

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	JR	14.08.2023
Planning Development Manager authorisation:	ML	04/09/2023
Admin checks / despatch completed	JJ	06/09/23
Technician Final Checks/ Scanned / LC Notified / UU Emails:	JJ	06/09/23

Application: 21/00974/FUL **Town / Parish:** St Osyth Parish Council

Applicant: Park Holidays UK Ltd

Address: Park Holidays UK Ltd St Osyth Beach Holiday Park Beach Road

Development: Proposed demolition of existing swimming pool complex buildings and change of use of land for the stationing of static holiday caravans

1. Town / Parish Council (Summarised)

St Osyth Parish Council
20.07.2021

Given the number of caravans already in use, not only within St Osyth Beach Holiday Park, but the surrounding area in general, the Parish Council objects to the need for additional caravans.

Concerns raised that increased capacity would bring more traffic through the centre of St Osyth, which is struggling to cope with traffic, especially since visitors to its Martello Tower Holiday Park can access the park via the bridge at St Osyth Beach, rather than having to drive through Jaywick. (Officer note: this bridge access has now been closed off to vehicular traffic).

The Parish Council also has concerns at the increasing level in crimes being attended by Essex Police in the St Osyth Beach area.

2. Consultation Responses

ECC Highways Dept
19.07.2021

The proposed site is located adjacent to a road that is classified as a Private Road and the Highways Authority would not normally comment. The traffic movements resulting from these additional pitches will not be severe in the wider highway network, taking into account the neighbouring holiday parks. The parking spaces are provided in accordance with Model Standard requirements as set out in the Caravan Site Licence which requires the provision of adequate parking, therefore from a highway and transportation perspective the impact of the proposal is acceptable subject to mitigation and conditions in regard to the submission of a Construction Management Plan, car parking provision, provision of vehicle parking area and parking bay sizes.

Environmental Protection
05.07.2021

No objection subject to conditions in regard to Contaminated Land, submission of a Demolition and Construction Method Statement and Noise, Dust and Emission control measures.

UU Open Spaces
13.07.2021

No contribution has been requested from Open Spaces as these are holiday homes.

ECC SuDS Consultee
17.10.2022

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object subject to conditions.

Tree & Landscape Officer 24.06.2021	No trees or other vegetation will be adversely affected by the development proposal. The information shown on the Soft Landscaping Plan submitted in support of the application is sufficient to secure an adequate level of new tree planting that will significantly increase the number of trees on the site.
Essex County Council Ecology 07.07.2021	A holding objection due to insufficient ecological information on designated sites The Bat Survey Report (Coe Ecology, May 2021) and the Bat Survey Report (Corsican Associates, August 2019) and bat species have been appropriately considered as part of this development. However, the development is approximately 700m from the Colne Estuary Special Protection Area (SPA) and Ramsar and 400m from the Essex Estuaries Special Area for Conservation. This development will therefore require the LPA to produce a bespoke Habitats Regulations Assessment screening report to ascertain the likely impacts of the development on these designated sites. It is anticipated that the delivery of mitigation measures in perpetuity will be necessary to ensure that this proposal will not have an adverse effect on the integrity of the above Habitats sites from construction impacts from the development alone and recreational disturbance, when considered 'in combination' with other plans and projects. As this development is for tourist accommodation it does not fall within the scope of the Essex Coast RAMS, but mitigation measures may include a financial contribution in line with the RAMS tariff to secure the delivery of additional mitigation measures. We note that the Phase 1 Habitat Map included within the Bat Survey Report (Coe Ecology, May 2021) demonstrates that the habitat onsite is unsuitable for bird species associated with the designated sites but details on the likely construction and operational phase impacts on the designated sites, such as dust and water controls, and mitigation measures will need to be provided.
Essex County Council Ecology 2 nd Consultation 02.12.2022	No objection subject to securing: a) a proportionate financial contribution towards Essex Coast RAMS b) biodiversity mitigation and enhancement measures
Environment Agency 05.07.2022	Thank you for consulting us on the above application. We have reviewed the documents as submitted and can confirm that we have no objection to the proposed development providing that you have taken into account the flood risk considerations which are your responsibility.
Tendring Emergency Planners 20.03.2023	Satisfied with the updates they have made to the Flood Warning and Evacuation Plan for this site.

