SCHEDULE A: Applications with Recommendation

19/0909

Item No: 02 Date of Committee: 24/04/2020

Appn Ref No:Applicant:Parish:19/0909Mr WelchDalston

Agent: Ward:

Gray Associates Limited Dalston & Burgh

Location: Orton Grange Park, Grange Park Road, Orton Grange

Proposal: Variation Of Condition 1 (Approved Documents) Of Previously Approved

Application 19/0863 (Demolition Of Caravan Site Shop, Change Of Use Of Land As Extension To Caravan Site For Siting Of 7No. 'Log Cabin' Style Static Caravans For Holiday Use) To Relocate And Change The

Design Of Unit 1 (Retrospective)

Date of Receipt: Statutory Expiry Date 26 Week Determination

28/11/2019 17:00:43 23/01/2020 17:00:43

REPORT Case Officer: Suzanne Osborne

1. Recommendation

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

2. Main Issues

- 2.1 The principle of development;
- 2.2 Whether the redesign and siting of unit 1 is acceptable;
- 2.3 Impacts of the re-siting and design of unit 1 on the living conditions of neighbouring properties;
- 2.4 Impact upon the highway;
- 2.5 Impact upon bio-diversity/trees; and
- 2.6 Other matters

3. Application Details

The Site

3.1 The application relates to Orton Grange Caravan Park, Orton Grange,

Carlisle. The caravan park is situated three miles to the southwest of Carlisle just off the A595 leading to Wigton. The existing site has access from a minor road (Grange Park Road) which is located from the highway which extends from the A595 towards the village of Dalston. The application site lies within the confines of the existing caravan park, which has been in operation since the 1960's.

3.2 The caravan park is enclosed by residential properties along its northern and southern boundaries including a small section of the eastern boundary. The park has a reasonable degree of screening, formed by hedges/fences along all of its boundaries with the exception of the western boundary which fronts the minor road. Either side of the site entrance are residential properties in the form of bungalows (known as 'Overdale' to the north and 'Hill View' to the south). There are also two storey dwellings opposite the site entrance which are under construction.

Background

- 3.3 As stated in paragraph 3.1 Orton Grange Caravan Park has been in operation since the 1960's with various planning applications submitted and approved since this time for extensions to the park (as described in section 7 of this report).
- In 2009 full planning permission was granted, under application reference 09/0302, for demolition of the caravan site shop (which was located adjacent to the boundary with Hill View) and the change of use of land (previously comprising an area of informal open space, a swimming pool, a variety of play equipment and a plant room) as an extension to the caravan site for the siting of 7no. 'log cabin' style caravans for holiday use. The plans approved under application 09/0302 illustrated the siting of one of the log cabins, unit 1, on the southern side of the site entrance on part of the footprint of the former shop and cafe building. Unit 1 was to be set back into the site, positioned approximately 17.4 metres from the southern boundary with its west elevation sited back from the original rear elevation of 'Hill View'. The approved plans also showed the fencing between the application site and 'Hill View' raised to 2.2 metres along the length of unit 1 to mitigate any potential overlooking.
- In 2015, under application reference 15/0333, a variation of condition application was submitted and granted for the variation of condition 4 of previously approved application 09/0302 to allow permanent residential occupation of the caravans. In 2019, under application reference 19/0863, a non-material amendment application was submitted and granted to add an additional condition to reference the approved documents submitted with application 09/0302. The original consent, 09/0302, to which all the applications are linked has been lawfully commenced by the demolition of the caravan site shop prior to the three year expiry date.
- 3.6 Details relating to drainage, landscaping, security barriers and fencing have also all been approved under discharge of condition application 10/0490.

