging County Durham Plan was submitted in April 2014 and is currently the subject of an ongoing Examination in Public. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the

policies in the emerging plan to the policies in the NPPF. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been submitted). The following policies contained in the Submission Draft are considered relevant to the determination of the application.

20. *Policy 18 (Local Amenity)* – In order to protect the amenity of people living and/or working in the vicinity of a proposed development, permission will not be granted for development proposals which would have a significant adverse impact on amenity such as by way of noise, vibration, odour, dust, fumes, light pollution, overlooking, visual intrusion, visual dominance, loss of light or loss of privacy.
21. *Policy 28 (Visitor Accommodation)* - All new visitor accommodation or extensions to existing visitor accommodation will be permitted where they are appropriate in scale and character, they do not have an adverse impact on natural or built assets, they are occupied seasonally, there is an identified need and it helps support viability.
22. *Policy 41 (Biodiversity and Geo-diversity)* - New development will not be permitted if significant harm to bio-diversity cannot be avoided, adequately mitigated or as a last resort, compensated for.
23. *Policy 42 (Internationally Designated Sites)* -Development that is likely to impact on designated sites will need to be appropriately assessed and effective mitigation identified.
24. *Policy 43 (Protected Species and Nationally and Locally Protected Sites)* – development proposals which are likely to have an adverse effect on Protected and Priority Species and their habitats will not be permitted unless it can be demonstrated that the benefits; significantly and demonstrably outweigh the benefits, make a significant contribution to the management of the site, has demonstrable reasons of over-riding public importance, and provides appropriate mitigation/compensation.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>.*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

25. Northumbrian Water have no comments to make.
26. The Environment Agency have no objections to the proposals.
27. Monk Hesleden Parish Council objects to the application stating that the proposals would lead to highway safety concerns, that there would be increased noise and disturbance and that there would be drainage problems resulting from the development.

#### **INTERNAL CONSULTEE RESPONSES:**

28. Tree Officers have no objections.
29. Highways Officers have no objections. They state that the road safety record at the site location is good and the access is safe. Parking provision is also acceptable subject to a condition requiring details of visitor parking.
30. Landscape Officers have no objections subject to a landscaping condition.
31. Drainage Officers confirm that the site is not at risk of flooding.
32. Visit County Durham supports the proposals. They state that the Durham Tourism Management Plan Committee views the proposals as having 'great potential' and have given the project level one status.
33. Ecology Officers confirm that the site contains no notable protected species or habitats and requires some mitigation in relation to nearby protected European Sites.

#### **PUBLIC RESPONSES:**

34. This application has been advertised by way of a press notice, site notices and letters to individual residents.
35. 17 letters of objection have been received from residents, predominantly residents within the existing park, along with objections from the two local County Councillors. The main areas of concern are that the access to the site is dangerous and the proposals would worsen this highway safety problem, there is also concern regarding the need to increase onsite parking. Residents are further concerned about an increase in noise and disturbance due to additional holidaymakers and state that due to levels there would be a lack of privacy. Other concerns are that the proposals would lead to further surface water flooding and that homes would be devalued. 9 letters of support have been received from residents and local businesses who state that the development would be of benefit to the area.

#### **APPLICANTS STATEMENT:**

36. The Applicants were looking to make some visual improvements to the featureless former materials stock working area adjacent to Evergreen Park Residential Park Homes and identified a demand for Holiday Lodges at the higher end of the sector.
37. This was confirmed during protracted consultations with Visit County Durham, who provided information from their County Durham Visitor Accommodation Futures Study which specifically mentions a shortage of Holiday Lodges in the luxury category. We were awarded a level 1 status, the highest rating, for our potential small scale and well thought out proposal.
38. We were able to demonstrate an excellent track record in how we had taken Evergreen Park from a former bottom end caravan site and re-develop it into the well managed, well maintained and high quality residential retirement park it is today.
39. However, from enquiries received from the existing residents of Evergreen Park, it has become clear that few people appreciate the proposed quality and management of the proposed luxury Holiday Lodge project which will be operated and maintained

to at least the same high quality as Evergreen Park, along the same lines for instance as Staxton Vale Luxury Lodge Park.