3. Planning History

91/00505/FUL	Amendment of planning conditions relevant planning consents to allow occupation of caravan site between 1st March any year and 14th January in the following year	Refused	02.07.1991
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91/00506/FUL	Amendment of planning conditions on relevant planning consents to allow occupation of caravan site between 1 st March and 30 th November in any year	Refused	02.07.1991
91/01256/FUL	Amendment of planning conditions on relevant planning permissions to allow occupation of caravans between [i] 1 March to 31 October in any year [ii] at weekends from noon on Friday until noon on Monday between 1 November in any one year and the end of February in the following year [iii] during any period of ten consecutive days which shall include Christmas Day and New Years Day.	Approved	17.03.1992
95/00112/FUL	(St Osyth Beach Holiday Park, Beach Road, St Osyth) Elevational refurbishment proposals to central facility	Approved	10.03.1995
95/00513/FUL	The siting of 51 caravans (incorporating the resiting of 10 existing caravans); the provision of an all weather bowls area, all weather sports area, ancillary parking, half size football pitch and tree planting scheme	Approved	18.10.1995
96/00889/FUL	Variation of condition 6 imposed upon planning permission TEN/95/0513 relating to provision of sports facilities	Approved	17.09.1996
96/00983/FUL	New Conservatory building to enclose existing outdoor swimming pool	Approved	17.09.1996
96/01351/FUL	Conservatory extension to club building	Approved	27.11.1996
97/01250/FUL	Siting of 51 static caravans, provision of football field and all weather sports area (incorporating illumination) together with associated car parking	Approved	18.11.1997
02/01688/FUL	Variation of condition 2 of planning permission TEN/97/1250 and condition 2 of planning permission TEN/91/1256 to allow occupation of caravans between 1 March and 5 January	Approved	15.03.2006

12/01210/FUL	Variation of condition 4 on planning permission 02/01688/FUL to allow occupation of caravans between 1st March and 31st January in the following year.	Approved	04.11.2013
14/00169/DISCON	Discharge of condition 03 (Detailed scheme of flood mitigation measure and flood evacuation plan) of planning permission 12/01210/FUL	Approved	08.04.2016
15/01918/FUL	Siting of container to house a 240kw biomass system, buffer vessels, automated feed system and pellet store.	Approved	07.03.2016
16/00819/FUL	Variation of seasonal occupancy period to allow occupation of caravans between 1st March and 15th February in any calendar year.	Approved	24.01.2017

4. Relevant Policies / Government Guidance

National:

National Planning Policy Framework July 2021 (NPPF)
National Planning Practice Guidance (NPPG)

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

SP1 Presumption in Favour of Sustainable Development
SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL1 Managing Growth
SPL3 Sustainable Design
HP1 Improving Health and Wellbeing
HP3 Green Infrastructure
PP8 Tourism
PP10 Camping and Touring Caravan Sites
PP11 Holiday Parks
PPL1 Development and Flood Risk
PPL4 Biodiversity and Geodiversity
PPL5 Water Conservation, Drainage and Sewerage
CP1 Sustainable Transport and Accessibility

Status of the Local Plan

Planning law requires that decisions on 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 (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the

Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

5. Officer Appraisal

Site Description

The application site is a parcel of land located towards the centre of the St Osyth Beach Holiday Village (formally known as the Bel Air Caravan Park). The Holiday Village covers 19.4ha of land located to north of the beach at St Osyth, approximately 5km west of Clacton on Sea. Access is gained via Beach Road from the village of St Osyth which lies to the north of the site.