The Proposal

- 3.7 The current application seeks to vary condition 1 (the approved documents) of application 19/0863 to relocate and change the design of unit 1. The submitted drawings illustrate that it is proposed to reposition unit 1 approximately 5.2 metres further towards the site entrance to the west. Although the caravan will still have the same footprint and scale as the units previously approved the design has been changed to composite wooden walls coloured light grey, white UPVC windows and doors under a steel tiled roof. The caravan will still sit on a plinth with its main entrance accessed from the north. Parking for the unit will be on a graveled area to the east with the area to the west retained as private amenity space. A new fence, 2.4 metres in height, is proposed along the boundary with Hill View.
- 3.8 At the time of the officer site visit all of the above works had been completed, therefore the application is seeking retrospective consent.

4. Summary of Representations

- 4.1 This application has been advertised by the display of a site notice and by means of notification letters sent to 11 neighbouring properties/interested parties. In response to the consultation undertaken 7 letters of objection and 1 comment has been received.
- 4.2 The letters of objection cover a number of matters which are summarised as follows:
 - 1. object to proposal for 7 log cabins:
 - 2. bought park home as were told park was for residents over 50 only;
 - 3. holiday lodges would invade privacy and way of life;
 - 4. object to log cabin type holiday lets;
 - 5. unfair for park homes to have letting homes as neighbour;
 - 6. impact upon re-sale value of property;
 - 7. increase in transport on the park from 7 new log cabins and associated health and safety problems;
 - 8. query regarding level of consultation;
 - 9. noise impacts from holiday makers and children running about;
 - 10. water supply and sewage concerns;
 - 11. electric supply on the park is not adequate;
 - 12. original plans were submitted in 2010 and work must start within 3 years;
 - 13. concerns that a TPO on the park will be removed;
 - 14. no one from planning comes onto the park to inspect work undertaken by owner:
 - 15. health and safety rules on the park are not adhered to;
 - 16. concern owner on the park does what he wants;
 - 17. rules for park homes are not adhered to;
 - 18. siting of unit 1 in final position is unacceptable;
 - 19. unit 1 is on higher ground and built on a plinth;
 - 20. overlooking of neighbouring property from windows on unit 1;

- 21. fire safety as unit 1 is sited too near adjacent fence, should be 3 metres;
- 22. unit is sited too near the road, should be 2 metres;
- 23. query where sewage is discharging to;
- 24. neighbouring property no longer overlooked by unit 1 due to erection of huge wooden fence; and
- 25. concern over size/scale of new fence in relation to neighbouring property including safety of new fence and aesthetics;

4.3 The comment received is summarised as follows:

- 1. extension to the park for holiday homes means an entirely different clientele:
- 2. restriction on age limit/children and required parking spaces for resident visitors will be lost;
- 3. electrical system for new development would be inadequate as all have been informed that it is at maximum handling capacity now;
- 4. happy for extension to park to be residential park homes as they are now; and
- 5. holiday static caravans would destroy the community life and what residents have bought into

4.4 One anonymous letter has also been received during the consultation period which is summarised as follows:

- 1. conditions 6 (landscaping) and 7 (timber fence) have been ignored;
- 2. expect planning officer to know siting distances for park homes;
- 3. unit 1 does not comply with 'Model Standards 2008 for Caravan Sites in England, Caravan Sites and Control of Development Act 1960- Section 5' as it will be less than 3 metres from the boundary of the application site and more than 30 metres from a fire point;
- 4. proposal does not mention positioning of fence in relation to Hill View;
- 5. query regarding discharge of foul drainage;
- 6. positioning of unit 1 in relation to site access;
- 7. should be 2 metres from caravan to site access and 11 metres from boundary to site road;
- 8. electric supply on the park is at its limit and needs to be upgraded; and
- 9. appears to be laxity in checking details conform to current standards and work carried out following permission granted.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - no objections;

Dalston Parish Council: - no observations.

