

3 DECEMBER 2015

NEW FOREST DISTRICT COUNCIL

GENERAL PURPOSES AND LICENSING COMMITTEE

Minutes of a meeting of the General Purposes and Licensing Committee held in Council Chamber, Appletree Court, Lyndhurst on Thursday, 3 December 2015

- * Cllr S J Clarke (Chairman)
- * Cllr L R Puttock (Vice-Chairman)

Councillors:

- * G C Beck
- G R Blunden
- * Ms L C Ford
- * R L Frampton
- A T Glass
- * L E Harris
- J M Olliff-Cooper

Councillors:

- * A K Penson
- * D N Tungate
- A S Wade
- * Mrs C V Ward
- * J G Ward
- * Mrs P A Wyeth

*Present

Officers Attending:

Ms L Clark, G Nunn, Ms M Stephens, B Stockley and S Stone and for part of the meeting R Jackson and Mrs H Aylett

Apologies:

Cllrs Blunden, Glass and Olliff-Cooper.

30 DECLARATIONS OF INTEREST

There were no declarations of interest in connection with any agenda item.

31 PUBLIC PARTICIPATION

Mrs Fitzgerald – Applicant, Fleur-De-Lys Mobile Home Park for Minute No 33.
Miss Knight – Resident’s Spokesperson, Fleur-De-Lys Mobile Home Park for Minute No 33.

Ms Whaley - Applicant’s Representative, Westwood & Glendene Mobile Home Park for Minute No. 34

Mr Watson - Resident’s Spokesperson, Westwood & Glendene Mobile Home Park for Minute No. 34

Mr Sedgewick - Resident’s Spokesperson, Westwood & Glendene Mobile Home Park for Minute No. 34

32 SENIOR MANAGEMENT REVIEW

The Committee considered the proposed new salary band for the posts of Executive Heads as part of the introduction of a new senior management structure following a review undertaken by the Chief Executive.

A full report on the proposed new structure was considered by the Cabinet on 2 December 2015.

The Committee heard that an independent pay consultant had undertaken a benchmarking exercise to establish the pay level for the new posts. The Committee was of the view that the salary bands were appropriate and reflected the market median.

RECOMMENDED:

That the following new salary bands for the posts of Executive Heads be approved as follows: -

£71,817

£73,906

£76,076

with the following two additional spine points available on an annual review basis to recognise exceptional performance:

£78,308

£80,604

33 FLEUR-DE-LYS MOBILE HOME PARK

The Committee considered an application for the amendment of the site licence conditions to enable the placing of an additional home on the site at Fleur-de-Lys Mobile Home Park.

The current site licence condition 1(a) provided that the total number of residential caravans on the site should not exceed 11 at any time. There were currently 11 occupied caravans on the site. The application requested an alteration to the site licence conditions to provide that the total number of caravans on the site does not exceed 12 at any time. The application also sought an amendment to condition 3 of the site licence, reducing the permitted separation distance between caravans from 6 metres to 5.25 metres.

A letter from the applicant's Solicitors, Tozers, had been circulated to the Committee in advance of the meeting. The letter set out the applicant's case and was read out in full by the Chairman and circulated to all parties present for their consideration.

The applicant, Mrs Fitzgerald briefly addressed the Committee following submission of the letter. Mrs Fitzgerald said that since purchasing the site, various steps had been taken to improve the general condition of the site, such as obtaining the necessary electrical certificate as well as improving the drainage. With reference to the loss of parking space for plot number 14, she referred to the fact that the resident of number 14 currently did not have a designated parking space, and often parked on the gravel open space by her mobile home. The proposed application would however give plot 14 a designated parking space. Mrs Fitzgerald referred to the fact that Hampshire Fire and Rescue had not objected to the proposal nor expressed concerns.

Miss Knight, speaking on behalf of the residents of Fleur-de-Lys Mobile Home Park, addressed the Committee. Miss Knight said that residents of the site strongly opposed the application for the siting of an additional caravan on the following grounds: -

- The proposal would restrict the entry (and egress) to the park to 3.7 metres. This would restrict the view of motorists increasing the chances of potential motoring accidents on the site.
- The proposed 3.7 metre distance from the proposed home to that of current plot number 4 could mean that vibrations from traffic concentrated nearer to plot 4 and the new home could put undue pressure on the integrity of the homes resulting in structural damage. Members were reminded that the mobile homes were made of wood, not steel construction.
- The 3.7 metre path between the proposed home and plot number 4 was illogical and impractical in terms of road usage as it created a narrow entry point to the site. Coupled with the fact that the 8.1 metre distance between the proposed new home and plot 8 would further restrict turning/manoeuvring of larger vehicles, this posed a risk to drivers turning cars on the site, as there would be limited space to manoeuvre and would create 'blind spots' for drivers. Residents were concerned at the effect of the restricted turning space on the access and egress of emergency vehicles.
- Currently all residents had a clear view of the open space and the new home would severely impact on the outlook and privacy of residents, particularly residents at plots number 4, 12 and 14. The character and amenity value of the park would be lost.
- The Applicant's proposal would be in breach of the licence condition as the distance between the proposed new home and the home on plot 14 was 5.25 metres, not 6 metres as required by the licence condition.

