

## SCHEDULE A: Applications with Recommendation

19/0670

Item No: 06

Date of Committee: 10/01/2020

**Appn Ref No:**  
19/0670

**Applicant:**  
Mr Patrick Lee

**Parish:**  
Westlinton

**Agent:**  
Sam Greig Planning

**Ward:**  
Longtown & the Border

**Location:** Green Meadows Caravan Park, Blackford, Carlisle, CA6 4EA

**Proposal:** Removal Of Condition 7 Of Previously Approved Application 19/0360  
For The Requirement To Install A Package Treatment Plant To  
Facilitate The Increased Number Of Pitches

**Date of Receipt:**  
03/09/2019

**Statutory Expiry Date**  
29/10/2019

**26 Week Determination**  
31/01/2020

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### REPORT

**Case Officer:** Barbara Percival

#### 1. Recommendation

- 1.1 It is recommended that this application is approved with conditions.

#### 2. Main Issues

- 2.1 Whether the removal of the condition is acceptable  
2.2 Other matters

#### 3. Application Details

##### The Site

- 3.1 The application site, Green Meadows, is located to the east of the A7; however, with the exception of the owners/managers bungalow has no direct vehicular or pedestrian access to the A7 Carlisle to Longtown county highway. Vehicular and pedestrian access to the site is via a 200 metre driveway from the U1074 county highway.
- 3.2 Green Meadows is primarily a holiday caravan park; however, there are also 15 permanent residential units within the site together with a managers

bungalow.

## Background

- 3.3 Earlier this year, full planning permission was granted for the reconfiguration of existing caravan park without compliance with conditions 2 and 3 imposed by planning permission 18/1139 to secure flexibility regarding the size and position of the holiday caravans to be accommodated on the caravan park; to make modifications to the alignment of the northern extent of the eastern boundary of the site and to increase the approved number of holiday caravans from 21 units to 29 units (application reference 19/0360).

## The Proposal

- 3.4 The application before Members now seeks the removal of condition 7 attached to planning approval 19/0360. Planning condition 7 states:

*"The proposed foul drainage systems approved under planning application 17/0075 shall be fully operational prior to the occupation of the eleventh static holiday unit subject of this approval unless otherwise agreed in writing by the local planning authority."*

**Reason:** *To ensure that adequate foul drainage facilities are available in accordance with Policy IP6 of the Carlisle District Local Plan 2015-2030".*

## 4. Summary of Representations

- 4.1 This application has been advertised by the direct notification of the occupiers of fourteen neighbouring properties. No verbal or written representations have been made during the consultation period.

## 5. Summary of Consultation Responses

**Westlinton Parish Council:** - strongly object to this condition being removed. The original application had a document stating that the existing sewerage system need upgrading and did not have spare capacity. Concerns were made by the EA about surface water run-off, that would be increased with extra roads, roof water and hardstanding areas. None of these have changed. There is still a smell at Green Meadows and at The Old Post Office.

Soakaways are not an option and he wants to have run-off going into a water course. With the new legislation this would not be allowed. There is no evidence to back up the applicants new document saying the system has spare capacity and the applicants assertion that most residences only have one occupant is false.

There is already a problem with surface water flowing out of Green Meadows drive and across the A7 - reported to Highway Authority and local councillor.

This condition is a fundamental part of the original approval of the application and it should remain.

The landowner downstream of this water course is not happy about any discharge from the sewerage, as they had problems with raw sewerage when the original plant was put in.

**Environment Agency:-** the EAs national database has no record of a permit application having been submitted to the EA for this site. The e-mail submitted by the agent just confirms that someone has been appointed to submit an application, but no timescales are provided.

The planning condition seeks the installation of an operational foul drainage system prior to the occupation of the 11<sup>th</sup> static unit. The removal of the condition will mean that the site continues to discharge to the existing system, although the EA understand that Building Control are satisfied that it has the capacity to deal with the maximum volume of effluent from the approved development.

The existing system discharges to an adjacent watercourse. Technical information has been submitted to demonstrate that the quality of the effluent discharging to the watercourse is acceptable, but the EA would only review this data as part of a permit application. As no permit is in place, the EA cannot comment on this detail as it could prejudice the determination of the necessary permit application.

Whether or not the planning authority agree to the removal of Condition 7, a permit for the discharge from the existing system to the adjacent watercourse is required and it should not be assumed that a permit will be granted. However, NPPF paragraph 183 makes it clear that planning decisions should assume other pollution control regimes will operate effectively so the condition is not necessary to enforce the requirements of the Environmental Permitting regime. If the local planning authority determines that the condition can be removed, the applicant must understand that if the quality of the effluent is such that a permit cannot be granted by the EA, further works to the foul drainage system may still subsequently be required even if Condition 7 is removed.

