

Continued use of caravan site for a mixture of permanent residential accommodation and short term holiday accommodation  
Ashby Woulds Residential Park Spring Cottage Road Overseal  
Derby DE12 6ND

Report Item No  
A2

Application Reference  
20/00362/FUL

Grid Reference (E) 430387  
Grid Reference (N) 316182

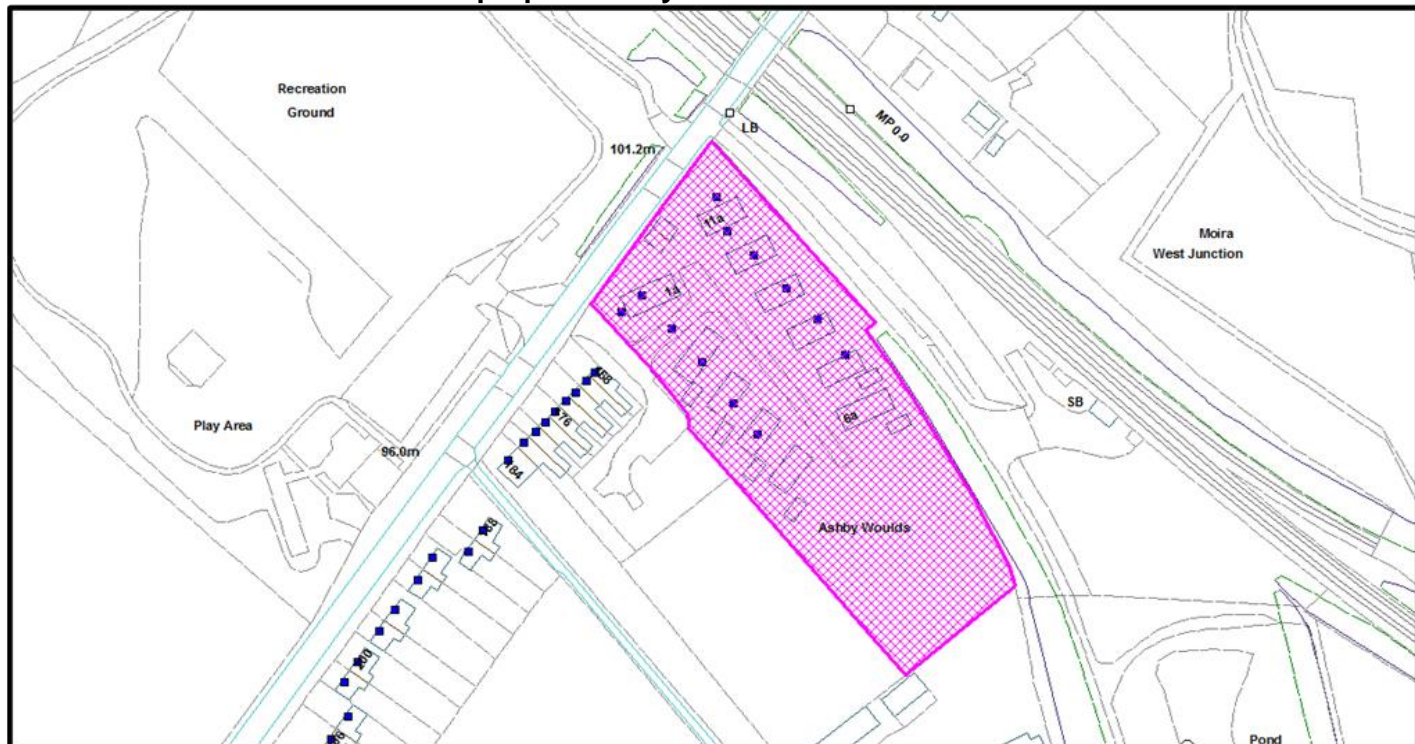
Date Registered:  
13 March 2020  
Consultation Expiry:  
9 August 2021  
8 Week Date:  
8 May 2020  
Extension of Time:  
None Agreed

Applicant:  
Mr Tom Hartley

Case Officer:  
Donnella Wood

Recommendation:  
PERMIT

Site Location - Plan for indicative purposes only



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## **Executive Summary of Proposals and Recommendation**

### **Call In**

The application is brought to Planning Committee, at the request of Councillor John Bridges who raised concerns regarding residential amenity.

