

Application Number: WD/D/19/002903

Site address: Osmington Mills Holidays, Mills Road, Osmington Mills, Weymouth DT3 6HB

Proposal: Use of land as a year round holiday park.

Applicant name: Waterside Holiday Group

Case Officer: Bob Burden

Ward Member(s): Cllr Nick Ireland

2. Summary of Recommendation:

Recommendation A: That the Committee would be minded to grant the application subject to the conditions and the completion of a section 106 agreement within 6 months of today's date (for an ecological contribution of £1,911.30 to be paid prior to commencement of the development) as set out in the report and recommends that the Head of Planning determines the application accordingly.

Recommendation B: That the committee would be minded to refuse the application for the reasons set out below if the legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) is not completed within 6 months from today's date or such extended time as agreed by the Head of Planning and recommends that the Head of Planning determines the application accordingly:

1. In the absence of a satisfactory completed legal agreement there would be no mechanism to ensure payment of the required ecological contribution (£1,911-30) in order to satisfactorily mitigate for the impacts of the development on the European protected heathlands. In these circumstances the scheme would be contrary to the Dorset Heathlands Planning Framework (2020-2025), Policy ENV2 of the West Dorset, Weymouth and Portland Local Plan 2015 and the NPPF (2019).

3. Reason for the recommendation:

- Para 14 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application.

4. Table of key planning issues

Issue	Conclusion
Principle of development	The extension of the use of the holiday accommodation specifically for holiday purposes, from 10 to the full

	12 months of the year is acceptable in principle.
Effect on visual amenity	It is considered that the scheme would have an acceptable effect on the locality, on the Area of Outstanding Natural Beauty and on the Heritage Coast.
Impact on residential amenity	The existing effects of activity, traffic movements etc, would continue for a further 2 months; it is considered this is acceptable in residential amenity terms.
Nature conservation	The relevant ecological issue will be satisfactorily addressed by means of a financial contribution towards mitigation to be secured by a section 106 agreement.
Access and Parking	There are existing highways that serve the existing site. The vehicular access and on-site parking are acceptable.

5. Description of Site

5.1 The site is accessed via the A353 main road through Osmington and is located on the east side of the Mills Road which runs southwards to Osmington Mills. The site contains 68 holiday lodges of cedar external facing.

5.2 The holiday site also has a boutique hotel (5 bedrooms) with bar, restaurant and reception area. There is also an outdoor swimming pool, play area and lawns. The site broadly speaking sits within a valley aligned north-south with a stream running through it. The lodges are positioned along access roads within the site. Public footpath S33/12 crosses the southern part of the site on an east-west axis. The western site boundary mainly comprises c2.5-3m high conifer and laurel hedging. The east boundary is characterised by generally more native, taller trees and understorey planting albeit less dense along this boundary. The lodges vary in their elevation with higher points towards the north, and particularly to the south on the eastern side of the valley.

5.3 At the centre of the site is the permanent building complex comprising a brick/tiled building containing a gymnasium together with the "Country Club" building; a two storey brick/slate structure. The site is elongated on a roughly north-south axis and is bordered by Osmington Mills Road on the west which generally varies in width between c4.5m to c 5.5m in parts. There are several dwellings nearby to the west of the road. At the northern tip of the site is a detached dwelling; Thyme Cottage of natural stone/slate. To the east of this cottage a single carriageway trackway skirts the eastern flank of the site. This is Upton Fort Road. Initially it is tarmacked, later becoming an unmade trackway. This route is also a public right of way. There are a group of dwellings close to the site at the north section of this road, mainly more

modern detached housing on the east side. A different caravan park also lies to the south-west of the site. Much of the adjoining land is in agricultural use.

6. Description of Development

6.1 The site contains 68 holiday lodges. It should be noted that these are compliant with the relevant definition of a caravan. A further (one) proposed caravan (again in the form of a lodge) is included in the scheme, to be positioned on the site of the former Ranch House building (to the left of the main entrance into the site and north of the Ownership Enquiries Suite).

6.2 The lodges can currently be occupied as holiday accommodation during the year apart from between 15th January to 15th March in each calendar year. This application now seeks to extend the period of holiday usage to take place over the full year.

6.3 The lodges are of timber (cedar) external treatment. They are generally on wheels and screwed down legs with axle stands for stability. Some are also secured with chains. Lodge bases generally have horizontal timber “skirts” surrounding them.

7. Relevant Planning History

WD/D/15/000115 Extensions to “Country Club” to form boutique hotel. Approved 13/5/15.

