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BURNLEY BOROUGH COUNCIL

**CARAVAN SITES AND CONTROL OF
DEVELOPMENT ACT 1960**

PARK LICENCE CONDITIONS FOR GAWTHORPE
EDGE PARK
Ref:01/07/R

Housing and Development Unit
Red Lion Street
Burnley
BB11 2AE

Caravan Sites and Control of Development Act 1960
Section 8- Power of local authority to alter conditions
attached to Site licences

To: Residential Parks Limited

Of: Gawthorpe Edge Park, Padiham Road, Burnley

WHEREAS:

1. You are entitled to the benefit of permission granted by Burnley Borough Council ("the Council") (references 12/83/0623 & 12/93/03250 for the use of the Land known as Gawthorpe Edge Park, Padiham Road Burnley ("the Land") as a Caravan Site granted under Part III of the Town and Country Planning Act 1990 otherwise than a Development Order.
2. A Site Licence ("the Licence") was issued by the Council on 24th June 2008 pursuant to Section 3 of the Caravan Sites and Control of Development Act 1960 ("the Act"), subject to conditions attached pursuant to Section 5 of the Act.
3. The Council on 3/03/2014 determined to alter the conditions of the said Licence pursuant to Section 8 of the Act.

THEREFORE the Council in accordance with the said determination HEREBY GIVE YOU NOTICE THAT:

The existing conditions to which the Licence was made subject to are cancelled and the Licence is now made subject to such conditions as are set out in Appendix A to this Notice.

Signed: *Paul Gattrell*

(Head of Housing and Development Control)

Date: *3rd MARCH 2014*

It is important that you read the notes printed on the next page of this document and the attached conditions

Please direct any correspondence regarding these conditions to the

Private Sector Housing Manager

Red Lion Street

Burnley

BB11 2AE

01282 477231

Notes:

Appeal against the Site Licence Conditions Section 8 (2) of the Act:

Where the holder of a site licence is aggrieved by any alteration of the conditions attached thereto or by the refusal of the local authority of an application by him for the alteration of those conditions, he may, within twenty-eight days of the date on which notification of the alteration or refusal is received by him, appeal to a magistrates' court; and the court may, if they allow the appeal, give to the local authority such directions as may be necessary to give effect to their decision.

Effect of the Site Licence Conditions Section 8 (3) of the Act:

The alteration by a local authority of the conditions attached to any site licence shall not have effect until written notification thereof has been received by the holder of the licence, and in so far as such alteration imposes a requirement on the holder of the licence to carry out on the land to which the licence relates any works which he would not otherwise be required to carry out, the alteration shall not have effect during the period within which the said holder is entitled by virtue of the last foregoing subsection to appeal against the alteration nor, thereafter, whilst an appeal against the alteration is pending.

I. Interpretation

For the purposes of these licence conditions the terms –

The 'Act' means the Caravan Sites and Control of Development Act 1960

'Park Home Park' means a Caravan Site as defined in Section 1 (4) of the Act.

'Council' or 'Authority' means Burnley Borough Council

'Park Home' means a caravan complying with the definition of caravan in the Act.

'Non-Compliant Unit' means, a Park Home or other structure adapted for human habitation on which a porch, conservatory or extension has been built prior to 1/06/2011 and which results in the Park Home or other structure adapted for human habitation falling outside the definition of a "caravan" under section 29(1) of the Act

'Licence Holder' means the person or persons entitled to the benefit of the Park Licence.

'Occupier' has the meaning assigned to it by Section 1(3) of the Act and 'Occupied' and

'Occupation' shall be construed accordingly.

'Pitch' shall mean land on which a Park Home or Non-Compliant Unit stands or is intended to stand together with any immediately surrounding land to which the Park Home or Non-Compliant Unit owner has a right of occupation and use.

'Separation Distance' means a distance of 6 metres from a Park Home or Non-Compliant Unit as the case may be.

'Park' means Gawthorpe Edge Park, Padiham Road Burnley.

'Park Licence' means the licence issued by the Council under Part 1 of the Act authorising the use of the Park or any part of it as a Park Home Park.

'Park Manager' means the Licence Holder or other person or persons appointed by him to manage the Park Home Park.