## **6. Officer's Report**

### **Assessment**

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies SP6, IP6 and CM5 of the Carlisle District Local Plan 2015-2030.

6.3 The proposals raise the following planning issues:

**1. Whether The Removal Of The Condition Is Acceptable**

6.4 Paragraph 170 of the NPPF seeks to ensure planning decision contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

6.5 This aim is reiterated in Policy CM5 of the local plan which outlines that the council will only support development which would not lead to an adverse impact on the environment or health or amenity of future or existing occupiers. Development will not be permitted where: it would cause demonstrable harm to the quality, quantity and associated ecological features of groundwater and surface waters or impact on human health.

6.6 By way of background, during the processing of early applications for the site, involving the increase in caravan numbers, conditions were imposed requiring the installation of a new biosystem to be fully operational prior to the occupation of the eleventh static holiday unit. The ability of the existing sewage treatment plant to accommodate a specific number of the static units/touring vans/tent pitches based on the submitted details at that time was assessed by the council's Building Control Section.

6.7 As outlined earlier in the report, the application before Members now seeks the removal of condition 7 attached to planning approval 19/0360. Planning condition 7 states:

*"The proposed foul drainage systems approved under planning application 17/0075 shall be fully operational prior to the occupation of the eleventh static holiday unit subject of this approval unless otherwise agreed in writing by the local planning authority."*

*Reason: To ensure that adequate foul drainage facilities are available in accordance with Policy IP6 of the Carlisle District Local Plan 2015-2030".*

6.8 The submitted explanatory statement highlighting that the Applicant has now commissioned a civil engineer to assess the drainage capacity of the existing foul drainage plant. Additional information has also been received from an accredited specialist installer of waste water treatment systems to determine the condition of the existing foul drainage system together with the quality of its discharge. In respect of the condition of the existing plant, the waste water installer details that: *"the existing bio-disc was refurbished over a 3 year period from 2007 to 2010. It is still in very good working condition"*. The installer going on to highlight that the tank has a primary storage capacity of around 18,000 litres and a secondary and final settlement humus sludge capacity of around 8,750 litres which equates to 26,750 litres and not as originally stated, 22,730 litres. The original capacity, the submitted

documents explains, was assumed by the applicant as it was based on the capacity of the tankers which empties the foul drainage system. In respect of the quality of the discharge from the existing foul drainage system, the waste water installer outlines that a sample taken from the foul drainage system has been analysed by an environmental testing service which identifies that the sample falls well within the standard permit parameters of what the Environment Agency would normally allow to discharge into a watercourse.

- 6.9 Westlinton Parish Council has been consulted and strongly objects to the condition being removed. The response of the parish council has been reproduced in full in Section 5 of this report. In summary, the consultation response highlights that: *"the original application had a document stating that the existing sewerage system need upgrading and did not have spare capacity ... there is still a smell at Green Meadows and at The Old Post Office ... soakaways are not an option and he (the applicant) wants to have run-off going into a watercourse. With the new legislation this would not be allowed. There is no evidence to back up the applicants new document saying the system has spare capacity and the applicants assertion that most residences only have one occupant is false ... The landowner downstream of this watercourse is not happy about any discharge from the sewerage, as they had problems with raw sewerage when the original plant was put in".*
- 6.10 Policies IP6 and CM5 of the local plan seek to ensure that development proposals do not lead to an adverse impact on the environment through inadequate disposal methods for foul drainage. Paragraph 8.20 of the justification text for Policy CM5 outlining that development that poses a risk to the environment or human health will be carefully considered in conjunction with the city council's Environmental Health team and any external agencies.
- 6.11 Foul drainage methods for caravan sites falls outside the remit of the city council's Building Control Section. Nevertheless, to ensure that the existing foul drainage system could adequately process the foul water from the increased number of caravans and tents the expertise of building control has been called upon during the processing of this application. The city council's Building Control's Business Development Manager has fully reviewed all of the submitted information and has subsequently confirmed that: the serviceability of the existing plant and the quality of its discharge has been adequately addressed; and the capacity of the existing plant able to accommodate the required capacity for the increased number of caravans and tents. Furthermore, the council's Environmental Health Section has been consulted and do not have any records in respect of complaints relating to historic incidents of pollution from the foul drainage system of the site.
- 6.12 The objections of the parish council are respected; however, in light of the views of the relevant statutory consultees and Building Control's Business Development Manager it would be difficult to substantiate a refusal of the application on the adequacy of the existing foul drainage system to accommodate the increase in numbers of caravans and tents. In overall terms, the proposal accords with the objectives of the NPPF, PPG and relevant local plan policies.

