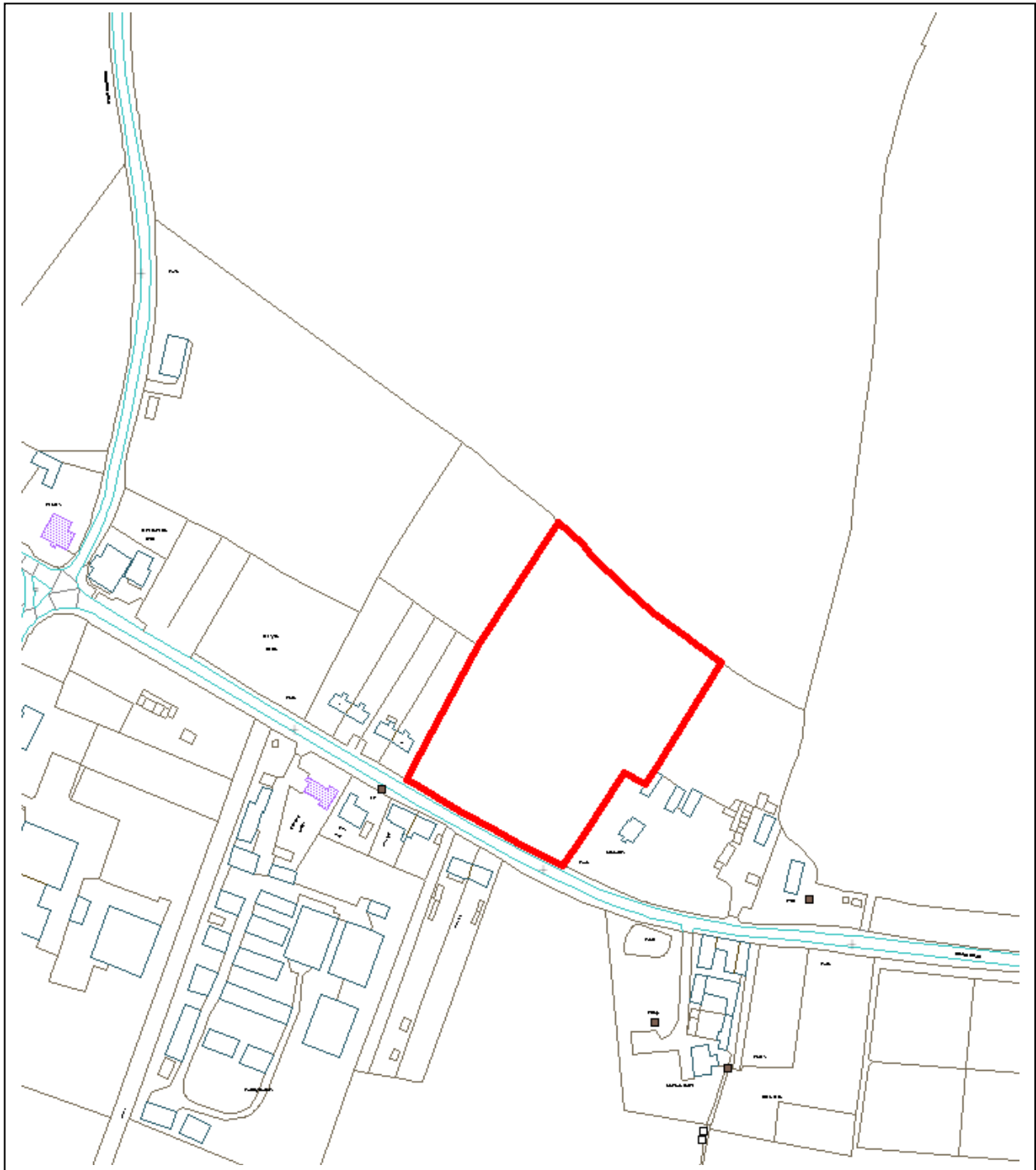


PLANNING COMMITTEE

1 APRIL 2014

REPORT OF THE HEAD OF PLANNING

A.4 PLANNING APPLICATION - 13/00997/FUL - LAND ADJACENT TO KIMBOLDS HEATH ROAD, ST OSYTH, CLACTON-ON-SEA, CO16 9BP



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Application:	13/00997/FUL	Town / Parish: St Osyth Parish Council
Applicant:	Positiv Park Developments Ltd	
Address:	Land adjacent to Kimbolds Heath Road St Osyth CO16 9BP	
Development:	Change of use of paddock land for recreational/leisure purposes to include touring caravans, glamping pods, tents, tipis and associated facilities.	