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.
- The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG), Policies SP1, SP2, SP6, EC9, EC10, EC11, IP3, IP6, CC5, CM5, GI3 and GI6 of the Carlisle District Local Plan 2015-2030 (CDLP), and, the Dalston Parish Neighbourhood Plan (DPNP) 2015-2030.
- 6.3 Other material considerations are the Council's Supplementary Planning Documents (SPD) adopted by the City Council 'Trees and Development' and 'Achieving Well Designed Housing'.
- 6.4 The proposal raises the following planning issues:

1. The Principle Of Development

- 6.5 The principle of siting 7 additional caravans on the site for permanent occupation has been previously assessed and established as acceptable under application references 09/0302 (the original application for the 7 additional units), 15/0333 (the variation of condition application which granted the variation of condition 4 of previously approved application 09/0302 to allow permanent residential occupation of the caravans) and 19/0863 (a non-material amendment application which was granted to add an additional condition to reference the approved documents submitted with application 09/0302). The original consent, 09/0302, to which all the applications are linked has been lawfully commenced by the demolition of the caravan site shop prior to the three year expiry date.
- 6.6 Details relating to drainage, landscaping, security barriers and fencing have also all been approved under discharge of condition application 10/0490. In such circumstances matters relating to the principle of the development, impact upon highway safety, drainage, trees etc have all been dealt with via the previous consents. The key issues therefore to consider under the current application are whether the redesign and siting of unit 1 is acceptable together with the impacts of the re-design and siting of unit 1 on the living conditions of neighbouring properties and highway safety.

2. Whether The Redesign And Siting Of Unit 1 Is Acceptable

6.7 The NPPF attaches great importance to the design of the built environment recognising that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. The NPPF states that planning decisions should ensure developments function well and add to the overall quality of the area; are visually attractive; are sympathetic to local character and history whilst not preventing or discouraging appropriate innovation or change; establish or maintain a strong sense of place; and, optimise the potential of the site to

accommodate and sustain the appropriate mix of development. Paragraph 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Paragraph 131 goes on to confirm that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

- 6.8 Policy DNP-JE1 of the DPNP (Employment Development) also supports proposals for the conversion of existing buildings or well designed new buildings for the sustainable growth and expansion of all types of business and enterprise where they are compatible with surrounding uses and where there are no significant adverse residential or visual amenity impacts.
- 6.9 Policy SP6 of the Carlisle District Local Plan 2015-2030 also seeks to secure good design and contains 12 design principles of how proposals should be assessed. Furthermore in terms of design Policy EC10 of the CDLP which specifically relates to caravan, camping and chalet sites states that such proposals will be supported where the siting, scale or appearance of the proposal does not have an unacceptable adverse effect on the character of the local landscape, or upon heritage assets or their settings.
- 6.10 The approved plans for the previous consents for the site illustrated that the 7 additional units would be 'log style' cabins located on plinths cladded with wood. Unit 1 was to be located on the southern side of the site entrance, set back into the site with the main access from the north. The caravan was to be positioned so that its west elevation was set back from the original rear elevation of the neighbouring property 'Hill View' to the south.
- 6.11 The current application seeks to reposition unit 1 approximately 5.2 metres further towards the site entrance to the west. Although the caravan will still have the same footprint and scale as the units previously approved the design has been changed to composite wooden walls coloured light grey, white UPVC windows and doors under a steel tiled roof. The caravan will still sit on a plinth with its main entrance accessed from the north. Parking for the unit will be on a graveled area to the east with the area to the west retained as private amenity space.
- 6.12 It is appreciated that the entrance to Orton Grange Caravan Park is surrounded by residential properties of varying design and scales. Unit 1 although located further towards Grange Park Road will still be set back beyond the front elevation of the residential property to the south 'Hill View' and 12.4 metres from the western boundary of the site. The proposed changes to the siting and design of unit 1 would therefore not be unduly conspicuous within the existing street scene. Although the remaining units within the caravan park are set back significantly from the road and are not particularly visible it is noted that the redesign of unit 1 would also be complementary to the design of the other residential caravans. In such

circumstances the re-siting and design of unit 1 is acceptable.

