

SUPPLEMENTARY REPORTS

AREA 2 PLANNING COMMITTEE

DATED 8 August 2012

Wrotham **TM/12/00676/FL**
Wrotham

Change of use and conversion of existing outbuilding to provide self contained annexe with addition of conservatory to northern flank at Chalk House Gravesend Road Wrotham Sevenoaks Kent TN15 7QD for Mr F Dinmore

No supplementary matters to report

Borough Green **TM/11/02591/FL**
Borough Green And Long Mill

Change of use: restaurant eat-in (A3) to restaurant eat-in with deliveries and takeaway (A3/A5) at Basement 49 High Street Borough Green Sevenoaks Kent TN15 8BT for Mr Aymal Mohammad

No supplementary matters to report

East Peckham **TM/12/00922/FL**
East Peckham And
Golden Green

Provision of single storey extension to provide office at 62 Pound Road East Peckham Tonbridge Kent TN12 5BH for Ms Ingrid Cohen

DPTL: The applicant has now had the opportunity to read through the committee report and feels that this has given her a greater understanding of the issues involved. She has requested that her application be withdrawn with a view to altering the extension so that it becomes acceptable in planning terms. To this end, she has asked for a meeting with the case officer that will also be attended by her builder in order that an appropriate way forward can be established.

In view of the above, Members' authorisation is still sought for the issue of an Enforcement Notice but in consideration of the applicant's apparent willingness to resolve the matter, it is suggested that this is not served immediately. This will enable the necessary negotiations to take place and hopefully resolve the matter without needing to serve the Notice.

AMENDED RECOMMENDATION:

Application Withdrawn

Enforcement Notice to be served at a time that has allowed a reasonable period of time for a negotiated resolution of the breach of planning control.

Stansted

Downs

TM/11/03055/FL

Section 73 application to vary the conditions of TM/01/02373/FL to allow the use of touring units on a year round basis with the original condition 4 of TM/01/02373/FL remaining in force in respect of the 30 approved static caravans (TM/01/02373/FL being Variation to condition (v) of planning permission TM/81/886 to allow siting of 150 touring and 30 static caravans, and winter storage of 50 touring and 30 static caravans) at Thriftwood Caravan And Camping Park Plaxdale Green Road Stansted Sevenoaks Kent TN15 7PB for Thriftwood Holiday Park

Agent: The applicant's agent has responded to the questions posed during the MSI and to recommended conditions on the committee report and has made the following summarised points:

- The issues which appear to be of concern pre-date Mr Sellers buying the site and he has worked with officers to remedy some of the problems he inherited - what is beyond doubt is that Mr Sellers has greatly enhanced what the park has to offer visitors and is looking towards achieving five star status with all the attendant benefits to the local economy and other businesses in the area as well as his own.
- The main concern here is that the issues being looked at are of little, if any, direct relevance to the application being considered and were being resolved by negotiation in any event. One point in particular would benefit from clarification at this stage. This relates to the question of any ongoing control in respect of the layout of caravans on the site. Bearing in mind that a caravan site use is just that - a use of land - any ongoing control after the development has been implemented can only be controlled by way of either planning conditions or conditions imposed on the site licence. Once the consent had been given effect, it seems that the condition would only serve to require that the approved layout be adhered to in perpetuity if it contained a phrase to the effect that the development should be carried out in accordance with the approved layout only and thereafter be so retained. The consent contained no such caveat so that repositioning caravans does not require any further planning approval. It would be a nonsense to try and require that touring caravans and tents were laid out in a specific manner given the great variety in unit sizes and the need to meet site licence separation distances - large tourers with awnings would almost certainly be in breach of licence requirements if the site was retained in the layout originally approved.
- Bearing in mind the description of the application refers to 'the original condition 4 of TM/01/01069/FL remaining in force in respect of the 30 approved static...' I am not sure that any new condition need go any further than referring to the touring units.

- I cannot give you a definitive view in respect of the decking because LPAs and others have a wide range of views. The site licence conditions require a hard base around the static vans and this is to extend at least 1 metre outside of the doors to create a safe access. Whilst the decking is essentially making use of this hard base it isn't, in itself, required by the licence conditions. As the decking is assembled on site as a separate operation from the siting of the van and given it is not an integral part of the caravan, I think it has to be regarded as a building operation. Many LPAs take the view such works are de minimus or at least not worth looking at in detail being part and parcel of nearly all static van developments. However, most of the units have had their decking for many years - certainly more than 4, and there would appear to be no benefit in considering enforcement action in any event - it would simply not be expedient or serve any good purpose.
- In my understanding any new/varied conditions have to arise directly from the changes to the original condition as sought by way of the application (which does not represent an opportunity for the LPA to reconsider any other aspect of the original consent).
- I have to strongly reiterate that the only changes it is reasonable to contemplate in approving the proposal have to reasonably relate to any perceived planning consequences arising from the touring units having the potential to be used during February. It is hard to see why any additional restrictions should be put in place other than anything necessary to prevent permanent residential use (which is hard to conceive of in tents or tourers although I can accept that it may be appropriate to provide certainty on this point). The wording could also be adjusted if the original lacked clarity/could be misinterpreted or was no longer applicable/relevant.
- The original condition sought only to constrain the area potentially used by static caravans and there is no reason why the site owner could not put touring units on this area if he wished. It can be used by tourers and to now try and prevent this serves no planning purpose and is unrelated to the current application in any event.
- The original consent was not limited to holiday use only but specifically made provision for the long established use of the site as providing an element of worker accommodation as and when required (which was generally to meet local needs for temporary workers for specific 'one-off' jobs in the area). The ability to still provide for such workers is important both to Thriftwood and the local economy if workers temporarily in need of affordable accommodation are to be provided for but again this matter is not one that is directly related to the current application.
- The conditions on the original consent did not limit use to holiday accommodation only and whilst holiday use is by far the dominant use of the park, there is a need for worker accommodation (which is in a state of flux depending on factors such as what major developments are ongoing in the area).
- The workers bring on their own touring caravans or motor-homes onto a normal pitch (or units provided by the employer) and stop for the length of their work