'Fire Officer' means the Fire Safety Officer nominated by the Licence Holder.

'Land' means Gawthorpe Edge Park, Padiham Road Burnley

Gawthorpe Edge Park Licence Conditions

1. DISPLAY OF PARK LICENCE

- (a) The name of the Park shall be displayed on a sign in a prominent position at the entrances to the Park together with the current name, address and telephone number of the Licence Holder and Park Manager and emergency contact details.
- (b) A copy of the Park Licence (or the front page thereof and details of where the Park Licence and other information required to be available under the conditions of the Park Licence can be viewed in their entirety and between which times) shall be displayed on the external notice board by the park office.
- (c) A current plan of the Park with roads and pitches marked on it shall be prominently displayed on the external notice board by the park office.
- (d) The following shall also be available for inspection by authorised officers of the Council:
 - (1) A copy of the most recent periodic electrical inspection report.
 - (2) A copy of the Licence Holder's certificate of public liability insurance.
 - (3) A copy of the local flood warning system and evacuation procedures, if appropriate.
 - (4) A copy of the Fire Safety Officer's fire risk assessment made for the Park.
- (e) All notices shall be suitably protected from the weather and from direct sunlight so as to maintain legibility at all times.

2. TYPE OF PARK HOME

- (a) Subject to those Park Homes to which condition 3 below applies, no Park Home shall be stationed or kept on the Park unless it complies with the definition of 'caravan' in Section 29(1) of the Act.
- (b) The Park and any Park Home or Non-Compliant Unit must only be used for the purposes of permanent residential accommodation.

(c) Any Park Home or Non-Compliant Unit on the Park shall be painted in shades of cream or beige only.

(d) No items or materials that are of a flammable nature or are likely to cause nuisance shall be stored under any Park Home or Non-Compliant Unit or on any land occupied by any resident.

(e) All structures such as porches and garages, which are permissible under this Park Licence shall, if required, have planning consent under the Town and Country Planning Act 1990.

3. NON-COMPLIANT UNITS

(a) This condition applies to any Park Home or other structure adapted for human habitation on which a porch, conservatory or extension has been built prior to (1/06/2011) and which results in the Park Home or other structure adapted for human habitation falling outside the definition of a "caravan" under section 29(1) of the Act ("Non-Compliant Unit").

(b) If a porch, conservatory or extension attached to a Non-Compliant Unit is replaced or rebuilt then any replacement or rebuilt porch, conservatory or extension must be such that it does not result in the Park Home or other structure adapted for human habitation to which it is attached falling outside the definition of a "caravan" under section 29(1) of the Act.

4. NUMBER OF PARK HOMES

a) The number of Park Homes and Non-Compliant Units stationed on the Park at any one time shall not exceed 105.

5. PARK BOUNDARIES

(a) The boundaries of the Park shall be clearly marked out by a man-made or natural feature and must be maintained. Hedges and vegetation forming the whole or part of a boundary must be assessed annually for the fire risk posed to neighbouring homes and must be reduced where necessary.

b) No Park Home, Non-Compliant Unit or combustible structure shall be positioned within 3 metres of the boundary of the Park.

6. PARK PLAN.

a) The Licence Holder shall provide to the Council by not later than **2/11/2012** an up-to-date plan detailing the layout of the Park, including all relevant structures, features and facilities on it. The Licence Holder shall also provide to the Council a plan of the Park whenever there is a material change to the boundaries or layout of the Park or at any other time on demand by the Council. Copies of the plan shall also be made available to authorised officers of Lancashire Fire and Rescue Service.

(b) The plan submitted by the Licence Holder must be a scaled plan showing the location of the proposed changes in relation to adjacent Park Homes and Non-Compliant Units and Park buildings, boundaries and boundaries of plots of Park Homes, fire points and hydrants, parking areas and the Park roads and paths.

(c) The Licence Holder shall notify the Council forthwith of any changes in the ownership of any Park Home or Non-Compliant Unit on the Park.

7. DENSITY, SPACING AND PARKING BETWEEN PARK HOMES

(a) Except in the case mentioned in sub paragraph (b) of this condition and subject to sub paragraph (e), every Park Home or Non-Compliant Unit must where practicable be spaced at not less than the Separation Distance from a Park Home or Non-Compliant Unit which is occupied as a separate residence.

