

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	07/10/2021
Planning Development Manager authorisation:	JJ	11/10/2021
Admin checks / despatch completed	CC	11.10.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	TF	11.10.2021

Application: 21/01195/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Parkdean Resorts Limited

Address: Naze Marine Holiday Park Hall Lane Walton On The Naze

Development: Proposed reconfiguration and alterations to existing beer garden, external play and recreation areas to include covered external seating area to existing bar, freestanding covered seating area (Able Structure), archery tent and extended car parking.

1. Town / Parish Council

FRINTON & WALTON
TOWN COUNCIL
31.08.2021

Recommendation: Approval

2. Consultation Responses

Environmental Protection
23.08.2021

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

Lighting

Any external lighting on the proposed development shall be located, designed and directed [or screened] so that it does not cause avoidable intrusion to neighbouring residential properties. The applicant shall demonstrate compliance with the Institute of Lighting Professionals code of practice. (www.theilp.org.uk).

3. Planning History

00/00779/FUL	Retention of deposited top soil over rough ground by the side of old barge to level ground	Approved	21.07.2000
TRE/4/77	Works to trees	Current	12.01.1978
01/01423/FUL	Proposed new cafe bar extension, new outdoor pool and external landscaping	Approved	11.10.2001
02/00033/FUL	Proposed new multi-court.	Approved	18.04.2002
02/00054/FUL	Plant room to proposed swimming	Approved	15.02.2002

pool

02/01231/FUL	Extension of the seasonal holiday occupancy period to between 1st March and 14th January in any year. (2 Year Temporary)	Withdrawn	07.03.2005
96/00428/FUL	Linkage of 2 mobile units [as office]	Approved	21.05.1996
96/00842/OUT	Proposed fun pool, amusements, small theatre/dance area, car parking areas	Approved	03.12.1996
96/01154/FUL	Proposed clubroom	Approved	03.12.1996
97/00848/FUL	Proposed Clubroom and Family Entertainment Centre	Approved	19.08.1997
99/00185/ADV	2 Flag Poles	Approved	25.05.1999
99/01443/FUL	Proposed construction of new changing facilities and 2 no. outdoor pools	Approved	24.11.1999
03/00974/FUL	Use of land for the stationing of static holiday caravans	Withdrawn	04.01.2008
03/01743/FUL	Proposed new amusement arcade and supermarket	Approved	15.11.2003
03/01960/FUL	Demolition of chalets and use of land for stationing of static holiday caravans	Approved	18.12.2003
04/00875/FUL	Variation to hours of operation (Club and family entertainment centre).	Approved	19.08.2004
04/01385/FUL	New mini tennis court	Approved	08.09.2004
05/02225/FUL	Variation of Condition 03 of planning permission 03/01960/FUL to allow up to 58 mobile homes to be sited on the land and construction of 12 bases for the additional units.	Refused	26.07.2006
06/00483/FUL	Enhancement of entrance to holiday park.	Approved	11.05.2006
06/00877/FUL	Extension to existing central complex to enclose swimming pool together with link to existing plant room.	Approved	13.07.2006
06/00922/LUPRO	Arrow sign required in place of	Withdrawn	20.06.2006

P	deck chair hire on the Central Kiosk.		
08/00872/FUL	Retention of 3m high chain link fence enclosure to existing tennis court.	Approved	21.08.2008
09/01084/FUL	Erection of 3.6m fire walls and removal of utility stores.	Approved	27.11.2009
10/00165/FUL	Change of use of site for 50 touring caravans to the siting of 28 static caravans and erection of a bin bay.	Approved	20.05.2010
10/00892/FUL	Variation of condition 3 of planning permission 03/01960/FUL to allow stationing of 58 static caravans.	Approved	12.10.2010
10/00897/FUL	Application for the siting of 12 static caravans.	Approved	07.10.2010
13/00224/FUL	Change of use of site for 50 touring caravans to the siting of 28 static caravans & erection of a bin bay. (Extension of time for planning permission 10/00165/FUL).	Approved	20.05.2013
13/00677/FUL	Change of use of land to operate holiday park for year round holiday use.	Approved	24.09.2013
13/01061/FUL	Change of use of land for the siting of 12 static caravans.		15.10.2013
13/01397/DISCON	Discharge of condition 12 - (Flood warning and evacuation plan) of planning permission 13/00677/FUL	Approved	30.09.2015
21/01084/DISCON	Discharge of conditions 3 (Landscape Scheme) and 4 (Vegetation Clearance) of approved application 13/00677/FUL.	Approved	28.07.2021
21/01195/FUL	Proposed reconfiguration and alterations to existing beer garden, external play and recreation areas to include covered external seating area to existing bar, freestanding covered seating area (Able Structure), archery tent and extended car parking.	Current	
21/01632/VOC	Variation of conditions 5 (28 caravan limit) and condition 13 (in accordance with drawings) of application 13/00677/FUL in order to vary the approved layout of caravans on the land.	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