### **Proposal**

Full permission is sought for the continued use of a caravan site for a mixture of permanent residential accommodation and short term holiday accommodation at Ashby Woulds Residential Park, Spring Cottage Road, Overseal.

### **Consultations**

A total of 3 letters of objection from 3 local addresses have been received. Comments have been received by Ashby Woulds Town Council who object on behalf of the residents. All other statutory consultees who have responded have raised no objections with no recommendation of conditions.

### **Planning Policy**

The site lies outside the Limits to Development on the Policy Map to the adopted Local Plan. The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

### **Conclusion**

The principle of the development is acceptable. The proposal is not considered to have any significant detrimental design, residential amenity or highway safety impacts and would not adversely impact the River Mease SAC. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the adopted Local Plan, the advice in the NPPF and the Council's Good Design SPD. It is therefore recommended that the application be permitted.

### **RECOMMENDATION:-**

#### **PERMIT, SUBJECT TO CONDITIONS**

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.**

## MAIN REPORT

Planning permission is sought for the continued use of caravan site for a mixture of permanent residential accommodation and short term holiday accommodation at Ashby Woulds Residential Park, Spring Cottage Road, Overseal.

The site currently has permission as a residential mobile home park and houses eleven lodges. Under the proposal eight of the lodges would become short term holiday accommodation.

The site is also the subject of a separate undetermined application 19/01255/FUL for the retention of seven outbuildings used in association with the lodges.

The site is located outside of the Limits to Development, as defined by the Policy Map to the adopted Local Plan and is therefore deemed countryside.

Precise details of the proposal are available to view on the submitted plans.

Concerns were initially raised to the NWLDC Environmental Protection Team and as such the proposal is a retrospective application.

The application was considered at the Planning Committee of 3 September 2020, where it was resolved that the application be deferred to allow discussions to take place between all the parties to come up with an acceptable proposal to be considered.

### Relevant Planning History

14/00875/FUL Demolition of Public House and change of use of land to a residential mobile home park PER 09.01.2015

15/00716/VCU Removal of condition 9 attached to planning permission 14/00875/FUL to remove the requirement for coal site investigations PER 22.09.2015

15/00927/FUL Change of use of land to a residential mobile home park (Re-submission of 14/00875/FUL) to amend the site access PER 18.11.2015

19/01255/FUL Retention of seven outbuildings PCO

## 2. Publicity

10 Neighbours have been notified.

## 3. Summary of Consultations and Representations Received

### Statutory Consultees

**Ashby Woulds Town Council** - Objects to the application in support of the residents.

**Leicestershire County Highway Authority** - No objection.

**NWLDC Environmental Protection** - No objection but requested a note to applicant regarding the caravan site license.

### Third Party Representations

Three letters of representations has been received, which object on the following grounds:

- Character of the area
- Noise and disturbance
- Anti-social behaviour
- Overlooking and loss of privacy
- Noise Management Plan not suitable and unworkable

All responses from statutory consultees and third parties are available to view on the planning file.

Only comments which raise material planning issues can be taken into account.

#### **4. Relevant Planning Policy**

##### **National Planning Policy Framework (2021)**

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.

The policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF. The following paragraphs of the NPPF are considered relevant to the determination of this application:

Paragraphs 7, 8, 9, 10, - Achieving sustainable development  
Paragraphs 11, 12 - The presumption in favour of sustainable development  
Paragraphs 38, 47 - Decision-making  
Paragraphs 55, 56 - Planning conditions and obligations  
Paragraph 84 - Supporting a prosperous rural economy  
Paragraphs 110, 111 - Promoting sustainable transport  
Paragraphs 129, 134 - Achieving well-designed places  
Paragraph 146 - The National Forest  
Paragraph 185 - Conserving and enhancing the natural environment

##### **Adopted North West Leicestershire Local Plan (2021)**

The following policies of the adopted Local Plan are consistent with the policies in the NPPF and should be afforded weight in the determination of this application:

S1 - Future Housing and Economic Development Needs  
S2 - Settlement Hierarchy  
S3 - Countryside  
D1 - Design of new development  
D2 - Amenity  
Ec13 - Tourism Development  
IF4 - Transport Infrastructure and new development  
IF7 - Parking provision and new development  
En2 - River Mease Special Area of Conservation  
En3 - The National Forest  
Cc3 - Water - Sustainable Drainage Systems

### **Other Policies and Guidance**

Planning Practice Guidance.