The park contains static holiday caravans and lodges along with ancillary facilities which currently include clubhouse, swimming pool, play area and ancillary guest facilities.

The site is located outside any defined settlement development boundary in the adopted Local Plan and is also located within Flood Zone 3 on the Environment Agency's flood risk maps.

Proposal

The application seeks planning permission for a change of use of land for the stationing of static caravans to be used to provide accommodation for holidaying guests. As well as the change of use the application proposes the demolition of existing buildings containing communal facilities available to guests staying at the Holiday Village, including a clubhouse, car park and swimming pool. A plan included with the application shows a layout which indicates that 37 no. static holiday caravan pitches are to be provided along with the formation of new accessways to serve the plots and vehicle parking to be used by guests staying in the proposed caravans and associated landscaping.

Assessment

Principle of Development

The application site is located outside any defined settlement development boundaries in the adopted Local Plan. In general terms, development outside of defined Settlement Development Boundaries will be the subject of strict control to protect and enhance the character and openness of the countryside. Policy SPL2 does however state that outside of Settlement Development Boundaries, the Council will consider any planning application in relation to the pattern and scales of growth promoted through the Settlement Hierarchy in Policy SPL1 and any other relevant policies in this plan.

There are a number of national and local planning policies that have been established to support economic growth in order to create jobs and prosperity by taking a positive approach to sustainable new development. Paragraph 84 of the NPPF states that Local Planning Authorities should provide support for sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, which respect the character of the countryside. This includes supporting the provision of tourist and visitor facilities located in appropriate locations.

Furthermore, Paragraph 85 of the NPPF states that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements. In these circumstances, it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

The Local Plan proposals map identifies that the application site is located within a Safeguarded Holiday Park. Policy PP11 states that 'safeguarded sites' will be protected against redevelopment for alternative uses either in part or in whole. This protection was in part due to the recognition of the importance of Holiday Parks in supporting the District's tourism economy.

Within the adopted Local Plan there are policies which support development within the districts tourism industry. Policy PP 8 states that the Council will generally support proposals that would help to improve the tourism appeal of the District to visitors, subject to other relevant policies in the Local Plan. This includes appropriate proposals for new and improved attractions and leisure activities at holiday parks. Policy PP11 states that subject to consideration against other relevant Local Plan policies, if necessary, tests are met in regard to any known flood risk, the Council will support proposals for:

- a) the extension of safeguarded sites or other existing sites onto adjoining land provided that the development would result in improvements to the overall layout, amenity, appearance, mix of renting and touring capacity and quality of accommodation over the whole site; and
- b) improvements to the range and quality of attractions and facilities at safeguarded sites and other sites.

Furthermore, Tendring District Council's Tourism Strategy identifies four core objectives to develop tourism in Tendring:

1. increase the amount of money visitors spend in Tendring;
2. extend the length of time visitors stay in the District;
3. attract higher spending visitors; and,
4. improve the perception of Tendring as a tourism destination.

Consequently, the policies outlined above aim to support proposed tourism development that seek to strengthen and diversify the District's tourist economy. The Council is satisfied that the applicant has demonstrated that the proposal will help to strengthen and modernise the District's stock of tourist accommodation. In this respect the replacement of existing facilities which are out of date and redundant with new higher quality static holiday caravans represents an improvement to the range of accommodation on site. There is no objection raised to the demolition of the existing facilities given the new leisure, club house and swimming pool complex that has been approved on the adjacent Martello Beach complex which is fully accessible to the residents of the St Osyth site. This is easily accessible to the residents of the St Osyth site across the existing pedestrian bridge which is adjacent to the application site.

However, the significant demonstrable benefits from the proposed development need to be weighed up against any potential harmful elements, which in this instance relates specifically to potential amenity, ecology impacts and flood risk concerns.

These matters are discussed in further detail below.