1. **Executive Summary**

- 1.1. The application has been referred to the Planning Committee at the request of Councillor White.
- 1.2. The application site is located on the northern side of Heath Road and is adjacent to, but outside of, the Settlement Development Boundary for Chisbon Heath. The area shown on the application site extends to 1.2 hectares. The land is currently split into two parts. The southern part is used by up to 5 touring caravans. The northern part is a paddock. The site has a vehicular access onto Heath Road. The site is bordered by mature hedgerow except on its north-eastern boundary which has an open-boarded wooden fence.
- 1.3. National planning policy is contained within the National Planning Policy Framework (NPPF). Paragraph 28 of the NPPF supports sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres. This policy approach is echoed in the main local planning policies, which include Saved Tendring District Local Plan (2007) Policies ER16 and ER19a as well as Draft Tendring District Local Plan (2012) Policy PRO10. These policies reinforce the Council's corporate aim to be a vibrant and attractive place to visit. Hence such tourist attractions are required to meet this aspiration and will help the local economy to grow.
- 1.4. Objectors to the proposal are concerned that it will have a negative impact on local amenity due to noise and disturbance. Subject to the attachment of various conditions, it is deemed that the proposal would not result in undue noise and disturbance to local residents.
- 1.5. Other considerations relate to flood risk and local ecological issues. However, these too can be addressed with appropriate conditions.
- 1.6. On balance, but with particular attention to the tourism offer of the site and its potential for negative impact on local residents, the proposal is deemed to be acceptable subject to appropriate conditions.

Recommendation: Approve

Conditions:

1. Standard time limit
2. Development in accordance with plans
3. Details of surface treatment to be agreed

4. Parking space sizes
5. Inward opening gates
6. Provision of a communal refuse collection point
7. No year round tipi/tent use
8. Only holiday use for all caravan and camping pitches
9. Waste disposal/treatment
10. Restrict number of pitches to those applied for in interest of noise and disturbance and highway safety
11. Lighting scheme to reduce impact on wildlife (inc low UV levels for bats) only to light footpaths, amenity block etc
12. Bat / bird boxes to encourage habitats
13. Protection of hedgerow
14. Landscaping scheme to provide trees/shrubs for habitats
15. Details of entrance barrier
16. Surface and foul water drainage/utilities

2. **Planning Policy**

National Policy:

National Planning Policy Framework (2012)

Local Plan Policy:

Tendring District Local Plan (December 2007)

- | | |
|--------|--|
| QL1 | Spatial Strategy |
| QL3 | Minimising and Managing Flood Risk |
| QL9 | Design of New Development |
| QL10 | Designing New Development to Meet Functional Needs |
| QL11 | Environmental Impacts and Compatibility of Uses |
| ER16 | Tourism and Leisure Uses |
| ER19a | Touring Caravans and Tents |
| COM31a | Sewerage and Sewage Disposal |
| EN1 | Landscape Character |
| EN6 | Biodiversity |
| EN6a | Protected Species |

Tendring District Local Plan: Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014)

- | | |
|-----|---------------------------|
| SD5 | Managing Growth |
| SD9 | Design of New Development |

PRO7	Tourism
PRO10	Camping and Caravanning
PLA1	Development and Flood Risk
PLA3	Water Conservation, Drainage and Sewerage
PLA4	Nature Conservation and Geo-Diversity
PLA5	The Countryside Landscape

3. Relevant Planning History

- 3.1 Outline planning permission (ref: TEN/98/0790) with all matters reserved for residential development was refused in July 1998 on the application site. The main reason for refusal was that the site was located outside of the Settlement Development Boundaries.