Leicestershire Highways Design Guidance (Leicestershire County Council).

Good Design for North West Leicestershire SPD - April 2017.

The Habitats Regulations (The Conservation of Habitats and Species Regulations 2017).

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System.

River Mease Water Quality Management Plan - August 2011.

National Forest Tourism Growth Plan (2017-2027).

The North West Leicestershire: Local Growth Plan 2014-2018.

## **5. Assessment**

### **Principle of Development**

The site is located outside of the Limits to Development as defined by the adopted Local Plan, however under the provision of Local Plan Policy S3 the principle of development for tourism is acceptable, subject to all other planning matters being addressed.

The North West Leicestershire: Local Growth Plan 2014-2018 supports the development and enhancement of the local tourism offer in the district, and seeks to increase the number of visitors as well as the number of overnight stays, alongside increased private investment and employment opportunities in visitor related facilities.

Local Plan Policy Ec13 seeks to maximise the potential of tourism in the district and increase tourist opportunities for visitors by supporting the development of new tourist attractions, including the provision of new accommodation to facilitate the opportunity for overnight stays.

The Policy recognises that there may be instances where a tourist opportunity requires a countryside location or setting, with the preference for outside of the Limits to Development for tourism and tourism related development would be to re-use land and / or buildings.

Ec13 further supports tourism in rural areas, which is appropriate to the local landscape and its surrounding environment and does not adversely affect local transport infrastructure which benefits business, communities and visitors, and respects the character of the countryside.

In addition, Policy Ec13 supports the development of attractions and accommodation that are well connected to other tourist destinations and amenities, particularly by public transport, walking and cycling. It is considered the site is a popular location for walking however, due to the rural location it is considered a car would be used by the majority of visitors due to the poor levels of connectivity to the site. In terms of connectivity, there is a bus stop less than 30m from the development however, the bus service is infrequent and limited particularly on evenings and the weekend and as such, when having regard to the site's connectivity to amenities, it is considered that the site is not located within a sustainable location with access to a good level of sustainable transport options and a range of amenities. As such, some conflict has been identified with criterion d of Local Plan Policy Ec13. Notwithstanding the conflict, it is also considered it wouldn't be expected of a tourism related development to have access to services typically expected of a residential setting such as schools and doctors. Therefore, when having regard to the small scale of the development, and the fact that basic amenities can be accessed from neighbouring villages, and that the development re-uses existing buildings, it is not considered that a refusal of planning permission on the sustainability merits of the site alone would be justified in this instance.

On balance, it is considered that the principle of the development is acceptable, subject to all other matters being adequately addressed.

### **Scale and Design**

The proposal would result in the use of caravan site for a mixture of permanent residential accommodation and short term holiday accommodation. As a result of the proposal no external changes would be made to the existing lodges approved under permission 14/00875/FUL.

As the development utilises existing buildings, with no changes proposed to the exterior, the proposal is not considered to result in any harm to the site itself or the character of the street scene. The proposal is considered to be compliant with Policy D1 of the Local Plan, the Council's Good Design SPD and the NPPF.

### **Impact upon Residential Amenity**

During the course of the application, comments have been received from neighbouring properties located within the site, raising concerns in relation to noise and disturbance, overlooking and loss of privacy. Concerns were initially raised to the NWLDC Environmental Protection Team and as such the proposal is a retrospective application.

Under the proposal eight of the eleven lodges would become short term holiday accommodation with three lodges remaining permanent residential use. Each lodge has its own curtilage, with a distance in excess of 6.5 metres existing between each lodge and this distance is considered sufficient in ensuring the amenity of occupants would be preserved and as such, in terms of overlooking and loss of privacy it is not considered the lodges would as a result of the application lead to overlooking and privacy related issues over and above those already existing within the site.

