

DELEGATED DECISION OFFICER REPORT SCANNED

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	24/12/2018
Planning Development Manager authorisation:	AN	24/12/18
Admin checks / despatch completed	AP KC	24/12/18 24/12/18

Application: 18/01852/FUL **Town / Parish:** St Osyth Parish Council

Applicant: Haven Leisure Ltd

Address: Orchards Holiday Village Colne Way Point Clear Bay

Development: Variation of condition 3 (Carried out in accordance with approved plan) of application 17/01931/FUL.

1. Town / Parish Council

Mr Parish Clerk St Osyth Parish Council No objections.

2. Consultation Responses

ECC Highways Dept No comments received.

Tree & Landscape Officer The variation of condition application does not adversely affect or diminish the extent or quality of the soft landscaping approved under a condition discharged under earlier planning application 17/01931/FUL

Environment Agency Thank you for your email.

We are returning this consultation without comment because we have checked the application and it is not clear why we have been consulted. Please find attached a consultation checklist which explains when to consult us.

If, after reconsideration, you still need us to comment on this planning application, please specify why.

If you confirm why we have been appropriately consulted, our 21 day statutory consultation period will start. If not, we will take no further action.

We have adopted this approach because we are currently receiving large numbers of inappropriate consultations. These significantly reduce the time and staff resources we have to provide you with timely statutory consultation responses

Environmental Protection No comments received.

3. Planning History

00/01398/FUL	New reception and administration building together with owners club facility, retail unit, car park and new link road (Demolition of existing reception building and residential units)	Approved	01.11.2000
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01/00016/FUL	Construction of car parking, amendment to road junction, and demolition of 2 chalets along Colne Way	Approved	01.03.2001
01/00017/TPO	Fell Willow tree (TPO 95/18)	Approved	02.02.2001
01/01548/FUL	New reception & administration building together with owners club facility, retail unit & new link road (demolition of existing reception building & residential units) - variation to scheme approved under planning permission 00/01398/FUL	Approved	31.10.2001
02/00047/ADV	Holiday village main entrance - free standing signs, directional totem signs, fascia signage.	Approved	12.02.2002
02/00262/FUL	Retain dwelling (& use of) until such time it is required for demolition for future development & temporary use of part rear garden for dray delivery vehicles. (Non-compliance in part with condition 3 imposed upon permission 01/01548/FUL).	Approved	18.04.2002
91/01459/FUL	Alterations and extensions to existing Clubroom Rosie O'Gradys and change of use from existing beer cellars storage to amusements	Approved	25.02.1992
92/00822/OUT	Conversion of existing amusement building for ancillary accommodation including plant room with new cafe/bar extension. Formation of new vehicular access and service yard. Indoor swimming pool with terrace/owners	Refused	12.01.1993
92/00823/FUL	(Orchards Holiday Park, Point Clear, St Osyth) New entrance lobby, extensions and pergola to Rosie O'Grady's	Approved	15.12.1992
92/01200/OUT	Cafe/Bar extension with associated pergola and service access; indoor swimming pool, terrace and plant room; Reception/Sales offices, associated car parks; owners lounge, landscaping and road improvements at site	Approved	12.01.1993
92/01384/FUL	Variation of conditions No. 3 and 4	Approved	28.11.1995

of planning consent TEN/345/56
and variation of condition No. 2 of
planning consent TEN/242/58 to
allow occupation of recreational
caravans and chalets from 1 March
in any year to 31

93/01360/DETAIL	(Orchard Holiday Park, St Osyth) Proposed Aqua/Cafe Bar extension to existing altered Amusement Arcade (Submission of reserved matters following outline permission TEN/92/1200 for Phase 1)	Approved	01.02.1994
95/00907/DETAIL	(The Orchards Holiday Village, St Osyth) Proposed new indoor swimming pool and extension to existing cafe bar (submission of details following outline planning permission TEN/92/1200)	Approved	18.10.1995
95/01026/FUL	(Orchard Holiday Park, Point Clear, St Osyth) Variation to condition No. 8 imposed upon planning permission TEN/92/1200 to allow use of premises 8.00am to 12.00 midnight Mondays to Saturdays	Approved	23.04.1996
95/01276/DETAIL	(The Orchards Holiday Village, St Osyth) Proposed new plantroom to serve new swimming pool	Approved	19.12.1995
95/01350/FUL	(The Orchards, Point Clear, St Osyth) Development of golf course	Approved	24.01.1997
96/00178/FUL	(The Orchards Holiday Village, Point Clear, St Osyth) Siting of 6 No. staff caravans	Refused	02.04.1996
96/00298/FUL	(Orchards Holiday Park, Point Clear, St Osyth) Glazed link amusement area	Approved	23.04.1996
96/00401/FUL	(Rosie O'Gradys, Orchards Holiday Village, St Osyth) Alterations/upgrading existing south and east elevations to Rosie O'Gradys	Approved	14.05.1996
96/00535/ADV	(Orchards Holiday Village, St Osyth) Reposition of existing sign and proposed new sign	Approved	04.06.1996
96/00542/FUL	(The Orchards Holiday Village, St Osyth) Siting of three No. staff caravans	Refused	25.06.1996
96/01080/FUL	Siting of 2 No. staff caravans (one caravan to be occupied in lieu of	Approved	19.11.1996

permanent year round occupation of No. 26 Colne Way, Point Clear as a variation to planning permission TEN/62/69)