## **2. Other Matters**

- 6.13 The parish council has highlighted in its consultation response that: *"there is already a problem with surface water flowing out of Green Meadows drive and across the road ..."*. This issue has been raised with the Agent and photographic evidence provided illustrating that the water is originating from an overgrown roadside ditch to the north of the entrance to the bungalow of Green Meadows. This information has been forwarded to Cumbria County Council, as Highway Authority, for its attention.
- 6.14 The applicant is currently in the process of applying for an environmental permit from the Environment Agency which will regularise the discharge of the outfall from the existing foul drainage system to the watercourse. This permit is subject to separate legislation out with the planning process. Paragraph 183 of the NPPF stating: *"the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities"*.

## **Conclusion**

- 6.15 The submitted details adequately demonstrates that the existing foul drainage system can accommodate the foul waters arising from the increase in numbers of caravans and tents at Green Meadows Caravan Park. As such, condition 7 imposed in planning approval 19/0360 is now unnecessary, therefore, its removal is justified. In overall terms, the application accords with the objectives of the NPPF, PPG and relevant local plan policies with the application recommended for approval.
- 6.16 The original planning permission continues to exist, therefore, to assist with clarity, those conditions that have not been either: discharged, part discharged; or are instructive it is recommended that these conditions be repeated within the conditions as part of this planning approval should Members approve the application. In respect of the standard time condition the application has been partially implemented, therefore, the condition is no longer necessary.

## **7. Planning History**

- 5.1 In 1984, full planning permission was granted for renewal of temporary permission for siting of 15 residential caravans (application reference 84/0826).
- 5.2 In 2016, full planning permission was granted for proposed reconfiguration of

existing caravan park to allow siting of 37no. holiday static units (inclusive of 15no. residential units), 27no. touring pitches and 20no. tent pitches including associated landscaping (application reference 16/0625).

- 5.3 In 2017, an application for the variation of condition 2 of previously approved permission 16/0625 to revise location and details of package treatment plant was granted (application reference 17/0075).
- 5.4 Also in 2017, full planning permission was refused for variation of conditions 3 (the total number of permanent residential units to be stationed on the site at any one time shall not exceed 37no. plus 27no. touring caravan pitches and 20no. tent pitches) and condition 5 (the touring caravan pitches and tent pitches shall be used solely for holiday use and shall not be occupied as permanent accommodation) of previously approved planning permission 16/0625 (application reference 17/0094). A subsequent appeal was dismissed.
- 5.5 In 2018, advertisement consent was granted for a non-illuminated freestanding sign (application reference 18/0522).
- 5.6 Also in 2018, a variation of condition application was granted for reconfiguration of existing caravan park without compliance with conditions 2 & 3 imposed by planning permission 17/0075 to enable one of the approved holiday caravans to be occupied as a permanent residential unit following removal of unit 6 and the siting of a show holiday caravan (application reference 18/1139).
- 5.7 In 2019, a variation of condition application was granted for reconfiguration of existing caravan park without compliance with conditions 2 & 3 imposed by planning permission 18/1139 to secure flexibility regarding the size and position of the holiday caravans to be accommodated on the caravan park; to make modifications to the alignment of the northern extent of the eastern boundary of the site and to increase the approved number of holiday caravans from 21 units to 29 units (application reference 19/0360).

## **8. Recommendation: Grant Permission**

1. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
  1. the submitted planning application form received 3rd May 2019 (application 19/0360);
  2. the submitted application form received 29th August 2019;
  3. the Explanatory Statement received 3rd May 2019 (application 19/0360);
  4. the Explanatory Statement received 29th August 2019;
  5. the infiltration results compiled by Robinson Drafting & Design received 29th August 2019 (ref: RDD-204/SR/29.07.19);
  6. the drainage details compiled by Robinson Drafting & Design received 29th August 2019 (ref: RDD-204/SR/21.08.19);

7. the supplementary drainage details supplied by Sam Greig received 11th December 2019;
8. the site layout received 1st July 2019 (Drawing No. GMCC/SITE LAYOUT 2 Rev D) (application 19/0360);
9. the Notice of Decision; and
10. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

2. The total number of static units to be stationed on the site at any one time shall not exceed 44no. inclusive of the 15no. permanent residential units and a show holiday caravan. The total number of tent pitches/touring pitches shall not exceed 20no. and 27no. respectively.

**Reason:** For the avoidance of doubt.

3. The static holiday units, touring caravan pitches and tent pitches shall be used solely for holiday use with the exception of 15no. permanent holiday units and shall not be occupied as permanent accommodation.

**Reason:** To ensure that the approved static units, touring caravans and tents are not used for unauthorised permanent residential occupation in accordance with the objectives of Policy EC15 of the Carlisle District Local Plan 2001-2016 and Policy EC10 of the Carlisle District Local Plan 2015-2030.