It is noted that the Parish Council have objected to the development on the grounds that there is no need for additional caravans given the number of caravans already at this site and other sites in the area. There is no evidence to support this claim and the park operator is unlikely to invest in providing the additional units if they were not confident that a demand existed. It is also noted that the Local Plan is generally supportive of the principle of additional tourist facilities and accommodation.

Flood Risk

The application site is located within Flood Zone 3a, where there is described as being a high probability of flooding. Table 2 in the Flood Risk and Coastal Change section of the Planning Practice Guidance sets out flood risk vulnerability and flood zone 'incompatibility'. Holiday let caravans are classified as a 'More Vulnerable' Use whereby Table 2 indicates that the use can be acceptable within Flood Zone 3a subject to the 'Exception Test'.

The application site covers an area in excess of 1ha and because the application site is located within an area designated as Flood Zone 2/3, a site-specific Flood Risk Assessment, (FRA) and a Flood Evacuation Management Plan (FEMP) have been submitted with the application. The Environment Agency have reviewed the submitted documents. They raise no objection to the

application, but their consultation response provides further detailed advice to assist the Council in considering the proposed development. The EA summarise the flood risk situation as follows:

- The site lies within the flood extent for a 0.5% (1 in 200) annual probability event, including an allowance for climate change.
- The site does benefit from the presence of defences. The defences are below 0.5% (1 in 200) annual probability flood level including climate change and therefore the site is at actual risk of flooding in this event.
- Finished ground floor levels have not been provided.
- The site level is 1.54m AOD. This is below the 0.5% annual probability flood level including climate change of 5.46 (5.12,0.34)m AOD and therefore at risk of flooding by 3.92m in the 0.5% (1 in 200) annual probability flood event including climate change.
- Therefore, assuming a velocity of 0.5m/s the flood hazard is danger for all including the emergency services in the 0.5% (1 in 200) annual probability flood event including climate change.
- Therefore, this proposal does not have a safe means of access in the event of flooding from all new buildings to an area wholly outside the floodplain (up to a 0.5% (1 in 200) annual probability including climate change flood event).

The EA have no objections to the proposed development on flood risk access safety grounds because an Emergency Flood Plan has been submitted by the applicant and the site is currently a caravan holiday park. The EA however state that the Council will need to determine the adequacy of the plan to ensure the safety of the occupants.

Sequential & Exception Test

Due to nature and location of the development the Council have been required to undertake a Sequential and Exception Test. In terms of the sequential test, the intention behind the application is to provide 37 no. static caravans (in lieu of guest facilities that are to be demolished), but on an existing caravan/holiday park which already benefits from over 450 static caravans on a site that is entirely in Flood Zone 3. The Council consider that it is reasonable and pragmatic to limit the sequential test area to the wider caravan site only due to the intent and nature of the application. For these reasons the LPA is satisfied that there are no other sequentially preferable sites for the development proposal to go and the proposal therefore passes the sequential test.

Having passed the sequential test the development must also pass the exception test, which contains two elements.

1. *Show the development gives wider sustainability benefits to the community that outweigh a flood risk:*

The Council note that this development is presented by the applicant as being part of a significant on-going investment in the holiday villages (St Osyth and the neighbouring Martello Beach site). The development will increase both the numbers and quality of holiday accommodation on the site and will replace guest facilities which were in a declining condition. Significant investment is already being undertaken by the provision of a new modern club house, leisure and swimming pool complex at the adjacent Martello Site.

The proposed scheme will help to increase tourism in the area. The Local Plan acknowledges that the tourism industry provides a number of social and economic benefits arising from additional employment and business for local retailers and service providers, which as outlined above in the relevant policies is a priority for the Council.

