

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	RD	15/01/2020
Planning Development Manager authorisation:	TF	15/01/2020
Admin checks / despatch completed	LC	15/01/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	15/1/2020

Application: 19/01540/FUL **Town / Parish:** St Osyth Parish Council

Applicant: Hutleys Caravan Park

Address: Hutleys Caravan Park Beach Road St Osyth

Development: Variation of Condition 1 of application VAN/TEN/3/61 & condition 3 of application NE/TEN/527/65 to extend the occupancy of Hutleys Caravan park at the end of the season by one additional week to allow the caravan site to be fully utilised during the October half term break. Variation to read the caravans shall be occupied during the period 1st March to 7th November each year, but may be used for household storage during the winter months.

1. Town / Parish Council

St Osyth Parish Council No objections.

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: This application is not relating to drainage and therefore we have no comments.

3. Planning History

11/00872/FUL	Proposed caravan decking in UPVC including gate and 2 steps (Caravan 131 East Park).	Approved	03.10.2011
12/00563/FUL	Change of use of land for use as a market.	Approved	22.08.2012
12/00950/FUL	Decking for static caravan (Caravan H52).	Approved	13.11.2012
12/01033/FUL	A temporary variation of site	Approved	

	License to allow caravan occupants to remain on site until Monday 5th November 2012.		
12/01416/FUL	Proposed veranda.	Approved	12.02.2013
13/60199/HOUEN Q	Caravan verandah.		15.05.2013
13/30010/PREAPP	Installation of an energy cabin to provide heating to the pool.		04.09.2013
13/30067/PREAPP	Temporary extension to site closure date due to school half term running into November.		16.09.2013
14/30358/PREAPP	Temporary extension to site closure date due to school half term running into November.		22.09.2014
15/00264/FUL	Wood decking around static caravan.	Approved	
15/00624/FUL	Wood decking around static caravan. (Unit K22)	Approved	
15/01268/FUL	Change of use of land for continued use as a market and retention of car park following temporary permission granted in 2012. (Ref: 12/00563/FUL).	Approved	17.11.2015
15/01326/FUL	Application to vary Condition 1 of application VAN/TEN/3/61 & condition 3 of application NE/TEN/527/65 to extend the occupancy of Hutleys Caravan park at the end of the season by one additional week to allow the caravan site to be fully utilised during the October half term break.	Approved	26.11.2015

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

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

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.

1. Officer Appraisal

Site

Hutleys Caravan Park forms part of a wider area of caravan parks located around St. Osyth Beach. It lies approximately 4 miles to the south of St Osyth village and is accessed via Beach Road from the village centre.

The main entrance and reception to the caravan park is located on the western side of Beach Road, with the Sailor Boy public house, café and amusements located on the eastern side.

The swimming pool and small shopping parade containing grocers, bakery and newsagents are also located on the eastern side of Beach Road further to the north.

The park is a privately owned family business and currently comprises approximately 520 static caravans. The caravan park is approximately 25ha in size.

Proposal

This application seeks an extension to the period of occupancy of Hutleys Caravan Park by extending the season for an additional week. This allows a variable end to the season to reflect the half term dates, but would not exceed the 7th November. The season would therefore run from 1st March to up to 7th November in each year.

A large number of applications relating to Hutleys Caravan Park have been submitted to Tendring District Council over the years.

Those most relevant to this application are reviewed below:

VAN/TEN/3/61 planning permission sought for the siting of 500 seasonal caravans. Granted March 1961;

NE/TEN/527/65 planning permission sought for an additional 240 caravans on additional land. Granted 1965.

Both these permissions were subject to conditions restricting the occupancy of the caravans as follows:

"The caravans and chalets may only be occupied during the period 1st March to 31st October in each year, but the caravans may be stored on the site and the chalets may be used for the storage of household effects during the remainder of the year."

A further application was submitted in 2015 (15/01326/FUL) seeking to extend the period of occupancy at the end of the season by one additional week to allow the caravan park to be fully utilised during the October half term break.

This was approved however, it was not fully implemented and therefore for the avoidance of any doubt this application now comprises a resubmission of the approved 2015 application.

Policy

National Policy

The National Planning Policy Framework (NPPF) updated in February 2019 sets out the Government's intentions towards positive growth, with further guidance also contained in the National Planning Practice Guidance (NPPG).

Paragraph 2 requires that applications for planning permission be determined in accordance with the development plan and highlights that the NPPF must be taken into account in the preparation of local plans, as well as being a material consideration in planning decisions.

Paragraph 11 of the NPPF emphasises the presumption in favour of sustainable development, for both plan-making and decision-taking. This paragraph also emphasises the importance of approving development proposals in accordance with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission.

