

**Application No: 20/00454/VAR Variation / Removal of Condition**

**Site:** Touring Park, Sandy Balls Holiday Centre, Sandy Balls Estate, Godshill

**Proposal:** Application for removal of condition 15 of Planning Permission 18/00139 to allow occupation of all units for 12 months per year

**Applicant:** Mr G Lashley, Away Resorts

**Case Officer:** Ann Braid

**Parish:** GODSHILL

**1. REASON FOR COMMITTEE CONSIDERATION**

Contrary to Parish Council view

**2. DEVELOPMENT PLAN DESIGNATION**

Conservation Area

**3. PRINCIPAL DEVELOPMENT PLAN POLICIES**

- SP5 Nature conservation sites of international importance
- SP6 The natural environment
- SP17 Local distinctiveness
- SP42 Business and employment development
- SP46 Sustainable tourism development
- DP2 General development principles
- DP47 Extensions to holiday parks and camp sites

**4. SUPPLEMENTARY PLANNING GUIDANCE**

Not applicable

**5. NATIONAL PLANNING POLICY FRAMEWORK**

- Sec 6 - Building a strong, competitive economy
- Sec 15 - Conserving and enhancing the natural environment

**6. MEMBER COMMENTS**

None received

**7. PARISH COUNCIL COMMENTS**

Godshill Parish Council: Recommend refusal on the following grounds and because it considers the application to be contrary to the following Local

Plan policies:

- Policy SP5 - it would have increased impact on nature conservation sites of international importance,
- Policy SP46 - it provides no evidence that the year round use of the units will either enhance or at least not damage the Special Qualities of the National Park;
- The reasons for the condition being placed on Planning Application 18/00139 have not changed.
- No dialogue was held with the Parish Council before the application was considered at the meeting.

## **8. CONSULTEES**

- 8.1 Ecologist: Cannot support the application without appropriate mitigation [Mitigation has since been put forward by the applicant].
- 8.2 Planning Policy Officer: Comment on the need for phosphate neutrality.
- 8.3 Environment Agency: No objection.
- 8.4 Natural England: No objection subject to mitigation.

## **9. REPRESENTATIONS**

- 9.1 Two letters of objection have been received. The winter period of respite is important to the forest and to residents.

## **10. RELEVANT HISTORY**

- 10.1 Use of land for the siting of 108 holiday lodges (static caravans) including the relaying of 108 bases, access roads, parking spaces, refuse enclosures and associated landscaping (Application for a Non material Amendment to Planning Permission 18/00139) (19/00757) raise no objection on 22 October 2019
- 10.2 Use of land for the siting of 108 holiday lodges (static caravans) including the relaying of 108 bases, access roads, parking spaces, refuse enclosures and associated landscaping (18/00139) granted on 27 July 2018
- 10.3 Use of land for the winter storage of caravans on Orchard Field & Part of Four Acres Field (92932) refused on 27 June 2008 Appeal allowed on 11 November 2008
- 10.4 Variation of condition 7 on planning application ref. 84/26193 (to allow 89 seasonal touring caravan pitches in the North field to be used all year round) (92934) refused on 27 June 2008 Appeal dismissed 11 November 2008

- 10.5 Improvement to guest services phase 1 to include: restaurant; welcome building; temporary cycle hire centre; extension & conversion of existing restaurant to admin building; guest services/retail building; information points; extension to play area; car parking; use of land as leisure (85020) granted on 18 January 2006
- 10.6 Allow use of 33 touring pitches throughout the year (Relief of Condition 7 on Planning Permission 26193) (81130) granted on 27 May 2005
- 10.7 Change of use of site and restructuring facilities for Holiday Centre (26193) granted on 6 February 1985

## 11. ASSESSMENT

- 11.1 This application relates to a field occupied by static caravans, within an established holiday park. The park itself comprises a central amenities area, an area of woodland with some designated ancient woodland, leisure facilities including indoor and outdoor pools, car parking, reception area and areas for touring and static caravans. The site abuts agricultural land and some residential gardens, with a public footpath running alongside the boundary to the east and north. The holiday park site is on the western edge of the village of Godshill and within the Western Escarpment Conservation Area.
- 11.2 The site has a long and fairly complicated planning history, but a useful starting point is the application in 1985 which gave planning permission for the holiday park to continue to operate subject to a legal agreement under Section 52 of the Planning Act then in force. This agreement controlled the various uses within the site. A number of subsequent applications have varied this original consent.
- 11.3 Consent was granted in 2018 to construct 108 bases for the siting of static caravans (replacing 275 existing touring pitches) across the field which makes up the application site. 53 of these units are available for holiday use 12 months of the year and the occupation of the remaining 55 units is limited, by condition, to nine months. The static caravans have been installed and are occupied for holidays. This application seeks to vary the condition that limits these periods of occupation so that all 108 chalets may be occupied all year round. The relevant condition reads:

*'There shall be no occupation of the static caravans to the north west and south east of the site except between 1 February and 31 October, in accordance with the layout shown on plan number 3939-520C.*

*Reason: In the interests of neighbouring amenity as a result of increased activity and consequent pressure on the National Park*

*and this would be contrary to Policies DP1 and CP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).'*

The applicant has identified that there is a high demand for holidays within the UK and wishes to meet this demand by adding to the number of chalets available for holidays at Sandy Balls.

