

12. FULL APPLICATION - REMOVAL OR VARIATION OF CONDITION 12 ON PLANNING APPROVAL - NP/DDD/0118/0022, AT BANK TOP COTTAGE, BIGGIN (NP/DDD/0519/0459)

APPLICANT: LISA PLATTS & NATALIE COOPER

Summary

1. The application seeks permission to vary conditions on a previously approved caravan and camping site and new access. It is considered that the key considerations are the potential impacts on the character and appearance of the landscape and highway safety. It is considered the impacts are acceptable and the application is recommended for approval.

Site and Surroundings

2. Bank Top Cottage is located in open countryside adjacent to the A515 approximately 1.4km south of Newhaven and around 1.2km south east of Biggin and opposite Bank House Farm (Grade II listed). Another property, Bank Top Barn, is sited south of the cottage with a recently approved camping and caravan site sited to the south west. The site is accessed directly off the A515, with a Public Right of Way running in a predominantly east west direction around 90 metres to the south.

Proposal

3. This application seeks a variation of condition 12 of approved application NP/DDD/0118/0022 for the creation of the new camping and caravan site. The condition reads:

'Prior to the proposed development being brought into use, the existing access to the A515 shall be permanently closed with a physical barrier and the existing vehicle crossover reinstated as verge in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority'.

The current application seeks to vary this condition to allow the existing access point to be retained to serve Bank Top Cottage. The camping and caravan site, and Bank Top Barn, would still be served by the new access.

Condition 2 of the approved scheme would also need to be varied, to include the revised site plan, showing the retention of the original access to Bank Top Cottage and the position of a new drystone wall to separate Bank Cottage from the rest of the site.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions.

1. **The development hereby permitted shall not be carried out otherwise than in complete accordance with the amended site plan drawing number DL17.A2, and the variation plan submitted '02-05-2019'.**
2. **Within 4 months of the date of this permission, all new drystone walling to be erected, as shown on drawing numbers DL17.A2 and Variation Plan submitted 02-05-2019' shall be laid in the traditional manner in local natural stone, topped with half round stones and built to the same height and form as the adjacent and existing wall and shall be permanently so maintained'**
3. **No caravan shall remain on the site for a period exceeding four weeks in any**

calendar year.

4. **No caravan or structure shall be placed on the site, which is not capable of being towed on a public highway by a private family car.**
5. **No tents shall be pitched on the site at any time.**
6. **No arrivals to, or departures from, the site shall take place before 7a.m nor after 11p.m.**
7. **No works or development shall take place until full details of the proposed planting shown on plan DL17.A2, have been approved in writing by the Authority. The scheme shall include details of proposed species and spacing. Once approved, the development shall proceed only in complete accordance with the approved details.**
8. **The landscaping tree and shrub planting approved by condition 7 shall be carried out in the first planting and seeding seasons following first use of the campsite or following completion of the development, whichever is the sooner. Any trees or plant which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species or in accordance with an alternative scheme previously agreed in writing by the Authority.**
9. **Prior to its construction, details of the design and materials of the new access driveway shall be submitted to and agreed in writing by the Authority. The development shall thereafter proceed only in accordance with the approved details.**
10. **No part of the proposed development shall be brought into use until space has been laid out within the site in accordance with the approved application drawings for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear.**
11. **There shall be no gates or other barriers within 15m of the nearside highway boundary and any gates shall open inwards only, unless otherwise agreed in writing by the Local Planning Authority.**
12. **The proposed access drive to the A515 shall be no steeper than 1 in 20 for the first 15m from the nearside highway boundary and 1 in 14 thereafter.**

Key Issues

4. Whether variation of the condition would affect the valued character and appearance of the National Park landscape and highway safety.

Relevant History

5. Planning Application NP/DDD/0118/0022 - Camping and caravan site for up to 9 caravans and use of agricultural store as associated amenity block. Construction of new access drive to serve the site - Granted conditionally by Planning Committee in 2018.

Consultations

6. Highway Authority - '*... no objections to retention of the existing vehicular access to Bank Top Cottage as the proposed stone wall within the site will ensure the access only serves one dwelling, and at no time will any of the camp site traffic be able to use it. Therefore, provided the stone wall is built as per submitted drawing and permanently retained, there are no objections from a highway safety viewpoint*'
7. Parish Council - Object on the grounds of highway access safety.

Third Party Representations

8. None.

National Planning Policy Framework

9. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales: Which are; to conserve and enhance the natural beauty, wildlife and cultural heritage and promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public. When national parks carry out these purposes they also have the duty to; seek to foster the economic and social well-being of local communities within the National Parks.
10. The National Planning Policy Framework (NPPF) has been revised (2019). This replaces the previous document (2012) with immediate effect. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date.
11. In the National Park, the development plan comprises the Authority's Core Strategy 2011 and the new Development Management Policies (DMP), adopted May 2019. These Development Plan Policies provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. In this case, it is considered there are no significant conflicts between prevailing policies in the Development Plan and government guidance in the NPPF.