The Chairman read out a statement from Cllr Wise, local ward member, who was unable to attend the meeting. Cllr Wise requested that the Committee support the officer's recommendation to refuse the application on the grounds that the proposal detracted from the amenity space available to residents and the proposal would restrict access to the site, posing a health and safety risk, particularly to emergency vehicles.

Following the presentations, Members were given the opportunity to question the applicant and the residents' spokesperson in turn.

In coming to their decision, the Committee had regard to the Caravan Sites and Control of Development Act 1960 and the Model Standards 2008 for Caravan Sites in England and all of the representations made to them.

The Committee felt that the central area of the site was critical to its physical character, and that the siting of an additional caravan on this space would lead to the loss of the amenity value of the space. This impact would particularly be considered by the residents of plots 14 and 12. The proposed new home would also have a detrimental impact on the privacy of the resident at plot 14.

Members were shown an aerial image of the site and noted that this showed more clearly than the plans that the existing homes on the site were very close together, and another home in the space proposed would leave the site feeling very cramped.

In addition, members considered that whilst the separation distance between plots 6 and 7 was 5.25 metres, this had been an exception and it would not be appropriate to alter the site licence conditions to include a general permission for the separation distance to be 5.25 metres. The separation distance of 6 metres accords with the Model Standard Conditions and was imposed in the interests of persons dwelling on the site, for reasons of health and safety and privacy.

The Environmental Health Manager advised members that following the submission of an altered plan by the Applicant's Solicitors which shows the parking spaces with larger dimensions, the following sentence should be deleted from the recommendation as it no longer applied: -

"The parking spaces provided for plots 14 and the new home would not comply with the minimum dimensions required, and would be impractical".

The Committee supported this amendment.

RESOLVED:

That the application from Mr and Mrs Fitzgerald be refused on the following grounds: The central, gravelled area gives the park an open, spacious feel and is key to the character of the park. Siting an additional home in this space would leave the park feeling cramped, and would be of real detriment to the visual amenity that the central space offers to all residents. The detrimental impact on amenity would be particularly significant for the residents of plots 12 and 14. The new home would have a significant impact on the privacy of the resident of plot 14. It is not appropriate to amend the conditions to enable the site owners to reduce the separation distance between mobile homes on the site to 5.25 metres, because the existing condition requiring a separation distance of 6 metres has been imposed for the health and safety, and privacy of persons dwelling in caravans on the site.

34 ADJOURNMENT AND RESUMPTION OF MEETING

The Committee adjourned for lunch at 11:30 a.m. and resumed at 1:30 p.m.

* Cllr S J Clarke (Chairman)

* Cllr L R Puttock (Vice-Chairman)

Councillors:

* G C Beck
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Officers Attending:

Ms L Clark, G Nunn, Ms M Stephens, B Stockley and S Stone

35 APPLICATION TO VARY SITE LICENCE CONDITIONS WESTWOOD AND GLENDENE MOBILE HOME PARK

The Committee considered an application received from Haulfryn Group Limited to vary the licence conditions in respect of Westwood and Glendene Mobile Home park.

The application sought to increase the maximum number of homes on site from 150 to 158, allowing for 8 caravans to be placed onto three distinct areas of the site. The first area proposed was Glendene Green, the second, Westwood Green and the third, the site currently occupied by Westwood bungalow.

Glendene Green and Westwood Green were currently open spaces of grass. Haulfryn Group Limited proposed siting three park homes on each of these locations, and two additional park homes on the site currently occupied by Westwood bungalow.

The Environmental Health Manager advised members that the proposal to place 3 caravans on part of Westwood Green and 3 caravans on Glendene Green would result in a significant reduction in the amount of green open space on the site. When examining the whole area of the site and the green spaces within it, calculations showed that the total area of land currently available for recreational purposes on the site amounted to approximately 6.1% of the total area. The proposed loss of Westwood Green and Glendene Green would reduce the overall recreational land by 3.5% to a total of approximately 2.6%.

The Caravan Sites and Control of Development Act 1960 required that when deciding what (if any) conditions were to be attached to a site licence, the Licensing Authority must have regard to the model standard conditions. The current model standards provide that, where practical, 10% of the total area of a site should be allocated for recreational purposes, unless there are adequate recreational facilities within a close proximity to the site.

Members were informed that the nearest recreational space to the site was approximately 0.7 miles on foot.