3. Impacts Of The Re-Siting And Design Of Unit 1 On The Living Conditions Of Neighbouring Properties

6.13 Paragraph 127(f) of the NPPF highlights that developments and decisions should

"create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

6.14 The City Councils' Supplementary Planning Document "Achieving Well Designed Housing", on the matter of privacy, states that:

"where a development faces or backs onto existing development, in order to respect privacy within rooms a minimum distance of 21 metres should usually be allowed between primary facing windows (and 12 metres between any wall of the building and a primary window). However, if a site is an infill, and there is a clear building line that the infill should respect, these distances need not strictly apply (para 5.44)."

- 6.15 As stated in paragraph 3.2 there are residential properties located either side of the site entrance and opposite. Given the positioning of unit 1 in relation to the residential properties to the north and west it is not considered that the re-siting and design of unit 1 would have an adverse impact upon the living conditions of any occupiers of these properties in terms of overlooking, over dominance or loss of light to warrant refusal of permission on this basis.
- 6.16 In terms of the impact upon the living conditions of the occupiers of 'Hill View' it is appreciated from the officer site visit that Hill View is located at a lower level to Orton Grange Caravan Park with primary windows situated on the front and rear elevations. The property has a single storey porch extension to the rear as well as a conservatory attached to the northern gable. A kitchen window is also located on the north elevation of the property.
- 6.17 Members should be aware that the windows serving the porch to the rear of Hill View are not regarded as primary windows as a porch is not a habitable room. Furthermore the kitchen and conservatory windows on the northern gable are deemed to be secondary windows as the primary windows to these rooms are located on the front and rear elevations of the property.
- 6.18 The proposed fencing (which is 0.2 metres higher than the previously approved fencing) along the boundary of the Caravan Park and Hill View obscures all of the south elevation of unit 1 with only the roof visible which hips away from the southern boundary. In such circumstances there will be no adverse impacts upon the living conditions of the occupiers of Hill View in terms of overlooking.

6.19 With regard to impacts on the neighbouring property in terms of over dominance and loss of light it is appreciated that the fencing along the site boundary will be visible from Hill View however it is important for Members to distinguish what is visible opposed to what is prominent and oppressive. As the fence has been newly constructed it is more noticeable to the eye however over time the more noticeable appearance will fade as it weathers. Whilst the fencing is indeed visible it is not considered that it is oppressive enough to warrant refusal of permission given that it is only 0.2 of a metre higher than the fencing approved under previous applications and taking into account the scale of the caravan site shop/cafe which was formally located immediately adjacent to the boundary. Furthermore, given the location of the fence and unit 1 to the north the proposed development will not cause any issues with regard to loss of light.

4. Impact Upon The Highway

- 6.20 The previously approved permissions for the site illustrated the provision of one parking space immediately to the west of unit 1. A graveled parking area has now been located to the east of unit 1 with the area to the west retained as private amenity space.
- 6.21 The impacts of additional traffic movements to and from the site as a result of the additional 7 caravans, including unit 1, has been previously assessed and established as acceptable under application 09/0203. The Highway Authority has not raised any objections to the internal changes proposed within the site as a result of the current application therefore it is not considered that the current application would cause a detrimental impact upon highway safety.

5. Impact Upon Biodiversity/Trees

6.22 Given the scale and nature of the proposed changes it is not considered that the proposal will have an adverse impact upon any trees, protected species or their habitats.

6. Other Matters

- 6.23 A number of objectors have cited concerns that the 7 units will be for holiday homes and will subsequently impact upon privacy, highway safety, property values and way of life on the park. Whilst the original application for the 7 units (reference 09/0302) was for holiday homes a variation of condition application was granted in 2015 (reference 15/0333) to allow permanent residential occupation of the 7 units.
- 6.24 Objectors have also raised concerns that the siting of unit 1 will not comply with the 'Model Standards 2008 for Caravan Sites in England- Control of Development Act 1960 Section 5'. Objectors state that no caravan or combustible structures shall be positioned within 3 metres of the boundary of the site, no caravan or site building shall be more than 30 metres from a fire point, and, the distance from a caravan to a site road shall be at least 2 metres. Members should be aware that these issues will be dealt with under the relevant site licence which is a matter for Environmental Health.