(b) Where a Park Home or Non-Compliant Unit has retrospectively been fitted with cladding from Class 1 fire rated materials to its facing walls, then the Separation Distance between it and any adjacent Park Home or Non-Compliant Unit may be reduced to a minimum of 5.25 metres.

(c) Porches should be constructed so as not to render the Park Home incapable of being moved.

(d) No Park Home or Non-Compliant Unit shall be stationed within 2 metres of or more than 50 metres from any road or communal car park on the Park.

(e) In any case mentioned in subparagraph 7(a) or 7(b) above, the following additional conditions apply:-

(i). Subject to paragraph 7(e)(ii) below a porch attached to the Park Home or Non-compliant unit may protrude one metre into the Separation Distance and must not exceed 2 metres in length and 1 metre in depth. The porch must not exceed the height of the Park Home or Non-compliant unit to which it is attached. Where a porch is installed only one door is permitted in the porch and one into the Park Home or non-compliant unit at that entrance to the Park Home or Non-compliant unit. Porches must be constructed from non-combustible materials and must not be built without planning permission and the consent of the Licence Holder.

(ii) Notwithstanding paragraph 7(e)(i) above a porch attached to the Park Home or Non-compliant unit which was erected before 1/06/2011 but which would not say for this paragraph conform with the requirements of 7(e)(i) above is permitted until such time as the Park Home or Non-compliant unit to which the porch is attached is sold, inherited or the porch is in such a state of disrepair as to require replacement.

(iii). Eaves, drainpipes and bay windows may extend into the Separation Distance provided the total distance between the extremities of two facing Park Homes or Non-Compliant Units is not less than 5 metres, except where paragraph 7(b) above applies, in which case the extensions may extend into the Separation Distance provided the total distance between the extremities of two facing Park Homes or Non-Compliant Units is not less than 4.25 metres.

(iv). Any structure (which term shall include but not be limited to steps, ramps, verandas and stairs), except a garage or car port, which extends more than 1 metre into the Separation Distance shall be of non-combustible construction. There shall be a 4.5 metre clear distance between any such structure and any adjacent Park Home or Non-Compliant Unit and it must be positioned so that there is sufficient space maintained around each Park Home or Non-Compliant Unit so as not to prejudice any means of escape in case of fire. If required all such structures must have planning consent where appropriate.

(v). A garage or car port is only permitted within the Separation Distance if it is of non-combustible construction, no part of the structure is less than 3 metres from any adjacent Park Home or Non-Compliant Unit and the said garage or car port has the benefit of any planning consent as may be appropriate.

(vi). Windows in structures within the Separation Distance shall not face towards the Park Home or Non-Compliant Unit on either side.

(vii). Fences and hedges forming the boundary between adjacent Park Homes or Non-Compliant Units shall be a maximum of 1 metre high and any fences are only permitted in the Separation Distance if constructed of non-combustible material.

(viii). Private cars may be parked within the Separation Distance provided that they do not obstruct entrances to Park Homes or Non-Compliant Units or access around them and they are a minimum of 3 metres from any adjacent Park Home or Non-Compliant Unit (other than a Park Home or Non-Compliant Unit occupied by the owner of the car).

(f) Fences, trelliswork, decking or other similar items are not permitted within the Separation Distance from a Park Home or Non-Compliant Unit if they are made of combustible material.

(g) Subject to paragraph 7 (h) below sheds, storage facilities, summerhouses, timber-framed greenhouses and other similar structures are not permitted within the Separation Distance from a Park Home or Non-Compliant Unit if they are made of combustible material.

(h) Notwithstanding paragraph 7 (g) above summerhouses made of combustible material and erected in the Separation Distance before the 1/06/2011 are permitted until such time as the Park Home or Non-Compliant Unit to which the summerhouse is associated is sold, inherited or when the summerhouse is in such a state of disrepair as to require replacement. These Summerhouses must not be used for storage and must not have an electrical supply to them.

