

NORTH WALSHAM – PF/20/0739 - Removal of Condition 10 (use of woodland lodges for holiday accommodation purposes only) and Condition 11 (a register of lettings and occupation of woodland lodges) of planning permission ref: PF/09/1161 (Use of Land for Stationing Seventeen Woodland Lodges and Construction of Access Track and Parking Area) to enable 12 monthly holiday use or residential use; Alder Country Park, Bacton Road, North Walsham

Major Development

Target Date: 04 August 2020

Case Officer: Phillip Rowson

Full Planning Permission

CONSTRAINTS

EA Risk of Flooding from Surface Water 1 in 1000

LDF - Tourism Asset Zone; Residential Area; Countryside

SFRA - Areas Susceptible to Groundwater Flooding

EA Risk of Flooding from Surface Water 1 in 100 & 1 in 30

SFRA - Risk of Flooding from Surface Water + CC

Landscape Character Area

MOD Safeguarding Height Restriction

Mineral Safeguard Area

Advertising Control

Section 106 Planning Obligations

Tree Preservation Order

Contaminated Land

Mineral Safeguard Area

RELEVANT RECENT PLANNING HISTORY for “Alder Country Park” formerly known as North Walsham Chalet & Caravan Park, Bacton Road, North Walsham

PF/04/1449

North Walsham Caravan & Chalet Park, Bacton Road, North Walsham

VARIATION OF CONDITIONS ON PLANNING PERMISSIONS REFERENCES 19780066,

19781838, 19830190, 19950895, 19961192 AND 20011095 TO ALLOW ALL YEAR

ROUND OCCUPANCY OF CARAVANS FOR HOLIDAY PURPOSES

Approved 24/09/2004

PF/09/1161

Land at Marshgate, North Walsham

Use of Land for Stationing Seventeen Woodland Lodges and Construction of Access Track and Parking Area

Approved 25/01/2010

PF/13/1265 PF

Norfolk Park Homes, Bacton Road, North Walsham

Construction of replacement caravan bases, tarmac access roads, gabion retaining wall and associated earthworks.

Approved 03/02/2014

PF/19/2003 PF

Alder Country Park, Bacton Road, North Walsham

Proposal to Remove Condition 2 [Requirement to use each caravan and chalet as holiday accommodation only, and not as the sole or main place of residence for its occupiers] of Planning Permission PF/04/1449 (Use of chalet and caravan park with ability to occupy caravans all year round for holiday purposes), to allow caravans to be used as both 12-month holiday accommodation or residential use, including as a main or sole residence
Approved 07/04/2020

PF/20/0739 PF

Alder Country Park, Bacton Road, North Walsham

Removal of Condition 10 (use of woodland lodges for holiday accommodation purposes only) and Condition 11 (a register of lettings and occupation of woodland lodges) of planning permission ref: PF/09/1161 (Use of Land for Stationing Seventeen Woodland Lodges and Construction of Access Track and Parking Area) to enable 12 monthly holiday use or residential use
Current application undetermined

THE APPLICATION

The application site is accessed by Bacton Road and sits on the North Eastern periphery of North Walsham. The site abuts the identified settlement edge being immediately adjacent to Bluebell Road and Marsh Gate, but is otherwise located within an area of open countryside.

The proposals relate to 17 chalets; the application seeks to vary 12-month conditional control for holiday accommodation over the planning application site area. The conditional control requires that any occupiers of the chalets must have their main or sole residence elsewhere, in effect not allowing full time residential use to be exercised on site. The application is supported by a surface water flooding plan and supporting letter.

The applicants have agreed to be bound by similar conditions to those recently in the approval of application PF/19/2003. These controls will ensure no residential occupancy within an identified flood risk area and also to restrict any residential occupancies on site to being for those over 50 years old.

This application completes consideration of variation of conditions over the whole Alder Country park site and offers consistency with the recently approved variation of condition proposals considered by Development Committee at the meeting in March 2020.

REASONS FOR REFERRAL TO COMMITTEE

The proposals for part residential use of the site are located in a countryside area within the adopted local plan. As such residential use within such an area is a departure from adopted plan policies SS1 & SS2. That departure is considered to potentially be of more than local significance and is reported to committee under the recommendation of the Head of Planning.