40. The Applicants would also emphasise that as they live immediately closest to the proposed project and certainly will overlook and see more of it than any of the existing residents at Evergreen Park – then the last thing on their mind is to permit anything other than a high quality, attractive and peaceful facility, with strict rules to maintain standards. In fact, it should be noted that proposed residents of Evergreen Park were strictly vetted, with as many as 7 out of 10 rejected as being deemed unsuitable.
41. The Applicants are keen nature and animal lovers and have grasped the opportunity with the proposed development to greatly enhance the bio diversity and habitat for all local wildlife, from a featureless area to an attractive landscaped and planted park, with thought given to such as a long term protected bat home and sanctuary and varieties of planting to support rare song birds and other species.
42. The proposed scheme is in line with National Policy and local Tourism Development. With the greater net disposable income of the envisaged clientele, will not only support local businesses, shops, pubs, restaurants and visitor attractions, but will also create / preserve employment both during the construction phase and thereafter.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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43. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of the development, the impact on neighbours and the surrounding area, highways issues, Landscape Impact, Ecology and issues arising from consultation responses.

### **Principle of the development**

44. In terms of the principle of the development, the most relevant guidance and policy comes from the saved policies of the District of Easington Local Plan and the National Planning Policy Framework (NPPF).
45. With regard to the District of Easington Local Plan, there are no saved policies which are directly relevant to tourist accommodation. However, saved policies 3, 35 and 36 are relevant. Saved policy 3 of the plan states that no development should be allowed in the countryside (such as the one proposed) unless specifically allowed by other policies. Policy 35 of the plan seeks to protect the amenity of residents and the visual amenity of the area whilst policy 36 relates to highway safety issues.
46. The NPPF has a presumption in favour of sustainable development; planning permission should be granted unless there are material planning considerations that would cause such an adverse impact which would warrant refusal. In addition, saved policies in the local plan should only be given weight if they are in accordance with the NPPF.

47. Part 3 of the NPPF (supporting a prosperous rural economy) is particularly relevant to this proposal. It states that support should be given to sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and development which would 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.
48. Given that the residential park related to this application is well established, has support from Visit Durham and that there is an identified need for high quality tourist accommodation in this area, it is considered that although outside of the settlement boundary (as would be expected of such proposals), that although contrary to policy 3 of the local plan, the proposed development would be in accordance with the aims of the NPPF which seeks to promote a prosperous economy, support rural businesses, existing tourist accommodation in rural areas and sustainable development. As such, and notwithstanding other planning considerations such as the impact on neighbours and the visual amenity of the surrounding area and highways issues, it is considered that the principle of the development is acceptable.

### **Impact on neighbours and surrounding area**

49. Policy 35 states that development should have no serious adverse effect on the amenity of people living and working in the vicinity of the development site and the existing use of adjacent land or buildings in terms of privacy, visual intrusion, noise, other pollutants and traffic generation.
50. There is currently an existing residential use on the adjacent site, which originally catered for tourists on a short or long stay basis. More recently the accommodation on site has become home to residents on a permanent basis, most of which are of retirement age. The development proposed is also a residential use, albeit the lodges would be occupied on a seasonal basis rather than permanently.
51. It is acknowledged that there is concern from existing residents that the holiday lodges would cause additional noise, disturbance and traffic. It is also acknowledged that the proposed holiday lodges (although also a residential use) would be occupied by seasonal tourists rather than permanent residents which may bring about some additional disturbance. However, given the scale of the development it is not considered that the proposed development would result in such a significant increase in noise, disturbance or traffic which would warrant refusal of planning permission. It is therefore considered that the benefits of the proposal would outweigh any minimal impact on existing residents and that the proposal would be in accordance with saved policy 35 of the District of Easington Local Plan and the aims of the NPPF.