(i). The density of Park Homes and Non-Compliant Units within the Park shall be no higher than is consistent with health and safety requirements and the fire risk assessments for the Park and in any event, the density shall not exceed 50 Park Homes and Non-Compliant Units to the hectare.

8. ROADS, GATEWAYS AND OVERHEAD CABLES

- (a) Roads of suitable construction and material shall be provided and maintained on the Park.
- (b) New roads shall be constructed and laid of suitable bitumen macadam or concrete with a suitable compacted base. The construction of any new roads must be approved by the Council.
- (c) All roads shall have adequate surface water and storm drainage.
- (d) New two way roads shall not be less than 3.7 metres wide or not less than 3 metres wide if designed for and used by one way traffic. Where existing two way roads are not 3.7 metres wide, passing places should be provided where practical.
- (e) One-way systems shall be clearly signposted.
- (f) Vehicular access and all gateways to the Park must be a minimum of 3.1 metres wide and have a minimum height clearance of 3.7 metres.
- (g) Roads shall be maintained in a good condition.
- (h) Cable overhangs must meet the statutory requirements of the Electricity Safety Quality and Continuity Regulations 2002 or any statutory amendment or re-enactment thereof.

9. FOOTPATHS AND PAVEMENTS

- (a) Sufficient and adequately constructed and maintained footpaths and pavements shall be provided on the Park such as to allow the safe movement of pedestrians around the Park and access to Park Homes or Non-Compliant Units and to other facilities provided for the use of occupants on the Park.
- (b) Footpaths should be of a width of not less than 0.75 metres where practicable.

10. LIGHTING ON THE PARK

(a) All roads subject to condition 8(a) and all footpaths subject to condition 9(a) shall be adequately lit between dusk and dawn to allow the safe movement of pedestrians and vehicles around the Park during the hours of darkness.

(b) The lighting system shall be maintained in a good condition.

11. BASES OF THE PARK HOMES

(a) All Park Homes first sited on the park on or after 28/08/2012 must stand on a concrete base or hard-standing of sufficient construction to handle the load placed upon it by the Park Home and its contents.

(b) The base must extend over the whole area occupied by the Park Home, and must project a sufficient distance outwards from its entrance or entrances to enable occupants to enter and leave safely. Hard standings must be constructed to the industry guidance, current at the time of siting, taking into account local conditions.

12. MAINTENANCE OF COMMON AREAS OF THE PARK INCLUDING GRASS, VEGETATION AND TREES.

(a) Every common part of the Park to which the public have access shall be kept in a clean and tidy condition. The Licence Holder shall maintain the communal areas on the Park free from accumulations including tins, paper, general litter, putrescible and extraneous material.

(b) Vegetation used for Park screening shall be kept at a reasonable height. Grass and vegetation shall be cut and removed at frequent and regular intervals.

(c) Trees within the Park shall (subject to the necessary consents) be maintained such as to not present a health and safety risk to users of the Park or risk of damage to any Park Home or Non-Compliant Unit or to any other structure permitted under the terms of this Park Licence. The Licence Holder shall ensure that all dead and decaying trees are removed from the Park and that all trees and other vegetation overhanging any Park Home or Non-Compliant Unit are trimmed back to a suitable level that prevents a hazard or nuisance being caused to the residents of the Park Home or Non-Compliant Unit. Before any action is taken the Licence Holder shall liaise with the

officer in the Council who is responsible for trees to ensure that all statutory and other requirements are complied with.

(d) Any cuttings, litter or waste shall be removed from the immediate surrounds of a Park Home or Non-Compliant Unit. Arrangements shall be made for the prompt disposal of waste and other materials which accumulate on the Park during any works to a Park Home or Non-Compliant Unit or to adjoining land.

(e) Adequate steps shall be taken by the Licence Holder to protect the appearance of the Park and, in particular, it is prohibited to store on the Park unnecessary materials including abandoned vehicles and disused derelict Park Homes or Non-Compliant Units.

13. SUPPLY AND STORAGE OF GAS AND FUEL OIL ON THE PARK

(a) Gas (including natural gas and liquefied petroleum gas ("LPG") and oil installations and the storage of supplies shall meet all relevant statutory requirements and Standards and Codes of Practice.