PARISH/TOWN COUNCIL

North Walsham Town Council – *“North Walsham Town Council have no objection to this planning application but would like a condition included, if possible, that the site is a maximum 50/50 split between permanent homes and holiday lets.”*

REPRESENTATIONS

Two letters of support have been received noting amongst other the comments:

- Alleviating the stress and uncertainty for those outstanding numbers of residents occupying a holiday only site.
- Enhanced security from permanent resident's oversight.
- Greater economic support for services on site and local businesses

CONSULTATIONS

County Council (Highway) – comments on previous application

The site is reasonably well located in regard to the Town of North Walsham and is connected to the Town by footway facilities. In terms of any concerns regarding additional traffic generation arising from the proposal the site access is well located and arranged with no record of personal accidents occurring in the vicinity of the site in the last five years.

Accordingly, I have no reason to resist the granting of permission."

NCC Flood & Water Management (LLFA) – Comments on previous application

"After reviewing all the documents provided there is sufficient information to demonstrate the change to this condition can be met. The information provided shows that all permanent residential caravans are to be located in an area of no flood risk and an evacuation plan has been provided. The removal of Condition "2" (Sic) needs to be applied in line with the provided information:

County Council - Planning Obligations Co-Ordinator – Comments on previous application

Confirmed the proposed amendments do not materially change the above comment and therefore no objections are raised, subject to over 50's occupancy condition.

Landscape Officer – Comments on previous application

"The impact of the trees with regards to liveability issues such as shade, debris, leaves and pigeon mess and the fear of the trees failing in close proximity of a resident or building will put excessive pressure on the trees. It is considered that any residents would be put in a situation where they would be living in a perceived fear of the trees and would not be able to enjoy their long term amenity in relation to a dwelling. In some cases, there would be restricted shade free garden area to be enjoyed and again this would affect amenity as well as practical dwelling issues such as washing lines."

Economic and Tourism Development Manager – Comments on previous application

"In consideration of planning application PF/19/2003 the Economic Development Team raises - no objection. It is recognised that there are potential economic benefits that would be derived by such a proposal. We would therefore be keen to support this application. These comments reflect the economic impacts of this application and are without prejudice to others or matters of non-economic concern."

NNDC Local Housing Enablers, NNDC – Comments on previous application

Some potential to increase the use of the caravans and chalets on the site and to provide some permanent homes. On this basis Housing Strategy has no objection to the proposal.

Environmental Health – No objections.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development may raise issues relevant to

Article 8: The Right to respect for private and family life.

Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's Human Rights, and the general interest of the public, approval of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

POLICIES

Local Guidance:

North Norfolk Core Strategy (Adopted September 2008):

Strategic Policy:

Policy SS1 – Spatial Strategy for North Norfolk

Policy SS2 - Development in the Countryside

Policy SS3 – Housing

Policy SS4 – Environment

Policy SS6 - Access and Infrastructure

Development Management Policy:

Policy HO1 - Dwelling Mix and Type

Policy H02 – Provision of Affordable Housing

Policy EN 2 - Protection and Enhancement of Landscape and Settlement Character

Policy EN 4 - Design

Policy EC8 - Retaining an Adequate Supply and Mix of Tourist Accommodation

Policy EN10 – Development & Flood Risk

National Guidance:

National Planning Policy Framework (NPPF) (2019)

CONSTRAINTS

Local Development Framework Tourism Asset Zone

Environment Agency Risk of Flooding from Surface Water 1 in 1000 annual probability.

Area susceptible to groundwater flooding.

Environment Agency Risk of Flooding from Surface Water 1 in 100 annual probability.

Environment Agency Risk of Flooding from Surface Water 1 in 30 annual probability.

SFRA - Risk of Flooding from Surface Water - Annual Exceedance Probability 1% + 40%
Climate Change Modelling

Risk of Flooding from Surface Water 1 in 100-year event (1% Annual Exceedance Probability) plus 40% increase due to climate change.

