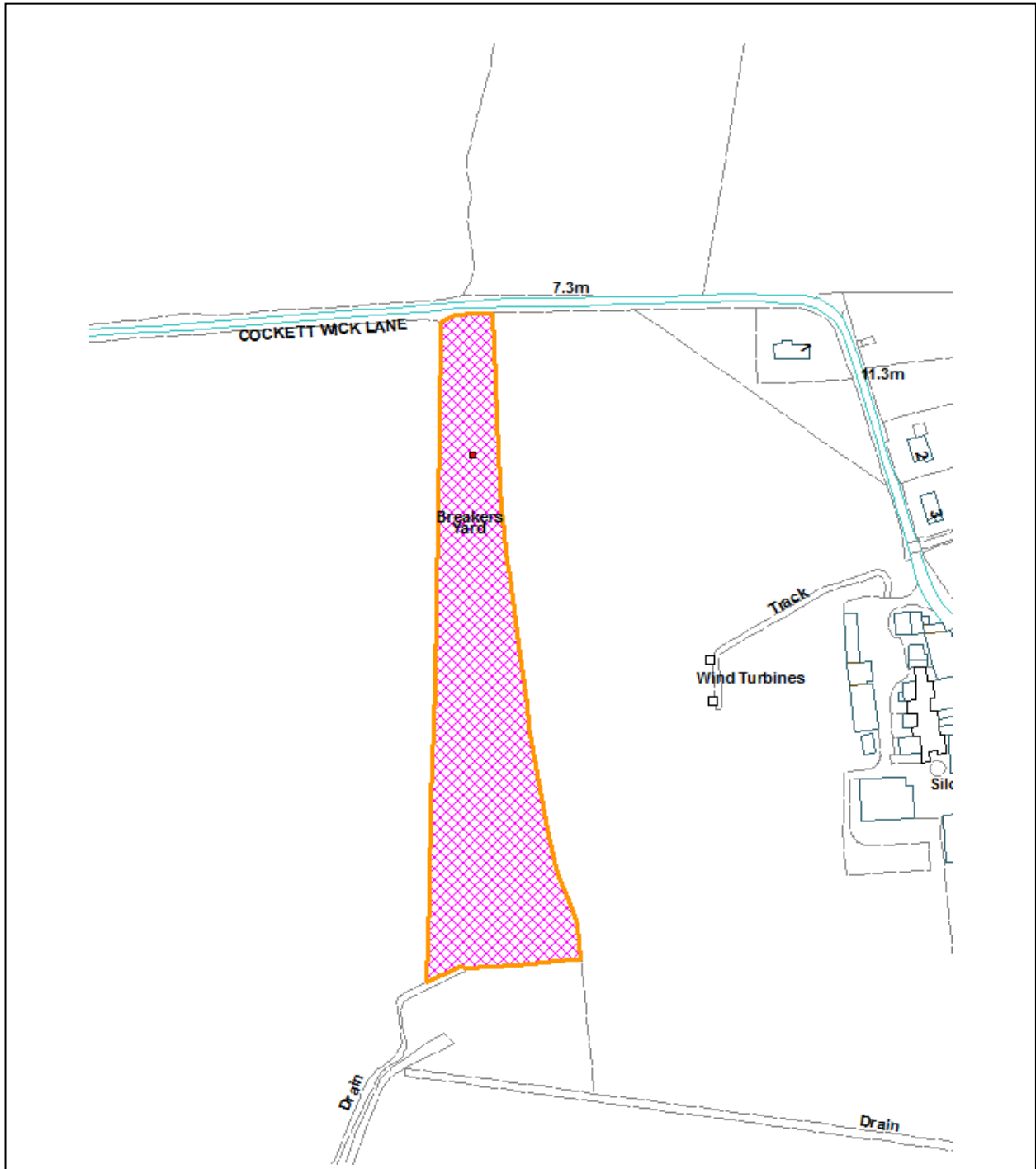


PLANNING COMMITTEE

31 OCTOBER 2017

REPORT OF THE HEAD OF PLANNING

**A.5 PLANNING APPLICATION - 16/01770/OUT - CAR BREAKERS YARD, COCKETT WICK LANE, ST OSYTH, CO16 8SE**



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<b>Application:</b>	16/01770/OUT	<b>Town / Parish:</b> St Osyth Parish Council
<b>Applicant:</b>	Mr Michael Beamish	
<b>Address:</b>	Car Breakers Yard Cockett Wick Lane St Osyth CO16 8SE	
<b>Development:</b>	Creation of Holiday Village on site of Vehicle Salvage Yard.	

