

DELEGATED DECISION OFFICER REPORT

| AUTHORISATION | INITIALS | DATE |
|---|----------|------------|
| File completed and officer recommendation: | ML | 25/06/2019 |
| Planning Development Manager authorisation: | TF | 09/07/2019 |
| Admin checks / despatch completed | AP | 10/7/19 |

ML

Application: 19/00755/FUL **Town / Parish:** St Osyth Parish Council

Applicant: Mr Terrence and Mrs Jean Clark

Address: 19 Seawick Road St Osyth Clacton On Sea

Development: Variation of condition 2 of application 18/00656/FUL to allow extension of occupancy for holiday purposes at weekends from 14th January to 1st March every year.

1. Town / Parish Council

St Osyth Parish Council No comments received

2. Consultation Responses

Environment Agency

We have inspected the application, as submitted, and we have no objection to the proposal as planned, providing that you have taken into account the flood risk considerations which are your responsibility. We have highlighted these in the flood risk section below.

Flood Risk

Our maps show the site lies within tidal Flood Zone 3a defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is to allow extension of the occupancy period of a holiday caravan to include weekends only from 14th January to 1st March every year.

Provided the caravan is still being used for short term holiday use, the vulnerability classification of the development will not change. If however the vulnerability of the development is likely to alter through the change of conditions, you should consider the flood zone 'compatibility' in accordance with Table 3 of the PPG. 'Highly vulnerable' development should not be permitted in Flood Zone 3 and the Exception Test is required in Flood Zone 2. If users of the development function as residents rather than holiday makers, in the event of a flood, they may have no other place of residence available and could lose all of their possessions.

To assist you in making an informed decision about the flood risk affecting this site, the key points to note from the submitted FRA, referenced 19 Seawick Road, St Osyth, Clacton on Sea and dated 06/05/19, are:

- Fundamentally, the flood hazard that may affect the existing

development has not increased. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise you to formally consider the emergency planning and rescue implications when making your decisions.

- If you feel you do not have enough information concerning flood risk to make an informed decision regarding the variation of condition then a topographic survey should be undertaken, in order to determine flood levels both on site and along the access/egress route.

3. Planning History

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| 95/00989/FUL | (19 Seawick Road, St Osyth) Mobile home for holiday purposes | Approved | 26.09.1995 |
| 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 occupancy for holiday purposes only to 10 1/2 months from 1st March to 14th January every year. | Approved | 25.07.2018 |
| 18/01357/FUL | Variation of condition 3 of application 97/01000/FUL to allow extension of occupancy for holiday purposes only to 11 1/2 months from 1st March to 14th February every year. | Approved | |
| 19/00755/FUL | Variation of condition 2 of application 18/00656/FUL to allow extension of occupancy for holiday purposes at weekends from 14th January to 1st March every year. | Current | |

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

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

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.

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 an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

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 2 of planning application 18/00656/FUL to vary the condition to allow weekend occupancy for holiday purposes between 14th January - 1st March only.

Condition 2 of 18/00656/FUL currently reads as follows;

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.

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 with no occupancy allowed between 31st October and 1st March but with weekend occupancy allowed.

Planning permission was then approved under reference 18/00656/FUL to increase the occupancy period from 1st March to 14th January the following year. The occupation condition did not allow the occupancy of the caravan at weekends unlike the condition attached to the 1997 permission.

Due to the removal of the weekend occupancy allowance the applicant then appealed against the inclusion of the occupancy condition with a view to having it revised to allow occupancy from 1st March through to 14th February the next year. The planning inspectorate dismissed the appeal confirming that; with the proposed occupancy times, there would be a real likelihood that future occupiers would use the property as their main and permanent home and that the proposal could lead to unnecessary increased risks from the effects of flooding for the future occupiers of the property.

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 but with weekend use between 14th January and 1st March 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. The use of the caravan for every weekend throughout the year is consistent with the original 1997 approval.

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 confirm that they have no objections to the proposal as the flood vulnerability remains the same and the flood hazard that may affect the existing development has not increased. They confirm that the applicant should be signed up to the EA's flood warning service.

Other considerations

St Osyth Parish Council has not commented upon the application. No further letters of representation have been received.

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 be occupied only during the following periods;

a) 1st March through to 14th January; and

b) At weekends from noon Friday until noon on Monday (including during the period 14th January to 1st March).

Outside of the restricted occupancy periods noted above the caravan may be used for the 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 as part of planning application reference 18/00656/FUL, 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 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.

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