The Applicant's representative, Ms Whaley, was in attendance and addressed the Committee. She explained that the application was before the Committee as her clients wished to further develop their business. She pointed out that condition 17 of the current licence stated that "where children live on the site, space equivalent to about one-tenth of the total area shall be allocated for children's games and/or other recreational purposes". As no children lived on site, her clients were not obliged under the current licence to provide 10% recreational space. Furthermore she explained that the Applicant had approached the owner of a neighbouring field, who had indicated that, should the application be granted, he would lease part of his field to the Applicant for recreational purposes. The Applicant had also offered to provide a community hall. For those who would lose their visual amenity through the proposal, the Applicant had offered to buy back their properties and would waive the 10% commission fee usually applied. The Applicant considered that as the two greens could only be seen from within the park, the visual amenity and character of the site would not be compromised. To refuse the application on the basis of visual amenity and open space was not justified.

In response to a question from members regarding the offer from the Applicant to provide recreational space through the leasing of land near to the site, the Applicant's representative confirmed that no formal arrangement had been made with the owner of the neighbouring land, and that it was proposed to progress this should the application be successful.

Mr Watson, speaking on behalf of some of the residents of the mobile home park, addressed the Committee. He said that both greens offered a focal point for residents and their visitors. They were important open spaces for recreational purposes and social gatherings, and were a facility enjoyed by residents and their visitors, including young grandchildren. The greens were of amenity value to residents, particularly for those whose properties faced onto the greens. Whilst it was recognised that Haulfryn had offered to purchase the properties adjoining the greens, many residents were elderly and wished to remain in their homes, enjoying their current views, without the stress of having to move home. With regard to condition 17 of the licence, Mr Watson felt that this went against the Equality Act as open space should be made available to residents, for their enjoyment, regardless of age. Open space was not just for young people. Whilst the Applicant had indicated plans to lease land for recreational space, a formal agreement had not been entered into and this did not mitigate the negative impact on the value of residents' homes, the loss of the amenity value of the park and the loss of useable recreational space which was vital for continuing the sense of community.

Mr Sedgewick spoke on behalf of other residents of the mobile home park. He had been a resident of the park since the early 1990's. In that time, residents had had to manage various changes to the park including the loss of several amenities such as allotment space, an open area used by dog walkers and a clubhouse (the development of which was funded by the residents), all to make space for new homes. The two green spaces were the only recreational spaces left to residents. Many residents used these spaces for enjoyment with their visiting grandchildren. The positioning of the greens near to residents' homes meant that communal gatherings and parties could be held, as facilities such as electricity and water were nearby. The leasing of a nearby field would not compare as a recreational facility to the green spaces currently used by residents.

Other residents spoke in support of the two spokespersons, reiterating the value of the two greens as a recreational space for residents and the adverse impact the proposal would have on the life of residents should the application be granted.

County Councillor Rice was in attendance, speaking on behalf of County Councillor Thornber within whose division the application fell. He spoke in support of the residents, stating that the impact of the loss of the recreational space on the residents would be significant, not only because of the loss of their visual appearance, which would alter the character of the park, but the loss of community open space which was valued by all residents. As such, County Councillor Rice urged the Committee to support the officer's recommendation for refusal.

In coming to their decision, the Committee had regard to the Caravan Sites and Control of Development Act 1960 and the Model Standards 2008 for Caravan Sites in England and all of the representations made to them.

The Committee considered that Westwood Green and Glendene Green provided real amenity value to the residents of the park, and were key to the physical character of the site. The loss of these green spaces would be significantly

detrimental to residents of the park. Members noted that residents used the open spaces for recreational purposes and community events. The significant reduction of recreational space could have a negative effect on the wellbeing of the elderly residents, and could potentially impact on their mental health. Many residents would struggle to walk to the nearest open space at 0.7 miles away. Members noted that the footpath to the nearest open space was unlit and often overgrown, and did not consider that it would be practical for elderly residents to access this open space on foot. Some members also expressed concerns regarding the loss of the visitor car parking spaces which were well used.

Members expressed the view that the amenity value that the two greens offered should be safeguarded for the benefit of residents. Recreational space on the park was already very limited. Whilst the Applicant had suggested that they would seek to mitigate the reduction in on-site recreational space through the leasing of farmland adjacent to the park, no contractual arrangements had been made. It was not guaranteed that the Applicant would secure this additional open space. Even if the adjoining field was made available for use by residents, it was an agricultural field set alongside the park and would not offer the same facilities, convenience and amenity that the current greens provided.

The Committee were unanimous in their support of the officer's recommendation to refuse the application.

RESOLVED:

That the application from Haulfryn Group Limited for an increase in the maximum number of caravans which may be sited on the Westwood and Glendene Mobile Home Park be refused, on the following grounds:

Westwood Green and Glendene Green are of significant amenity value to the residents of the site. The two greens are used for recreational purposes, and give the park an open feel which enhances the character of the park. The nearest off-site recreational space is 0.7 miles away (on foot) and involves crossing two busy roads, and it is not practical for elderly residents with reduced mobility to walk this far to access recreational space.

If park homes are placed on Westwood Green and Glendene Green, the amount of open space on the site will be reduced to approximately 2.6%, which is insufficient on such a large site.

CHAIRMAN