

- Appendix D of the FRA provides information regarding the potential characteristics of flooding at the site.

Flood Warning Advice

We recommend that the occupants or owners of the units are registered with our free Flood Warning System, Floodline Warnings Direct, and expect the site owner to have suitable emergency plans in place to safely evacuate the occupants on the direction of police and local authorities. We endeavour to issue tidal flood warnings 10 to 12 hours in advance of the problem tide and it would be safer and more efficient to plan to evacuate the site on receipt of a severe flood warning.

ECC SuDS Consultee
08.06.2020

Lead Local Flood Authority position
Having reviewed the associated documents which accompanied the planning application, we do not object to the variation of condition 6 of application ENE/HAR/54/60 and condition 2 of application TEN/850/85 to allow occupation from 15th February to 31st January the following year. This is because the proposed application will not involve any physical works or increase in impermeable area resulting no increase in the risk of surface water flooding.

Natural England
08.06.2020

Natural England currently has no comment to make on the variation of condition 6 pursuant to planning application ENE/HAR/54/60 and condition 2 pursuant to planning application TEN/850/85 .

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

00/00856/TPO	Cut down tree (TPO 95/37)	Approved	16.06.2000
93/00166/FUL	Alteration to roof and fire escape to new bar [variation to design scheme approved under planning permission TEN/0933/90]	Approved	31.03.1993
20/00579/FUL	Variation of condition 6 of application ENE/HAR/54/60 and condition 2 of application TEN/850/85 to allow occupation from 15th February to 31st January the following year.	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, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities 'Garden Communities' proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector's advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. 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 1.26 hectares in size. In total the park is home to 93 caravan pitches, a clubhouse, a shop and a manager accommodation.

The site is located within a Flood Zone 3.

Proposal/Background

Variation of condition 6 of application ENE/HAR/54/60 and condition 2 of application TEN/850/85 to allow occupation from 15th February to 31st January the following year in lieu of the current 1st March to 31st October period.

This will be consistent with the adjacent Dovercourt Haven Caravan Park to the west.

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 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, Dovercourt Haven - 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 have no objections to the proposal in respect of the impact upon Internationally/Nationally Designated Sites.

ECC-SUDs Team has no objections to the proposal.

Harwich Town Council has not commented upon the proposal.

No letters of representation have been received.

6. Recommendation

Approval

7. Conditions

- 1 The static holiday caravans sited at Greenacres may only be occupied between 15th February in any one year to 31st January 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 to those static holiday caravans located in the red line site plan accompanying this planning application.

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 Warning and Evacuation Plan (as prepared by Richard Jackson Engineering Consultants dated March 2020). 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