

Agenda Item A10	Committee Date 8th June 2009	Application Number 09/00339/VCN
Application Site The Sands Carr Lane Middleton Morecambe	Proposal Application for variation of conditions 2 and 4 on permission 07/01673/CU to allow the continued holiday accommodation use of the site between 1 March and 15 January each year and continue storing caravans throughout the winter closed period	
Name of Applicant Mr David Mercer	Name of Agent Mr Malcolm Savage	
Decision Target Date 26 June 2009	Reason For Delay	
Case Officer	Mr Andrew Holden	
Departure		
Summary of Recommendation		

1.0 The Site and its Surroundings

- 1.1 The site is approx 2 miles along Carr Lane to the east of the village of Middleton. The site is the subject of this application is situated adjacent to the north side of The Sands Public House and Greendales Leisure Park, on the eastern side of Carr Lane, Middleton. The main field is access via the existing access form Carr Lane into Greendales Leisure Park behind The Sands Public House.
- 1.2 The site is also opposite the former 'Pontins' holiday camp – a site now being developed as a large scale housing site (approx 550 dwellings) for over 55's.
- 1.3 The field is almost triangular in shape and is slightly elevated above the road. There remains a well developed mature roadside field hedge to the west, the southern boundary is also a mature mixed thorn hedgerow, the eastern boundary between the application site and neighbouring land is an open with a post and wire fence and a recently planted hedgerow.

2.0 The Proposal

- 2.1 The application is seeking to modify conditions 2 and 4 attached to the earlier consent 07/01673/CU to allow the continued holiday accommodation use of the site between 1 March and 15 January each year and continue storing caravans throughout the winter closed period. The previous conditions restricted the season length to between 1 March and 31 October in any one year with no siting or storage of touring caravans outside this period.

3.0 Site History

3.1 The application site has been the subject of a number of applications over the last 10 years relating to the development of the field as a caravan site. Previous applications in 1997 and 1998 for the siting of static vans on parts of this site were refused by the Committee. The 1998 application proceeded to the appeal stage and the Planning Inspectorate dismissed the appeal on the grounds that the development would be contrary to both Structure Plan and Local Plan policy. In particular, concerns were raised regarding the visual impact of the proposal and the subsequent detriment to the character of the area.

A more recent application, 03/00741/CU sought development of the site for 15 touring caravans this was again refused on highway safety issues and visual amenity grounds.

The most recent application relating to the site was 07/01673/CU, a retrospective application for the siting of 28 touring caravans on the site. It was acknowledged during the determination of this application that circumstances around the site had changed substantially during the previous years in particular the highway objections relating to use as a touring site could not longer be substantiated. The application was approved with a standard March - Oct season and restriction over winter storage on the site.

Application Number	Proposal	Decision
03/00741/CU	Development of the site for 15 touring caravans	Refused
07/01673/CU	Retrospective consent for change of use to site 28 touring caravans	Approved

4.0 Consultation Responses

4.1 The following responses have been received from statutory consultees:

Consultee	Response
County Highways	No observation
Environmental Health	No objections - Conditions/procedure should be in place to ensure these caravans do not become occupied on a residential basis.
Environment Agency	Views awaited
Parish Council	Middleton Parish Council – provided a letter of support with the application submission. The letter indicated that the area has always been associated with tourism. The site has operated for over ten years with no problems to road safety or visual impediments. No response to the formal consultation to date – any comments will be reported directly to committee.

5.0 Neighbour Representations

5.1 None to date

6.0 Principal Development Plan Policies

6.1 Lancaster District Local Plan - Saved Policy TO8 allows to the extension of season to existing sites providing that there would be no significant adverse impact upon the surroundings, a programme of on-site improvements is agreed and implemented, the caravans remain in holiday use and a continuous closed period of six weeks is maintained between Jan 1st and March 31st