2. *Show the development will be safe for its lifetime considering the vulnerability of users and reducing flood risk on the development without increasing flood risk elsewhere:*

- The FRA report submitted with the application ascertains that flood risk can be mitigated to a negligible level through the following approach:
- Static holiday caravans by design already have floor levels of a minimum of +600mm above external levels and they are tethered;
- Update the existing FEMP for the wider site which triggers evacuation of the wider site and development site when the appropriate triggers are encountered;
- Look for visual signs that the bounding ditches are in danger of overtopping or rising above expected levels following periods of heavy rainfall or after receipt of a Flood Alert.
- The FEMP should be followed at all times if the appropriate triggers are encountered;
- Undertake maintenance activities to keep the onsite watercourses (St Osyth Ditch and Watercourse 1) clear of debris and overgrown vegetation to maintain the conveyance of the channels.

These are reasonable mitigation actions which are already in place across the wider site. The Council therefore considers that the Exception Test has been passed and the location of the development is deemed to be acceptable, subject to the above mitigation measures which can be secured by condition.

Residual Risk

The EA's data shows that in a worst-case scenario the site could experience undefended flood depths of up to 4.03 metres during the 0.5% (1 in 200) annual probability including climate change breach flood event (with flood level of 5.57m AOD) and up to 4.29 metres during the 0.1% (1 in 1000) annual probability including climate change breach flood event (with flood level of 5.83m AOD). Therefore, assuming a velocity of 0.5m/s the flood hazard is a danger for all including the emergency services in the 0.5% (1 in 200) annual probability flood event including climate change. These flood levels mean that there is no safe refuge above flood levels, and the safety of the occupants in a significant flood event would be reliant upon timely evacuation prior to flooding.

The Planning Practice Guidance states that emergency plans will be essential for sites at risk of flooding used for holiday or short-let caravans and camping and for any site with transient occupancy (e.g. hostels and hotels). The applicant submitted a Flood Warning and Evacuation Plan to ensure the safety of the occupants. The Council's Emergency Planners have confirmed that they are satisfied with the content of the FWEP.

It is recommended that a condition is applied to the planning permission to ensure that this is implemented.

Design and Appearance

Paragraph 130 of the NPPF requires that developments are visually attractive and are sympathetic to local character and establish or maintain a strong sense of place. Policy SPL 3 requires, amongst other things, that all new development should be well designed and make a positive contribution to the quality of the local environment and protect or enhance local character.

The site is located within an established holiday/residential park which surrounds it on all sides so it is not considered that the additional units would have any additional visual impact upon the character and appearance of the surrounding area. The park homes themselves are considered to be acceptable in terms of their appearance, reflecting the surrounding development. The proposed site is well laid out and additional landscaping has been proposed.

Trees and Landscaping

The Council's Tree and Landscape Officer has assessed the site and has advised that no trees or other vegetation will be adversely affected by the development proposal. The site is largely made up of the existing buildings and a large area of hardstanding, therefore the visual amenity of the site is considered to be improved by the development and its associated soft landscaping proposed. The soft landscaping plan proposed is not objected to and the implementation of the scheme can be secured by condition.

Impact on Neighbour Amenity

The NPPF, paragraph 130 states that new development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Policy SP7 requires that all new development protects the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking. Policy SPL3 Part B point e) states buildings and structures should be designed and orientated to ensure adequate daylight, outlook and privacy for future and existing residents; and Part C point a) states development should not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

The new static homes would comply with the relevant regulations in respect of layout and design and are laid out sympathetically within the application site, with parking in between each caravan and providing separation distances which are considered to mitigate any loss of privacy concerns. Being located within a central area within the site, the new units would not adversely affect the existing amenities of residents within the wider locality.

The Parish Council has expressed concerns at increasing reports of crime in the St Osyth beach area and refer to the fact that the Police are being called to attend and deal with these problems. Whilst some of these issues could arise from tourists staying at this site there is no evidence that this is the only cause. As noted previously the Council's Local Plan is generally supportive of the tourism industry, recognising the social and economic benefits that this can bring. Whilst the Parish Council's concerns are noted these are not considered to be a determining factor in assessing this application.

Highway Safety and Parking

Policy CP2 states that new development which contributes to the provision of a safe and efficient transport network will be supported. Planning permission will not be granted if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.

