

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	AL	05/02/2025
EIA Development - Notify Planning Casework Unit of Decision	N/A	N/A
Team Leader authorisation / sign off:	AN	07/02/25
Assistant Planner final checks and despatch:	ER	07/02/25

Application: 24/01773/FUL **Town / Parish:** St Osyth Parish Council

Applicant: Mr Armstrong - Haven Ltd

Address: Orchards Holiday Village Colne Way Point Clear Bay

Development: Planning Application - Installation of a modular single storey building to serve a hot food offering.

1. Town / Parish Council

St Osyth Parish Council Albeit that the Parish Council is unable to comment on individual statements, the Council supports the residents of Point Clear Bay in their objections to this application.

If the Planning Authority is minded to approve this application, the Parish Council would request that all deliveries be internal, or via the delivery/service vehicular access on Eastern Way, as per the approval granted on 6th August 2021, in respect of 21/00831/LUEX, so as not to increase traffic, especially HGV deliveries, on Colne Way.

2. Consultation Responses

Food Health and Safety No comments received.

Environmental Protection
18.12.2024 With reference to the above application, please see below for comments from the EP Team:

Noise: Due to the proposal requiring installation of ventilation / extraction systems and having consideration for the proximity of the site to nearby, existing, residential dwellings, the EP Team are requesting a formal Noise Impact Assessment be performed, by a suitably and relevantly qualified / competent person. The assessment shall be made in accordance with the current version of British Standard 4142. The noise levels shall be determined at all boundaries near to noise-sensitive premises. Confirmation of the findings of the assessment shall be provided in writing to the local planning authority for written approval. All subsequent conditions shall comply with this standard.

REASON: to protect the amenity of existing, nearby residential properties

Extraction / Ventilation Systems: The EP team would request compliance with relevant standard maintenance of the systems, as per the manufacturers guidance, to ensure the systems are in correct working order and therefore should minimise any potential adverse impact to nearby residential properties.

REASON: to protect the amenity of existing, nearby residential

properties

Construction Activities: In order to minimise potential nuisance caused by demolition/construction works, Environmental Protection recommend that the following hours and actions be adhered to, should the application be approved;

- o 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.

- o 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.

Environment Agency
23.12.2024

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. We have provided further information in the Flood Risk section below.

Flood Risk

Our maps show the site lies within tidal Flood Zone 3a defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is for Installation of a modular single storey building to serve a hot food offering, which is classified as a 'less vulnerable' development, as defined in Annex 3:Flood Vulnerability classification of the Planning Practice Guidance. Therefore, to comply with national policy the application is required to pass the Sequential Tests and be supported by a site specific Flood Risk Assessment (FRA).

The development is at risk of internal flooding by 3.38 metres and flooding to access/egress by 3.78 metres during the 0.5% (1 in 200) annual probability, including climate change (CC), breach flood event. The proposed finished floor levels are stated to lie 300 mm above the ground level, at 1.90 m AOD. We strongly recommend building the development so that the finished floor levels are above the 1 in 200 annual probability plus CC, breach flood event, with an additional value of 600 mm for freeboard. We do not object to this application because the development is supported by an existing Flood Plan and an Evacuation plan as apart of The Orchards Holiday Village.

Less vulnerable development and modelled climate change data

For less vulnerable development, our minimum benchmark for flood

risk mitigation is the 'higher central' (+753mm) climate change allowance for the development lifetime. In sensitive locations it may be necessary to use the 'upper end' allowance to inform built in resilience.(+1110mm)

Therefore, we have used the higher central value for our assessment.

Freeboard

Our standing advice recommends floor levels are built 600 mm above the estimated flood level. This value was updated In the August 2024, where previously the guidance stated a freeboard value of 300 mm. For more information on freeboard, please see Preparing a flood risk assessment: standing advice - GOV.UK.

To assist you in making an informed decision about the flood risk affecting this site, the key points to note from the submitted FRA, referenced 24773-GAP-XX-XX-RP-C-0001 and dated November 2024, are:

Actual Risk

- 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 have an effective crest level 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 been proposed at 1.90 m AOD. This is below the 0.5% (1 in 200) annual probability flood level including climate change of 5.28 m AOD and therefore at risk of flooding by 3.38 m depth in this event.
- Flood resilience/resistance measures have been proposed.
- The site level is 1.5 m AOD and therefore flood depths on site are 3.78 m 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). We have no objections to the proposed development on flood risk access safety grounds because an existing Emergency Flood Plan and Flood Plan is provided for by The Orchards Holiday Village. This has not been submitted by the applicant, the LPA and applicant should determine its adequacy to ensure the safety of the occupants.
- Compensatory storage is not required.