6.25 Objectors have raised concerns that the electrical system on the park is inadequate as it is at maximum handling capacity. This is however not a planning matter.

Conclusion

- 6.26 To conclude the principle of siting 7 additional caravans on the site for permanent occupation has been previously assessed and established as acceptable under application references 09/0302, 15/0333 and 19/0863. Matters relating to the principle of the development, impact upon highway safety, drainage, trees etc have also all been dealt with via the previous consents.
- 6.27 The proposed changes to the design and positioning to unit 1 would not be unduly conspicuous within the existing street scene given that it will be sited beyond the front elevation of the neighbouring property 'Hill View' and over 12.4 metres from the western boundary. The redesign of unit 1 would also be complementary to the design of the other residential caravans within the park.
- 6.28 Given the location of the development in relation to the primary windows of neighbouring properties and taking into account what has been previously approved it is not considered that the changes to unit 1 would have a significant adverse impact upon the living conditions of any occupiers of neighbouring properties in terms of loss of light, overlooking or over dominance to warrant refusal of the application on this basis.
- 6.29 The Highway Authority has not raised any objections to the internal changes proposed within the site as a result of the current application therefore it is not considered that the current application would cause a detrimental impact upon highway safety. Furthermore given the scale and nature of the proposed changes it is not considered that the proposal will have an adverse impact upon any trees, protected species or their habitats.
- 6.30 In all aspects the development is considered to be compliant with the objectives of the relevant Development Plan Policies and approval is recommended.
- 6.31 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.

7. Planning History

- 7.1 There are a number of planning applications relating to this site. The most recent and relevant are:
- 7.2 In 2019 a non material amendment was granted for non material amendment

- of previously approved permission 09/0302 for the addition of a condition to reference the documents submitted with the application and to which the approval relates (reference 19/0863);
- 7.3 In 2015 planning permission was granted for the removal of conditions 2 and 3 and variation of condition 4 to allow permanent residential occupation of the caravans of previously approved application 09/0302 (reference 15/0333);
- 7.4 In 2011 a variation of condition application was granted for variation of condition 2 of planning consent 00/0945 to allow additional 10no.residential caravans and alterations to site layout (alteration to site layout previously approved under reference 02/1227 (reference 11/0147);
- 7.5 In 2010 full planning permission was granted for proposed store/workshop (reference 10/1036);
- 7.6 In 2010 a discharge of condition application was granted for the discharge of conditions 5 (surface water disposal); 6 (landscaping scheme), 7 (fence details) and 8 (security barriers) of previously approved application 09/0302 (reference 10/0490);
- 7.7 In 2009 full planning permission was granted for renewal of permission for temporary sales office (retrospective application, reference 09/0958);
- 7.8 In 2009 full planning permission was granted for demolition of caravan site shop, change of use of land as extension to caravan site for siting of 7no.'log cabin' style static caravans for holiday use (reference 09/0302);
- 7.9 In May 2009 planning permission was granted for the erection of a detached garage (Application 2009/0240);
- 7.10 In October 2008 planning permission was granted for the erection of a detached garage (Application 2008/0886);
- 7.11 In February 2008 planning permission was refused for the variation of Condition 2 of application 02/1227 to permit the siting of 54 permanent residential caravans (Application 2008/0139);
- 7.12 In December 2007 planning permission was granted, retrospectively, for the erection of two electricity substations (Application 2006/1414);
- 7.13 In September 2006 temporary planning permission was granted for the erection of a sales office (Application 2006/0857);
- 7.14 In May 2006 planning permission was granted for the erection of a detached garage (Application 2006/0371);
- 7.15 In January 2005 planning permission was granted for the demolition/removal of the bungalow, shop and swimming pool and the use of the site as an extension to the residential caravan park, together with the variation of Condition 2 of planning consent 00/0945 to allow an increase in the number

- of residential caravans from 33 to 34 and 8 holiday caravans (Application 2004/1055). This permission has not been implemented.
- 7.16 In December 2003 planning permission was granted for the variation of condition 2 of planning consent 2000/0945 to allow an additional 10no. residential caravans and alterations to site layout. This approval has been implemented (Application 2002/1227);
- 7.17 In January 2001 permission was granted to increase the number of residential caravans on the site from twenty two to twenty three (Application 2000/0945); and
- 7.18 Planning permission was originally granted for the use of the land as a caravan site in 1961 (Application BA2669). A further extension to the caravan site was approved in 1976 (Application 76/0400).

