

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	PO	23-12-19
Planning Development Manager authorisation:	TF	23.12.19
Admin checks / despatch completed	CC	23.12.19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	23/12/19

Application: 19/01420/FUL **Town / Parish:** Weeley Parish Council

Applicant: Mr Swinscoe - Homestead Caravans Limited

Address: Homestead Lake Country Park Thorpe Road Weeley

Development: Variation of condition 7 of application 14/01339/FUL to reduce the closure period from 16th January - 1st March to 1st February - 1st March per annum.

1. Weeley Parish Council

Weeley Parish Council No comments.

2. Consultation Responses

ECC SuDS Consultee Provide the following comments,

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, **we do not object** to the granting of planning permission based on the following:
 - The shortening of the closure period will not increase the risk of surface water flooding.

Natural England Provide the following comments,

Natural England currently has no comment to make on the variation of condition 7.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us any further consultations regarding this development, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

3. Planning History

00/00313/FUL	Revised caravan layout incorporating revised toilet and services block, car parking and access	Approved	31.05.2000
00/01147/ADV	Replacement advertising pole	Approved	23.08.2000
01/01872/FUL	Renewal of planning permission 96/00132 for permanent permission rather than temporary	Approved	17.12.2001
91/01368/FUL	Provision of roads and drainage works and hardstanding for a 50 pitch touring caravan park and the construction of a lake and excavation works of deposits of soil in connection with the lake	Approved	13.01.1993
91/01369/FUL	Provision of roads and drainage works and hardstanding for a 50 pitch touring caravan park and the construction of a lake and excavation works of deposits of soil in connection with the lake	Withdrawn	28.01.1993
94/00262/FUL	Siting of mobile home unit for use as refreshment/snack bar ancillary to overall Caravan Centre	Approved	20.04.1994
96/00132/FUL	Siting of mobile home unit for use as refreshment/snack bar. Ancillary to overall caravan centre (renewal of TEN/94/0262)	Approved	07.03.1996
99/00146/FUL	Proposed caravan service workshop and store	Approved	31.03.1999
02/02211/FUL	Replacement demountable building to provide cafeteria facility	Approved	08.01.2003
03/02352/FUL	Extension to provide additional workshop/storage area	Approved	29.01.2004
04/00763/FUL	Proposed extension to existing caravan/leisure park	Approved	27.10.2004
04/01665/FUL	Proposed extension to shop	Approved	18.10.2004
05/01024/FUL	Retention of balcony and hardstanding - plots 32 and 35.	Approved	05.09.2005
05/01025/FUL	Erection of switch gear housing building ancillary to chalet development	Approved	05.09.2005
05/01775/FUL	Retention of balcony and hardstanding plot 29 and 31	Approved	14.12.2005

05/01889/FUL	Variation of condition 03 of planning permission 04/00763/FUL to allow up to 44 chalet units to be located on the site.	Withdrawn	12.01.2006
06/01639/FUL	Variation of condition 3 of planning permission 04/00763/FUL to enable the layout of the chalet park to be amended from that illustrated on approved drawing number 115/02/C.	Approved	22.12.2006
06/01640/FUL	Variation of Condition 3 of planning permission 04/00763/FUL to allow up to 44 units to be located on the site (additional 9 units).	Approved	22.12.2006
08/00810/FUL	Retention of balconies and hardstandings on plots 16, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30,33, 34 and 36.	Approved	08.09.2008
09/00879/FUL	Extension to existing caravan touring park to provide for the siting of 22 additional pitches; and construction of internal roadway.	Refused	21.10.2009
09/00881/FUL	Provision of roads and drainage works and hardstanding for a 50 pitch touring caravan park and the construction of a lake and excavation works of deposits of soil in connection with the lake (Variation of condition 4 of planning permission TEN/91/1368 - to change opening period).	Approved	25.11.2009
10/00450/FUL	Proposed 18 pitch extension to existing caravan touring park.	Refused	07.07.2010
11/00225/FUL	Erection of balcony and formation of hardstanding to plots 1, 2, 4, 17, 19, 29, 31, 37, 38, 39, 40, 43 (retention of).	Approved	26.05.2011
12/00083/FUL	Variation of Condition 2 of planning permission 06/01640/FUL to re-position plots 13-15.	Approved	16.04.2012
14/00606/FUL	Extension of Homestead caravan park to create an additional 50 chalet homes pitches with additional access tracks, servicing, landscaping and other associated works.	Refused	08.08.2014
14/01339/FUL	Extension of Homestead Caravan Park to create an additional 50 chalet home pitches with additional access tracks, servicing,	Approved	15.12.2014

	landscaping and other associated works.		
15/00693/DISCON	Discharge of condition 2 (hard and soft landscaping) of planning permission 14/01339/FUL.	Approved	26.06.2015
15/00737/OUT	Commercial development (B1) with parking and other associated works.	Approved	06.08.2015
17/00129/FUL	Variation of condition 2 of application 04/00763/FUL and condition 7 of application 14/01339/FUL, for use of one mobile home for permanent year round occupation by a security warden.	Withdrawn	22.02.2017

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

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

COM33 Flood Protection

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

Proposal

This Planning Application is submitted on behalf of Homestead Lake Country Park ("the Applicant") and is submitted in support of an application to enable the closure period to be reduced from 6 weeks per annum to 4 weeks per annum for operational and marketing purposes.

