

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	23.06.2021
Planning Development Manager authorisation:	JJ	23/06/2021
Admin checks / despatch completed	DB	24.06.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	24.06.2021

**Application:** 20/01805/FUL **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Mrs Rita Kaura - Earlmoor Properties Ltd

**Address:** Willows Caravan Park High Tree Lane Walton On The Naze

**Development:** Proposed variation of condition for planning application VAN/FRW/6/60 to extend holiday season from 1st February until 17 January the following year (currently 1 March until 31 October).

### **1. Town / Parish Council**

FRINTON & WALTON  
TOWN COUNCIL  
29.01.2021

Recommends APPROVAL

### **2. Consultation Responses**

Environment Agency  
01.04.2021

Thank you for your re-consultation we have reviewed the revised flood warning and evacuation plan titled Willows Caravan Park, Walton on the Naze, dated 02/03/2021 and therefore remove our previous objection as the revised plan confirms the site will now evacuate upon the issuing of both a 'flood warning' and a 'severe flood' warning.

Flood Risk

Matters of evacuation and refuge are not under our authority however we would strongly advise that the LPA discusses this plan with Tendring District Council's Emergency Planner and takes the views of the Essex Local Resilience Forum into account as matters of evacuation and rescue need to be considered, including the level of their resources and capability to assist in evacuation (if required), and the capacity of rest center's to temporarily accommodate evacuees (given that these may also need to support numbers of people evacuated from other areas within the District).

They should consider the flood risk to occupants and if the mitigation measures within the evacuation plan are acceptable for the proposed extension to the caravan park to ensure the safety of the occupants and development.

Natural England  
21.06.2021

European sites - Hamford Water Special Protection Area (SPA),  
Special Area of Conservation (SAC) and Ramsar

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the Hamford Water SAC, SPA and Ramsar and has no objection to the proposed development.

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects.

Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of the information provided, Natural England concurs with this view.

#### 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.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

#### 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  
18.02.2021

The information that was submitted in association with the application has been fully considered by the Highway Authority. No site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material.

The Highway Authority does not object to the proposals as submitted.

Informative:

1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Development Management Team  
Ardleigh Depot,  
Harwich Road,  
Ardleigh,  
Colchester,

### 3. Planning History

94/01012/FUL	Demolition and replacement toilet block	Approved	27.09.1994
20/01805/FUL	Proposed variation of condition for planning application VAN/FRW/6/60 to extend holiday season from 1st February until 17 January the following year (currently 1 March until 31 October).	Current	

### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)

ER16 Tourism and Leisure Uses

ER18 Caravan and Chalet Parks

ER20 Occupancy Timescales

EN6 Biodiversity

EN6A Protected Species

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

QL3 Minimising and Managing Flood Risk

QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021)

SP1 Presumption in Favour of Sustainable Development

SP7 Place Shaping Principles

SPL3 Sustainable Design

PP8 Tourism

PP11 Holiday Parks

PP13 The Rural Economy

PPL1 Development and Flood Risk

PPL4 Biodiversity and Geodiversity

Local Planning Guidance

TOUR Good Practice Guide on Planning for Tourism

### **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. In this latter regard, as of 26<sup>th</sup> January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10<sup>th</sup> December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26<sup>th</sup> January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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.

## **5. Officer Appraisal (including Site Description and Proposal)**

### **Site Description**

Willow Caravan Park is situated at the northern end of High Tree Lane within the settlement of Walton-on-the-Naze. The park extends to 1.77 hectares and accommodates 103 caravan pitches, a club house and manager's accommodation. The site falls from east to west and contains an open space for recreation purposes along the eastern boundary. This section of the site backs onto the rear gardens of properties in First Avenue. To the south are properties in Hamford Close face the park behind an intervening mature hedgerow. To the north and west is open agricultural land. The site is located in a Flood Zone 3.

## Proposal

This application seeks to vary the occupancy condition on the original planning permission from 1960. That condition restricts occupancy for holiday purposes between the 1st March to the 31st October only (8 months). This application seeks to extend this occupancy period to an 11.5 months holiday occupancy period between the 1st February to the 17th January (the next year).