Designated area within which additional controls over the display of advertisements apply

MAIN ISSUES FOR CONSIDERATION

- 1 Background
- 2 Principle
- 3 Flood Risk
- 4 Arboriculture
- 5 Infrastructure provision

APPRAISAL

1 Background

The Council imposed conditions when approving relaxation of holiday occupancy controls to permit year round holiday occupancy of chalets. The conditions require that:

C10:

“Each woodland lodge on the site shall be used for holiday accommodation purposes only and shall not be used as the sole or main residence of its occupiers.”

C11:

“A register of lettings and occupation of the woodland lodges shall be maintained at all times and shall be made available for inspection by the Local Planning Authority.”

At that time the conditions were required to ensure planning policy compliance as the site was in a designated Countryside area. Officers consider that these conditions have remained lawful and enforceable within the context of the 2009 planning permission.

The intervening time period from 2009 has delivered a number of breaches on this site, and also under the 2004 permission. However, investigations show the balance of probability is that no chalet has been occupied as a main residence for a period in excess of 10 years. As such for those currently in breach, on the application site, then it appears that no resident would be otherwise exempt from planning enforcement control.

Officers, local members and former MP Norman Lamb have recognised the sensitivities of this matter. A series of discussions has been undertaken with residents of Alder Country Park, those in breach have alleged misselling of the chalets by the former park owner and have explained to the Council that significant personal hardship would arise if enforcement actions were undertaken. It is appreciated since the “park” recently changed hands and that the new owners have been endeavouring to find a sustainable solution to this difficult problem.

Discussions with interested parties and the Council has given consideration of three options:

- I. Enforcement action, with extended compliance period to mitigate personal hardship.
- II. Granting planning permission for individual units, subject to a s106 agreement requiring the residential units identified to revert back to holiday use after either an agreed time period or upon cessation of occupancy by the current resident/s.
- III. Submitting an application to amend the conditions relating to this site to enable it to be used for both holiday and residential. The current application site remained out with this consideration as it was subject to a later planning application and different controls.

The applicants have chosen to pursue option 3. Members may recall the recent case 19/2003 was heard by Development Committee, planning permission was granted to vary the tourism restriction to facilitate a mixed tourism and residential use over the majority of Alder Country Park.

2 Principle

The residential occupation of caravans would not result in a material change of use. A Section 73 application is made to remove the restrictive condition.

Strategic considerations:

Policies SS1 & SS2 set out the Council's settlement hierarchy and approach to distribution of development and gives specific reference to controls in identified countryside areas. The application site is in a countryside area where more restrictive controls apply to development. The proposals do not comply with Policies SS1 & 2

Policy SS3 relates specifically to housing provision and requires a varied housing mix to be available within the district. The proposals would provide smaller scale residential units to those who are downsizing, predominantly to over 50 years old.

Policy SS4, 'Environment', states that all development proposals will contribute to the delivery of sustainable development, ensure protection and enhancement of natural and built environmental assets and geodiversity. Residential use of units permitted for year round tourism use has no significant adverse impact on these matters.

Policy SS6, relates to 'Access and Infrastructure', this requires that new development should be supported by, and have good access to, infrastructure, open space, public services and utilities. The transport strategy for North Norfolk is to maximise the use of non-car modes, within the context of a rural area where, for many trips, there are limited alternatives to the car.

In terms of sustainability and accessibility, the site is located immediately adjacent to the settlement boundary; there is sufficient infrastructure nearby to sustainably accommodate residents. Services and amenities within North Walsham including large supermarkets, shops, dental surgeries, opticians, pharmacies, leisure centres, cafes, restaurants and banks, etc...

North Walsham town centre is within a walkable and cycle able distances. Good access to public transport is available, North Walsham railway station is located 1.3 miles away. Bus services can be accessed both at Bacton Road and Bluebell Road being within a five-minute walk. These stops provide access to CH2 Coasthopper bus service which provides access to Swafield, Trunch, the coastal villages of Mundesley and Trimmingham and finally the tourist seaside town of Cromer which provides multiple amenities and services as well as multiple tourist attractions. Limited residential use at the site would not generate significant vehicular movements above that experienced under the base line of the existing 12-month Tourism use.