### **Highways issues**

52. Saved policy 36 of the District of Easington Local Plan relates to highway safety issues. It states that To ensure good access and to encourage alternative means of travel to the private car, the design and layout of development will be required to provide safe and adequate access capable of serving the amount and nature of traffic to be generated. In addition to policy 36 of the Local Plan, part 4 of the NPPF (Promoting Sustainable Transport) is also relevant. Importantly it states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

53. Highways officers have been consulted as part of the proposals and have stated that the access into the site off the A1086 Coast Road does not have the benefit of a protected right turn lane. However, the history of Road Traffic Collisions on the A1086 Coast Road at this location is good. There have only been 2 road traffic collisions in just over 5 years at this location, and involved motor vehicles associated with turning manoeuvres linked to the road junction on the opposite side of the road to Evergreen Park. On this basis the Evergreen Park access arrangements would be described as being safe. The Evergreen Park egress onto the A1086 Coast Road is located on a de-restricted 60mph and accommodates the necessary 2.4 x 215 metres junction sight visibility splays in both directions, which supports the view that the egress would be safe.
54. There is adequate northbound public transport provision within 160 metres of the site egress onto the A1086 Coast Road, with the southbound public transport provision being even closer despite being on the opposite side of the main road.
55. The proposed holiday lodges would be required to provide a minimum of 5 no. visitor car parking spaces on-site to comply with the County Durham Parking and Accessibility Standards 2014, this would be secured by way of an appropriate planning condition.
56. In view of the above there would be not appear to be any reasons for highways officers to object to these proposals. In addition, the residual cumulative impacts of development would not be severe and therefore would accord with part 4 of the NPPF.

### **Landscape Impact**

57. The saved Easington Local Plan seeks to protect landscape character (Policy 1) and provide adequate open space, landscape features and screening (Policy 35).
58. The proposed development will have limited visual impact, being at some distance from nearby paths, and well screened from the Coast Road by a tree belt. Within the scheme itself there is opportunity for provision of additional planting to contribute towards the landscape setting.
59. Subject to the inclusion of an appropriate landscaping scheme, for which a condition is suggested, the proposal is considered to have an acceptable landscape impact in accordance with policies 1 and 35 of the Easington District Local Plan

### **Ecology**

60. Whilst it is noted that the site itself is generally of low value, development of the site does have the potential to have an impact on nearby European Sites.
61. Policy 18 of the Easington Plan seeks to protect species and habitats and Policies 41, 42 and 43 of the County Durham similarly protect sites and ensure appropriate mitigation. These policies in the County Durham Plan were not found to be unsound by the Inspector and can therefore be afforded limited weight.
62. This proposal has been the subject of consideration and a Habitats Regulations Screening Assessment by Ecology officers. The conclusion is that there will not be a direct impact on European protected sites but that there is potential without mitigation to indirectly affect little tern breeding through disturbance or displacement.



63. Mitigation is proposed by way of a dog exercise area within the site, interpretation boards and information within holiday rental agreements. Subject to some additional details which can be considered via condition, the project is considered to be acceptable in terms of its relationship with habitats, species and protected sites and therefore compliant with Policies 18 of the Easington Local Plan and Policies 41, 42 and 43 of the County Durham Plan.