The concerns of the Parish Council about holiday traffic and congestion particularly through the village of St Osyth are noted. The application has been assessed by the Highway Authority and they have raised no objection to the application, subject to planning conditions. The access arrangements to the site are not being altered and the Highway Authority consider that the traffic movements resulting from these additional pitches will not be severe in the wider highway network.

The applicant states that parking spaces are provided in accordance with Model Standard requirements as set out in the Caravan Site Licence which requires the provision of adequate parking. The submitted layout plan shows the provision of two parking spaces for each static caravan. The Council's adopted parking standard requires a minimum of one parking space for each pitch. Parking spaces should measure 5.5m x 2.9m. The proposals would therefore meet the Council's adopted parking standards.

Ecology

The applicant provided a Preliminary Ecological Appraisal of the site, carried out by a qualified ecologist. The report refers to the site containing areas of scrub as well there being some piles of rubble and previously cut vegetation but that the site contains no habitats of particular ecological value.

The Council's Ecological consultant reviewed the submitted information and initially raised a holding objection. They were not satisfied that there is sufficient ecological information available for determination of this application. The development is approximately 700m from the Colne Estuary Special Protection Area (SPA) and Ramsar and 400m from the Essex Estuaries Special Area for Conservation. Because of this proximity to protected sites the Council's Ecological Consultant advised that the Council would need to produce a bespoke Habitats Regulations Assessment screening report to ascertain the likely impacts of the development on these designated sites.

The applicant subsequently produced the 'Information to Inform A Habitat Regulation Assessment' (Co-ecology, October 2021), which provided the Council with sufficient information to support the Council's HRA Appropriate Assessment. The applicant's assessment identified the need to manage demolition and construction activity to protect the nearby coastal habitats. Due to the proximity to protected sites and the likely use of the beach and sea walls by holiday makers, a financial contribution is considered appropriate in this case and is to be secured by way of a Unilateral Undertaking for a RAMS payment per caravan.

Bat Surveys and Bat Reports submitted with the application establish that bats are active in the area and the development could impact on this protected species. The report makes a number of recommendations to conserve and enhance the bats, including a condition controlling external lighting of the site. Subject to conditions and a legal agreement securing ecological mitigation and enhancement the County Council's Ecologist raises no objection to the application.

Financial Contributions

Open Space

The Council's Open Spaces Team have been consulted on the application to determine if the proposal would generate the requirement for a financial contribution towards public open or play space. On this occasion they have recommended that no contribution is sought.

RAMS

Under the Habitat Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest.'

The application scheme proposes the creation of new units of holiday accommodation that guests will live in during their stay. The development is approximately 700m from the Colne Estuary Special Protection Area (SPA) and Ramsar and 400m from the Essex Estuaries Special Area for Conservation. This type of residential holiday accommodation within the Zol would be likely to increase the number of recreational visitors to these sites and in combination with other developments it is likely that the proposal would have significant effects on the designated sites, mitigation measures must therefore be secured prior to occupation.

A Unilateral Undertaking is required to be secured prior to the commencement of development and this can be secured by way of condition. This will ensure that the development would not adversely affect the integrity of the European Designated Sites in accordance with Local Plan Section One Policy SP2 (Recreational disturbance Avoidance Mitigation Strategy) and Local Plan Section 2 Policy PPL4 (Biodiversity and Geodiversity) and Regulation 63 of the Conservation of Habitats and Species Regulations (2017).

Drainage

The Lead Local Flood Authority (LLFA) were consulted on the application. They initially registered a holding objection requiring additional information be submitted to allow them to fully assess the proposals. The applicant has submitted further information concerning the surface water drainage proposals, which will see water from the site drained into the St Osyth dyke to the east of the site. Calculations were also provided to show betterment following the clearance of existing buildings and

hardstanding. The LLFA confirm they now have no objection subject to recommended planning conditions.