Section 6 supports a prosperous rural economy and supports sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.

Section 14 looks at meeting the challenge of climate change, flooding and coastal change. Paragraph 155 notes that when determining planning applications, local authorities should ensure flood risk is not increased elsewhere. Development will only be considered appropriate in areas at risk of flooding where, informed by a specific flood risk assessment following the sequential test, it can be demonstrated that the most vulnerable development is located in areas of lowest flood risk. Development in these areas is also required to be appropriately flood resilient and resistant, including safe access and escape routes where required.

Local Policy

Policy QL3 relates to minimising and managing flood risk and states the Council will ensure that flood risk is taken into account at all stages in the planning process. The Policy refers to guidance contained within PPS25, which has now been replaced by the NPPF; however the thrust of the policy remains valid.

Policy ER18 relates to existing caravan and chalet parks and seeks to safeguard them from redevelopment for alternative uses. Supporting text to this policy emphasises that St. Osyth/Point Clear comprise one of the main tourist areas where it is important to sustain tourism.

Policy ER20 sets occupancy timescales for chalets and caravans and notes that occupation will not be permitted between 14 January and 1 March in any year. These occupancy timescales reflect that of many other coastal areas. The policy also confirms that occupancy may be further restricted to the period 1 March to 31 October where the site:

- Lacks the necessary and appropriate infrastructure and services for longer occupation; or
- Is located in an area of flood risk, or adjacent to a site designated for reasons of nature conservation.

Supporting text to Policy ER20 emphasises the Council is keen to avoid possible increases in full-time occupation of holiday units due to the accommodation being unsuitable for such a purpose by virtue of its construction standards and setting in areas not suitable for permanent residential occupation particularly in the winter months.

Tendring District Local Plan 2013-2033 and Beyond

Tendring District Council submitted their Publication Draft Local Plan to the Inspectorate in October 2017 for examination. The Plan is divided into two parts. Section One has been prepared jointly with Braintree District and Colchester Borough Councils and includes policies on strategic cross boundary issues including infrastructure and housing numbers and includes proposals for three new Garden Communities.

The joint Section One Examination in Public commenced in early 2018 and a further hearing session was held in May 2018. Following questions by the Inspector further work is required to be prepared by the local authorities. The examination has just restarted.

The Section Two Local Plan Examination will follow Section One and the Examination in Public timetable has yet to be published, although we anticipate that the hearing sessions will take place in early 2020.

Those emerging policies of relevance are set out below.

Policy PP8 relates to tourism and states that in order to attract visitors to the District and support economic growth in tourism, the Council will generally support proposals that would help to improve the tourism appeal of the District to visitors.

Holiday Parks are considered under Policy PP11. The policy notes that some of the Districts holiday parks are shown as 'safeguarded sites' on the Policies Map, including the application site, which are to be protected against redevelopment for alternative uses. The policy goes on to state that to ensure that caravans and chalets are not used as permanent residential dwellings, the Council will impose holiday occupancy conditions and limit use to certain periods of the year.

Policy PPL1 is concerned with development and flood risk and highlights that all development within the Flood Zone (which includes Flood Zones 2 and 3) must be accompanied by a Flood Risk Assessment. All development proposals will be considered against the NPPF's flood risk 'sequential test' to direct development toward sites at the lowest risk of flooding.

Flood Risk

The application is supported by a Flood Risk Assessment (FRA) as the application site is identified as being located within Flood Zone 3. The LLFA Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, raise no objection to the granting of planning permission.

Officers therefore raise no objection to the proposals on flood risk grounds.

Assessment

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.
- iii) Also, Oaklands Park, St Osyth, St Osyth Beach and Seawick, St Osyth has 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.

Conclusion

This application seeks an extension to the current period of occupancy of Hutleys Caravan Park by extending the season until 7 November. The season would therefore run from 1st March to 7th November in each year.

The increase in occupancy period by one week would allow the whole October half-term to be utilised by visitors and as such would encourage increased tourism to the area at that time. This would assist in sustaining a level of tourism to the St Osyth Beach area of the District and be advantageous to local economies.

The proposal is supported by the NPPF as it enhances sustainable rural tourism in the District. In terms of flood risk, a Flood Risk Assessment is submitted in support of the application, which demonstrates the proposal will cause no increase in flood risk on the site or the vicinity.

In addition, other caravan park operators, in similar areas of potential flood risk, have successfully gained approval to extend their caravan occupancy season.

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

The Parish Council has no objections to the application.

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

2. Recommendation

Approval subject to the following Condition(s)

3. Conditions

- 1) The static holiday caravans at Huntleys Caravan Park may only be occupied between 1st March to 7th November in any one 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.

4. 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

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