Development Control Policies:

Policy EC8 of our plan is a key consideration, this requires that an adequate supply and mix of tourist accommodation is provided within the district. The applicant considers that the policy is predicated on out of date evidence from 2005 and so should carry less or nil weight. Officers disagree as the policy criteria are otherwise within the remit of the NPPF requirements relating to tourism provision in national planning policy.

I am persuaded that each case relating to re-use of tourism facilities should be addressed upon the local impact of those proposals. In this case members may note the prior comments from our Economic Development Team. The consultation response posed no objection to the residential elements on the site. The comment recognises that there are potential economic benefits that and concludes that *"We would therefore be keen to support this application."* On this basis then I would consider that the proposals are compliant with Policy EC8.

Policy EN 2 relates to Protection and Enhancement of Landscape and Settlement Character states that 'proposals for development should be informed by, and be sympathetic to, the distinctive character areas identified in the North Norfolk Landscape Character Assessment and features identified in relevant settlement character studies'. Partial residential use of the site in this instance, that utilises existing caravan units, is considered to have greater pressure for the felling or lopping of trees adjacent the proposed residential units. The applicant disagrees with this view suggesting that the impact is limited. I am persuaded that the proposals may on balance have some impact by virtue of their residential use. On this basis then I am persuaded the proposals will not comply with some elements of policy EN2.

Policy EN 4 'Landscape & Design' - Design which fails to have regard to local context and does not preserve or enhance the character and quality of an area will not be acceptable". In this instance, the residential use of part of the site does not involve any additional or new operational development that might require planning permission. Concerns relating to potential future issues in relation to trees under preservation order are noted but given limited weight as the trees themselves are subject to protection under alternative statute. Any potential works or pressures will be appropriately evaluated under tree works applications.

On this basis then I consider that the proposals will comply with the highlighted polices and the wider local plan and national guidance but is a departure from the provisions of policies SS1 & SS2, along with some elements of EN2.

3 Flood Risk

A central corridor within the application site lays within a zone susceptible to flooding (surface water flood path), NCC as Lead Local Flood Authority (LLFA) have objected to similar proposals at this site on the basis of *"the changes that have been put forward now increase the vulnerability class of the development to highly vulnerable."*

Upon submission of further technical information and confirmation of agreement to a proposed restrictive condition removing residential occupancy from the flood risk area then objections were lifted. Officers note that more than 50% of the chalets in this area of Alder Country Park will be impacted by the Flood Risk Area. Council tax records show that three properties within the application site area are paying Council tax and therefore may be impacted by any requirement to relocate away from the flood zone.

Officers are content that with suitable planning policies in place that the LLFA can have no sustained objections and that the proposals will comply with policy EN10 of the Local Plan.

4 Infrastructure provision

Comments of consultees in the earlier application raised questions as to infrastructure contributions from the proposed variation of condition to permit residential use on a year round tourism site.

NCC S106 contribution team initially have been satisfied that if conditions are imposed requiring occupancy to be over 50's only that no adverse impact is created on local infrastructure.

On this basis then I conclude the proposals are otherwise compliant with Policy SS6 Access & infrastructure.

Conclusions:

It is appreciated that concerns have been historically raised over potential residential uses at this site. However, the intervening years have delivered changes to planning policy the advent of the NPPF has enabled a more flexible consideration of proposals which are in countryside locations and may be departures from adopted plan policy.

The mixed use proposals are considered to be a sustainable form of development, key in this consideration is the location of this site, and its access to sustainable local transport links, facilities and services being immediately adjacent to the district's largest centre of population. Officers consider that the principle that supports a positive recommendation to this application is a rare precedent which cannot be readily repeated elsewhere. The proposals therefore present an appropriate departure from the approved plan policies which can be supported as an otherwise sustainable development under the NPPF.

RECOMMENDATION:

APPROVE subject to conditions relating to the following matters and others considered necessary by the Head of Planning:

- No residential occupancy within identified flood risk area
- A scheme for the relocation of any caravan that is wholly or partly situated within the flood risk area to be relocated beyond identified flood risk within a period of no more than 24 months
- A scheme for the emergency flood evacuation
- A scheme of provision to be agreed for 24-hour caretaker services at the site
- All residential occupancy (other than as agreed for caretaker provision) to be restricted to Over 50 years old.