

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	20/07/2018
Planning Development Manager authorisation:	AN	24/7/18
Admin checks / despatch completed	AP	25/7/18

*RAL*

**Application:** 18/00656/FUL **Town / Parish:** St Osyth Parish Council

**Applicant:** Mr Terrence Clark

**Address:** 19 Seawick Road St Osyth Clacton On Sea

**Development:** Variation of condition 3 of application 97/01000/FUL to allow extension of use to 10 1/2 months from 1st March to 14th January every year.

### **1. Town / Parish Council**

St Osyth Parish Council      The Parish Council objects to this application on the basis that the single storey caravan is situated within Flood Zone 3.

However, notwithstanding the approval of similar applications in recent years, together with the many variations of planning permissions imposed on similar properties, the Parish Council would request that any decision be deferred until such time as the District Council, or Planning Inspectorate, gives an overall decision in respect of the ongoing occupancy issues.

### **2. Consultation Responses**

Environment Agency      No objections to 1<sup>st</sup> March to 14<sup>th</sup> January occupancy, on the basis that it would prevent all year round residency which formed the basis of our holding objection. In addition it would seem to be a consistent position with other properties in the locality.

### **3. Planning History**

97/01000/FUL	Siting of caravan for holiday purposes	Approved	24.09.1997
18/00656/FUL	Variation of condition 3 of application 97/01000/FUL to allow extension of use to 10 1/2 months from 1st March to 14th January every year.	Current	

### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL3 Minimising and Managing Flood Risk

ER20 Occupancy Timescales

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

PPL1 Development and Flood Risk

PP8 Tourism

PP11 Holiday Parks

### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. Importantly the Inspector has confirmed that the housing requirement for Tendring of 550 new homes per annum for the period up to 2033 is based upon sound evidence. There are however concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years worth of deliverable housing land against their projected housing requirements (plus a 5% or 20% buffer to ensure choice and competition in the market for land). If this is not possible, housing policies are to be considered out of date and the presumption in favour of sustainable development is engaged with applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.

The Council can demonstrate, with robust evidence, a five-year supply of deliverable housing sites and this has been confirmed in recent appeal decisions. This is based on a housing requirement of 550 dwellings per annum which has been confirmed as sound by the Inspector for the Local Plan examination. Therefore policies for the supply of housing are not out of date and applications for housing development are to be determined in accordance with the Local Plan.

## **5. Officer Appraisal (including Site Description and Proposal)**

### Site Description

The application site is located western side of Seawick Road within the parish of St Osyth. The site accommodates a static caravan used for holiday purposes that was sited on the plot in 1997. The wider area comprises of a mixture of detached bungalows, chalets and caravans/mobile homes used for holiday purposes as well as several permanent residences.

### Proposal

The application proposes the variation of condition 3 of planning application 97/01000/FUL to enable occupancy on a holiday basis 10 and a half months of the year from 1st March through to 14th January.

Condition 3 of 97/01000/FUL reads as follows;

- The caravan shall be occupied only during the period;

a) 1 March to 31 October in any one year.

b) At weekends from noon on Friday until noon on Monday.

c) During any period of ten consecutive days which shall include Christmas Day and New Year's Day.

But may be used for storage of household effects at any other time.

### Site History

In the mid-1990s it was common for holiday caravans to be approved on Seawick Road with a condition restricting occupation to 1st March to 31st October in any one year; at weekends from noon on Friday until noon on Monday; and during any period of ten consecutive days which shall include Christmas Day and New Year's Day. The reason given was to ensure the accommodation remains in holiday use.

This site originally received consent in 1997 for a caravan to be sited for holiday purposes under ref 97/01000/FUL.

### Appraisal

Saved Policy ER20 of the Tendring District Local Plan (2007) seeks to ensure that caravans and chalets are not used as residential dwellings, their occupation will only be permitted between 1st March in any one year and 14th January in the subsequent year (inclusive). Occupancy will be further restricted to the period 1st March to 31st October in any one year where the site:

- i) lacks the necessary and appropriate infrastructure and services for longer occupation; or
- ii) is located in an area of flood risk, or in the vicinity of a site designated for nature conservation.

Emerging policy PP11 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) concerning larger holiday parks but states that to ensure caravan and chalet developments are not used for permanent residential dwellings, the Council will impose holiday occupancy conditions and limit use to certain periods of the year.

As already mentioned, this site is located within an area of flood risk. However, it is not within a site designated for nature conservation, and nor does the site lack the necessary and appropriate infrastructure and services for longer occupation.

It is considered that the additional occupation of the caravan from October 31st to 14th January would adequately retain the tourist use of the caravan with no significant harm to the amenities of the occupants of the accommodation in this location over the extended time period.

### Flood risk

The site lies within Flood Zone 3 (high probability risk) with the proposed short let/holiday occupancy being classified as More Vulnerable in the NPPF where subject to a specific warning and evacuation plan.

The applicant has submitted additional information confirming he has registered with the Environment Agency's flood warning service (which texts the applicant when a flood alert, flood warning or severe flood warning is issued)

The Environment Agency state that this represents a degree of betterment compared to the existing situation and have no objection as the time period sought would be consistent with others granted in the vicinity.

### Other considerations

The Parish Council objects to this application on the basis that the single storey caravan is situated within Flood Zone 3. However, notwithstanding the approval of similar applications in recent years, together with the many variations of planning permissions imposed on similar properties, the Parish Council would request that any decision be deferred until such time as the District Council, or Planning Inspectorate, gives an overall decision in respect of the ongoing occupancy issues.

No further letters have been received.

## **6. Recommendation**

Approval

## **7. Conditions**

- 1 Not more than one caravan shall be stationed on the site at any one time.

Reason - In the interests of local amenity and flood risk matters.

- 2 The caravan shall not be used for human habitation between January 14 and March 1 in any one year but, during that period may be used for storage of household effects.

Reason - To ensure that the accommodation remains in holiday use in support of planning policies aiming to encourage tourism and does not become a permanent residential use.

- 3 The flood risk mitigation measures detailed in the applicant's flood risk assessment received 9th May 2018, including signing up for the Environment Agency's Flood Warnings, shall take effect immediately on commencement of the extended occupation period and shall remain in force for the duration of the use of the caravan.

Reason - The use represents a More Vulnerable use within Flood Zone 3 (high probability risk) where a specific flood mitigation measures are necessary to make the development acceptable in flood risk terms.

## **8. Informatives**

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

<b>Are there any letters to be sent to applicant / agent with the decision?</b> <b>If so please specify:</b>	YES	<input checked="" type="radio"/> NO
<b>Are there any third parties to be informed of the decision?</b> <b>If so, please specify:</b>	YES	<input checked="" type="radio"/> NO