

F/YR17/0223/F

**Applicant: Mr G Fryett
Tall Trees Leisure Park Ltd**

**Agent : Mr G Edwards
Swann Edwards Architecture Limited**

The Orchards Fruit Farm, Gull Road, Guyhirn, Wisbech

Change of use of land for the siting of 30 x static caravans for use as holiday accommodation

Reason for Committee: Officer recommendation at variance to that of the Parish Council

1 EXECUTIVE SUMMARY

The proposal is for the expansion of an established tourism business, whilst the site is located in the open countryside and does not relate to a settlement it has a planning history dating back to 2005 and the use has been accepted through the original grant of consent and subsequent approvals.

It is also located within an area considered at high risk of flooding. If the proposal were for residential (Class C3 use) it is unlikely the proposal would be viewed favourably. However as a tourism use only, albeit for longer duration accommodation, it is considered that the proposal could not reasonably be located in more sustainable location.

The proposal has no highway safety issues and has some economic development benefits and accords with the aims of para 28 of the NPPF. On balance the proposal is considered to be acceptable.

2 SITE DESCRIPTION

- 2.1 The site at present is an orchard which is full of pear trees and was last cropped late in 2012; the orchard trees are to be removed as a consequence of the proposal. To the north-east of the site is an area used for caravan rally activity and to the south is the existing static caravan park and touring site. These were all approved in 2005 under application reference F/YR05/0590/F and the final application for 12 static caravans was approved under planning reference F/YR13/0296/F on 21st October 2013. This last phase of development has now been completed and all caravans are in use. The site also features amenity grass land, an area for camping and an area for caravan storage
- 2.2 The site is screened by established poplar trees to the front and whilst glimpse views are available from the main highway the use is relatively discreet in the locality.

3 PROPOSAL

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- 3.1 This application seeks full planning permission to use the existing orchard site for the stationing of 30 static caravans for use as holiday accommodation. The site is to be served by a continuation of the main access road that runs through the wider site with three spur roads being taken off a track that runs to the eastern boundary of the site. Each spur road will serve 10 residential units. The proposal follows the established business model on the site in that it is intended that the consent will allow for occupation 12-months of the year.
- 3.2 This is as per the original consent for static units to immediately to the south of this site which restricts the accommodation to holiday accommodation only and requires the operators to maintain a register of the names and main home addresses of the occupants of the individual units thereby ensuring that the caravans are not occupied as permanent residential dwellings.

Full plans and associated documents for this application can be found at:

<https://www.fenland.gov.uk/publicaccess/simpleSearchResults.do?action=firstPage>

4 SITE PLANNING HISTORY

F/YR17/0938/F	Erection of an agricultural storage building	Granted 21.12.2017
F/YR13/0296/F	Use of land for the siting of 12no 2-bed static caravans on existing holiday caravan site	Granted 21/10/2013
F/YR10/0823/F	Change of use of land for camping and alternative area to permit caravan storage and siting of temporary buildings to provide shower/toilet and washing up facilities	Granted 14/12/2010
F/YR06/1087/F	Erection of a farm shop	Granted 06.11.2006
F/YR05/1243/F	Erection of a Farm shop involving demolition of an existing building	Granted 11.01.2006
F/YR05/0590/F	Use of land for touring and static caravans caravan rallies and caravan storage erection of toilet/shower block and conversion of existing building to form reception with ancillary provisions	Granted 02/09/2005

5 CONSULTATIONS

Parish Council: Recommend Refusal - there is a strong belief that some will be permanent residences as it is believed that some existing are already permanent residences.

Cambridgeshire County Council Highways Authority: The application is for the change of use of land to site 30 static caravans for use as holiday accommodation. The additional pedestrian trips that could be generated by 30 static caravans carries with it justification for a footway link provided between the site access and the existing network on Gull Road.

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The proposal should come forward on the North-East side of Gull Road between the site access and the existing footway network on the South-West side of Gull Road. The new section of footway should also include a suitably located uncontrolled crossing point across Gull Road. Defer for amended plans.