Representations

One objection was received to the application. The main issues raised in the objection were to the loss of services for occupants of the holiday village; the failure of the operator to provide services at the new Martello Beach Holiday Village; and a lack of Drainage and Surface water removal which will increase the risk of flooding.

The comments are noted; however guests of the St Osyth Holiday Village can use the facilities on the neighbouring Martello Beach Holiday Village and the company website states that the Martello site will have a brand-new, entertainment and leisure complex with an arcade, bar, restaurant and entertainment venue, and heated indoor swimming pool with slides opening later this year.

Recommendation

Approval, subject to conditions

6. Conditions

1. COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The works to which this consent relate must be begun not later than the expiration of three years beginning with the date of this consent.

REASON: To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the consent becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk of both Enforcement Action and Criminal proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2. APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Location Plan

SHF.201.107-ENZ-XX-00-DR-L-00-001 - General Arrangement Plan, 37 caravans

SHF.201.107-ENZ-XX-00-DR-L-45-001 - Soft Landscape Plan

Bat Survey Report (Coe Ecology, May 2021)

Bat Survey Report (Corsican Associates, August 2019)

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

3. FURTHER APPROVAL - CONSTRUCTION MANAGEMENT TO BE AGREED (PRE COMMENCEMENT)

CONDITION: Prior to the commencement of development details of the construction methodology and timetable shall be submitted to and approved, in writing, by the Local Planning Authority. This shall incorporate the following information:-

- a) Details of the hours of work/construction of the development within which such operations shall take place and the hours within which delivery/collection of materials for the said construction shall take place at the site.
- b) Details of the loading/unloading/storage of construction materials on site, including details of their siting and maximum storage height.
- c) Details of how construction and worker traffic and parking shall be managed. This shall include routing of all traffic and any directional signs to be installed and where.
- d) Details of any protection measures for footpaths and trees surrounding the site.
- e) Details of any means of access to the site during construction.
- f) Details of the scheduled timing/phasing of development for the overall construction period.
- g) Details of measures to control the emission of dust and dirt during construction and including details of any wheel washing to be undertaken, management and location it is intended to take place.
- h) Details of the siting of any on site compounds and portaloo's.
- i) Details of the method of any demolition to take place, including the recycling and disposal of said materials resulting from demolition.
- j) Site waste management plan (that shall include reuse and recycling of materials)
- k) Scheme for sustainable construction management to ensure effective water and energy use.
- l) Scheme of review of complaints from neighbours.
- m) Registration and details of a Considerate Constructors Scheme
- n) Details on the provision, location and management of any show home/s or reception, including opening times, parking and advertisements (including flags and directional signs).

The said methodology as may be approved shall be implemented in its entirety and shall operate as may be approved at all times during construction.

REASON: To minimise detriment to nearby residential and general amenity by controlling the construction process to achieve the approved development. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, by reason of the location and scale of development may result adverse harm on amenity.

NOTE/S FOR CONDITION:

You are strongly advised to discuss this condition with the Local Planning Authority and if possible/available local residents likely to be affected by this development prior to submission of details.

4. LANDSCAPING

CONDITION: 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 the commencement of the development 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: In the interest of visual amenity, landscape impact and the quality of the development.

5. SPECIFIC RESTRICTION ON DEVELOPMENT: OCCUPATION LIMIT

CONDITION: The static holiday caravans hereby approved shall only be occupied during the period 1st March to 14th February in the following year (inclusive).

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, consistent with planning application approvals for the existing wider site.

6. SPECIFIC RESTRICTION ON DEVELOPMENT: HOLIDAY OCCUPATION

CONDITION: The static holiday caravans hereby approved shall not be occupied at anytime other than for holiday purposes and shall not be used as residential dwelling/s, including any use within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended). The same person(s) shall not occupy the development for more than 100 days in one year. Details of the name, permanent home address, vehicle registration shall be kept in a register, a copy of which shall be made available to the Local Planning Authority for inspection at any time.