### **Other issues and consultation responses**

64. In response to the public consultation a total of 19 objections have been received along with 9 letters of support. As stated earlier in the report, the main areas of concern are that the access to the site is dangerous and the proposals would worsen this highway safety problem, there is also concern regarding the need to increase onsite parking. Residents are further concerned about an increase in noise and disturbance due to additional holidaymakers and state that due to levels there would be a lack of privacy. Other concerns are that the proposals would lead to further surface water flooding and that homes would be devalued.
65. All of the above issues been covered in the report and are not considered to have any significant adverse impacts that with or without mitigation, would warrant refusal of planning permission. In particular, issues relating to highways and the impact on existing residents are not considered to result in a significant adverse impact that would warrant refusal of planning permission. Other concerns raised relating to flooding have been fully assessed by both Northumbrian Water and the Highways Agency, neither of which have objected to the proposals. The issue of existing homes being devalued is not a material planning consideration.
66. In light of the above, all of the issues raised by residents have been fully assessed either within this report or during the planning application process and their impacts, are not considered to outweigh the benefits of the development and give rise to grounds for refusal.

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## **CONCLUSION**

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67. In conclusion, it is considered by officers that although the proposals are in conflict with policy 3 of the local plan, they are in accordance with the NPPF which seeks to promote a prosperous economy, support rural businesses, existing tourist accommodation in rural areas and sustainable development and are therefore acceptable in principle. The development would lead to additional, high quality tourist accommodation in a location which has an identified need for such development and which has the support from Visit County Durham. It is acknowledged that there is some concern from existing residents on the park, however it is considered that residential accommodation is well established on this site and that the development proposed would bring about both economic and tourism benefits to the area. In addition, the occupation of the lodges would be seasonal and controlled by planning conditions.

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## **RECOMMENDATION**

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That the application be **APPROVED** subject to the following conditions:

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

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out only in accordance with the approved plans and specifications contained within:

Proposed site plan dated Feb 14, sheet 10, Project no. 306, Rev A

*Reason: To meet the objectives of saved Policies 1, 35 and 36 of the Easington District Local Plan and parts 1 and 4 of the NPPF.*

3. No development shall commence until an updated mitigation strategy has been submitted to an approved in writing by the Local Planning Authority. The development hereby approved shall be carried out in full accordance with all ecological mitigation measures, advice and recommendations within the Ecological Appraisal by Quants Environmental Ltd, dated October 2014 as updated by the approved updated mitigation strategy.

*Reason: To conserve protected species and their habitat in accordance with the objectives of saved Policy 18 of the Easington District Local Plan and part 11 of the NPPF.*

4. No development shall commence until a landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall identify those trees/hedges/shrubs scheduled for retention and removal; shall provide details of new and replacement trees/hedges/shrubs; detail works to existing trees; and provide details of protective measures during construction period. The works agreed to shall be carried out within the first planting season following occupation of the first caravan and shall thereafter be maintained for a period of 5 yrs following planting. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

*Reason: In order to protect the visual amenity of the area in accordance with the objectives of saved Policy 35 of the Easington District Local Plan and part 7 of the NPPF.*

5. The lodges hereby approved shall be occupied for holiday purposes only.

*Reason: to ensure that approved holiday accommodation is not used for permanent residential occupation and in order to meet the need for holiday accommodation.*

6. The lodges shall not be occupied as a person's sole, or main place of residence.

*Reason: to ensure that approved holiday accommodation is not used for permanent residential occupation and in order to meet the need for holiday accommodation*

7. The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual lodges on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning

authority. The register shall normally be collected by the caravan site licence holder or his/her nominated person.

*Reason: to ensure that approved holiday accommodation is not used for permanent residential occupation and in order to meet the need for holiday accommodation*

8. Not more than 16 holiday lodges shall be stationed on the site.

*Reason: To determine the scope of this permission in the interests of visual amenity. In accordance with Policy 1 of the Easington District Local Plan 2001*

9. The caravans hereby approved shall comply with the definition of caravans as stated in the Caravan Sites and Control of Development Act 1960.

*Reason: In order to protect the visual amenity of the area in accordance with the objectives of saved Policy 35 of the Easington District Local Plan and part 7 of the NPPF.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

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## **BACKGROUND PAPERS**

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Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

District of Easington Local Plan

The County Durham Plan (Submission Draft)

Statutory, internal and public consultation responses



**Planning Services**

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**Comments**

**Date** September 2015