Designing Out Crime Officers: Commenting with regard to community safety and vulnerability to crime and disorder. Having viewed all relevant documents happy to support the application and pleased to see that the security of this site has been mentioned in the Design & Access statement - fully support the comments under security of the site.

Environment & Health Services (FDC): No objections to the proposed development. The proposal is unlikely to have a detrimental effect on local air quality or the noise climate.

Head of Housing (FDC): No objections

Housing Strategy (FDC): Policy LP5 outlines that non settled holiday homes require no affordable housing. The planning permission, and policies included in the permission, need to outline that the site is specifically for holiday use only. If there are any changes to the proposal that converts these static caravans into permanent residences, affordable housing will need to be considered.

CCC (Lead Local Flood Authority): No objection in principle to the proposed development. The applicant proposes to use a combination of permeable asphalt and gravel-filled trenches to deal with any surface water arising from the site. We request details of the proposed trenches which should be secured via condition.

Environment Agency: No objection to the proposed development but make comments regarding the sequential test. Also strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment are adhered to; i.e. FFL set no lower than 600mm above existing ground levels. Also recommend that the occupants sign up to floodline warnings direct and makes observations regarding flood evacuation and foul drainage.

North Level Internal Drainage Board: No comment to make with regard to this application.

Head Of Environmental Services: No objections to the above development from and refuse collection/street cleansing point of view,

Natural England: Comment that they have no objection with regard to statutory nature conservation sites. Having assessed the application using the Impact Risk Zones data (IRZs) advises that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Nene Washes SAC, SPA, Ramsar has been classified. Natural England also advises that FDC is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives. In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Adventures' Land; and Nene Washes SSSI has been notified. We therefore advise that these SSSI do not represent a constraint in determining this

application. The LPA should apply standing advice to the application with regard to protected species.

Local Residents/Interested Parties: None received

6 STATUTORY DUTY: Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

Section 3 Supporting a prosperous rural economy

Para 28 includes amongst other things the following:

It supports sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

7.2 National Planning Practice Guidance (NPPG)

7.3 Fenland Local Plan 2014

LP1 – Presumption in Favour of Sustainable Development

LP2 – Health and Wellbeing

LP6 – Tourism (Criteria 1-9)

LP12 – Development in the Countryside

LP14 - Flooding

LP15 – Creation of a More Sustainable Transport Network

LP16 – Protecting High Quality Environments

7.4 Cambridgeshire Flood & Water SPD (adopted by Fenland Dec 2016)

8 KEY ISSUES

- **Principle of Development**
- **Character of the Area**
- **Economic Growth**
- **Health and wellbeing**
- **Flood Risk and Drainage**
- **Highway Safety**
- **Biodiversity and environmental considerations**
- **Other matters**

9 BACKGROUND

9.1 The ongoing expansion of the activities on the site has been supported through the grant of the planning permissions indicated in the history section. Within the submitted design and access statement which accompanies the application the agent notes that:

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'in order to facilitate the existing business it is more economical to replace the orchard with a facility that will enhance the holiday park. The land owner does not farm and the orchard is not now required. The proposed static caravans will be an extension of the existing park and are required to ensure this business continues to grow and develop allowing continued employment in the local area. [.....] This proposal will further enhance the numbers of visiting families to the area which in turn will underpin local business and the existing farm shop on site.'

10 ASSESSMENT

Principle of Development

10.1 The site is located in open countryside. Policy LP6 welcomes new tourism accommodation but refers to compliance with (criteria 1-9 for employment development being relevant). National Planning Policy (Para 28) supports sustainable rural tourism.

Relevant criteria includes the following considerations:

- 5, the sites suitability in terms of constraints such as flooding,
- 6, impact on natural assets,
- 7, Impact in terms of landscape character
- 9, Availability and deliverability.

Flooding is considered elsewhere in the report.

10.2 The layout utilises existing site screening to the western and northern site boundaries and whilst there will be some glimpse views achieved through the existing poplar trees the proposal will be largely screened from outside views.