This is to bring the park in line with other holiday park occupancy periods in the area and to allow greater flexibility for customers who wish to stay at other periods within the year.

The applicant's supporting statement confirms that customers coming to the park are now looking for larger, modern caravan holiday homes and want to use their caravans throughout the year. As such the owners wish to invest in the site and upgrade the current accommodation. To do this and to receive funding an 11.5 month occupancy period is required to make the park financially viable.

## Assessment

### National/Local Policy

The NPPF recognises that planning policies and decision should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development will stop (paragraph 83). This includes support for sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and 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.

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. Moreover it is considered that this policy is out of date and to apply a blanket restriction on occupation periods across the District is at odds with the provisions of the NPPF (2019), as highlighted above.

### 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, and the potential for emergency responder led evacuation strategies to assist occupants at the site.

The Council's Emergency Planners were heavily involved within the production of the revised FWEP. The submitted FWEP document has been revised but includes all the amendments previously requested by the Council's Emergency Planners (who have not provided any comments

on the revised document). In view of the previous acceptability of the document, the development is considered to have a tolerable level of safety.

### Previous Decisions/Adopted Policy

This issue of extending holiday occupancy periods 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 are a material planning consideration), it is considered that the proposal should be approved.

The proposal for a greater use of the site would be advantageous to local economies by encouraging greater levels of tourism to the area.

### Ecology

A bespoke HRA has been produced by the Council and concludes the following;

'In the case of this project, the proposed extension in seasonal opening hours is not considered of importance for any of the qualifying species of the European sites. The site is small compared to other caravan premises within the wider locality (102 units with a weekly average of approx. 90 privately owned units in use during the summer). This equates to a small number of occupants in the locality, with very limited numbers whom would use the existing public footpath network even in the more favourable weather of the summer months.

The Caravan Park is adjacent to residential housing to the south and east via Hamford Close and First Avenue respectively. To the west and north the site is bordered by agricultural fields. In terms of Functionally Linked Land, these fields do have limited potential for overwintering geese and wildfowl species

No impact will occur on the functionality of adjacent fields or the wider area. Overwintering birds within the estuary will be used to existing regular disturbance by members of the public using the footpath.

No possible sources of adverse effects on the European sites were identified due to the proposed extension to opening times. The evaluation found no likely significant effects on any of the European sites. This included an assessment of the likely increase in visitor numbers from the Site which may use the public footpath which extends for approximately 0.6km north along Walton Channel, down to a small jetty. This dead-end section of footpath does not provide access to Hamford Water SPA/Ramsar or SAC'.

Natural England have reviewed the bespoke HRA and concur with its findings. As such they have no objections to the proposal in respect of the impact upon Internationally/Nationally Designated Sites.

### Other Considerations

Frinton & Walton Town Council recommend approval.

1 letter of objection has been received. Comments made are regarding insufficient water drainage, flooding, not coping with additional traffic and pressure on local infrastructure.

Officer comment - It is not considered that the current proposal will materially affect the local traffic and infrastructure concerns to such a significant degree as to warrant a refusal of the application. To this end ECC-Highways do not object to the proposal. The flooding matters are covered above.

## 6. Recommendation

Approval

## 7. Conditions

- 1 The caravans shall be occupied for holiday purposes only and shall not be occupied as person's sole or main place of residence. The operators of the caravan park shall maintain an up-to-date register of the names of all owners of caravans on the site and of their main home addresses and shall make this information available at all reasonable time to the Local Planning Authority.

Reason - To prevent the use of the site for permanent accommodation in the interests of the tourism economy and local community infrastructure.

- 2 No caravan shall be occupied between 17 January and 1 February in any calendar year.

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 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 November 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 zones 2 and 3 at high risk from flooding and a detailed evacuation plan is essential to safeguard occupiers of the development.

- 4 There shall be no more than 103 caravan pitches located on the site at any one time.

Reason - In the interests of amenity.

## 8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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

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