## 1. Executive Summary

- 1.1 This is an outline planning application for the change of use of a former vehicle salvage yard located in the countryside at Cockett Wick Lane, St Osyth. The site is oblong shaped measuring some 1.31 hectares in area and set some 140 metres to the west of Cockett Wick Farm. The site has an existing single access direct from Cockett Wick Lane. The site is partially enclosed by mature shrubs and trees and although set in an elevated position is not particularly visible from public view.
- 1.2 The main policy considerations are adopted Local Plan policies ER16, ER20 and ER22 and those contained within the emerging Local Plan Publication Draft policies PP11 (Holiday Parks). New holiday developments should be in sustainable locations which are not prominent in the landscape and that any visual intrusion is minimised. Environmentally intrusive sites and those which are prone to flooding should be avoided. Acceptable flood risk assessments and drainage reports have been submitted as part of the application detail and there are no objections raised from statutory consultees. Although the site is in open countryside the area is considered a tourist destination. The current use of the site as a car breakers yard is particularly intrusive to the locality and the proposed use would permanently remove this undesirable use. The proposed use as a holiday village is therefore considered appropriate in this locality, it would not have a significant impact on the environment or cause undue disturbance to any residential area or property. The proposed access is considered acceptable for the volume of traffic that is likely to be generated. The proposal is therefore considered acceptable subject to appropriate conditions.

**Recommendation:** Approve

**Conditions:**

- Time limit – 3 years
- Approved Plans
- Max 24 static caravans/lodges – no touring caravans
- Occupancy restriction – occupation for holiday purposes only.
- Hard and soft landscaping
- Contamination
- Sewage treatment details
- Surface water drainage
- No buildings or structures, external illumination of the site, public address systems, or CCTV installation without further approval
- Access
- Car parking
- Visibility splays
- Site management scheme

## 2. **Planning Policy**

National Planning Policy Framework (NPPF)

### Tendring District Local Plan 2007

ER16 Tourism and Leisure Uses

ER19 Extensions to static and holiday parks

ER20 Occupancy timescales

QL9 Design of new development

QL11 Environmental Impacts and compatibility of uses

QL3 Minimising and Managing Flood Risk

TR1A Development Affecting Highways

EN13 Sustainable drainage systems

Coastal Protection Zone

### Tendring District Local Plan 2013-2033 and Beyond Publication Draft June 2017

SP1 Managing Growth

SP3 Sustainable Design

PPL11 Holiday Parks

PPL1 Development and Flood Risk

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

CP1 Sustainable Transport and Accessibility

Other relevant documents:

Tendring Tourism Strategy 2009.

### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national

policy. As of 16<sup>th</sup> June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. As this plan is yet to be examined, its policies cannot carry the full weight of adopted policy. However, because the plan has reached publication stage its policies can carry some weight in the determination of planning applications. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

### 3. Relevant Planning History

04/01786/FUL	Proposed upgrade to existing facilities to E.C requirements to provide admin, depollution building and workshop and warehouse units	Withdrawn	25.10.2004
04/02235/CMTR	Creation of new hard standings and erection of 5 buildings, including offices, vehicle depollution unit, dismantling /work shops and storage.	Determinati on	26.10.2004
10/00308/CMTR	Creation of new hard standing and erection of five buildings, including offices, vehicle depollution unit, dismantling/workshops and storage at car breakers yard Cockett Wick St Osyth. ESS/06/10/TEN	Determinati on	01.06.2010
16/00451/FUL		Approved	
16/01007/OUT	Creation of a residential park home development.	Withdrawn	15.09.2016
16/01770/OUT	Creation of Holiday Village on site of Vehicle Salvage Yard.	Current	