10.3 The site does not accord with the Council's Spatial Strategy or with broad locations in terms of growth or accessibility to public transport – criteria 1, 2 and 4 of Policy LP6; however given the proposal represents the growth of an established tourism business and supports the rural economy it is considered that the development has the potential to comply with LP12 and national planning policy; subject to the developments acceptability in terms of other site constraints.

10.4 The comments of the Parish Council are noted and have been raised with the agent for the scheme; a response to this is awaited and will be reported to committee. However the proposal as outlined clearly adheres to the relevant policy framework that guides and supports rural tourism and there are safeguarding conditions available to ensure that the policy aims are not compromised. The principle of development is therefore considered on balance to be acceptable subject to further detailed assessments.

The Character of the Area

10.5 Policy LP16(d) seeks developments to make a positive impact on the character of the area. This scheme retains existing landscaping on the perimeter of the site and it is considered that the development will be appropriately screened from the surrounding area and will have a minimal visual impact on the character of the area. Therefore the proposal is considered to accord with Policy LP16(d).

Flood Risk and Drainage

- 10.6 The site is within Flood Zones 1 & 3, with two distinct pockets of land within Flood zone 1 representing approximately a third of the overall site. However in reality access and egress from the site is derived over the Flood Zone 3 areas and in planning terms the site overall is a high risk area in terms of flooding.
- 10.7 Given that flood zone status of the development there is a requirement to demonstrate that there are no sequential preferable sites available on which to deliver the proposal. In applying the sequential test it is noted that the scheme represents the extension of an established tourism site and as such there are no other sites which would afford the applicant this opportunity. Obviously this would not be the case if the development was for general market housing as the 'growth'/ 'investment' argument would have no weight. It is also noted that there are no alternative locations within the existing site that would be less vulnerable to flooding
- 10.8 Recognising that a site specific flood risk assessment accompanies the proposal and that this has been accepted by the Environment Agency and that the scheme will have community benefits in attracting tourists to the district and offering additional employment it may be concluded that the exception test requirements are also met. Neither the EA nor the IDB have objected to this application and compliance with the recommendations of the FRA may be secured via condition. The applicant proposes to use a combination of permeable asphalt and gravel-filled trenches to deal with any surface water arising from the site and the LLFA has requested that details of the proposed trenches be secured via condition.
- 10.9 On balance therefore it is not considered that the scheme warrants a refusal on flood risk grounds when viewing the scheme in the context of the existing history of the site and noting that there is appropriate flood mitigation available to ameliorate flood risk.

Highway Safety

- 10.10 The Local Highway Authority has no objection excepting a requirement for enhanced footpath provision and a suitably located uncontrolled crossing point across Gull Road. The agent has provided details of the footpath that was delivered in respect of an earlier scheme and the plans are with the LHA for comment. It is considered that the proposal has the potential to accord with Policy LP15 subject to the details being agreed as appropriate.

Economic Growth

- 10.11 This further phase of the development of this leisure complex illustrates the economic growth of and investment in an established business. It is considered there will be some local economic benefit in accordance with the aims of Policy LP6. The submitted design and access statement indicates that the proposal comes forward to ensure this business continues to grow and develop allowing continued employment in the local area. Furthermore it is stated that the scheme will further enhance the numbers of visiting families to the area which in turn will underpin local business and the existing farm shop on site.

Health and Wellbeing and Residential Amenity

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- 10.12 Policy LP2 seeks to provide high levels of amenity. Policy LP16 (e) seeks to grant developments that do not adversely impact on neighbouring amenity.

No residential amenity issues are identified with regard to existing residential occupiers along Gull Road and the scheme layout demonstrates that the individual units will have appropriate separation as such it is not considered that there are any issues arising in respect of health, wellbeing and residential amenity.

Biodiversity and environmental considerations

- 10.13 Natural England raise no objection with regard to statutory nature conservation sites and consider that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Nene Washes SAC, SPA, Ramsar has been classified. In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Adventures' Land; and Nene Washes SSSI has been notified.
- 10.14 It is required that the LPA should apply standing advice to the application with regard to protected species and this in-house assessment concludes that other than a general safeguarding condition in respect of the timing of the tree removal there are no biodiversity issues to reconcile.