contract, generally going home for weekends. The issue of visitors in February having to go elsewhere is most relevant to holiday makers, often from abroad or more locally with people wanting a half term break, although it would clearly be beneficial to be able to allow workers to stop in February too if there is a need/demand - it is somewhat dependent on what large projects are ongoing at the time which need to bring in workers from outside of the area. As I understand it, the site has always operated in this way with tourism very much the focus of the business but allowing workers to stay also being important to this enterprise and in facilitating other businesses in meeting their short term need to bring in staff from outside the local area. Preventing this through new conditions now will be detrimental to the local economy and potentially undermine the ability of companies to tender for work in the area if they are unable to attract the necessary workforce.

- The application is reducing potential overall numbers on the site by including any storage units in the total number allowed at any one time and that the scheme also limits the maximum number of potential worker units to 18 at any one time - something not conditioned on the original approval. On this point, I would ask that the worker units be allowed to be located about the park rather than be confined to one area (as things operate now and again is not controlled by conditions). This is important for two main reasons. First, the illustrative area on the park shown on the original plan only accommodates 12 modern sized/larger pitches and so is not large enough. Much more importantly is the need to avoid creating a sense of a worker 'encampment' within what is otherwise a holiday park. Generally single sex (and often younger) groups of people are generally avoided on all holiday parks as the grouping of such often creates antisocial behaviour and is generally incompatible with a family holiday park, as well as being a management nightmare. However, such problems have been avoided in the years Mr Sellers has owned the site by putting the workers (which are usually few in number) in different areas and away from each other. The popularity of the park as a family holiday destination will suffer badly if visitors perceive a compact workers area, especially if allocated in a prominent position next to key facilities on the site. At the end of the day, the conditions limit numbers and require a register to be kept to ensure the conditions are complied with which again represents better control than that currently in place.

DPTL: In the light of the comments made by the agent, the condition 1 suggested in the report has been amended to allow the touring units to be within the area designated for static caravans (as well as elsewhere within the site) to allow necessary flexibility for the site owner without any land use planning impacts. Suggested condition 2 has been amended to allow for an element of worker accommodation. This aspect of the occupation of the site was approved by default in the 2001 application, as 18 pitches on the approved layout plan explicitly mentioned 18 "workers" pitches. I agree with the agent that in these circumstances, it would not be reasonable in a s73 application to suggest the imposition of a condition that removed that default approval as granted in 2001.

AMENDED RECOMMENDATION:

Amended conditions:

1 (a) The number of pitches on the site shall be restricted to a maximum of 150 for touring units (including touring caravans, campervans, motorhomes and tents) and 30 static caravan units;

(b) the 30 static caravan units shall be located only on that part of the site shown cross hatched on the drawing attached to this permission;

(c) the use of the site for occupation of the static units shall be restricted to the months of January and from March to December inclusive in any one calendar year;

(d) the pitches for touring units shall be located only on that part of the site shown single hatched or cross hatched on the drawing attached to this permission;

(e) any touring caravans being stored on the site shall be located either within that part of the site shown single hatched or cross hatched on the drawing or in the area annotated at "Storage Area";

(f) at no time shall the total number of caravans on the site (including those that are occupied, available for occupation and stored) exceed 180.

Reason: In the interests of safeguarding the visual amenities of the site, which falls within the open countryside, the Metropolitan Green Belt and because an over intensive use of the site could give rise to additional undue highway hazards, in accordance with paragraphs 17 and 28 of the National Planning Policy Framework 2012 and Policies CP1, CP3, CCP14 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

2. (i) the caravans shall be occupied for holiday purposes only with the exception of a maximum of 18 pitches that may be occupied at any one time as temporary accommodation by locally employed workers on fixed term contracts of employment;

(ii) the caravans shall not be occupied as a person's sole, or main place of residence;

(iii) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: To ensure the site is not used for unauthorised permanent residential occupation which would be inappropriate in the Green Belt or outside settlement confines and so thereby contrary to paragraphs 17 and 28 of the National Planning Policy Framework 2012 and Policies CP3 and CP14 of the Tonbridge and Malling Borough Core Strategy 2007.