### 4. Consultations

ECC Highways Dept	In principle the Highway Authority has no objection to the proposal but any Reserved Matters application should show the following; 1) An appropriately constructed access measuring 5.5m for first 6m, 2) No loose or unbound material used in the surface treatment of the access within 10m of the highway boundary, 3) Any gates to be provided at the access being set back no less than 10m from the highway boundary 4) All parking and turning facilities to be in accordance with current standards
Environment Agency	Following submission of acceptable drainage detail the Environment agency have requested conditions relating to the proposed attenuation pond and contamination ground investigation report in

ECC SuDS Consultee                      respect of the proposed attenuation pond.  
No objection subject to conditions requiring a detailed surface water drainage scheme and details of a maintenance plan and its management.

## **5.        Representations**

5.1      St Osyth Parish Council have objected on grounds that the site is within a Coastal Protection Zone and within Flood Zone 3. The Council has concerns about the previous use and the fact the site may be contaminated.

5.2      Two letters of objection have been received raising the following concerns:

- Lack of landscape detail
- Impact on local landscape and appearance
- Contrary to PP11 in that it does not offer any on site facilities
- Site is not sustainable
- Concerns regarding highway access
- Lack of contamination report
- Impact relating to foul sewage and drainage

## **6.        Assessment**

6.1      The main planning considerations are:

- Location of the site;
- Proposed scheme;
- Policy issues; and,
- Issues raised in representations.

6.2      The application site measures 1.31 hectares in area and is located to the south of St Osyth and approximately 500 metres to the north of the St Osyth Beach Holiday Park. The site is oblong shaped with a minimum width of 25 metres to the north end of the site extending to just over 60 metres at the southern end. The site is approximately 300m in length. Cockett Wick Farm is located 140 metres to the east of the application site. The site is in open countryside and surrounded by open agricultural fields. The land slopes southwards towards the sea and is mainly located within flood zone 3. The site is enclosed with mature shrub and tree planting. Access to the site is via the existing site access direct from Cockett Wick Lane.

6.3      Although currently vacant the last use of the site was as a car breakers yard/salvage yard and evidence of this use still remains on the site. The site is visible particularly from the south but due to the mature planting to the site boundaries views of the site are very restricted.

### Proposed Development

6.4      This is an outline application with all matters reserved for the siting of a holiday village consisting of holiday lodges set around a central access road. Although 24 units are shown on an indicative plan this is an outline application which will require detailed layout and unit numbers as part of the reserved matters application. However it is recommended that the total number of units is restricted by condition to 24, taking into account the constraints of the site. The final numbers would also need to satisfy site licence requirements.

- 6.5 It would be expected that a future landscape scheme for the site would complement and reinforce existing site landscaping. A flood water attenuation pond will also be provided within the site to meet the requirements of the Environment Agency and the Lead Local Flood Authority.