96/01141/FUL	(The Orchards Holiday Village, St Osyth) Proposed owners leisure facilities, i.e. gym, sauna, showers, spa pool and lounge	Approved	29.01.1997
02/01951/FUL	Extension to amusement arcade	Approved	13.01.2003
03/00344/FUL	Extension of temporary permission for retention of dwelling adjacent to reception area (01/01548/FUL, 02/00262/FUL)	Approved	27.03.2003
03/01126/FUL	Roof mounted air conditioning unit installation to existing club room complex.	Approved	28.07.2003
04/00461/FUL	Replacement of existing golf shop for use in association with existing golf course within holiday park.	Approved	17.05.2004
04/00545/FUL	Variation of condition 3 of planning permission 01/01548/FUL to 'Construction of the new supermarket shall not commence until the existing dwelling has been demolished.'	Approved	16.06.2004
91/00141/FUL	Construct outdoor swimming pool, plant room, changing rooms, bowling green, multi play area and kiosk together with related site layout works.	Approved	28.03.1991
09/00537/FUL	Variation of Condition 03 and 04 of planning permission ENE/TEN1/345/56 to alter the occupancy period of chalets and caravans to be continually occupied during the period 1 March to 30 November in any year with continued use at weekends and for the Christmas and New Year period.	Withdrawn	25.08.2009
09/00538/FUL	Variation of Condition 02 of Planning Permission ENE/TEN/242/58 to alter the occupancy period of chalets and caravans to be continually occupied during the period 1 March to 30 November in any year with continued use at weekends and for the Christmas and New Year period.	Withdrawn	25.08.2009

09/00539/FUL	Variation of Condition 03 of Planning Permission TEN/96/1080 to alter the occupancy period of chalets and caravans to be continually occupied during the period 1 March to 30 November in any year with continued use at weekends and for the Christmas and New Year period.	Withdrawn	25.08.2009
10/00373/FUL	Construction of new modular holiday supermarket with access road to rear, demolition of chalet and construction of new associated fence line.	Refused	07.06.2010
10/00696/HSC	Storage of Liquefied Petroleum Gas.	Withdrawn	22.12.2010
10/01100/FUL	Planning application for the erection of an ancillary convenience store and associated minor works (principally retrospective)	Refused	07.12.2010
10/01179/FUL	Proposed extension of existing kitchen facilities.	Refused	17.12.2010
11/00397/FUL	Removal of previous roof mounted ventilation and extract system and installation of new roof mounted ventilation and extract system.	Approved	07.06.2011
11/00647/FUL	Planning application for the erection of retail store, associated servicing facilities and minor works.	Approved	01.11.2011
11/00683/FUL	Retrospective planning application for the erection of a toilet block/check-in building in touring area.	Approved	15.08.2011
14/00945/FUL	Variation of condition of 3 and 4 of planning permission ENE/TEN/345/56 to allow an extension to the operating and occupancy period at the site.	Approved	23.01.2015
14/00946/FUL	Variation of condition 2 of planning permission ENE/TEN/345/56 to allow an extension to the operating and occupancy period at the site.	Approved	23.01.2015
14/00947/FUL	Variation of condition 3 of planning permission TEN/96/1080 to allow an extension to the operating occupancy period in connection with the two staff caravans at 26 Colne Way.	Approved	23.01.2015

15/01305/LUEX	Change of use of bungalow from holiday home to residential all year round use.		14.10.2015
17/01931/FUL	Proposed extension to existing Showbar/Arcade building and hard standing car park, and revised internal access arrangements in the car parking area. (Following removal of 2 existing static caravans, 1 shed and 2 existing containers).	Approved	08.02.2018
17/01932/FUL	Installation of 9 caravan bases with associated parking. Proposed new internal access road, pedestrian footpaths, landscaping & new boardwalk with bridge.	Approved	03.01.2018
18/01248/DISCON	Discharge of condition 9 (Landscaping Scheme) to Approved Planning Application 17/01932/FUL.	Approved	18.09.2018

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 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

ER18 Caravan and Chalet Parks

ER19 Extensions to Static Caravans and Holiday Parks

EN1 Landscape Character

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SPL1 Managing Growth

SPL3 Sustainable Design

PPL1 Development and Flood Risk

PP10 Camping and Touring Caravan Sites

PP13 The Rural Economy

PPL3 The Rural Landscape

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) 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 48 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. They raise 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 48 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.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The site comprises approximately 0.34 Ha of land and is located within the operating area of The Orchards Holiday Village.