- 6.2 Saved policy E4 (Countryside Area) - Seeks to ensure that development is only permitted which is in scale and keeping with the character and natural beauty of the landscape, is appropriate to its surroundings, does not result in adverse impact upon nature conservation and makes adequate access/parking arrangements.
- 6.3 Lancaster Core Strategy - ER6 Developing Tourism, seeks to maximise the potential of tourism to regenerate the local economy.
- 6.4 E1 - Environmental Capital, seeks to improve and safeguard the district's environmental capital

7.0 Comment and Analysis

7.1 The application is seeking to modify conditions 2 and 4 of the planning consent 07/01673/CU. The original condition reads as follows: -

7.2 *Condition 2. The caravans hereby approved shall be used for holiday accommodation only and shall not be occupied for any other purpose. In particular they shall not be used as the sole or principal residence by any of the occupants.*

Reason: Use otherwise in accordance with this condition would be inappropriate in this location.

7.3

Condition 4. The use of the land for the siting of touring caravans shall only occur between 1st March and 31 October. No touring caravans shall be sited or stored outside this period without the prior written consent of the local planning authority.

Reason: For the avoidance of doubt and in the interests of visual amenity.

7.4 The proposal is seeking to change the current arrangement in two distinct areas a. to lengthen the season to between 1 March and 15 January the following year and b. allow the caravans to remain in place over the closed winter period. In order to address the policy requirements of Saved policy TO8 to extend the season, the applicant is identified a programme of additional tree planting on the boundaries and within the centre of the site, it is also suggested that the wording of Condition 2 is strengthened to restrict residential occupation with the maximum period of occupancy of any family or group of person to no more than 8 weeks within any one calendar year.

7.5 These proposals do help to mitigate the impact of the development and improve the appearance of the site when viewed within the wider landscape. Nevertheless, the issue of visual impact has always been of concern both in the historic application and more recently determinations. It is considered that continuous all year round siting of caravans either occupied or stored would be visually intrusive and normally be inappropriate in this location despite some proposed improvement to the landscaping in and around the site.

7.6 However, the applicant has also submitted a substantial amount of evidence from past and current occupants of the site and independent corroboration from local business people that the site has been occupied both for a longer season than the current condition allows and the caravans have been stored in position over winter for many years, as far back as 1993 with varying numbers of caravans. The applicant is unable to pursue an application for a Lawful Development Certificate for technical reasons but it is clear that the caravans have been sited for extensive periods and winter storage has taken place for many years.

8.0 Conclusions

8.1 The current application to revise planning conditions must be considered against this background and the change in circumstances around the site (extended static site adjacent and the 'Pontins' retirement village under construction). On balance, it is considered that it would be difficult to resist the application as proposed and it is more beneficial to allow consent for the amendments with the benefit of stronger planning controls over the site and improvements to landscaping. As such the application should be supported.

Recommendation

That conditions 2 and 4 of application number 07/01673/CU be replaced with the following conditions :

1. In respect of the details relating to the additional tree planting, the permission relates solely to the application as amended by the letter and plan dated 20 May 2009.
Reason: For the avoidance of doubt and so that the local planning authority shall be satisfied as to the details.
2. The caravans hereby approved shall be used for holiday accommodation only and shall not be occupied for any other purpose. In particular they shall not be used as the sole or principal residence by any of the occupants. No individual, family or group shall occupy and caravan for a period of eight weeks within any one calendar year.
Reason: Use otherwise in accordance with this condition would be inappropriate in this location.
3. No more than 28 touring caravans shall be located within the site hereby approved at any one time.
Reason: For the avoidance of doubt and in the interests of visual amenity.
4. The use of the land for the siting of touring caravans shall only occur between 1st March and 31 October. No touring caravans shall be sited or stored outside this period without the prior written consent of the local planning authority.
Reason: For the avoidance of doubt and in the interests of visual amenity.
5. Following the implementation of the approved landscaping scheme it shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the local planning authority. This maintenance shall include the watering, weeding, mulching and adjustment/removal of stakes and support systems, and shall include the replacement of any tree or shrub which is removed, becomes seriously damaged, seriously diseased or dies by the same species. The replacement tree or shrub must be of similar size to that originally planted.
Reason: In the interests of the amenity of the area.

Human Rights Act

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

Background Papers

- 1.