#### Planning Policy and Assessment

- 6.6 In respect of the National Planning Policy Framework the scheme is considered to comply with national policy relating to the promotion of sustainable rural tourism.
- 6.7 Relevant policy contained within the adopted Local Plan, includes policy ER16, which sets down criteria for new leisure and tourism development in general. The main requirements are a) that it is accessible; b) there is suitable vehicular access and public transport access; c) there is no undue disturbance by reason of noise; d) no adverse impact on agricultural holdings or irreversible loss of high quality agricultural land and where appropriate results in improvement to damaged land or despoiled landscapes. Whilst directed specifically to extensions of existing caravan parks policy ER19 includes criteria which is also material in particular that a) there is a landscape scheme to minimise impact; b) an effective natural boundary and c) the site is not in a high flood risk area. Policy ER22 – small holiday villages is also relevant – the proposed scheme generally accords with this policy albeit the site is located partly in flood zone 3. The site however provides safe access and can be adequately landscaped. Policy EN3 identifies the site as being within the Coastal Protection Belt although it is not included within the Publication Draft Local Plan.
- 6.8 The Tendring District Local Plan 2013-2033 and Beyond Publication Draft also contains relevant policy including policy PP11 – Holiday Parks. This requires new holiday park developments or extensions to contribute to improving site layouts, amenity and improving the appearance and quality of new accommodation. The emerging policy also requires that new static caravan/chalet parks will only be permitted where it would help to strengthen the Districts tourist economy or moving an existing site away from a flood area.
- 6.9 Draft policy PPL1 notes that: *“All development proposals should include appropriate measures to respond to the risk of flooding on and/or off site and within the Flood Zone (which includes Flood Zones 2 and 3, as defined by the Environment Agency) shown on the Policies Map and Local Maps, or elsewhere involving sites of 1ha or more, must be accompanied by a Flood Risk Assessment. New development in areas of high flood risk must be designed to be resilient in the event of a flood...”*
- 6.10 Policy PPL3 of the emerging plan relates to the rural landscape and notes: *“The Council will protect the rural landscape and refuse planning permission for any proposed development which would cause overriding harm to its character or appearance..”* In respect of landscape the scheme is considered to comply with emerging policy PPL3.
- 6.11 In respect of Local Plan policy ER16 the site already benefits from existing highway and vehicular access and no objection has been raised by the Highway Authority subject to conditions. The scheme is not considered to adversely affect existing residential property or lead to loss of agricultural land. As noted the site is well contained and subject to appropriate landscape enhancement will not have significant impact on the existing landscape. In any event it is a significant improvement to the current approved use as a salvage yard.
- 6.12 As noted the site is mainly located within Flood Zone 3 and perhaps in normal circumstances a new holiday park would be directed away from a Flood Zone 3 area. A key factor in considering this site suitable for holiday accommodation use and therefore an exception is the current use as a salvage yard and the significant environmental

improvements which would result from removing the current use from this locality. The applicant has undertaken considerable work in producing necessary flood risk assessments and associated drainage detail which have satisfied both the Environment Agency and the lead Local Flood Authority in that the site can be developed for the proposed use. Subject to appropriate conditions the scheme is considered acceptable in terms of flood risk.

- 6.13 Paragraph 32 of the NPPF relates to transport and requires Councils, when making decisions, to take account of whether:
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
  - safe and suitable access to the site can be achieved for all people, and ;
  - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.14 Policy QL10 of the Saved Plan states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate.
- 6.15 The current application has been submitted in outline form with all matters reserved including access. However the site benefits from an existing access point and taking into account the current use of the site the Highway Authority are satisfied that there is existing highway capacity to serve the proposed scheme.
- 6.16 Officers conclude that the development, subject to the proposed conditions, would meet the requirements of Policy TR1a of the adopted Local Plan and the element of Policy CP1 in the emerging Local Plan relating to highway capacity and safety. It would also meet paragraph 32 of the NPPF which states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.17 In terms of accessibility it is accepted that the site is relatively remote although as noted is only a short distance from the St Osyth Beach Holiday Park to the south. The location of the site must again be balanced against the benefit of providing additional tourist accommodation in a tourist area and the removal of an undesirable use.

#### Issues Raised in Representations

- 6.18 Issues raised in respect of landscaping, highway access, contamination or drainage can all be addressed through detail submitted as part of a future reserved matters application or via planning condition. Matters relating to flood risk have been addressed in detail submitted by the applicant. The Parish Council have noted that the site is within the Coastal Protection Belt where normally new development of this nature would not be supported, however as noted the site is no longer identified as being within the Coastal Protection Belt within the emerging Local Plan.
- 6.19 In summary the proposed development, taking into account the existing site use, is considered acceptable, subject to appropriate conditions. The development will provide additional tourist accommodation in an identified tourist area with any visual impacts mitigated by an appropriate landscape scheme.

#### Background Papers

None