4. Consultations

- 4.1 St Osyth Parish Council strongly objects as follows:

- A major commercial development in a small hamlet
- Large numbers of vehicle movements to and from the site

- 4.2 Environmental Health raises no objection and comments as follows:

- If planning permission is granted, the site will be subject to a site licence under the Caravan Sites and Control of Development Act 1960 and Public Health Act 1936.

- 4.3 Regeneration Team is broadly supportive and comments as follows:

- Would have preferred to have seen more glamping pods and tipis and fewer touring caravans
- Unclear whether the proposal is for tipis to hire or for tourists to bring their own

- 4.4 Highways Authority raises no objection, subject to:

- Vehicular visibility splays
- No unbound materials used on surface treatment
- Parking space sizes
- Inward opening gates
- Provision of a communal refuse collection point

- 4.5 Natural England have commented as follows:

- Statutory nature conservation sites – the proposal is unlikely to affect any statutorily protected sites or landscapes.
- Protected species – if necessary request further information from the applicant. Standing advice from Natural England states that if additional information is provided by the applicant that the application can be proceeded with. It also recommends considering attaching an informative on what to do if protected species are found during development
- Biodiversity enhancements – the application may provide opportunities to incorporate features into the design which are beneficial to wildlife. This should be considered.

- Landscape enhancements – the application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment. This should be considered.

4.6 The Environment Agency considers the site to have low environmental risk and therefore have not provided bespoke comments. Standing advice from the Environment Agency would normally apply to sites, such as this, which are larger than one hectare in size. However, in consideration of the relatively small area of developed land as part of the proposal, the Environment Agency has not raised any objection.

5. **Representations**

5.1 7 letters of objection have been received and a petition of 21 signatures. The issues raised in the letters and petition are as follows and accompanied by an officer response in italics:

- (i) No need for campsite
The Council's vision is for Tendring to be a vibrant and attractive place to visit. Hence such tourist attractions are required to meet this aspiration and will help the local economy to grow.
- (ii) Out of character
The site already has 5 touring caravan berths. Whilst the proposal will provide a large expansion of caravan/camping, such uses are not uncommon in Tendring and are often located on the edge of existing settlements. Whilst Chisbon Heath is a small village, the campsite will be mostly hidden behind existing mature hedgerows.
- (iii) Noise and disturbance (children, dogs, car headlights, socialising late into the night) at a quiet location and will impact on privacy
Various characteristics of the site layout will help to minimise any increased level of noise or disturbance that the proposal will cause. Examples of this include the location of the amenity block at a point furthest away from the adjacent dwellings, the use of trees in and around the campsite to, amongst other things, block noise and the sensitive lighting of only essential items, such as footpaths and the amenity block. It is proposed to limit the total number of camping and caravan pitches (to the proposed number) to prevent further intensification of the site. Furthermore, the overall management of the site will be provided from the neighbouring property "Kimbolds". In recognition of all these factors, it is deemed that any increase in noise and disturbance will be within acceptable levels.
- (iv) Site will be used for year-round occupation
A planning condition will be attached to ensure that no tents or tipis are occupied during the winter as they are not suitable for this purpose. The year-round holiday use of touring caravans or glamping pods is acceptable in planning terms and is supported by recent planning case law in Tendring. However, a planning condition is proposed to restrict these caravans and pods to only be used for holiday purposes.
- (v) Extra rubbish attracts vermin
A planning condition will be attached to ensure that refuse bins are properly provided on the site
- (vi) Increased flooding (drainage ditches have not been maintained)
A Flood Risk Assessment has been received from the agent. In accordance with standing advice for proposals in Flood Zone 1 (low risk) of greater than 1 hectare, the Environment Agency has been consulted and have not objected.