Specifically, the current closure period in accordance with the two previous planning permissions is from 16th January – 1st March (six weeks) each year and this application for variation seeks to amend that to 1st February – 1st March (four weeks).

It is proposed that the closure period will be enforced by a sophisticated system of Number Plate Recognition (NPR) barriers, CCTV cameras and oversight of the sole car and pedestrian access to the Phase 1 and Phase 2 chalet area from the site manager's office.

Site

Homestead Caravan Park (which includes Homestead Lake Country Park) is an extensive holiday park of some 25 acres (10.1 hectares) which features primarily chalet lodges situated within a landscaped and lakeside setting. The site is accessed via Thorpe Road, Weeley and apart from the chalet operation also comprises a tourer park, caravan tourer sales, an accessory showroom, caravan workshop facility and a café.

In respect of the chalet operations element of the Park the works associated with planning approval 04/00763 have been completed, comprising 44 chalets and hereinafter known as "Phase 1". A further planning approval 14/01339/ FUL on the north side of the existing Park grounds for 50 chalets is currently being rolled out, hereinafter known as "Phase 2".

History

The Park has been developed continuously since the 1960s, with 2 significant extensions that are the subject of this application. These permissions restrict the occupation of the park from 16th January to 1st March in any year.

The principal application for the extension of the park to form phase 1 was determined under application 04/00763/FUL which was granted in October 2004. The second phase of the chalets on the site (for 50 chalets) was 14/01339/FUL and was approved in 2015.

Both the aforementioned applications included a condition as below:

"None of the mobile homes (chalet units) hereby approved shall be used for human habitation between the period of January 16th to March 1st in any year, but during that period each caravan/chalet may be used for storage of household effects ancillaries to the use hereby permitted outside the said period".

Flood Risk

The site is not in a high-risk area for flooding as the site falls within flood zone 1, representing the lowest risk. The Environment Agency flood zone maps indicate that the site has a <0.1% chance of flooding.

Assessment

The National Planning Policy Framework 2019 ("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. Section 6 of the NPPF emphasises the support for the rural economy; in particular, paragraph 83(c) states that to promote a strong rural economy local plans should support sustainable rural tourism and leisure developments that benefit businesses in rural areas which respect the character of the countryside. 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.

Policy ER16 and policy ER19 of the adopted Tendring Local Plan 2007 are particularly relevant to this planning application.

Policy ER16 supports proposals for tourism and leisure use provided that there is a suitable access to the site; the site would not create additional noise and disturbance to neighbouring residential properties and the proposal would lead to enhancements or improvements to the landscape.

Policy ER19 encourages improvements to the landscape and layout of any proposed extension to a holiday park.

Policy ER20 of the Tendring 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)

One of the emerging Draft Local Plan Submission Documents is a Holiday Park Sector Review (TDC/024). This was a piece of research undertaken by Hotel Solutions on behalf of the Council in 2009 to support the local plan process and it suggested that there was a case for extending the operating season to 11 months.

The Council and the Planning Inspectorate have approved applications for several other holiday parks within the Tendring District to open on a 12-month basis, subject to the accommodation

being retained for holiday purposes only. The Council has also agreed to similar change of conditions on other sites to allow for amendments to closure periods from 6 to 4 weeks.

- (i) Full year-round availability – Starena Lodge APP/P1560/W/17/3183981 for 67 Holiday Lodges was approved on appeal.
- ii) Two-week closure period being agreed i.e. occupation to be from 1st March in any one year to the 15th February the following year is 19/00588/FUL Dovercourt Haven Caravan Park, Low Road.
- (ii) Also, Oaklands Park, St Osyth, St Osyth Beach and Seawick, St Osyth have been granted planning permission for seasonal occupancy periods from 1st March to 15th February.

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(s) 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/chalet 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 can be applied.

During the current six-week closure period the site barrier is closed and no access, other than for maintenance vehicles, is possible. In addition, other portable barriers are placed alongside the vehicular barrier to prevent unauthorised pedestrian access.

In considering the above points, and in light of 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 have no objections to the proposal in respect of the impact upon Internationally/Nationally Designated Sites.

Weeley Parish Council has no objections to the application.

No letters of objection have been received from third parties with regards to this application.

6. **Recommendation**

Approval subject to the following Condition(s)

7. **Conditions**

- 1) The static holiday caravans/chalet lodges at Homestead Lake Country Park may only be occupied between 1st March in any one year to 1st 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.

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.

8. Informatives

Positive and Proactive Statement

1) Application Approved Without Amendment

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