(b) HEATING OIL STORAGE INSTALLATIONS

1. All new heating oil storage systems and the pipes connecting them to combustion appliances must comply with British Standard 5410 Part 1 (1997) and the Building Regulations in force at the time.

2. An owner of a Park Home or Non-Compliant Unit must seek permission from the Licence Holder prior to the installation of a heating oil storage tank and associated pipework supplying oil to the Park Home or Non-Compliant Unit. It is the responsibility of the Park Home or Non-Compliant Unit owner to ensure that the oil storage tank is protected from fire that originates nearby and is therefore Protected in accordance with BS 5410 Part 1 (1997) and relevant regulations and standards.

(c) STORAGE OF LIQUEFIED PETROLEUM GAS (LPG)

1. All arrangements for any storage of LPG on the Park shall be in accordance with relevant Health and Safety Executive's Code of Practice, British Standards Regulations and Acts.

2. LPG cylinders must not be positioned or secured in such a way as to impede access or removal in the event of an emergency.

3. Any work on the installation and appliances shall be carried out only by persons who are suitably qualified to do the particular type of work being undertaken in accordance with relevant statutory requirements.

14. ELECTRICAL INSTALLATIONS ON THE PARK.

(a) There shall be installed within the Park an electricity network of adequate capacity to meet safely all reasonable demands of the Park Homes, Non-Compliant Units and other facilities and services within the Park.

(b) Insofar as the electrical network installations are not part of an adopted electricity network the said installations must be designed, installed, tested, inspected and maintained in accordance with the provisions of the current relevant statutory requirements.

(c) Any work on electrical installations and appliances shall be carried out only by persons who are competent to do the particular type of work being undertaken, in accordance with relevant statutory requirements.

(d) The electrical network installation in any building used by the Licence Holder for the purposes of the use of the Land as a Park Home Park shall be inspected periodically under IEE Wiring Regulations every year or such longer period (not exceeding 3 years) as is considered appropriate in each case. The inspection should meet BS 7671 – Requirements for Electrical Installations (IEE Wiring regulations) or the current regulations in force at the time.

(e) The inspection certificate in the form prescribed in the IEE Wiring Regulations must be retained by the Licence Holder and displayed with the Park Licence.

(f) The Licence Holder must rectify any deficiencies in electrical installations in any building used by the Licence Holder for the purposes of the use of the Land as a Park Home Park if an inspection reveals that an installation no longer complies with the regulations appropriate at the time it was installed. The Licence Holder must ensure that any major alterations and extensions to an installation and all parts of the existing installation affected by them should comply with the latest version of the IEE Wiring Regulations.

(g) Where any Park Home or Non-Compliant Unit is left unoccupied for more than 3 months the electricity supply shall be disconnected and made safe.

15. WATER SUPPLY

(a) Every Park Home and Non-Compliant Unit on the Park shall be provided with a water supply sufficient in all respects to meet all reasonable demands of the Park Home or Non-Compliant Unit.

(b) All new water supplies shall be in accordance with all relevant legislation, regulations and British or European Standards.

(c) All repairs and improvements to water supplies and installations shall be carried out to conform to relevant legislation and British or European Standards.

(d) Work on water supplies and installations shall be carried out only by persons who are qualified in the particular type of work being undertaken and in accordance with relevant legislation and British or European Standards.

16. DRAINAGE AND SANITATION.

(a) The Park Office and each Pitch on the Park must be provided with an adequate drainage system for the complete and hygienic disposal of foul and wastewater.

(b) Each Pitch shall be provided with a connection for the Park Home or Non-Compliant Unit to the foul and waste water drainage system. Where any Park Home or Non-Compliant Unit is left unoccupied for more than 3 months the drainage system shall be properly sealed so as to prevent nuisance and the access and egress of rodents.

(c) There shall be satisfactory provision for foul and waste water drainage either by connection to a public sewer or sewage treatment works or by discharge to a properly constructed septic tank or cesspool approved by the Council.

(d) Surface water drainage shall be provided within the communal areas of the Park to avoid standing pools of water.

(e) All drainage and sanitation provision shall be in accordance with all relevant legislation and British or European Standards.

(f) Work on drains and sewers shall be carried out only by persons who are qualified in the particular type of work being undertaken and in accordance with relevant legislation and British or European Standards.