Other matters

- 10.15 The Cambridgeshire Fire and Rescue team recommend that adequate provision should be made for fire hydrants, secured by either a S106 or planning condition. It is not usual practice to impose such conditions and accordingly this requirement will be conveyed by informative.
- 10.16 The Parish Council have raised an objection to the scheme on the grounds of occupancy; however there are safeguarding conditions in place restricting the use of the accommodation as permanent residents, whilst allowing year round accommodation to give the residents flexibility. The agent has been alerted to this concern and has been asked to provide some further supporting information regarding the general use of the accommodation within the site.

11 CONCLUSIONS

- 11.1 The proposal is for the expansion of an established tourism business, whilst the site is located in the open countryside and does not relate to a settlement it has a planning history dating back to 2005 and the use has been accepted through the original grant of consent and subsequent approvals.
- 11.2 It is also located within an area considered at high risk of flooding. If the proposal were for residential (Class C3 use) it is unlikely the proposal would be viewed favourably. However as a tourism use only, albeit for longer duration accommodation, it is considered that the proposal could not reasonably be located in more sustainable location. The proposal has no highway safety issues

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and has some economic development benefits and accords with the aims of para 28 of the NPPF. On balance the proposal is considered to be acceptable.

12 RECOMMENDATION: GRANT

Conditions

- 1 The development permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 All vegetation clearance at the site shall only take place outside the bird breeding season of March to August inclusive.

Reason - To ensure compliance with Section 1 of the Wildlife and Countryside Act with respect to nesting birds and to provide biodiversity mitigation in line with the aims of Planning Policy Statement 9 Biodiversity and Geological Conservation.

- 3 Prior to the commencement of development that full details of the proposed surface water trenches shall be provided to and approved in writing by the Local Planning Authority. Works shall then be undertaken strictly in accordance with the approved details and thereafter maintained in perpetuity.

Reason- To ensure that the site is adequately drained and to avoid surface water flooding in accordance with Policies LP14 and LP16 of the Fenland Local Plan, adopted May 2014.

- 4 The caravans hereby permitted shall not be occupied other than as holiday accommodation. They shall not be used at any time as sole and principal residences by any occupants.

Reason - Permanent occupation of the site would be contrary to the Local Planning Authority's rural planning policy to permit unrestricted accommodation in this rural location.

- 5 The owners/operators of the site shall maintain an up-to-date register of the names of all owners/occupiers of the 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 that approved holiday accommodation is not used for unauthorised permanent residential occupation.

- 6 The development shall be undertaken strictly in accordance with the recommended mitigation measures proposed in the submitted Flood Risk Assessment GCB/Swann Edwards
 - Finished floor level set no lower than 600mm above existing ground levels.