WD/D/15/000492 Erection of cedar lodge (1 caravan unit). Allowed on appeal APP/F1230/W/3151917 24/10/16.

1/E/84/528 Re-structuring of facilities to upgrade and enhance existing caravan and camping parks. Approved 23/6/87.

1/E/97/000462 remove condition 2 of 1/E/77/583 to enable club premises to operate throughout the year. Approved 27/10/98.

8. List of Constraints

Outside defined development boundary

Within Heritage Coast

Area of Outstanding Natural Beauty: (*statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000*)

Historic Contaminated site buffer

Heathland Consultation Area

Right of Way

9. Consultations

Dorset Waste Partnership - No issues.

Flood Risk Management - As no increase in impermeable surface area we have no objection.

Highways Officer - No objection.

Tree Officer - No objections.

Environmental Health Officer - No comments regarding any contaminated land issues.

Caravan site licensing - The existing caravan site licensing relevant to this site allows up to a maximum of 130 caravan pitches for holiday/leisure purposes (Kingfisher site up to 20; Ranch House up to 20 and Adjacent Ranch House up to 90).

Senior Ranger-Rights of Way - No objection provided Footpath 12 is not obstructed.

Natural England - Require further information on exactly how many lodges are on the site. Heathlands SPD applies. Proposal will have a Likely Significant Effect on the European and International wildlife sites in locality (Warmwell Heath SSSI) arising from increase in residential units and hence increase in urban related pressures such as recreational access.

LPA should secure the appropriate Heathland Infrastructure Project mitigation contribution reflective of the increase in dwellings through the adopted strategic solutions approach.

Up to the applicant to provide a Strategic Access Management & Monitoring contribution reflective of effective increase in dwellings through the adopted strategic solutions approach.

To enable LPA to secure these measures and conclude no adverse impact will need to apply the maximum number of permitted units that the seasonal restriction variation may apply to in a worst case scenario within the limits of the permission and site licence.

If your authority is *unable* to secure either of these mitigation measures please re-consult Natural England as our advice is likely to be amended to an objection.

Technical Services - No objection to the proposal but take the opportunity to advise that as parts of the site are in flood zones 2 & 3, it is advisable that a flood warning and evacuation plan is in place.

Parish Council - Object to this application for the following reasons:

-Increased light pollution in an Area of Outstanding Natural Beauty.

-The chalets would have a detrimental visual impact on the local area as they would be well lit and highly visible. The site no longer benefits from being well screened with trees and shrubs.

-Osmington Mills is a small hamlet of mostly permanent residents. Facilities on the holiday site encourage its residents to remain on site and does not encourage integration within the already established community.

All consultee responses can be viewed in full on the website.

10. Representations

22 letters of objection/comment. The main planning-related comments include:

- increased traffic congestion, particularly on Mills Road
 - increased light pollution
 - loss of winter peace and tranquillity for residents of area
 - increased visual impact from any future larger chalets
 - trees/vegetation been removed to improve views –making chalets more visible
 - would encourage more chalets to be added
 - undesirable precedent that could lead to becoming permanent residential houses instead
 - deterioration of Upton Fort Road due to increased sewage tanker movements
 - large year-round chalet allowed on appeal should not be a precedent
 - lack of evidence to justify extending holiday use in the 2 extra winter months
 - lack of infrastructure-especially water services; tankers have to visit frequently-
 - increased strain on doctors, schools, emergency services, lack of public transport
 - Mills Road-a lane inadequate to take increased traffic
 - increased visitor pressure leading to exacerbating on-lane parking on Mills Road.
 - noise pollution
- Could result in increased flood risk
- harm the natural beauty of area, and site more visible in winter
 - detrimental to Heritage Coast
 - detrimental to views from various public footpaths (across and adjacent to site)
 - query how enforce not becoming permanent dwellings
 - no community benefit for residents from this proposal
 - no additional infrastructure offered to support this use
 - detrimental to views from public footpaths
 - consider real demand is for permanent holiday homes-not chalets
 - would unacceptably increase the population of the hamlet

Full copies of letters can be viewed on the Dorset Council website.