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 28th November 2019;
 - 2. the application form received 15th April 2009 in respect of application 09/0302 as varied by the application form received 28th April 2015 in respect of application 15/0333;
 - 3. the site location plan received 28th November 2019 (Drawing No.D.01);
 - 4. the site layout and location plan received 10th June 2009 (Drawing No.OG.P.04A) in respect of application 09/0302 (except for unit 1 which has been varied under this permission);
 - 5. the proposed site plan showing the repositioning of unit 1 received 21st January 2020 (Drawing No.D.02)
 - 6. the proposed floor plans and elevations of unit 1 received 21st January 2020 (Drawing No.D.03b);
 - 7. the proposed floor plans and elevations of the 'log cabin' style caravans received 27th April 2009 (Drawing No.OG-P-SK-07) in respect of application 09/0302 (except for unit 1 which has been varied under this permission);
 - 8. the tree protection measures received 15th April 2009 (Drawing No. OG-T-06) in respect of application 09/0302;
 - 9. the supporting document received 21st January 2020;

- 10. the Notice of Decision;
- 11. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

2. The residential caravans hereby approved shall not be occupied until they have been connected to the private treatment plant.

Reason: To ensure that foul sewage from the proposed development does not lead to the pollution of groundwater or surface waters in accordance with Policy IP6 of the Carlisle District Local Plan 2015-2030.

 The development shall be implemented in accordance with the approved surface water disposal scheme discharged under application 10/0490 (Drawing No. OG.P.010 received 26th May 2010 and email from agent received 23rd June 2010).

Reason: To ensure that an acceptable scheme is implemented in accordance with Policy CC5 of the Carlisle District Local Plan 2015-2030.

4. The landscaping works, including tree protection measures, approved under discharge of condition application 10/0490 (Drawing No.1006.01A received 5th July 2020) shall be carried out as approved prior to the occupation of any part of the development or in accordance with a programme agreed by the Local Planning Authority. Any trees or other plants, which die or are removed within the first five years following the implementation of the landscaping scheme, shall be replaced during the next planting season.

Reason: To ensure that an acceptable landscaping scheme is prepared and to ensure compliance with Policies SP6 and Gl6 of the Carlisle District Local Plan 2015 -2030.

5. The 2.4 metre timber fence along the southern boundary of the site hereby approved shall be retained in perpetuity.

Reason: To protect the living conditions of the neighbouring property. In accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

 The development shall be implemented in accordance with the scheme for security barriers approved under discharge of condition application 10/0490 (Drawing No.OG.P.04 A/b received 27th July 2010 and literature received 26th May 2010). **Reason:** To minimise disturbance to the existing residents in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.