17. DOMESTIC REFUSE STORAGE AND DISPOSAL

Where communal refuse bins are provided these should be non-combustible and housed within a properly constructed bin store.

18. COMMUNAL VEHICLE PARKING

(a) Suitably surfaced parking spaces shall be provided to meet the requirements of residents and their visitors.

(b) Cars may only be parked between adjoining Park Homes in accordance with Condition 7(e)(viii)

(c). Cars can be parked in a line between adjoining Park Homes provided that both entrance and exit to the Park Homes and access around the Park Homes, in the event of emergency, is not obstructed.

19. FIRE SAFETY MEASURES.

(1). Where the Regulatory Reform (Fire Safety) Order 2005 applies.

(a). In accordance with condition 1(d) (4) of these conditions, the Licence Holder shall make available the latest version of the fire risk assessment carried out under the Regulatory Reform (Fire Safety) Order 2005 for inspection by any Park Home owner on the Park and when demanded, a copy shall be made available to the Council

(b). Fire Risk Assessment.

The Licence Holder shall arrange for a fire risk assessment of the Park to be carried out by a competent qualified person to determine what prevention and protection arrangements are

appropriate and adequate to mitigate the fire risks. Lancashire Fire and Rescue Service may carry out a fire safety audit or specific inspection under the Regulatory Reform (Fire Safety) Order 2005 at which time evidence that a suitable and sufficient fire risk assessment has been completed, must be made available by the Licence Holder.

(c) Fire Points

(i) Fire Points shall be located so that no Park Home, Non-Compliant Unit or building on the Park is more than 30 metres from a fire point. Equipment provided at a fire point shall be housed in a weather-proof structure, easily accessible and clearly and conspicuously marked "FIRE POINT".

(ii) Each fire point shall be maintained in proper working order and access to it shall not be obstructed at any time. Fire points must be visible at all times.

(d) Fire Fighting Equipment

(i) Where water standpipes are provided the water supply shall be of sufficient pressure to project a jet of water not less than 5 metres from the nozzle. There shall be a reel that complies with the relevant British or European Standard, with a hose not less than 35 metres long, having a means of connection to a water standpipe (preferably a screw thread connection) with a water supply of sufficient pressure and terminating in a small hand nozzle. Hoses shall be housed in a red box and marked "HOSE REEL". Hosepipes should be of the relevant British and European Standards and should be well maintained and kept in good working order. Access to the fire point should not be obstructed or obscured.

(ii) Where hydrants are provided, hydrants shall conform to the relevant British or European Standard.

(iii) Access to hydrants and other water supplies shall not be obstructed or obscured. The positioning of the hydrants shall be recorded on the Park map to assist emergency services to locate them in the event of an emergency.

(iv) Where standpipes are not provided or the water pressure of flow is not sufficient, each fire point shall be provided with either water extinguishers (2 x 9 litres), which comply with the relevant British or European Standard

(e) Fire Warning

A suitable means of raising the alarm in the event of a fire shall be provided at each fire point.

(f) Maintenance & Testing of Fire Fighting Equipment

1. All alarm and fire fighting equipment shall be tested annually and a record kept of testing and any remedial action taken.
2. All alarm and fire fighting equipment shall be installed, tested and maintained in working order by persons who are qualified in the particular type of work being undertaken.
3. Any maintenance records and test certificates must be available for inspection by, or on behalf of the Council or the Fire and Rescue Service.
4. All equipment susceptible to damage by frost shall be suitably protected.

(g) Fire Notices

A clearly written and conspicuous notice shall be provided and maintained at each fire point to indicate the action to be taken in case of fire. This notice shall include the following:

"On discovering a fire -

- i. Ensure the Park Home or Park building involved is evacuated.
- ii. Raise the alarm
- iii Call the fire brigade (the nearest phone is at.....) "

(h) Fire Hazards

Grass and vegetation must be cut at frequent and regular intervals where necessary to prevent it becoming a fire hazard to any Park Home, Non-Compliant Unit, Park building or other installation on the Park. Any such cuttings should be removed promptly from the vicinity of any Park Home, Non-Compliant Unit, Park building or other installation.