11. Relevant Policies

West Dorset, Weymouth and Portland Local Plan 2015

- INT1. Presumption in Favour of Sustainable Development
- ENV1. Landscape, Seascape and Sites of Geological Interest
- ENV2. Wildlife and Habitats
- ENV9 Pollution and contaminated land
- ENV10. The Landscape and Townscape Setting
- ENV12. The Design and Positioning of Buildings
- ENV16. Amenity
- ECON5. Tourism Attractions and Facilities

- COM7. Creating a Safe and Efficient transport Network
- COM9. Parking Standards in New Development

National Planning Policy Framework (NPPF) 2019

As far as this application is concerned the following sections of the NPPF are considered to be relevant:

2. Achieving sustainable development
4. Decision-making
6. Building a strong, competitive economy
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment

Decision-making-

Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Other material considerations

Design and Sustainable Development Guidelines 2009.
 West Dorset Landscape Character Assessment 2009
 Dorset Heathlands Planning Framework (2020-2025)
 Bournemouth, Dorset and Poole Parking Standards

12. Human rights

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property

This Recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

13. Public Sector Equalities Duty

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

The positioning of car spaces generally close to the holiday lodges would assist the elderly or less able users of the holiday units.

14. Financial benefits

Material considerations

Additional employment on-site due to the extended period of holiday usage.
Likely increased winter period visitor spending in local shops and facilities.

15. Climate Implications

The existing number of lodges would have a further lodge added. The additional 2 months of use would result in potentially more traffic movements and servicing vehicles and activity increasing emissions during the winter. However, this increase –which would likely be similar to the existing normal operating use pattern and is considered to be outweighed by the benefit of allowing winter holiday breaks with potential for spending by users in local shops and facilities out of season.

16. Planning Assessment

Principle of development-

16.1 This application relates to a well-established holiday park comprising timber lodges. The application site has been used historically for holiday caravans since at least the early 1950's. When the applicant took over the site in 2009 it is understood there were 99 static caravans on site. These have now been replaced with 68 timber lodges. In essence, the individual holiday lodges are owned freehold by persons who have a leasehold agreement regarding the land.

16.2 In 1984 a planning application was submitted for the “re-structuring of facilities to upgrade and enhance existing caravan and camping parks “(1/E/84/528). This was a consolidating application which covered additional areas as well as this site. That application was approved on 23/6/87. It was linked to a Section 52 agreement (now known as Section 106) dated 1 May 1987. This legal agreement specified that land (including the application site) together with additional land to the north and west could not be used for tents (with the exception of a parcel of land to the west which could be used for up to 225 tents).

16.3 The Caravan Site Licencing information from the Environmental Health Officer indicates the application site area has licencing for up to 20 caravans (“Kingfisher” site), 20 caravans (adjacent “Ranch House”) and 90 caravans (“Ranch House”). This makes a total of licencing for up to 130 caravans.

Policy context-

16.4 The site lies outside any defined development boundary (DDB) in the Local Plan. Policy ECON7 of the adopted West Dorset, Weymouth and Portland Local Plan gives the context for new, or changes to existing, caravan and camping sites, and allows for this type of development outside DDB's subject to other material

planning considerations. In this case the site is already present. The proposal includes 1 additional lodge to be provided in addition to the 68 already present.

16.5 At present the lodges can currently be occupied as holiday accommodation during the year apart from between 15th January to 15th March in each calendar year. This application now seeks to extend the period of holiday usage for the full calendar year.

16.6 National Planning Policy Guidance has for some years encouraged the extension of the tourist season beyond the more traditional holiday season to allow greater non-traditional seasonal usage.

16.7 Extending the length of the season to encompass the full year could help meet any increasing demand for short breaks and holidays at any time of the year; it could result in more spending in local pubs, shops and facilities; could contribute to increased employment opportunities on the site, and provide increased scope for UK based holidays. It may also be that Brexit and possibly Covid considerations may encourage increased domestic holidays at the expense of foreign breaks.

16.8 A Ministerial Statement (extract) of 14 July 2020, (whilst admittedly referencing a mid-Covid period context) has some relevance here and illustrates the point regarding local economic benefits:

Caravan and holiday parks in England were able to reopen from 4th July 2020. Extending their operation beyond the usual summer season will be invaluable to parks as the sector begins to recover. We are aware that current planning conditions may limit their open season. The temporary relaxation of these planning restrictions can play a vital role in helping local businesses to get up and running again.

16.9 The NPPF also refers as below:

Para 83 Supporting a Prosperous Rural Economy- decisions should enable: “sustainable rural tourism and leisure developments which respect the character of the countryside”.

16.10 Examples of previous planning decisions in the wider locality have supported the extension of the holiday season to the full year in the south Dorset area:

The Silverlake development at Crossways (1/D/13/001112); under the approval for up to 1,000 holiday chalets/lodges, the restriction is for holiday use only but not restricted to any part of the year;

At the Waterside Holiday Park, Bowleaze Coveaway, Weymouth on the touring field, this has been approved for stationing 14 cedar holiday lodges without a seasonal restriction (WP/19/01005/FUL). The same applicant as on the current application site.