09/0302 for elevations and Plans Floor Approved





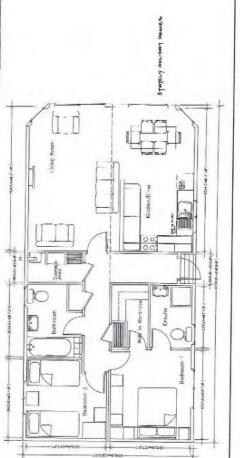


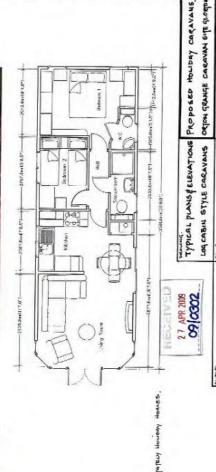






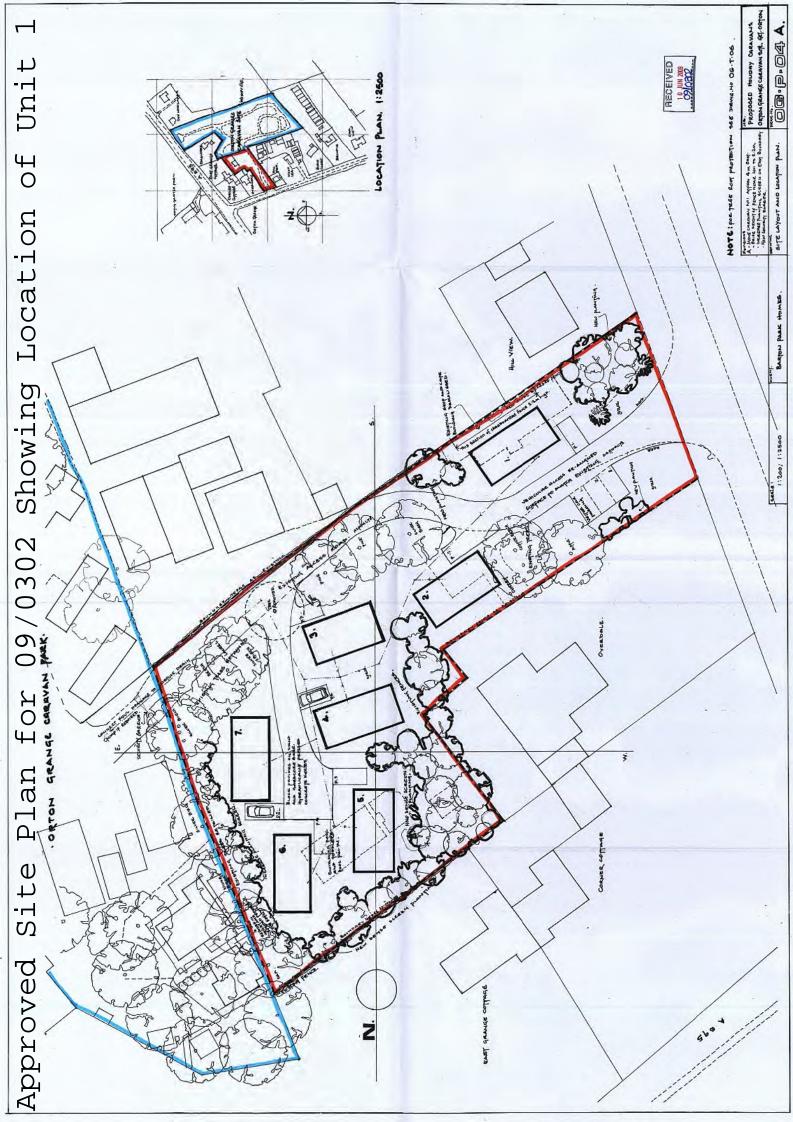


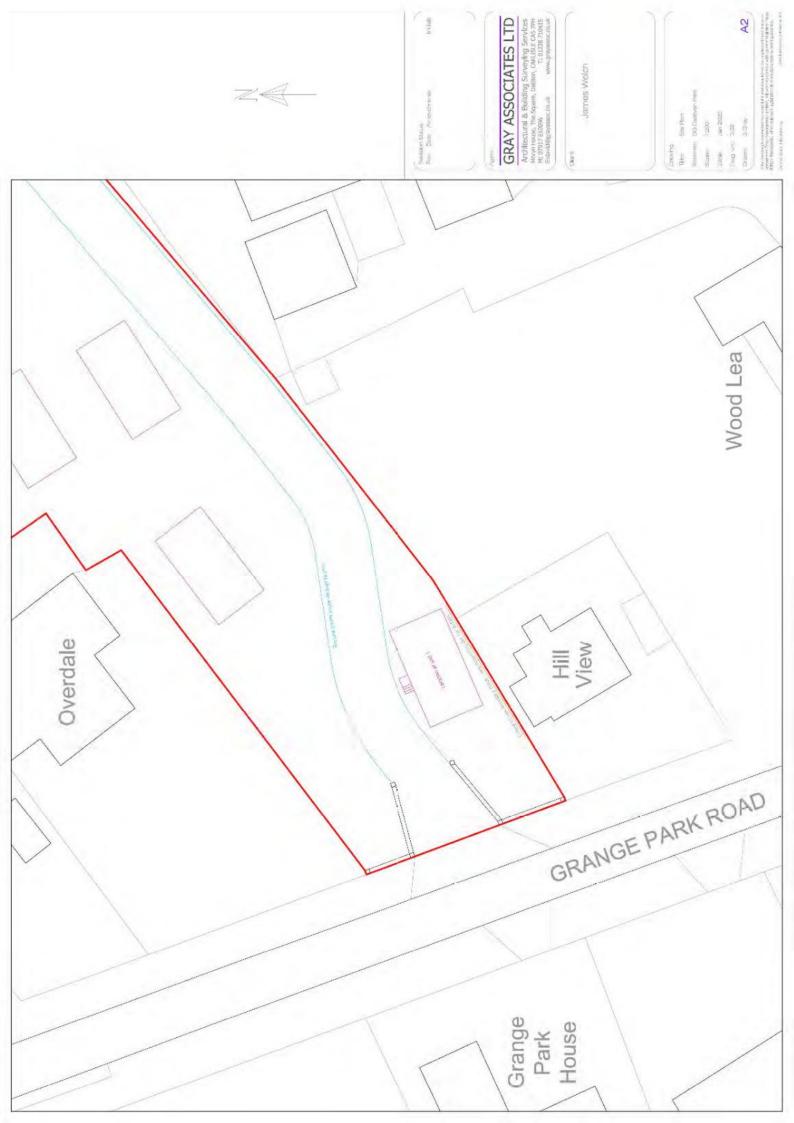


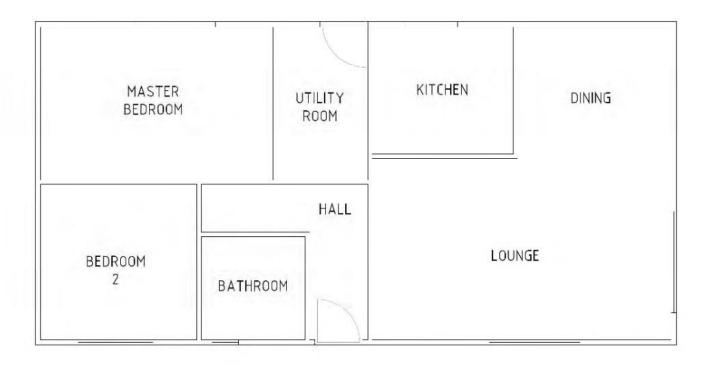


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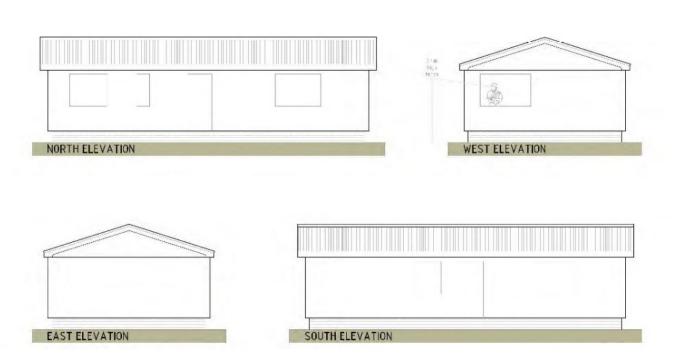
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GROUND FLOOR PLAN





James Welch

Drawing
Title: Unit 1 Floor Plans and Bevations
Scheme: OG Caraven Park
Soale: 1:50 & 1:100
Date: Jan 2020
Dwg No.: D.03b

Drawin: D Gray

A3