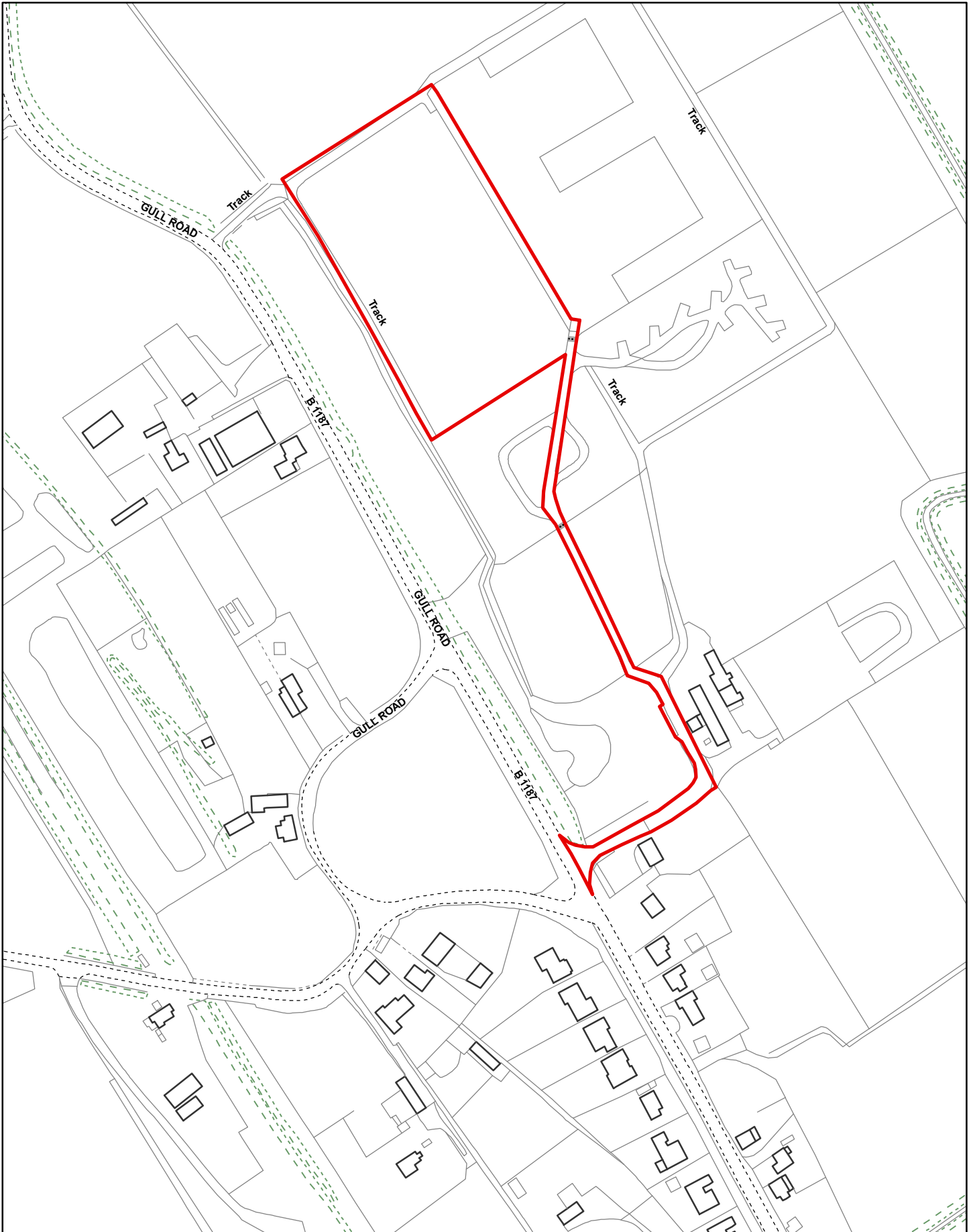
Reason - To ensure that the development satisfactorily addresses flood risk in accordance with Policy LP14 of the Fenland Local Plan, adopted 2014

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- 7 The development hereby permitted shall be carried out in accordance with the following approved plans and documents