Residual Risk

- Our data shows that in a worst-case scenario the site could experience undefended flood depths of up to 3.78 metres during the 0.5% (1 in 200) annual probability including climate change breach flood event and up to 4.01 metres during the 0.1% (1 in 1000) annual probability including climate change breach flood event. You may wish to ask the applicant to provide a breach assessment for the development site in their FRA so that you can make a more informed decision on flood risk.
- 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.
- Finished ground floor levels have been proposed at 1.90 m AOD. This is below the 0.5% (1 in 200) annual probability flood level including breach flood level including climate change of 5.51 m AOD and therefore at risk of flooding by 3.61 m depth in this event.
- An existing Flood Evacuation Plan is available as part of The Orchards Holiday Village. A Flood Plan is necessary to ensure the safety of the development in the absence of safe access and with internal flooding in the event of a breach flood.
- The development is a downstream from Abberton Reservoir

Safety of Building - Flood Resilient Construction

The FRA proposes to include flood resistant/resilient measures in the design of the building to protect/mitigate the proposed development from flooding.

You should determine whether the proposed measures will ensure the safety and sustainability of the proposed development. Consultation with your building control department is recommended when determining if flood proofing measures are effective. Further information can be found in the document 'Improving the flood performance of new buildings' at: http://www.planningportal.gov.uk/uploads/br/flood_performance.pdf. Additional guidance can be found in our publication 'Prepare your property for flooding', which can be found on our website at <https://www.gov.uk/government/publications/prepare-your-property-for-flooding>

Safety of inhabitants - Safety of Building

The development has been designed to provide refuge above the predicted flood levels. Given that refuge is identified as a fall back mitigation measure it is important that the building is structurally resilient to withstand the pressures and forces (hydrostatic and hydrodynamic pressures) associated with flood water, as per the requirements of paragraph 005 of the PPG. We advise that supporting information and calculations are submitted to you to provide certainty that the buildings will be constructed to withstand these water pressures.

Safety of Inhabitants - Emergency Flood Plan

We do not normally comment on or approve the adequacy of flood

emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

Planning practice guidance (PPG) to the National Planning Policy Framework (NPPF) states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you refer to 'Flood risk emergency plans for new development' and undertake appropriate consultation with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with paragraph 173 of the NPPF and the guiding principles of the PPG.

We have considered the findings of the FRA in relation to the likely duration, depths, velocities and flood hazard rating against the design flood event for the development proposals. We agree that this indicates that there will be: - A danger for all people (e.g. there will be danger of loss of life for the general public and the emergency services).

This does not mean we consider that the access is safe, or the proposals acceptable in this regard. We remind you to consult with your Emergency Planners and the Emergency Services on the evacuation proposals.

Guidance for Local Council on partnership funding for new/upgraded defences

Please note that government funding rules do not take into account any new properties (residential or non-residential), or existing buildings converted into housing, when determining the funding available for new/upgraded defences. Therefore, as the proposed development may reduce the funding available for any future defence works we would like to take opportunities to bring in funding through the planning system, so please can you consider this when determining the planning application.

Sequential Test / and Exception Tests

The requirement to apply the Sequential Test is set out in Paragraph 167 of the National Planning Policy Framework. The Exception Test is set out in paragraph 170. These tests are your responsibility and should be completed before the application is determined. Additional guidance is also provided on Defra's website and in the Planning Practice Guidance.

Other Sources of Flooding

In addition to the above flood risk, the site may be within an area at risk of flooding from surface water, reservoirs, sewer and/or groundwater. We have not considered these risks in any detail, but you should ensure these risks are all considered fully before determining the application.

We trust the above is useful.

ECC Highways Dept
27.01.2025

The information provided with the application has been assessed by the Highway Authority and conclusions reached from a desktop study based on the submitted material and google maps. No site visit was undertaken in conjunction with this planning application. The Highway Authority observes that the access road into the site is classified as a Private Road and as such would not normally comment and is unlikely to impact onto the highway network or local Public Right of Way network (Footpath 25 St Osyth_178) located nearby. Access to the proposal will be from an established private access road; the proposals will be located on a private site well away from the public highway, and it is assumed the facilities will be for the sole use of holidaymakers staying on site, considering these factors:

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

Informative:

i) 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 must 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

ii) The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation.