The principle building on site is the existing Showbar/Arcade Building. The extent of the building on application site is currently used as an 'Arcade' area, with associated toilet facilities, and a back of house area which includes: storage space; two office areas and a 'prize counter'. Two detached containers are located adjacent to the northern elevation of the existing Building. A third container and a gas compound are located at the western edge of the site boundary and two static 'maintenance' caravans and a shed are located to the east of the existing Showbar/Arcade Building. The remainder of the site comprises the Maintenance Yard; a section of internal access road runs north/south through the centre of the site. There are two areas of unsurfaced car park either side of the access road, which provide for approximately 47 spaces.

The site is bound to the north by the internal access road and beyond this an area of hard-standing land used for informal car parking; beyond this is a grassed river bank and 'The Fleet', a man-made lake at the park. The Fleet extends to the south to adjoin the eastern boundary of the site. Beyond the lake to the north, is the northern boundary of the Park which is defined by the existing

sea wall and the salt marshes beyond this. The 'Lakelands' area of static caravans extends beyond the lake to the east from the site. The remainder of the Showbar/Arcade Building extends from southern boundary and the Park's entertainment complex is located beyond this to the south. Residential properties adjoin the northern boundary of the existing maintenance yard and the informal car parking area to the west.

The site is located within a flood zone 3.

Description of Proposal

This application seeks to vary the previously approved 17/01931/FUL.

As the detailed design of the proposed development has progressed, minor layout amendments are required.

The proposed amendments to the scheme sought as part of this Section 73 application are as follows:

- 1 The size of the storage area to be increased and the external wall 'squared off' to rationalise sorting area;
- 2 The internal layout to be revised to include a cleaner's store and general store;
- 3 The internal layout to be revised to combine staff canteen and training room and accommodate an electrical enclosure;
- 4 The door to the workshop/storage area reception to be reduced in size;
- 5 The internal corridor and workshop/storage area to be revised to suit new layout; and
- 6 The canopy depth to be increased and extended to the end of the building.

Assessment

17/01931/FUL approved an extension to the existing Showbar/Arcade building and hard standing car park, and revised internal access arrangements in the car parking area. (Following removal of 2 existing static caravans, 1 shed and 2 existing containers).

The only consideration in this instance is the impact of the proposed amendments as set out above.

Points 2 to 5 are internal or fenestration alteration only. These are therefore very minor and do not materially alter the external appearance of the building.

Point 1 involves the enlargement of part of the building by approximately 9 square metres. Point 6 involves the enlargement and extension of the canopy along the northern side of the building.

These amendments are fully contained within the yard area and retain over 9.5 metres to the properties to the north and over 12.5 metres to the properties to the west. The amendments will not result in any significant visual impact or harm nor will any additional impact upon residential amenities result from the amended scheme.

Representations

St Osyth Parish Council raise no objection.

3 letters of objection (1 received twice) have been received from residents of nearby holiday chalets. The concerns raised are wholly to do with the fence line arrangement, plan inaccuracies, the 2 storey building and the principle of the development which has already been approved. Many of the points raised are not material planning considerations as they relate to the proposal breaking agreements of the site owners and residents and the failure of the park to notify residents of their plans.

This application is looking at the variations only. The mezzanine was part of the original application and does not amount to a 2 storey building. There will be no overlooking possible as no first floor openings are proposed.

The onus is on the applicant to ensure the plans particulars are correct. Any revisions required would trigger the requirement for a new planning application.

The fence issues were dealt with under the previous application or in past planning applications - most of which can be carried out without planning permission as they within a private site and not adjacent to a public highway.

Any disputes over boundaries, agreements between the site owners and occupiers are legal matters and not under consideration as part of this planning application.

This is a variation only and the proposed alterations to that previously approved do not amount to any material harm that would warrant refusal of planning permission.

Conclusion

The proposed changes are not significantly different and would retain the appearance of the approved scheme and would not result in any additional impact on residential amenities. The application is therefore recommended for approval.

6. Recommendation

Approval - Full

7. Conditions

- 1 The development hereby permitted shall be begun before 8th February 2018.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The hereby approved development shall only be implemented in full accordance with the agreed Flood Warning and Evacuation Plan for Orchards Holiday Village for Bourne Leisure Ltd prepared by Enzygo Ltd ref: SHF.222.001.R.002.F dated January 2015. The Flood Warning Evacuation Plan shall remain in force for the duration of the occupation period and shall remain a live document and be updated where required.

Reason - The site lies within flood zone 3 at high risk from flooding and a detailed evacuation plan is essential to safeguard occupiers of the development.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plan: dwg. no: 05 revision: F, dwg no: 06 revision: F and dwg no: 07 revision: D.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 4 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure that the landscaping scheme is suitably implemented within an appropriate timescale.

- 5 All new roads, parking areas and areas of hardstanding shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area within the site area.

Reason - In the interests of sustainable development and to minimise the risk of surface water flooding.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.