- (vii) Flood Risk Assessment was authored by the planning agent and is therefore not objective
The Flood Risk Assessment has been considered by the Environment Agency, who are the authority on flood risk. They have independently assessed the flood risk and have not raised any objection.
- (viii) Treatment/disposal of increased waste water
A planning condition will be attached requiring the implementation of an appropriate means of treating and/or disposal of waste water from the proposal.
- (ix) Increase vehicular movements to and from site
The proposal will result in more vehicular movements to and from the site. However, the access point for such movements is already established and the increase in traffic will not result in a material increase in traffic that would warrant a refusal of planning permission.
- (x) Location of access point is too close to neighbouring dwellings
The access point is already established
- (xi) Heath Road is too narrow for such a proposal
The Highways Authority have raised no objection to the scheme
- (xii) Road safety concern for unsupervised children on the site
The proposal is enclosed on all sides with a gate to restrict access onto Heath Road.
- (xiii) Lack of local amenities
Some basic facilities are provided onsite. However it is anticipated that holiday makers will make use of amenities at nearby tourist destinations such as Clacton on Sea.

6. Assessment

6.1 The main planning considerations are:

- Context and Background;
- Proposal;
- Planning Policy and Corporate Aims;
- Flood Risk;
- Ecology;
- Highway Considerations;
- Local Amenity; and,
- Other Considerations.

Context and Background

- 6.2 The application site amounts to 1.2 hectares and lies on the northern side of Heath Road on the eastern side of Chisbon Heath. The site is adjacent to, but outside of the Settlement Development Boundaries as established in the saved (2007) and focused changes (2014) Tendring District Local Plan (TDLP).
- 6.3 The site includes a paddock on the northern part of the site and an area currently used for up to five touring caravans on the southern part of the site. The site has an existing vehicular access point onto Heath Road. The site is bounded by existing trees and hedgerow around the majority of the boundary and has an open-boarded fence on its eastern boundary with the residential property "Kimbolds".

Proposal

- 6.4 The proposal is for the change of use of paddock land for recreation/leisure purposes to include touring caravans (taking the total on site to 15), 6 glamping pods, 15 tents/tipis and associated facilities.

Planning Policy and Corporate Aims

- 6.5 Paragraph 28 of the National Planning Policy Framework (NPPF) supports sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.
- 6.6 The NPPF does not specify what constitutes an “appropriate site”. However, within the context of this proposal an appropriate site should address the environmental, social and economic strands of sustainable development. In terms of environmental appropriateness, the site should have a low impact on the environment and by the environment. This means that there should not be a material impact on the local ecology or the peaceful enjoyment of nearby properties. Furthermore, the campsite and local property should not be materially affected by flooding. These issues are discussed in greater depth below. In terms of social appropriateness, it should support a strong, vibrant and healthy community. In this respect the proposal will bring further life and activity to Chisbon Heath. In terms of economic appropriateness, the proposal should contribute to building a strong, responsive and competitive economy. In this respect, the proposal will support a local business, with positive repercussions for other businesses in Chisbon Heath and southern Tendring. In consideration of these three strands, it is clear that the proposal is located on an appropriate site.
- 6.7 Saved Local Plan Policy (2007) ER19a and Draft Local Plan Policy PRO10 support the provision of new camping and caravanning sites. This echoes the Council’s corporate plan to build a thriving local tourism industry. This particular proposal in Chisbon Heath is broadly supported by the Council’s Regeneration Team, especially the provision of “glamping” pods and tipis, which will provide a different facet to Tendring’s tourism offer. Glamping pods are free standing portable wooden structures and are marketed as glamorous camping.

Flood Risk

- 6.8 The site is in Flood Zone 1 (low risk), but due to its size (over 1 hectare) the proposal requires a Flood Risk Assessment (FRA).
- 6.9 Incidences of standing water on the site have been reported in objection letters from members of the public.
- 6.10 The Environment Agency have responded that they consider the site to have low environmental risk and whilst an FRA is triggered by the size of the application site, consideration of the relatively small scale of proposed development, their response is covered by standing advice. Such advice states that the sustainable drainage of surface water should be considered. In this respect the impact from development relates to the extent to which it will increase the amount of surface water run-off. As stated in the submitted FRA the proposal will have only a minimal effect on surface water run-off. This is by virtue of the nature of development, which comprises tipis, glamping pods and touring caravans. Only a small area (250 square metres) of impervious material is proposed, largely from the internal access road. Further details of soakaways and other sustainable drainage systems will be required by condition.