Informatives

- 1: Statutory Instrument
- 2: Fire Hydrants
- 3: Environment Agency



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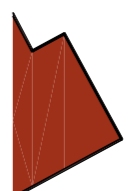
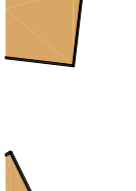
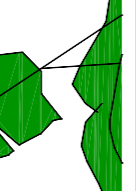
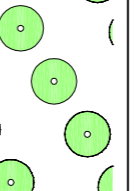
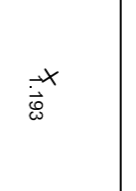
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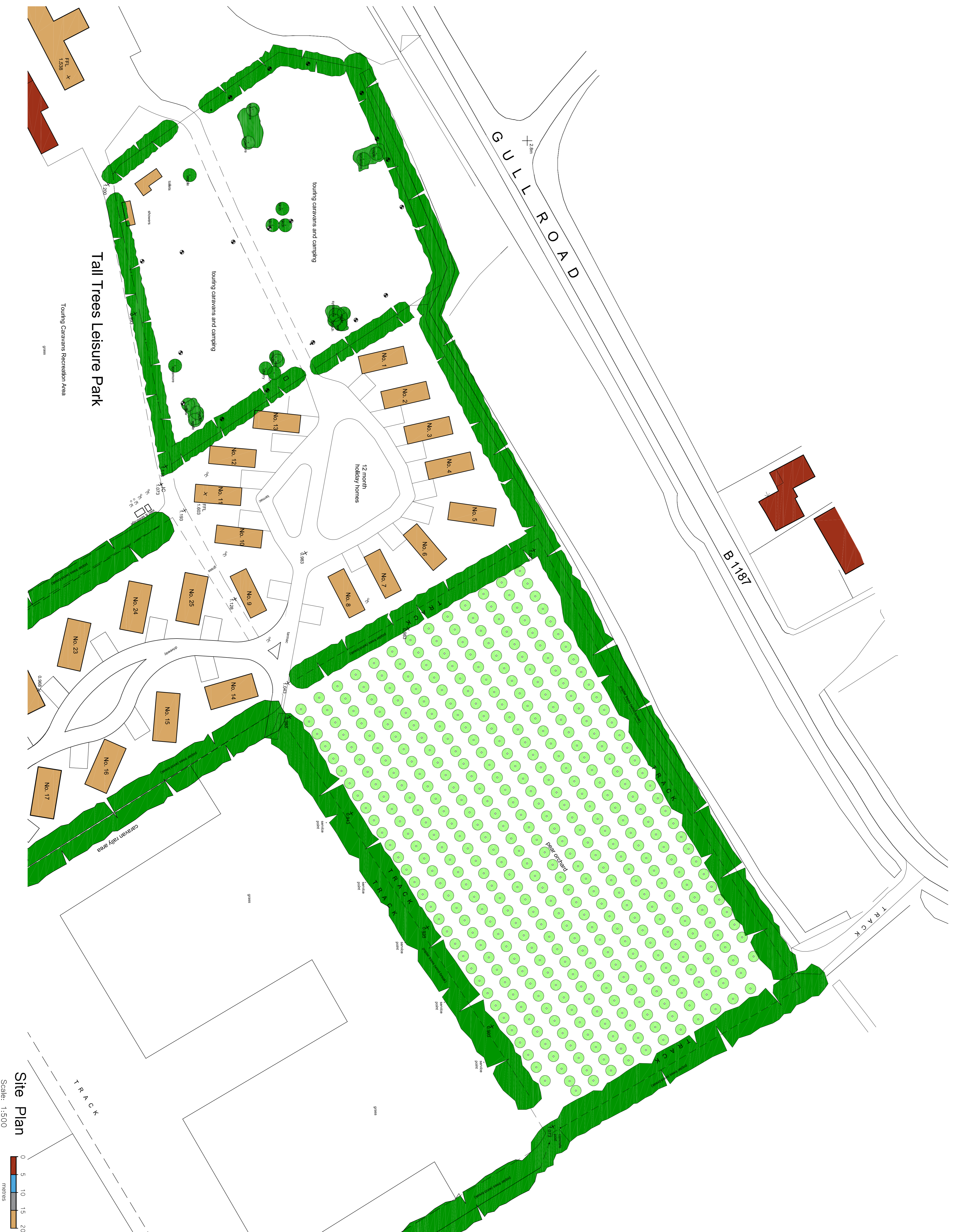
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- General Notes
1. The drawing shall not be scaled, figured dimensions only to be used.
 2. All dimensions are shown in 'mm' unless otherwise stated.
 3. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
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 5. Any discrepancies are to be brought to the designers attention.

SITE PLAN KEY

	Indicates un-surveyed buildings
	Indicates surveyed buildings
	Indicates existing hedges and trees
	Indicates existing fruit trees
	Indicates levels



Site Plan
Scale: 1:500

SWANN EDWARDS ARCHITECTURE

Swann Edwards Architecture Limited, Fern Road, Quyrin, Wilsden, Canada, FE13 4JX
t 01945 450824 e info@swannedwards.co.uk w www.swannedwards.co.uk

Job Title	Date	Scale
Caravan Site	August	1:500
Tall Trees Leisure Park, Gull Rd, Quyrin, Wilsden, Canada	2017	Sheet Size A1

Drawing Title	Job No.	Drawn by
Survey Plan	SE-838	R.F.
Drawn by	Revision	
Dwg No.		
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