REASON: The site of the permission is outside any area where planning permission would normally be forthcoming for residential development without either harm or conflict with planning policies. The development is permitted only as a unit for holiday purposes in the interests of contributing to tourism and the economy of the area and this contribution is given full weight as an exception for allowing this development.

7. FURTHER APPROVAL - SURFACE WATER DRAINAGE DETAILS

CONDITION: Prior to the commencement of development, full details of the surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall have been submitted to and approved, in writing, by the Local Planning Authority prior to the beginning of any works to the building/s it would serve are commenced. The scheme should include but not be limited to:

- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features including permeable paving.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

No part of the development shall be first occupied or brought into use until the agreed method of surface water drainage has been fully installed and is functionally available for use. The surface water drainage scheme shall thereafter be maintained as approved.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development and to provide mitigation of any environmental harm which may be caused to the local water environment.

Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

8. SURFACE WATER DRAINAGE – MAINTENANCE PLAN

CONDITION: Prior to the first occupation of the development hereby approved, a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

9. COMPLIANCE - ECOLOGY

CONDITION: All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Bat Survey Report (Coe Ecology, May 2021) and Bat Survey Report (Corsican Associates, August 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

REASON: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

10. FURTHER APPROVAL - CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

CONDITION: Prior to commencement of the development a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non-native species present on site

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

REASON: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

11. FURTHER APPROVAL - BIODIVERSITY ENHANCEMENT STRATEGY

CONDITION: Prior to any works above slab level a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species).

12. FURTHER APPROVAL: DETAILS OF ILLUMINATION

CONDITION: Prior to the erection/installation of any floodlighting or other means of external lighting at the site, details to include position, height, aiming points, lighting levels and a polar luminance diagram shall be submitted to and approved, in writing, by the Local Planning Authority. The lighting shall be carried out and retained as may be approved. There shall be

no other means of external lighting installed and/or operated on/at the site except that approved.

REASON: In the interests of amenity to reduce the impact of night time illumination on the character of the area and in the interests of biodiversity.

13. COMPLIANCE - PARKING

CONDITION: Prior to the first occupation of each static caravan the vehicle parking area serving the static caravan as indicated on the approved plans, shall have been hard surfaced, sealed and if required marked out in parking bays in accordance with the Parking Standards and as indicated on drawing no. 201.107-ENZ-XX-00-DR-L-00-001 PL01. The agreed car parking shall be retained at all times for such purpose.

REASON: To ensure that on street parking of vehicles in the adjoining streets/roads does not occur and that appropriate parking is provided.

14. COMPLIANCE - FLOOD WARNING AND EVACUATION PLAN

CONDITION: Prior to the first occupation of any static caravan hereby approved, the approved Flood Warning and Evacuation Plan (ref.SHF.201.063.HY.R.021.D, dated November 2022) shall be implemented and shall remain in force for the lifetime of the development.

REASON: In the interest of public safety in times of flooding.

15. COMPLIANCE – CONTAMINATION WATCHING BRIEF

CONDITION: If during construction/demolition works evidence of potential contamination is encountered, works shall cease, and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.

Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.

b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

c) If no contamination has been discovered during the build, then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

REASON - To ensure that any risks from land contamination to the future users of the land and neighbouring land are minimised.

7. **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.

In accordance with The Environmental Permitting (England and Wales) (Amendment) (No.2) Regulations 2016, Schedule 25, Part 1, these works may require a Flood Risk Activity Permit. The applicant should apply for a Flood Risk Activity Permit. Information about Flood Risk Activity Permits, and application forms, can be found here; <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>. Completed application forms should be sent to FDCCoastal@environment-agency.gov.uk.

Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk

Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.

It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

Legal Agreement Informative - Recreational Impact Mitigation

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017. Please note that any subsequent variation / removal of condition applications (s73 applications) will require a new legal agreement to secure this obligation unless the development has commenced (subject to all necessary condition discharges) and the contribution has already been paid.

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