Ecology

- 6.11 Due to the prevalence of hedgerows, pastures and ditches on or adjacent to the site a Phase 1 Habitat Survey was requested. Natural England have commented on the proposal and have raised no objection and have recommended that the scheme incorporates features into the design that are beneficial to wildlife. These include roosting opportunities for bats or the installation of bird boxes.
- 6.12 The main impact of development derives from the increased activity on the site, as opposed to construction of buildings on site.
- 6.13 The submitted survey does not identify the presence of any protected species on the site. However, it recommends that the hedgerows are protected, that a landscaping scheme be provided to show the provision of more on-site trees and shrubs and that bat and bird boxes be provided, all to protect and encourage suitable habitats. Furthermore, in terms of lighting, it is recommended that on-site lighting be carefully designed to minimise light pollution for the benefit of barn owls and bats. All these requirements can be achieved through suitable planning conditions.
- 6.14 In terms of protected species, standing advice from Natural England recommends that in the light of the submitted survey the application can be approved. It also recommends that Local Planning Authorities should consider attaching an informative to the decision on what to do if protected species are found during development.

Highway Considerations

- 6.15 The Highways Authority has raised no objection, subject to the imposition of several conditions, which are outlined above. The first such recommended condition is that details of a vehicular visibility splay be provided and implemented. However, the recommended dimensions of such are that it would largely remove the existing front hedge, which provides a useful visual screen to the site from Heath Road. Clearly there is a balance to be struck here between the benefits of a full vehicular visibility splay and the retention of an established hedgerow of visual benefit. In this instance it is preferable to retain the hedgerow. This is because the site already benefits from a visibility splay, albeit that it is not of the dimensions requested by the Highways Authority. Furthermore, the access point is already established. To protect against the further growth of the site, a condition to restrict the number of caravan and camping pitches will be attached.

Local Amenity

- 6.16 Several of the issues raised in objection to the proposal relate to impact on local amenity. This includes light and noise pollution, as well as the general disturbance of more vehicles and people socialising on the site.
- 6.17 The impact on light pollution will be minimal and within acceptable levels. The main impact will be from the departure from the site of vehicles as their headlights would shine into the bungalows on the opposite side of Heath Road. As such, the occasions when this would happen would mainly be in the late summer evening, at which time most vehicular movements are likely to be into the site, rather than leaving it.
- 6.18 The proposed vehicular gate appears industrial and out of character with proposed glamping pods and the local village. To address this shortcoming, an alternative design will be required by a planning condition. Its design should minimise vehicle idling time, particularly for those leaving the site and should seek to be as quiet as possible. The noise created by the existing gate was raised in an objection letter but should be remedied by the above planning condition.

- 6.19 In terms of wider noise pollution from the site, the numbers of caravan and camping pitches is not deemed to be excessive for the site. This is due to the siting of the amenity block away from neighbouring dwellings and the use of soft landscaping in and around the site to reduce the level of disturbance for neighbours. However, in the interest of local noise levels, the further intensification of the campsite will be restricted by a planning condition. This will ensure that further pitches are not added.

Other Considerations

- 6.20 Concerns were raised concerning the proper storage of waste on the site and the propensity for it to attract vermin to the locality. To mitigate this issue a planning condition will be attached to ensure that waste is properly stored in a convenient location for refuse collection.
- 6.21 Concerns were also raised concerning the year round use of the site. A recent planning appeal in Tendring (ref:12/00457/FUL) has set out case law for this issue. The planning inspector in this previous appeal saw that there no reason to doubt the fact that the quality of both static and touring caravans has improved and that the majority of caravans now produced are suitable for year round use. However, he upheld the Council's objection to the use of such caravans as permanent accommodation and to this end attached a planning condition to restrict this. However, tipis and tents are not appropriate for year round use and the proposal should be restricted by a suitable planning condition to prevent such use.
- 6.22 The plans do not indicate the provision of electrical power for the proposed pitches, which is required by draft Local Plan (2012) Policy PRO10. Further details of such should be required by an appropriate planning condition.

Background Papers

None.