- 11.4 The main issues under consideration would be:
- The extent to which the proposal would comply with policy and whether the removal of the seasonal use condition would change the nature or increase the intensity of the use of the existing site;
  - Ecological impacts including water quality;
  - Highway issues; and
  - Impacts on neighbouring amenity.
- 11.5 The general objective of Local Plan Policy DP47 is to ensure development does not increase the overall capacity or site area of existing holiday parks. Development should also result in some environmental benefits. When consent was granted for the static units it was demonstrated that the overall use of the site would not be intensified in comparison with the former use of the land for up to 275 touring caravans. It was shown that the use of the static units (in accordance with the condition) would have no additional recreational impact. In this proposed application, there would be no increase in site area or the number of static units, but capacity would be increased by the occupation of the static units for the extra three months, over winter. Landscape impact on the National Park would not be materially altered by the extra usage, as the static units remain on site all year. The relief of the condition would result in use of an extra 55 units for an additional 92 days in the context of the whole site and the other 330 units which are in 12 month use. In this context, there would be a minor increase in capacity as a result of the use. Environmental benefits such as landscaping were secured at the time of the previous consent.
- 11.6 Ecological impacts would be those associated with the potential increase in recreational pressures on the protected landscape of the New Forest. The Authority's ecologist has assessed the potential impacts on additional pressure during the winter months on the features for which the protected areas were designated. Natural England has assessed the proposal from the perspective of impacts on the New Forest SPA and adverse effects on water quality and raises no objection, provided suitable mitigation is put in place.
- 11.7 The development has been assessed for potential increases in recreational pressure and it is concluded that there would be an increase in recreational impacts but that these may be mitigated.

The applicant has indicated agreement to enter into a legal agreement to provide mitigation, which may be through the Authority's habitat mitigation scheme. This can be secured by condition. Any increase in use of overnight visitor accommodation is development that has the potential to increase levels of nutrients entering the river system, in this case the River Avon. There is a particular issue with additional phosphates. The applicant has agreed to provide a new filtration system, alongside their new sewage treatment plant, and this is acceptable to Natural England. The species for which the forest has been designated would not be affected by the proposals. The original consent secured measures for biodiversity mitigation and enhancement. Natural England has commented on the proposals and, based on the plans submitted, considers that the proposed development will not have significant adverse impacts on statutorily protected sites.

11.8 A Transport Statement was submitted with the original application and was considered by the Highway Authority to provide a robust assessment and no objection was raised. The development was expected to result in a net reduction of 5% on daily trips and the uplift expected as a result of the proposed increase in occupancy would not increase traffic levels back to those formerly seen when the site was a touring park.

11.9 With regard to neighbouring amenity, the issues are:

- Noise and activity;
- Light pollution; and
- Visual impact.

The residents most affected would be those in adjoining residential properties. When consent was granted for the static units, the Environmental Health (Protection) Officer concluded that the development would be unlikely to have any significant adverse noise effects and may result in a reduction of disturbance at peak times. However, the layout of the site was controlled by way of a legal agreement so that those units to be occupied for 12 months were located towards the middle of the site, and those to be used for nine months were to be located at the edges of the site. The use of all 108 units all year would result in activity across the whole site for the entirety of the year. This has been assessed in the context of the whole site, on which 330 units are available for year round occupation and only the 55 in question are still limited to nine months. It is considered that the additional impact that would result through the use of this small proportion of units is not such that the proposal may reasonably be refused. With regard to light, the winter period is not without impact at present. Units are maintained over winter, so there is a degree of activity and some security lighting. As the units remain on site throughout the year, the visual impact of the units remains unchanged. There are fewer cars and paraphernalia when the site is empty, but this would

have a minor impact in the context of the site as a whole. The site is more visible during the winter months, but the applicant has introduced evergreen planting in the landscape scheme. There would be some impact especially when viewed from the public footpath which runs alongside the application site. The visual impact of the units themselves would be unchanged, and the addition of visitors' cars and the lighting of units would not add significantly to the visual impact of the holiday park. The proposal would comply with Policy DP2 as there would be no material adverse impacts on visual amenity as a result of the proposed development.

