

26 APRIL 2024

NEW FOREST DISTRICT COUNCIL

GENERAL PURPOSES AND LICENSING COMMITTEE

Minutes of a meeting of the General Purposes and Licensing Committee held on Friday, 26 April 2024

- * Cllr Neil Tungate (Chairman)
- * Cllr Richard Young (Vice-Chairman)

Councillors:

- * Steve Clarke
- Jack Davies
- Philip Dowd
- * Allan Glass
- * David Harrison
- David Hawkins

Councillors:

- * Nigel Linford
- * Colm McCarthy
- Neil Millington
- * Dave Penny
- * Alvin Reid

*Present

In attendance:

Councillors:

Dan Poole

Officers Attending:

Tanya Coulter, Richard Knott, Joanne McClay, Ben Stockley and Karen Wardle

Apologies

Apologies for absence were received from Cllrs Davies, Dowd, Hawkins and Millington.

18 MINUTES

RESOLVED:

That the minutes of the meeting held on 8 March 2024 be signed by the Chairman as a correct record.

19 DECLARATIONS OF INTEREST

Cllrs Clarke and Young declared a non-pecuniary interest in agenda item 4. They both reported that they had been contacted by the applicant but had not been engaged in any discussions with them. They concluded that there were no grounds to prevent them from remaining in the meeting to speak and to vote.

20 PUBLIC PARTICIPATION

There were members of the public in attendance who had registered to speak in relation to agenda item 4. They were invited to speak at the relevant time on this item.

21 APPLICATION TO AMEND SITE LICENCE CONDITIONS AT FLEUR DE LYS CARAVAN PARK

The Committee considered an application for the amendment of the site licence conditions to enable the increase of caravans to 12 on the site at Fleur De Lys Mobile Home Park. The current site licence condition 1(i) stated that the total number of mobile homes shall not exceed 11 (eleven) at any time.

The Fire Risk Assessment provided by the applicant had been circulated to all members of the Committee prior to the start of the meeting. The Assessment had been carried out on 2 April 2024.

The applicant's solicitor, Ms Kirsty Apps addressed the Committee seeking approval of a change to the site licence conditions to increase the number of caravans on site from 11 to 12. She confirmed that there was planning permission for 12 mobile units; that there was a separation distance of 6 metres from the new caravan to caravan number 14 and that this 6 metre distance took into account matters of privacy. She reported that the extent of pitch no 14 and the distance to pitch number 2 was not a site licensing consideration. It was confirmed that a car could park readily at number 12 without passing not less than 2 metres from number 2, but in light of this the applicant had agreed to move the parking space for number 11. The car parking space for pitch 14 was not in breach of condition 2 (iv) g. It was confirmed that an Independent Fire Risk Assessment had been carried out and no concerns had been raised from a fire safety perspective, particularly in terms of large vehicles accessing the site.

The applicant, Mrs Kathleen Fitzgerald addressed the Committee and reported that she had owned the mobile home park for the last 13 years. She had a good relationship with most residents and with the Council. She spoke about the support she had given to her son and her daughter in law and that the new caravan had been purchased to provide a new home to them, following the premature arrival of their son, which would enable them to be nearby to provide support to the family. She acknowledged that this was in breach of her licence conditions, but that the planning permission allowed for 12 units. She had worked with the Council to move the original siting of the caravan to allow a 6 metre separation distance and to ensure that the additional caravan was not in breach of any other conditions.

Mrs Margaret Fitzgerald, the occupant of the new caravan (number 2) spoke in support of the application and the importance of having a home close to family due to her son being born prematurely, having a lot of medical appointments and needing additional support. She felt that the new caravan did not have any impact on the privacy of other residents on the site.

Miss Knight addressed the Committee in objection to the application for an additional mobile home. She spoke about the licensing conditions only allowing for a total of 11 caravans on the site at any one time and that it should not be exceeded. She felt that the additional caravan would cause overcrowding and health and safety issues. The additional caravan was in breach of the conditions of the licence. She felt that there had been no change since an application had been

refused in 2015 and therefore the application should be refused and the unit subsequently removed. No consultation had been carried out with the residents in relation to an additional caravan before it had been placed on site.