Main Development Plan Policies

Core Strategy

12. GSP1, GSP2 - *Securing National Park Purposes and sustainable development & Enhancing the National Park*. These policies jointly seek to secure national park legal purposes and duties through the conversion and enhancement of the National Park's landscape and its natural and heritage assets.
13. GSP3 - *Development Management Principles*. Requires that particular attention is paid to the impact on the character and setting of buildings and that the design is in accord with the Authority's Design Guide and development is appropriate to the character and appearance of the National Park.
14. DS1 - *Development Strategy*. Supports extensions and alterations in principle, subject to a satisfactory scale, design and external appearance.
15. L1 - *Landscape character and valued characteristics*. Seeks to ensure that all development conserves and enhances valued landscape character and sites, features

and species of biodiversity importance.

Development Management Policies

16. DMC3 - *Siting, Design, layout and landscaping*. Reiterates, that where developments are acceptable in principle, Policy requires that design is to high standards and where possible enhances the natural beauty, quality and visual amenity of the landscape. The siting, mass, scale, height, design, building materials should all be appropriate to the context. Accessibility of the development should also be a key consideration.
17. DMH7 - *Extensions and alterations*. States that extensions and alterations to dwellings will be permitted provided that the proposal does not detract from the character, appearance or amenity of the original building, its setting or neighbouring buildings.
18. DMT3 - *Access and design criteria*. This affirms that where transport related infrastructure is developed, this should be to the highest environmental design and materials, and where safe access for people is achievable. In addition, particular attention should be given to the retention and where possible the enhancement of hedges, walls and roadside trees.

Assessment

19. Section 73 of the Town and Country Planning Act 1990, provides that an application maybe made for planning permission without complying with conditions applied to a previous permission. It sets out that local authorities may decide whether to grant permission subject to differing conditions (this can include imposing new conditions), remove the conditions altogether or refuse to alter conditions. It is therefore possible to apply for conditions to be struck out, or for their modification or relaxation. The section makes it clear, that in considering such an application, a Local Planning Authority may only consider the question of the conditions and not revisit the principle of the development.

Reasons for varying the condition

20. Since the granting of planning permission for the camping and caravan site and construction of new access drive, the land ownership has been divided, with Bank Top Cottage now being separated in ownership from Bank Top Barn and the camping and caravan site. Bank Top Barn is now accessed from a spur off the new driveway to the caravan site. The original condition was imposed on the recommendation of the Highway Authority, on the basis that the approval for the new caravan site access would be sufficient to serve Bank Top Cottage, Bank Top Barn and the caravan site and therefore the original access to the cottage should be closed up.
21. The submission to vary the condition would be to avoid the necessity (due to the separation of land ownership) of closing the original access to Bank Top Farm, therefore allowing the dwelling to retain its original entrance, which has yet to be closed up in accordance with the original permission. In this case, a new layout plan shows the revised access arrangements. The plan shows the retention of the original entrance to the site and the point where the new boundary wall would be erected between Bank Top Cottage and Bank Top Barn. The new wall would be constructed to the same height and form as the existing and conditioned accordingly. Subject to this, the scheme is considered acceptable in design and access criteria in accordance with policies, DMC3 & DMH7 respectively.

Amenity & Landscape impact

22. The nearest neighbouring dwelling is Bank Top Barn to the south. Due to the distance between this property and the existing access to Bank Top Cottage, the proposed retention of the existing access and new stone wall, would have no adverse impact or significantly harm the setting or residential amenity of this neighbouring property or any other residential dwellings in the locality. Consequently, it is considered the amenity of neighbouring dwellings or any other dwellings in the locality would not be unduly compromised by the scheme. In addition, the construction of a traditional drystone wall would add some enhancement to the boundary treatment of the site and with the vehicular entrance to the cottage being historical; it is considered there would be no more impact than already exists on the surrounding landscape. Consequently, the proposed scheme is considered acceptable in conservation and landscape terms, in accord with policies GSP3, L1 & DMC3 in these respects.

Highway Impact

23. The local Highway Authority raise no objections to the scheme, provided the new stonewall is built as per the submitted drawing and permanently retained. As stated previously, this matter would be appropriately conditioned. Moreover, it is considered that direct entrance to Bank Top Cottage from the existing access has acceptable visibility in both directions and there is adequate manoeuvring space within the site to facilitate turning to enter and exit the driveway in a forward gear. In this case, the proposed scheme is considered acceptable in highway terms, according with policy DMT3 in this instance.

Conclusion

24. In this case, it is considered in retaining the original access to Top Bank Cottage would be acceptable in landscape terms and highway safety. Subsequently, condition 12 of the original permission would be struck out, whilst condition 2 would be varied.

25. Condition 2 would then read;:

‘The development hereby permitted shall not be carried out otherwise than in complete accordance with the amended site plan drawing number DL17.A2, and the variation plan submitted ‘02-05-2019’.

26. The new added condition would subsequently read:

‘Within 4 months of the date of this permission, all new drystone walling to be erected, as shown on drawing numbers DL17.A2 and Variation Plan submitted 02-05-2019’ shall be laid in the traditional manner in local natural stone, topped with half round stones and built to the same height and form as the adjacent and existing wall and shall be permanently so maintained’

27. In this case, the changes are considered acceptable for the reasons given in the above assessment. Subject to the replication of all applicable and subsisting conditions from the original consent, the proposal is recommended for approval.

Human Rights

28. Any human rights issues have been considered and addressed in the preparation of this report.

29. List of Background Papers (not previously published)

30. Nil

Report Author: Steve Coombes, Planner