11.10 In 2008, an appeal against the refusal of planning permission for the 12 month use of the site by touring caravans was dismissed. The Inspector was of the opinion that the respite afforded by the clearance of the site for three months was valuable for neighbouring residential occupiers. The situation has changed since that time, as the static units are now in situ for 12 months, they are maintained and lit for security during the winter season and the site boundaries have been strengthened. Furthermore, the use of an additional field for seasonal camping has been ceased, by legal agreement. The nearest house to the edge of the site is Breach Acre, and the house lies 75 metres from the boundary. The occupier of this property has raised strong objection to the proposal which would result in the loss of three months respite from disturbance associated with the use. Another correspondent from Godshill Wood, to the north is also concerned about the lack of respite, both for residents and for the Forest. Whilst there is undoubtedly an impact associated with the use of the holiday park, it is considered that the proposed change to the season, which would relate to a relatively small proportion of the accommodation on the park, most of which is available for 12 months of the year, would not materially increase the impact of the activity associated with the site, and the development would therefore accord with Policy DP2.

11.11 The holiday park is subject to a legal agreement which governs the various uses within the site and this agreement would need to be varied before consent is granted. Subject to this, and also subject to the imposition of all relevant conditions that relate to the development approved under reference 18/00139, it is recommended that the proposal should be approved.

## **12. RECOMMENDATION**

Subject to the prior completion of a section 106 agreement, the Executive Director of Strategy & Planning be authorised to grant planning permission subject to the following conditions:

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Development shall only be carried out in accordance with drawing numbers SB-01, 3939-501, 3939-521, 3939-522, 3939-526 REV A, 3939-527, 3939-530, 3939-531, 3939-532, 3939-533, 3939-540 and 4114-302 REV A.

No alterations to the approved development shall be made unless otherwise agreed in writing by the New Forest National Park Authority.

Reason: To ensure an acceptable appearance of the development in accordance with policies SP16, SP17, DP18 and DP2 of the New Forest National Park Local Plan 2016-2036 (August 2019)

- 3 Provision for parking shall be retained within the site in accordance with the approved plans attached to case reference 18/00139 and shall be retained thereafter unless otherwise agreed in writing with the national Park Authority.

Reason: To ensure adequate parking provision is made in the interest of highway safety and to comply with Policy DP2 of the New Forest National Park Local Plan 2016-2036 (August 2019)

- 4 Measures for ecological mitigation and enhancement shall be retained at the site in accordance with the recommendations set out in ACD Environmental, Biodiversity Mitigation and Enhancement plan dated 5 September 2018, approved on 26 October 2018 and attached to case reference 18/00139.

The measures thereby approved shall be implemented and retained at the site in perpetuity.

Reason: To safeguard protected species in accordance with Policies DP2 and SP6 of the New Forest National Park Local Plan 2016-2036 (August 2019)

- 5 External lighting shall only be installed on the site in accordance with plan number 4150-321, attached to case reference 18/00139, and approved in writing by the New Forest National Park Authority on 26 October 2018, unless otherwise agreed in writing with the National Park Authority.

Reason: To protect the amenities, trees and natural features of the area in accordance with Policies DP2, SP6 and SP16 of the New Forest National Park Local Plan 2016-2036 (August 2019)

- 6 The disposal of foul and surface water from the site, (including means of disposal of water from hot tubs), to include the location of all pipes and drains shall be installed in accordance with the foul and surface water drainage plan number 4150-318, attached to case reference 18/00139, unless otherwise approved in writing by the New Forest National Park Authority.

Development shall only take place in accordance with the approved details.

Reason: In order to ensure that the drainage arrangements are appropriate and in the interests of tree protection in accordance with Policy DP2 and SP6 of the New Forest National Park Local Plan 2016-2036 (August 2019).

- 7 The landscaping of the site shall be carried out in accordance with the landscaping details shown on plan numbers: DD-LN-0-01 (1) DD-LN-0-02 (1) DD-PP-0-01-(1) DD-PP-0-02 (1) DD-PP-0-03-(1) DD-PP-0-04-(1) DD-PP-0-05 (0) DD-PP-0-06-(1) and DD-PP-0-07-(1)

Reason: In the interests of neighbouring amenity and to safeguard trees and natural features which are important to the visual amenities of the area, in accordance with Policies DP2 and SP6 of the New Forest National Park Local Plan 2016-2036 (August 2019)

- 8 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner.

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 or species, unless the National Park Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 9 The static caravans hereby permitted shall not be used for any residential purpose other than for holiday use by the same person, group of persons or family, for periods not exceeding a total of 28 days in any one calendar year.

