

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	10/07/2019
Planning Development Manager authorisation:	TF	19/07/2019
Admin checks / despatch completed	ER SB	19/7/19 19/07/19.

Application: 19/00588/FUL **Town / Parish:** Harwich Town Council

Applicant: Park Holidays UK Limited

Address: Dovercourt Haven Caravan Park Low Road Dovercourt

Development: Variation of Condition 1 to Planning Application HAR/22/61 - to amend occupation to 1st March in any one year to 15th Feb the following year - subject to certain requirements set out in Planning Statement.

1. Town / Parish Council

Harwich Town Council Harwich Town Council has no objection to this application.

2. Consultation Responses

Natural England

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

European sites - Hamford Water Special Protection Area Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the Hamford Water Special Protection Area and has no objection to the proposed development.

Hamford Water Site of Special Scientific Interest Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

ECC Highways Dept

It is noted that this application only concerns condition No1, the Highway Authority does not object to the proposals as submitted and in accordance with Planning, Design and Access Statement dated April 2019.

Tree & Landscape Officer

The proposed variation of condition 1 of planning permission HAR/22/61 will not affect any trees or other vegetation on the application site.

Environment Agency

Thank you for your email received on 5 June 2019. We have inspected the additional information and are able to remove our holding objection on flood risk grounds.

Flood Risk

Sites used for holiday or short-let caravans and camping, subject to a specific warning and evacuation plan are classified as 'more vulnerable'; and in accordance with Table 3 of the PPG can be acceptable in Flood Zone 3 a. Provided the caravans are still being used for short term holiday use, the vulnerability classification of the development will not change.

A site evacuation plan will be required and a registry of the resident's primary address is kept by the operator we understand that this will be appended to the application via condition.

This application also aims to incorporate an area of the site which accommodates caravans that were approved in the 1980's. These caravans are not subject to any restrictions on use or occupancy times. As such this application aims to regularise the park under one defined holiday season which in the view of Tendring District Council represents a material planning benefit.

3. Planning History

01/01299/FUL	Proposed re-build of existing dance-hall.	Approved	26.09.2001
95/00571/FUL	(Dovercourt Haven Caravan Park, Low Road, Dovercourt) Change of use from empty shop to betting office	Approved	09.06.1995
95/01387/FUL	(Dovercourt Haven Caravan Park, Low Road, Dovercourt) Extension to roof over existing lobby - new telephone box and entrance door to clubs. No change of use	Approved	24.01.1996
96/00971/FUL	Leisure and caravan centre as extension to existing caravan site		31.12.2002
97/00667/FUL	(Low Road, Dovercourt) Re-building of amusements, games room and offices	Approved	22.07.1997
07/01730/ADV	Retention of entrance signs to caravan park.	Refused	18.12.2007
19/00588/FUL	Variation of Condition 1 to Planning Application HAR/22/61 - to amend occupation to 1st March in any one year to 15th Feb the following year - subject to certain requirements set out in Planning Statement.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL3 Minimising and Managing Flood Risk

ER16 Tourism and Leisure Uses

ER18 Caravan and Chalet Parks

ER20 Occupancy Timescales

COM33 Flood Protection

EN11A Protection of International Sites European Sites and RAMSAR Sites

EN11B Protection of National Sites SSSI's, National Nature Reserves, Nature Conservation Review Sites, Geological Conservation Review Sites

EN11C Protection of Local Sites: Local Nature Reserves, County Wildlife Sites, Regionally Important Geological/Geomorphological Sites

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

SPL3 Sustainable Design

PP8 Tourism

PP11 Holiday Parks

PPL1 Development and Flood Risk

PPL4 Biodiversity and Geodiversity

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) 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 application site is located on the southern side of Low Road on the edge of Dovercourt. The site accommodates a holiday park which extends to around 36.5 hectares in size. In total the park is home to 562 static caravans, 90 touring caravan pitches and 30 residential park homes. The static holiday caravans on the eastern side of the site operate on a 1st March to 31st October season and those on the western side a longer period of 1st March to 15th February the following year.

The site is located within a Flood Zone 3.

Proposal/Background

Planning permission 22/61 granted consent for the siting of static holiday caravans within the area hatched in green on the submitted block plan but did not impose any restriction on caravan numbers; other than a density restriction of 25 caravans to the acre. There is a restriction on the occupancy of the caravans from 15th March to 15th October each year.

A second planning permission under 1411/84 relates to the western part of the site. It approved an extension to the site at that time and overlapped the 22/61 permission. The extent of the area permitted by 1411/84 is shown hatched in yellow on the submitted block plan. There is again no limitation on 1411/84 as to the number of static caravans that can be accommodated on this part of the site. The permission is open and unrestricted in terms of the occupancy period of the static caravans be that for holiday or residential purposes.