16.11 On this very application site on 24 October 2016, an appeal inspector allowed an appeal for an additional holiday lodge, conditioning it for holiday use/ schedule of

occupiers, with all-year round holiday use allowed. The reference is WD/D/15/000492; appeal reference APP/F1230/W/3151917.

16.12 Questions can sometimes be raised over how if allowed for 12 months the Local Planning Authority can ensure the holiday use does not become permanent residential use? There are a number of measures which are relevant here. Firstly, planning conditions would be applied to limit the use to holiday purposes only, and to require the operator to maintain a schedule of occupiers which can be checked by an authorised Dorset Council officer. Secondly, under the auspices of the Environmental Health Officer the current Caravan Site Licence 366/87 (transferred to the current operator in 2009) has its own set of restrictions which includes a requirement to be consistent with the conditions on the relevant planning permission. Thirdly, whilst this does not fall under planning control it is useful to note the current contractual obligations required by the site owner under their commercial licence agreement as they relate to the lodges; among its provisions it states:

“You can only use the Holiday Home for holiday and recreational purpose. You must not use the holiday home as your only or main residential home. If you do use the Holiday Home as your only or main home, then you will be breaking the terms of the Pitch Licence Agreement”.

The applicant also requires that no post can be delivered to the site.

16.13 Clearly, it would be open to the LPA to take enforcement action if there were breaches of the authorised use of the lodges. In the light of the above points it is considered that the principle of extending the holiday occupation season to allow holidays at *any* time of the year is acceptable in principle, subject to any other relevant planning considerations.

Effect on Visual Amenity-

16.14 The site lies within the designated Area of Outstanding Natural Beauty (AONB) and within the Heritage Coast. It is also crossed in its southern section by Public Footpath 33/12. The NPPF states: at para 172, testifying to the *“great weight to conserving and enhancing landscape and scenic beauty . . . in AONB’s”*. And continues in respect of the Heritage Coast *“decisions should be consistent with the special character of the area and the importance of its conservation”*.

16.15 The site is therefore in a visually sensitive location. The site benefits from existing tree and/or hedge planting to the majority of its boundaries. Whilst there are various public locations where sight of the lodges is possible, in general the site is well contained visually by the screening. The existing views from the public footpath crossing the site would remain. This proposal largely relates to the existing lodges in terms of their extended occupancy. There is also a site for a lodge at the southern end of the site which was allowed on appeal (WD/D/15/000492 - APP/F1230/W/16/3151917) in 2016. Also a further lodge/caravan is proposed to be located on the former site of the Ranch House building. This would be visible from the main site entrance. However, given the presence of the existing lodges and other built development in the locality its addition is considered acceptable in visual terms.

16.16 It is considered that the existing layout and proposed siting of the additional lodge would not harm the Area of Outstanding Natural Beauty nor the Heritage Coast. The scheme is considered to be acceptable in visual amenity terms.

Residential amenity-

16.17 The existing holiday park clearly entails activity and movements of people and vehicles, together with the movements of servicing and delivery vehicles. Representations have been received regarding the potential for increased noise and disturbance in the winter period. Whilst it is true to say this proposal may result in an increase in noise and activity at the site in mid-winter for local residents, the level of any noise and disturbance resulting from an extension to the full year is likely to be no greater than that at present.

16.18 There are a number of dwellings near the site and certain of which have a common boundary with the site. However, it is not considered that the extension of the use from 10 to 12 months would have an unacceptable effect on residential amenity by reason of noise or disturbance.

Nature Conservation-

16.19 The Dorset Heathlands Planning Framework (2020-2025) Supplementary Planning guidance applies.

16.20 As advised by Natural England the proposal will have a Likely Significant Effect on the European and International wildlife sites in the locality (Warmwell Heath SSSI) arising from an effective increase in residential-type units and hence an increase in urban related pressures such as recreational access.

16.21 Accordingly, the Council has carried out an Appropriate Assessment (AA) under the Habitats Regulations Assessment as Competent Authority in accordance with the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the Natural Environment and Rural Communities (NERC) Act 2006 to the purpose of conserving biodiversity.

16.22 The extension of occupancy by a further 2 months and the additional caravan proposed triggers this aspect. Following from the comments of Natural England the council has secured the appropriate Heathland Infrastructure Project mitigation contribution reflective of the effective increase in units through the adopted strategic solutions approach. This results in an ecological contribution figure of £1,911.30. This would be secured by an appropriate legal obligation. The applicant has indicated they would provide a unilateral undertaking. In these circumstances the nature conservation issue has been appropriately addressed by securing the appropriate mitigation for the impacts.

Highways-

16.23 The site is accessed from the A353 main road, then along Mills Road which serves the site and the Osmington Mills area. This road is relatively narrow with

some passing places. Its width varies between about 3.75m to 5.5m width. The existing holiday park has a level of traffic and movements associated with it. This scheme adds one lodge/caravan over and above those currently present. As such, overall the traffic generated would be similar to that at present, albeit for an additional 2 months. The Highway Officer has reviewed the application and has no objections. It is considered that the scheme is acceptable in highway safety terms.

Comments on Parish Council observations-

16.24 The Parish Council object to the scheme. They consider there would be increased light pollution in the AONB. The existing holiday park already has lighting in place. Whilst it is true that the lighting usage would continue for a further 2 months, this would only be at similar levels to that which is established on the site.

16.25 They are also concerned that the chalets would have a detrimental visual impact on the locality, citing that the site does not benefit from being well screened with trees/shrubs. It must be borne in mind that the chalets are almost entirely already in place. And save for one additional new lodge on the former "Ranch House" site there are no other new lodges proposed. Hence, the visual impact is essentially similar to that at present. It is considered that the existing planting around the site's edges is sufficient to satisfactorily integrate the holiday park into the landscape context.

16.26 They also mention that "facilities on the holiday site encourage its residents to remain on site and does not encourage integration within the already established community".

16.27 The Case Officer would comment that as a holiday park it would not normally be the expectation that holiday makers would necessarily engage with wider community activities; this would be very much an individual choice on how they wish to spend their time on holiday.

17. Conclusion

17.1 The extension of the holiday occupation period from 10 months to the full 12 months of the year would allow greater flexibility and/or opportunity for taking holidays out of the main season. This is a sustainable development as it already exists in this location. From an economic viewpoint it could result in economic benefits to local facilities in the otherwise quieter winter months. In environmental terms the ecological considerations have been addressed, and the site has sufficient existing planting to its boundaries. In terms of social considerations the holiday occupiers may develop social links either within or outside the holiday park.

18. RECOMMENDATION

RECOMMENDATION A: That the Committee would be minded to grant the application subject to the conditions and the completion of a section 106 agreement within 6 months of today's date (for an ecological contribution of £1,911.30 to be paid prior to commencement of the development) as set out in the report and recommends that the Head of Planning determines the application accordingly.

And subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Block Plan received 25/11/19

Layout Plan-Northern Section 2020 09 09 A received 11/1/21

Layout Plan -Southern Section 2020 09 10 A received 11/1/21

REASON: For the avoidance of doubt and in the interests of proper planning.

2. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

3. Not more than 69 holiday caravans shall be stationed on the application site.

REASON: To ensure the intensity of use does not cause visual harm to the Area of Outstanding Natural Beauty and the Heritage Coast.

4. The caravans subject to this permission shall be occupied for holiday purposes only and shall not be occupied as a person's sole, or main place of residence.

REASON: To ensure that approved holiday accommodation is not used for unauthorised permanent residential occupation.

5. The owners/operators must maintain an up-to-date register of the names and main homes addresses of all owners/occupiers of individual caravans on the site, together with the dates of occupation. The said register shall be made available for inspection during all reasonable hours at the request of an officer of the Local Planning Authority.

REASON: To ensure that approved holiday accommodation is not used for unauthorised permanent residential occupation.

6. The caravans subject to this permission shall be externally clad and retained thereafter in timber cladding.

REASON: In the interests of protecting the visual amenity of the Area of Outstanding Natural Beauty and the Heritage Coast.

Informatives: This permission shall be read in conjunction with a legal agreement dated (insert date when known) addressing the ecological contribution.

RECOMMENDATION B: That the committee would be minded to refuse the application for the reasons set out below if the legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) is not completed within 6

months from today's date or such extended time as agreed by the Head of Planning and recommends that the Head of Planning determines the application accordingly:

1. In the absence of a satisfactory completed legal agreement there would be no mechanism to ensure payment of the required ecological contribution (£1,911-30) in order to satisfactorily mitigate for the impacts of the development on the European protected heathlands. In these circumstances the scheme would be contrary to the Dorset Heathlands Planning Framework (2020-2025), Policy ENV2 of the West Dorset, Weymouth and Portland Local Plan 2015 and the NPPF (2019).