Reason: In the interests of residential amenity and to ensure the units are not used as permanent dwellings which would be



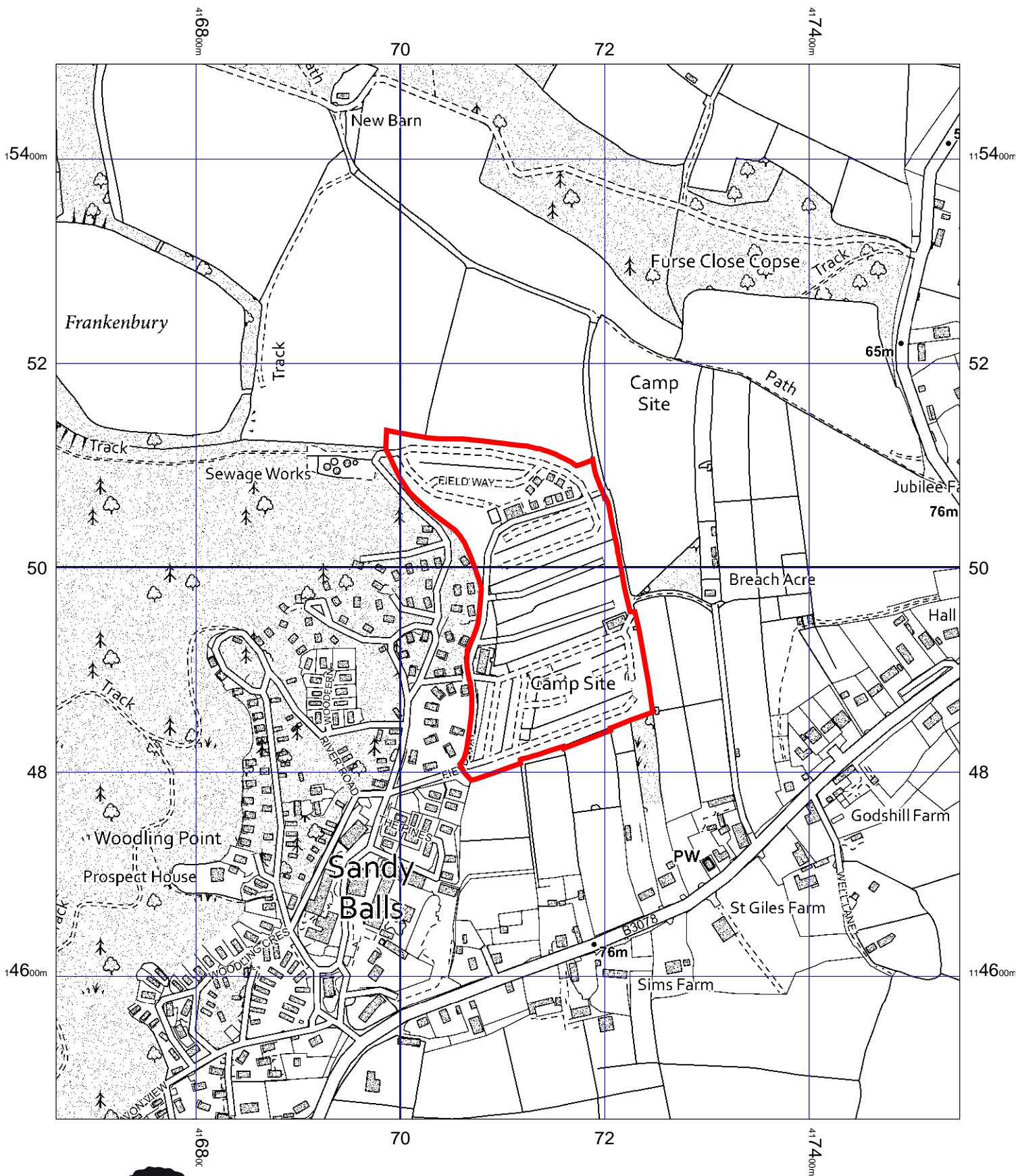
contrary to Policy CP12 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 10 The static caravans in the areas hatched in green on plan number SBC10-11 shall not be occupied between the beginning of November and the end of January until the measures for the filtration of phosphates shown on plan number 4114-302 REV A have been brought into use.

Reason: The impacts of the proposed development must be mitigated before any development is carried out in order to ensure that there will be no adverse impacts on the River Avon Special Area of Conservation (SAC), in accordance with the Authority's Interim Phosphorus Mitigation Strategy.'

- 11 The static caravans in the areas hatched in green on plan number SBC10-11 shall not be occupied between the beginning of November and the end of January until ecological mitigation for the New Forest Special Protection Areas, Special Areas of Conservation and Ramsar sites have been submitted to and approved in writing by the New Forest National Park Authority. The ecological mitigation may take the form of a planning obligation which secures financial contributions in accordance with the Authority's adopted Mitigation Strategy and the Solent (SRMP) Explanatory Note.

Reason: To safeguard sites of international ecological importance in accordance with Policies SP5 and SP6 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019), the Authority's Mitigation Strategy and the SRMP.



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