Cllr Dan Poole, the local district councillor read out a statement on behalf of Boldre Parish Council in objection to the application. The additional home had been placed on site in August 2023, the correct procedure had not been followed and therefore it was breach of the licence. The Parish Council felt that the additional unit would have an unacceptable impact on the residents. It was overbearing, had an impact on the wellbeing of the residents as well have a damaging effect on their financial investment.

Cllr Poole subsequently addressed the Committee as the local ward councillor in objection to the application. He reported that he had been contacted on 8 August by Cllr Jack Davies on behalf of distressed residents on the caravan site when an additional unit had been placed on site. He raised concerns about the validity of the letters of support from residents. He cited the previous refusals for an additional unit from 1999 and 2015 and that nothing had changed. Finally, he highlighted that a letter had been sent to residents informing them of a site visit for the Committee which stated that councillors would not be able to speak to the residents or interested parties, and that he had been informed that this did not occur.

The Food and Safety Team Manager presented the report and informed the Committee that one of the residents at Fleur De Lys had written to the Council after the report had been published withdrawing their support to the application and instead they had raised an objection. This meant that the four representations had been received against the amendment to the site licence and three had been received in favour.

Following the representations, the Committee were given the opportunity to ask questions of both the speakers and to officers.

A member of the Committee questioned the matter of planning permission for an additional caravan. It was confirmed that there were no planning restrictions on the site which would limit the number of caravans placed there. This had been confirmed in correspondence with the New Forest National Park Authority as the relevant planning authority. Members had not seen this as part of the report. This documentation was circulated to them during the meeting.

One of the Committee members confirmed that members had met at the mobile home park earlier in the day for a site visit. He reported that members had been greeted by the applicants and that some explanation had been provided on a number of matters for clarification only.

In coming to their decision, the Committee had regard to the Caravan Sites and Control of Development Act 1960, as amended by the Mobile Homes Act 2013, the Model Standards 2008 for Caravan Sites in England, the representations made to them by all parties, the contents of the report and advice provided by officers at the meeting. It was noted that there are relevant matters that can be taken into account under the legislation and some issues which relate to planning. In considering this application the Committee considered in particular whether the proposed variation from 11 to 12 could be accommodated to meet the other conditions in the site licence and had regard to the model conditions and the purposes of the existing conditions.

The Committee noted the requirement for the new caravan (number 2) to be a minimum of 2 metres away from the roadway and expressed the view that there should be a hard delineation, for example with curbing in order to prevent this area being encroached upon. It was also acknowledged that there would be a new parking space for number 14 and that a post had been erected on site to state that the space was for reverse parking only. This was a requirement following the Fire Risk Assessment. It was felt that a barrier should be installed to ensure that it would not be possible for a vehicle to park beyond the parking space into the amenity area. It was therefore suggested that if the amendment to the site licence conditions was approved for an additional mobile home, that these two matters be added as additions to the proposed conditions included in the officer report.

RESOLVED:

That the application to increase the number of caravans on the Fleur de Lys Park to 12 be approved, subject to the following condition being added to the site licence conditions: That the application to increase the number of caravans on the Fleur de Lys Park to 12 be approved, subject to the following conditions being added to the site licence conditions:

The new caravan (number 2) is permissible on the site subject to the following:

- i) The existing pitch for Caravan 14, including the curved curbed area of the front is retained.
- ii) A concrete slabbed or similar footpath is created to connect the foot of the stairs of Caravan 14 with the roadway to the west of the pitch.
- iii) The new caravan (number 2) shall be a minimum of 2 metres from the roadway, including to the south and the 2 metres to be delineated by way of curbing or other similar method.
- iv) The parking space for Caravan 11 is adjusted to enable a vehicle parking at the adjacent caravan, number 12, to safely manoeuvre into and out of its parking space without passing less than 2 metres from the new Caravan (number 2).
- v) A parking space for Caravan 14 is to be provided on the site which complies with site conditions and the requirements of the fire risk assessment dated 2 April 2024 and the installation of an appropriate barrier at the rear of the parking space.
- vi) All the above works must be completed within 28 days of the issue of the amended site licence and thereafter be continuously maintained in accordance with the requirements of this Condition.

Note: Cllr McCarthy had not attended the site visit or the member training session and therefore did not participate or vote on this item.

CHAIRMAN