This application seeks consent to extend the holiday occupancy period on the eastern section of Dovercourt Holiday Park from the current 1st March to 31st October period to a revised 11.5 month season to run from 1st March to 15th February the following year. Primarily, this will bring the eastern part of the site into line with the 11.5 month holiday season currently provided on the western section of the site.

As there is no occupancy restriction on the static caravans permitted on the western part of the site under 1411/84 there is no amendment required to any planning condition. The applicant would, however, still be willing to accept the proposed 11.5 month holiday season across the whole site as a means of regularising the park under one defined holiday season.

Assessment

National/Local Policy

The NPPF recognises that planning policies should support economic growth in order to create jobs and prosperity by taking a positive approach to sustainable new development. This includes support for sustainable tourism and leisure developments that benefit businesses, communities and visitors, and which respect the character of the locality. Such support should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

This particular proposal does not expand the overall development footprint but provides a direct business benefit to the park and its local area through the ability to operate over an extended season for the benefit of visitors to the area.

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.

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.

Flood Risk

As the site is within a high flood risk area, a Flood Risk Assessment and Flood Warning Evacuation Plan (FWEP) have been submitted.

The EA has been consulted, and they have no objections to the proposal, subject to the LPA being satisfied that the development has a tolerable level of safety. By this they mean the suitability of the advice given in the applicant's Flood Warning Evacuation Plan.

The EA further state that sites used for holiday or short-let caravans and camping, subject to a specific warning and evacuation plan are classified as 'more vulnerable'; and in accordance with Table 3 of the relevant NPPG can be acceptable in Flood Zone 3a. As a consequence provided the caravans are still being used for short term holiday use, the vulnerability classification of the development will not change. The EA also recognises the benefits of incorporating an area of the site which accommodates caravans that were approved in the 1980's. These caravans are not subject to any restrictions on use or occupancy times. As such this application aims to regularise the park under one defined holiday season which represents a material planning benefit.

The submitted FWEP is consistent with those approved on other Park Holidays sites elsewhere in the District. In view of the previous acceptability of the document, the development is considered to have a tolerable level of safety.

Previous Decisions/Adopted Policy

Other Park Holidays sites within the District - Oaklands Park, St Osyth, St Osyth Beach & Seawick, St Osyth - have been granted planning permission for seasonal occupancy periods from 1st March to 15th February. Whilst saved policy ER20 describes the principles of establishing a definitive timescale for holiday occupancy its prime aim is of ensuring that holiday accommodation is not used as permanent residential accommodation.

This issue has been the subject of many applications and appeals. It is clear that both guidance documents and a variety of independent considerations on appeal have concluded there are sufficient controls available by way of planning condition to ensure that holiday occupancy of caravans and chalets can be maintained, even where the seasonal occupancy period is removed entirely and occupation can take place throughout the year.

A combination of both seasonal and holiday occupancy conditions has been found acceptable by Planning Inspectors in relation to planning appeals and such conditions are now used in response to planning applications. In addition, in order to further ensure that a caravan is not used as a person's only or main residence a condition requiring the maintenance of a register of caravan occupiers and their home addresses will be applied.

In considering the above points, the absence of an objection of flood risk grounds and recent planning decisions/appeals (which is a material planning consideration), it is deemed that despite the requirements of the Council's saved Policy ER20 the proposal should be approved.

Other Issues

Natural England has no objections to the proposal in respect of the impact upon Internationally/Nationally Designated Sites.

ECC-Highways have no objections to the proposal.

Harwich Town Council has no objections to the application.

1 letter of objection has been received. Comments made are regarding the setting of a precedent, flooding and not coping with additional traffic and pressure on local infrastructure. (These matters are covered above. In respect of the impact upon local infrastructure it is not considered that the proposal to extend the occupancy period on the eastern side of the site, will materially affect the local traffic and infrastructure concerns to such a significant degree as to warrant a refusal of the application.

1 letter of support has been received stating that the proposal would allow them to continue their photography hobby over the winter months.

6. Recommendation

Approval

7. Conditions

1 The static holiday caravans sited at Dovercourt Holiday Park may only be occupied between 1st March in any one year to 15th February the following year and are subject to the following requirements:

- i. The static caravans shall be occupied for holiday purposes only;
- ii. The static caravans shall not be occupied as a person's sole, or main place of residence;
- iii. The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of static caravans on the site, and of their main home addresses and shall make this information available at all reasonable times (8:45am - 5:00pm) to the Local Planning Authority. The register shall be collected by the caravan site licence holder or by their nominated person.

The extended holiday season relates only to those static holiday caravans located in the areas hatched in green and yellow on the 1:2500 Land Use Plan accompanying this planning application.

Reason Reason - The site is outside any area where planning permission would normally be forthcoming for residential development and is permitted only for holiday purposes in the interests of contributing to tourism and the economy of the area.

2 The hereby approved development shall only be implemented in full accordance with the agreed Flood Evacuation and Management Plan (as prepared by enzygo dated April 2019). 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.

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.

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO