

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	17/08/2021
Planning Development Manager authorisation:	JJ	18/08/2021
Admin checks / despatch completed	ER	18/08/2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	18.08.2021

Application: 21/00913/FUL **Town / Parish:** Brightlingsea Town Council

Applicant: Mr McCarthy

Address: Lakeside Caravan Park Promenade Way Brightlingsea

Development: Proposed alterations to road and new hardstanding pitches

1. Town / Parish Council

Brightlingsea Town
Council
05.07.2021

Brightlingsea Town Council currently recommend refusal insofar as the licensing and planning requirements have not been complied with.

2. Consultation Responses

ECC Highways Dept
19.07.2021

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, google earth image dated April 2019. It is noted that the internal road network where the work is taking place classified as a Private Road and the Highway Authority would not normally comment, however, the proposed works are set back 8 metres from its junction with Promenade Way: therefore:

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 or by post to:

SMO1 - Development Management Team
Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester, CO7 7LT

2: Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

3: Prior to any landscaping works taking place it is advised that the applicant should check the extent of the publicly maintainable highway verge either side of the vehicular access, Highway boundary information can be obtained from highwayrecords@essexhighways.org if this has not already taken place.

4: Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

5: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Tree & Landscape Officer
06.07.2021

The site contains several large trees however none of these are at risk as a result of the development proposal.

The works proposed have been completed without any adverse impact on the health or condition of retained trees.

In terms of the appearance of the application site it is considered that new planting would both enhance and partially screen the development. The application site is in a prominent location and can be viewed from Promenade way and surrounding open spaces

In order to enhance and partially screen the development it would be desirable to secure details of new soft landscaping.

There is sufficient space in the grassed areas between 'pitches' for new tree planting to be carried out. The introduction of the softening effect of new trees would considerably improve the appearance of the application site itself and make a positive contribution to the public realm.

Additionally it would be desirable to mark the site boundary with a hedge and specimen trees at 10m centres for the same reasons.

Environmental Protection
07.07.2021

Thank you for your consultation regarding the proposed development above. The Environmental Protection Team's comments are given below:

Should the above application be approved, the EP Team are requesting the following condition be applied -

Contaminated Land: The sites location is within proximity to a piece of registered historic contaminated land, however, given the nature of the proposed development, we are requesting a Watching Brief be conditioned and adhered to throughout the demolition and construction phase -

We request that the LPA are contacted in the event of unexpected ground conditions being encountered during construction and that the below minimum precautions are undertaken until such time as

the LPA responds to the notification. I would also advise that the developer is made aware that the responsibility for the safe development of the site lies with them.

Minimum requirements for dealing with unexpected ground conditions being encountered during construction.

1. All site works at the position of the suspected contamination will stop and the Local Planning Authority and Environmental Health Department will be notified as a matter of urgency.
2. A suitably trained geo-environmental engineer should assess the visual and olfactory observations of the ground and the extent of contamination and the Client and the Local Authority should be informed of the discovery.
3. The suspected contaminated material will be investigated and tested appropriately in accordance with assessed risks. The investigation works will be carried out in the presence of a suitably qualified geo-environmental engineer. The investigation works will involve the collection of solid samples for testing and, using visual and olfactory observations of the ground, delineate the area over which contaminated materials are present.
4. The unexpected contaminated material will either be left in situ or be stockpiled (except if suspected to be asbestos) whilst testing is carried out and suitable assessments completed to determine whether the material can be re-used on site or requires disposal as appropriate.
5. The testing suite will be determined by the independent geo-environmental specialist based on visual and olfactory observations.
6. Test results will be compared against current assessment criteria suitable for the future use of the area of the site affected.
7. Where the material is left in situ awaiting results, it will either be reburied or covered with plastic sheeting.
8. Where the potentially contaminated material is to be temporarily stockpiled, it will be placed either on a prepared surface of clay, or on 2000-gauge Visqueen sheeting (or other impermeable surface) and covered to prevent dust and odour emissions.
9. Any areas where unexpected visual or olfactory ground contamination is identified will be surveyed and testing results incorporated into a Verification Report.
10. A photographic record will be made of relevant observations.
11. The results of the investigation and testing of any suspect unexpected contamination will be used to determine the relevant actions. After consultation with the Local Authority, materials should either be: o re-used in areas where test results indicate that it meets compliance targets so it can be re-used without treatment; or o treatment of material on site to meet compliance targets so it can be re-used; or o removal from site to a suitably licensed landfill or permitted treatment facility.
12. A Verification Report will be produced for the work.

Asbestos: Should any asbestos containing materials be present on the development site, or used within the original construction of the building in question, they must be safely removed by a qualified contractor, with relevant transfer notes being obtained to confirm safe and responsible removal and disposal.

REASON: to protect the health of site workers and end users

Construction Activities - In order to minimise potential nuisance caused by demolition/construction works, Environmental Protection recommend that the following below is conditioned;

- No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst construction works and alterations are being carried out.

- No materials produced as a result of the site development or clearance shall be burned on site.

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

REASON: to protect the amenity of nearby residential premises

Environmental Protection
16.07.2021

I have reviewed the original comments and they are not relevant to a retrospective planning application as they relate to contaminated land and controls on construction activities. If there are any similar applications for the site then these comments may still apply.

At this point I can confirm that EP have no comments to make.

Environment Agency
29.07.2021

Thank you for your consultation and apologies for the slight delay in responding. We have reviewed the application as submitted and have no objections.

Whilst the application site is in flood zone 3, the high probability zone, due to the nature of the development we are confident that the development will not increase flooding elsewhere.

We trust this information is useful

3. Planning History

BRI/26/60	Progressive filling of land between Colne Road and boating lake	Approved
BRI/26A/60	Layout of caravan site	Approved
TEN/836/77	Continue use of land for purpose of providing seasonal caravan site	Approved
TEN/1671/89	Use for touring caravan purposes including provision of toilet block	Approved

05/01254/FUL	Variation of condition 3 of TEN/1671/89 to allow the stationary of one caravan for period of 1st November to February 29th the following year to be used for storage shelter purposes and maintenance work through winter months.	Approved	23.09.2005
21/00913/FUL	Proposed alterations to road and new hardstanding pitches	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2021
National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)

QL3 Minimising and Managing Flood Risk

QL11 Environmental Impacts and Compatibility of Uses (part superseded)

ER16 Tourism and Leisure Uses

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SP7 Place Shaping Principles

SPL3 Sustainable Design

PPL1 Development and Flood Risk

PP8 Tourism

PP10 Camping and Touring Caravan Sites

Status of the Local Plan

Planning law requires that decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework 2021 (the Framework).

The 'development plan' for Tendring comprises, in part, the 'saved' policies of the 2007 Local Plan. Paragraph 219 of the Framework allows local planning authorities to give due weight to policies adopted prior to its publication according to their degree of consistency with the policies in the Framework. On the 26th January 2021 Section 1 of the 2013-2033 Local Plan was adopted and now also forms part of the 'development plan' for Tendring, superseding some of the more strategic policies in the 2007 Local Plan. Notably, the housing and employment targets were found sound and have been fixed, including the housing requirement of 550 dwellings per annum.

Paragraph 48 of the Framework 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 the policies of the Framework. In this regard 'Proposed Modifications' to emerging Section 2 of the 2013-33 Local Plan which contains more specific policies and proposals for Tendring has been examined and hearing sessions have now closed. The main modifications recommended to make the plan legally compliant and sound were considered at the Council's Planning Policy and Local Plan Committee on 29th June 2021. The Council is holding a six week public consultation on the Main Modifications and associated documents, which began on 16th July 2021. The consultation will run for just over 6 weeks, closing at 5pm on 31st August 2021, following which adoption is expected later this year. Section 2 will join Section 1 as part of the

development plan, superseding in full the 2007 Local Plan. Section 2 of the 2013-33 Local Plan is therefore at a very advanced stage of preparation and should be afforded considerable weight.

5. Officer Appraisal

Proposal

The application seeks permission for alterations to the private roadway serving the Lakeside Caravan Park and provision of new hardstanding pitches. The site is located outside of any settlement development boundary and within flood zones 2 and 3.

Principle of Development

The application site is an established touring caravan and camping site identified as a leisure and tourism use and recognised in Policy ER16 of the Tendring District Local Plan 2007. The emerging Local Plan carries forward the safeguards in place for Camping and Touring Caravan Sites in Policy PP10 as there is limited provision of sites for camping and touring caravans/motorhomes and encouraging this provision will help to diversify the range of accommodation available to visitors to the area which, in turn, will support growth in the economy.

In this case the improvements to the road and new hardstanding pitches comply with the touring caravan and camping site policies in the saved and emerging Local Plans.

Design and Appearance

Paragraph 130 of the National Planning Policy Framework 2021 states that planning should ensure that developments are visually attractive as a result of good...layout and appropriate and effective landscaping. Emerging Policy SPL3 seeks to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting.

The retrospective development by its very nature is at ground level however it is highly visible using grey coloured aggregate which creates a contrast with the grassed areas. The layout of the site has never been previously marked out and therefore when not in use the area was akin to an area of grassed open space albeit in private ownership. The development is considered a minor development as the use of the site is established for touring caravans and camping and has been in use since the 1960's. The submitted plans show 50 areas of hardstanding which is understood to correspond with the maximum number of touring caravans allowed by any site licence issued for Lakeside Caravan Park.

The Council's Tree and Landscape Officer has been consulted and confirms that none of the existing trees on the application site are at risk as a result of the development. He does however note that due to the prominent location of the site which is open in nature and publically visible that soft landscaping should be secured by way of a condition if the application were to be approved. This would enhance and partially screen the development and should consist of tree planting between pitches, and hedging with specimen trees on the site boundary. Any planting would reduce the visual impact of the hardstanding areas and make the development acceptable. Subject to conditions the design and scale of the proposal is considered to be acceptable and would result in no material harm to visual amenity.

Highway Safety

The proposal is wholly located on private land. Essex Highways have been consulted on the retrospective development and they note that the internal road network where the work is taking place is classified as a Private Road and the Highway Authority would not normally comment, however, the proposed works are set back 8 metres from its junction with Promenade Way: therefore the Highway Authority does not object to the proposals.

Flood Risk

The site is located within Flood Zone 3 as identified by the Environment Agency Flood Map. Land and property in this particular flood zone would have a high probability of flooding and Lakeside Caravan Park is not protected by local flood defences. The caravan and camping site occupancy is restricted to the holiday season to ensure the site is not used for permanent residential use.

A flood risk assessment submitted with the application which addresses the flood risk and confirms that the proposal will not increase the level of flood risk at the site nor to neighbouring sites.

The Environment Agency have been consulted and they have no objection.

Other Considerations

Brightlingsea Town Council objects to the application as the licensing and planning requirements have not been complied with.

The Council's Environmental Health Officer has made observations about the caravan and camping site in terms of its compliance with current legislation, namely Section 3 of the Caravan Sites and Control of Development Act 1960. The Officer notes that the site was not licenced in the name of the applicant however it is understood that an application has now been made. A site visit by the Environmental Health Officer confirmed that a number of pitches failed to meet the minimum separation distance. There is also an issue with inadequate surface water drainage that is allowing rain water to pond at various locations on the site. Requirements for fire safety and correct signage also needs to be met. The concerns raised by the Environmental Health Officer do not fall to be considered under planning legislation and it is understood the matters have been raised with the applicant.

One letter of support has been received.

Four representation have been received which raise the following concerns:

1. Does not conform to touring site conditions
2. No dedicated grass pitches for tents/ loss of facilities
3. No planting or screening to be carried out
4. Unattractive, loss of grassy areas
5. Rain water flooding and lack of drainage

Officer comment: *Points 1, 3, 4 and 5 have been addressed in the report. Point 2 - the application must be determined based on the submitted information and in accordance with Local Plan policies.*

The Council's Environmental Protection Officer has confirmed that the site lies on historically contaminated land however as the development has already been completed they have no comments to make.

No other letters of representation have been received.

Conclusion

In the absence of any material harm resulting from the development, the application is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plan: Dwg. No. P01.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 2 Within 3 months of the date of this decision, details of the soft landscaping shall be submitted to and approved, in writing, by the Local Planning Authority.

Reason - There are insufficient details within the submitted plans and this is a prominent location which is publicly visible from Promenade Way and surrounding open spaces where such development must be suitably integrated into the landscape.

- 3 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following approval of the soft landscaping or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure that the landscaping scheme is suitably implemented within an appropriate timescale.

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.

Highways Informative

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Prior to any landscaping works taking place it is advised that the applicant should check the extent of the publicly maintainable highway verge either side of the vehicular access, Highway boundary information can be obtained from highwayrecords@essexhighways.org if this has not already taken place.

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Site Conditions and Licence Informative

In order to comply with Section 3 of the Caravan Sites and Control of Development Act 1960 the site operator must meet the standards as set out in the conditions of licence. In this case specifically relating to Spacing of Caravans, Fire Safety and Surface Water Drainage where concerns have been raised. These particular conditions are set out below:

Spacing of Caravans

Caravans may be stationed only on that part of the site set aside for caravans and as indicated on the plan accompanying the Site Licence application or any amendment thereof duly approved by the Council. No caravan shall be positioned less than 2 metres from a carriageway and 3.0 metres from a boundary fence or hedge.

A space of 6 metres (all round) between each touring caravan and neighbouring caravans shall be maintained at all times. One awning per caravan may be erected provided that each touring unit (including awning) is at least 3 metres from an adjacent unit. This awning must not be of the type which incorporates sleeping accommodation and awnings must not touch or face each other.

Note: To ensure compliance with this Condition by tourists, it is recommended that sites onto which touring caravans shall be positioned should be delineated or that hardcore bases be provided.

Fire Fighting Provisions

Fire Points

These should be established so that no caravan or site building is more than 30 metres from a fire point. They should be housed in a weather-proof structure, easily accessible and clearly and conspicuously marked "FIRE POINT".

Fire Fighting Equipment

Where water standpipes are provided and there is a water supply of sufficient pressure and flow to project a jet of water approximately 5 metres from the nozzle, such water standpipes should be situated at each fire point. There should also be a reel that complies with British Standards 5306 Part 1, with a hose not less than 30 metres long, having a means of connection to a water standpipe (preferably a screw thread connection) with a water supply of sufficient pressure and terminating in a small hand control nozzle. Hoses should be housed in a box painted red and marked "HOSE REEL".

Where standpipes are not provided but there is a water supply of sufficient pressure and flow, fire hydrants should be installed within 100 metres of every caravan standing. Hydrants should conform to British Standard 750. Access to hydrants and other water supplies should not be obstructed or obscured.

Where standpipes are not provided or the water pressure or flow is not sufficient, each fire point should be provided with either water extinguishers (2 x 9 litre) or a water tank of at least 500 litres capacity fitted with a hinged cover, 2 buckets and 1 hand pump or bucket pump.

Fire Warning

A means of raising the alarm in the event of a fire should be provided at each fire point. This could be by means of a manually operated sounder, e.g. metal triangle with a striker, gong or hand operated siren. The advice of the fire authority should be sought on an appropriate system.

Maintenance

All alarm and firefighting equipment should be installed, tested and maintained in working order by a competent person and be available for inspection by, or on behalf of, the licensing authority. A log book should be kept to record all tests and any remedial action.

All equipment susceptible to damage by frost should be suitable protected.

Fire Notices

A clearly written and conspicuous notice should be provided and maintained at each fire point to indicate the action to be taken in case of fire and the location of the nearest telephone. This notice should include the following:

"On discovering a fire

- i. Ensure the caravan or site building involved is evacuated
- ii. Raise the alarm
- iii. Call the fire brigade (the nearest telephone is sited.....)
- iv. Attack the fire using the firefighting equipment provided, if safe to do so.

It is in the interest of all occupiers of this site to be familiar with the above routine and the method of operating the fire alarm and firefighting equipment."

Fire Hazards

Long grass and vegetation should be cut at frequent and regular intervals where necessary to prevent it becoming a fire hazard to caravans, buildings or other installations on the site. Any such cuttings should be removed from the vicinity of caravans. The space beneath and between caravans should not be used for the storage of combustible materials.

Telephones

An immediately accessible telephone should be available on the site for calling the emergency services. A notice by the telephone should include the address of the site.

Surface Water Drainage

All parts of the site shall be provided with adequate surface water drainage.

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