ER18 Caravan and Chalet Parks

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

PP11 Holiday Parks

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 the 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 held a six-week public consultation on the Main Modifications and associated documents which began on 16th July 2021. The consultation closed at 5pm on 31st August 2021 and adoption is expected later this year. Section 2 will then 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 the reconfiguration and alterations to the existing beer garden, external play and recreation areas to include covered external seating area to existing bar, freestanding covered seating area (Able Structure), archery tent and extended car parking. 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 Holiday Village identified as a safeguarded Caravan and Chalet Park in Policy ER18 of the Tendring District Local Plan 2007. The emerging Local Plan carries forward the safeguards in place for holiday parks in Policy PP11 confirming that the council will support proposals for improvements to these sites and recognise the importance of responding to trends, aspirations and demands.

In this case the reconfiguration and alterations are sought in order to improve site facilities for holiday guests and improve spacing to accommodate current and future social distancing restrictions as a result of the Covid-19 pandemic. The pandemic has had a significant impact on the leisure and tourism industry therefore the proposed development which complies with the holiday park policies in the saved and emerging Local Plans is considered acceptable.

Design and Appearance

Paragraph 130 of the National Planning Policy Framework 2021 states that planning should ensure that developments function well and add to the overall quality of the area and are visually attractive as a result of good...layout. 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 and relate satisfactorily to their setting.

The main development and alterations are centred around the existing leisure complex on the holiday park. The proposals seek to provide outside space to future proof the park in the event further social distancing measures are implemented as a result of Covid-19. The outside space which is currently in need of refurbishment will be repurposed and revamped to create a hive of activity at the centre of the park. In this location, two covered seating areas will allow eating and drinking outside in all weathers supported by a drinks takeaway horsebox and container reused for serving ice creams and food takeaways. A small covered stage will offer an alternative entertainment venue, the existing play area will be upgraded, with an arts and craft centre, trampolines and adventure golf alongside. Separate from the main entertainment hub of the park an archery tent is proposed next to the existing tennis court. The proposals centred round the existing leisure complex are contained at this centre point and are low level developments, consistent with holiday park facilities and do not have a significant harmful impact on visual amenity. The low level archery tent finished in a dark green textile will be sited behind the existing reception buildings and alongside the existing tennis court ensuring it will not be a prominent feature in this location.

Impact upon Residential Amenity

As a result of the alterations, additional car parking is being provided. It is not necessary to consult Essex Highways on the planning application as the parking is well within the site and for holiday guests that will be staying at the site in the holiday accommodation.

The additions that are proposed within the area of the existing leisure complex are a considerable distance from neighbouring properties which will ensure there will be no significant impact to their amenities. Nevertheless, the Council's Environmental Protection team were consulted on the planning application and they have confirmed that the proposed external lighting shall demonstrate compliance with the Institute of Lighting Professionals Code of Practice due to the residential properties that lie to the east of the Holiday Park. This compliance can be secured by way of a condition to any grant of planning permission.

The proposed archery tent which will lie adjacent to the existing tennis court is nearer to the residential properties of Hall Lane. In line with the restriction on the hours of use of the tennis court following the grant of planning permission in 2004, reference 04/01385/FUL, such hours of activity can be secured by way of a condition to any grant of planning permission for the use of the archery tent which will ensure the neighbouring amenities are not adversely impacted.

Flood Risk

The NPPF (paragraph 159) states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future) and should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The proposal is classified as

'less vulnerable' in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance.

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 without the local flood defences. These protect the area against a river flood with a 1% chance of happening each year, or a flood from the sea with a 0.5% chance of happening each year.

The flood risk has been considered within the submitted Design and Access Statement and it confirms that the holiday park is not for permanent residential use and the proposal will not increase the level of flood risk at the site.

Other Considerations

Frinton and Walton Town Council recommend approval of the application.

Two letters of objection have been received which raise the following concerns:

1. Concern for safety and sufficient and appropriate staffing for the archery tent
2. No bookings are being taken for the Caravan Touring Site for 2022 and this is a valuable part of this family site

Officer comment: *Point 1 – the safety concerns of the archery tent are not a planning matter. Point 2 – this application does not deal with any change of use of the existing part of the touring site and the application must be determined based on the submitted information and in accordance with Local Plan policies.*

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 begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Project no: 8318 dwg no: P03, P04, P05, P06 and P07.

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

- 3 The external lighting hereby approved and shown on dwg no: P03 shall be located, designed and directed to comply with the Institute of Lighting Professionals Code of Practice.

Reason - To satisfactorily protect the residential amenities of nearby occupiers.

- 4 The archery tent hereby approved shall only be used between the hours of 0900 and 1800.

Reason - The archery tent is located within the proximity of residential dwellings and therefore suitable preventative measures are required in order to minimise the potential for disturbance to the amenities of those properties during unsociable hours.

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