In terms of noise and disturbance, and additional comings and goings, concern has been raised regarding the tourism related uses being in close proximity to the existing residential units however, it is considered the nature of the noise from the proposed use of the lodges would be domestic noise and this noise is not considered to be any different or more than would be anticipated in a residential area. In addition, the distance of 6.5m between each lodge is considered sufficient in reducing noise related issues. Further, any additional comings and goings to and from the site are not considered to result in any unacceptable amenity impacts to neighbouring residents over and above those expected in a residential area.

In addition, in a recent appeal (21/10/2019) for a proposal of a similar nature an inspector concluded *'holiday units fall within the same C3 use class as conventional dwelling houses because the character of use is similar. I have seen nothing of substance to suggest holiday homes are more intensively used'*. DCS reference: 200-008-863.

However, following concerns raised by residents of the site experiencing the issues due to the application being retrospective, a Noise Management Plan was secured which would have both proactive and reactive methods to protect neighbouring residents. After consultation with the NWLDC Environmental Protection Team no objections were raised to the proposal and as such it is not considered a refusal on residential amenity grounds could be substantiated.

Overall, the proposal is not considered to result in any unacceptable impacts upon surrounding residential amenity. Therefore, the proposed development is considered to be in accordance with Policy D2 of the adopted Local Plan and the Council's Good Design SPD.

### **Other Neighbour Amenity Matters**

Concern has been raised from the permanent residents living within the site over the use of the site being sold to them as an over 50's residential site. Under the original permission, 14/00875/FUL the officer considered that though the application specified that the mobile homes would be intended for people at, or approaching, retirement it would be unreasonable to place such a restriction on the application given that the occupation of the mobile homes would be an acceptable form of accommodation for any social class, and as such they should not be prevented from residing in the units should there be a lack of demand from the target audience. It is considered this assessment was correct as the Council would not seek to restrict the occupants of residential homes.

### **Highway Considerations**

The Local Highway Authority were consulted on the application and had no objection, confirming that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe.

It is therefore not considered that the proposal would cause an unacceptable impact on highway safety and the proposal is considered to be acceptable in relation to Policies IF4 and IF7 of the Local Plan, as well as the Leicestershire Highways Design Guide.

### **Impact on the River Mease Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI)**

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC). Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Discharge into the river from non-mains drainage systems and from surface water disposal can also result in an adverse impact on the SAC, including in relation to impacts on water quality and flow levels.

The proposal could result in an impact on the SAC, which may undermine the conservation objectives as it may result in the additional discharge of foul drainage to the treatment works / use of a non-mains drainage system and surface water drainage discharge.

No additional bedrooms or sanitary provision are proposed to the site as part of this application and it is not considered the proposed usage of the site would result in an increase of foul drainage, over and above that of the existing arrangement. It is therefore not considered that the proposal would result in an increase in foul drainage discharge from the site.

It is not considered that the scheme would lead to an increase in surface water run-off, over and above that of the existing arrangement. As such it is not considered reasonable to attach a soakaway condition in this instance.

On this basis, it is considered that the integrity of the River Mease SAC would be preserved and the development would accord with Policy En2 (River Mease Special Area of Conservation) and Cc3 (Water - Sustainable Drainage Systems) of the adopted Local Plan.

Therefore it can be ascertained that the proposal on the site will, either alone or in combination with other plans or projects, have no adverse effect on the integrity of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI.

**Conclusion**

The principle of the development is acceptable. The proposal is not considered to have any significant detrimental design, residential amenity or highway safety impacts and would not adversely impact the River Mease SAC. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the adopted Local Plan, the advice in the NPPF and the Council's Good Design SPD. It is therefore recommended that the application be permitted.

**RECOMMENDATION - PERMIT, subject to the following conditions**

- 1 Approved plans
- 2 Use
- 3 Removal of PD rights Part 1 (Classes A, B, C, D and E)
- 4 Removal of PD rights relating to gates, walls, fences or other means of enclosure
- 5 Noise Management Plan