4. The static holiday units hereby approved shall not exceed 12.2 metres by 6.1 metres in size or be positioned closer than 6 metres from one another unless otherwise agreed in writing by the local planning authority.

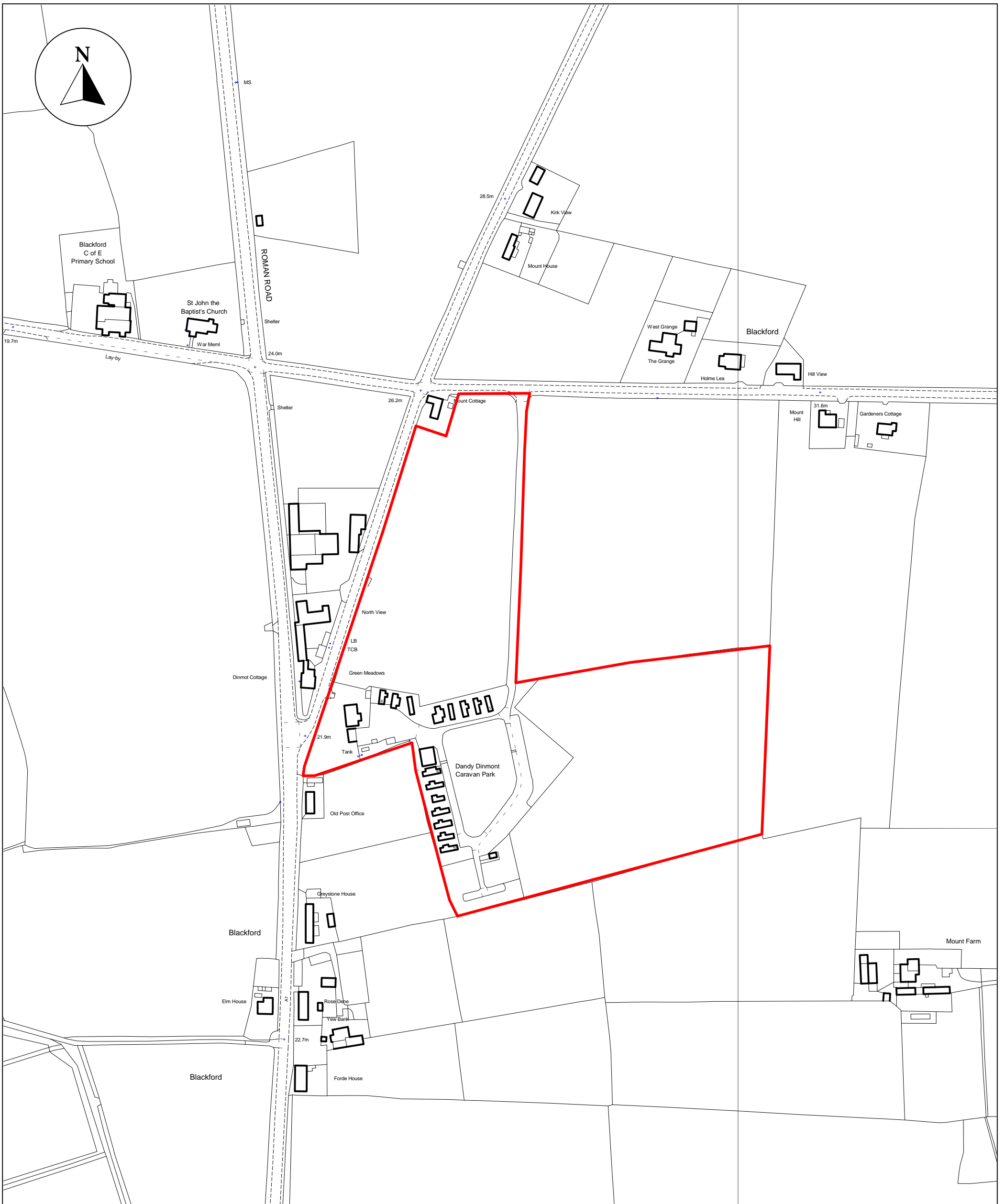
**Reason:** For the avoidance of doubt.

5. The landscaping scheme hereby approved shall not be carried out otherwise than in complete accordance with the details as illustrated on drawing no. GMCC/SITE LAYOUT 2 Rev D received 1st July 2019 (application reference 19/0360). The landscaping works shall be carried out in the first planting and seeding season following the occupation of the first static holiday unit or the completion of the development, whichever is the sooner, and maintained thereafter to the satisfaction of the Council; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

**Reason:** To ensure that a satisfactory landscaping scheme is implemented in accordance with Policy GI6 of the Carlisle District Local Plan 2015-2030.

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**Green Meadows Caravan Park, Blackford,  
Carlisle, CA6 4EA**