The public's rights and ease of passage over public footpath no.25 (St Osyth_178) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

iii) 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.

iv) Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the [Essex Climate Action Commission](#) proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net

zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the [Essex Developers' Group Climate Charter \[2022\]](#) and to view the advice contained in the [Essex Design Guide](#). Climate Action [Advice guides](#) for residents, businesses and schools are also available.

3. Planning History

Various / long history. As well as the applications covering the entire site, the only history showing for this section of the site, or directly adjacent, are:

91/00141/FUL	Construct outdoor swimming pool, plant room, changing rooms, bowling green, multi play area and kiosk together with related site layout works.	Approved	28.03.1991
23/00341/NDPNOT	Application under Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for proposed installation of panels with the following proposed system: 263.2 kwp (max 658 panels) east, west and south facing system, the majority of which will be mounted flat-to-roof with the remainder ballasted, panels will not come within 1.5 meters of the roofs edge.	Prior Approval Not Req.	02.05.2023

Planning History for recent, similar uses / developments within the site:

22/00696/FUL	Proposed planning application for a new Burger King (Sui Generis use), a Container Bar (Sui Generis use), the erection of a jump tower and climbing wall and bungee trampolines.	Approved	06.07.2022
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4. 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 Local Plan 2013-33 and Beyond (adopted January 2021 and January 2022, respectively), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any Neighbourhood Plans that have been made and the Minerals and Waste Local Plans adopted by Essex County Council.

5. Neighbourhood Plans

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

At the time of writing, there are no draft or adopted neighbourhood plans relevant to this site.

6. Relevant Policies / Government Guidance

National:

National Planning Policy Framework December 2024 ([NPPF](#))

National Planning Practice Guidance ([NPPG](#))

Local:

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

SP1 Presumption in Favour of Sustainable Development

SP3 Spatial Strategy for North Essex

SP7 Place Shaping Principles

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

SPL1 Managing Growth

SPL3 Sustainable Design

PP11 Holiday Parks

PPL1 Development and Flood Risk

PPL4 Biodiversity and Geodiversity

CP1 Sustainable Transport and Accessibility

7. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is located within the main complex of Haven Orchards Holiday Village, located to the north of Point Clear Road and the east of Colne Way, Point Clear, within the Parish of St. Osyth. The character of the surrounding area is heavily urbanised through the holiday village and surrounding residential properties.

This application relates to a small portion of the site located along its western boundary, directly adjacent to the main clubhouse building (which lies to the north). To the south of the site is an outside seating area with the swimming pool complex beyond. The site currently comprises a small food and drinks hut and outside seating area (laid to grass). The rear boundary of the site (western boundary of the holiday park) is enclosed by tall conifer trees and some close boarded fencing.

The rear (western boundary) of the application site lies adjacent to Colne Way, with residential properties on the opposite side of the road.

The site lies outside of any defined settlement development boundary but lies within Flood Zone 3.

Description of Proposal

The application seeks full planning permission for the siting of a container unit to be occupied by a Fish & Chips outlet (replacing the mobile van located elsewhere on the site).

The building measures approximately 4.6 metres in depth and 12.2 metres in width with a flat roof height of 3 metres (3.2 metres including base).

The front elevation of the unit is to be finished in a combination of corrugated metal sheet cladding and red timber shingle cladding, with the side and rear elevations finished in metal cladding only.

The container unit is to be sited approximately 6 metres from the western boundary of the park (adjacent to Colne Way), increasing to 9.9 metres (due to the angled site boundary). A 2.4-metre-high close boarded fence will enclose the immediate rear service yard of the new unit, whilst providing a new link to the existing service yard serving the main clubhouse building to the north. The position of the fence is set in from the roadside edge by approximately 3.5 metres, fully screened by the existing boundary conifers.

The unit will be served by a ventilation and extraction system positioned along the rear elevation of the building, with the flue itself extending to approximately 4 metres in height at the south-western, rear corner of the building.

Assessment

The main considerations relevant to the assessment and determination of this application are:

1. Principle of Development
2. Flood Risk
3. Design and Visual Impact
4. Impact on Neighbouring Amenities
5. Accessibility & Highway Safety
6. Ecology and Biodiversity
7. Representations
8. Conclusions & Recommendation

1. Principle of Development

Adopted Local Plan Policy PP11 (Holiday Parks) confirms that subject to consideration against other relevant Local Plan policies, if the necessary tests are met in regard to any known flood risk, the Council will support proposals for improvements to the range and quality of attractions and facilities at safeguarded sites and other sites.

Orchards Holiday Village is identified as a safeguarded holiday park within the Adopted Local Plan due to the significant role it plays in supporting the local tourism economy. The application site falls within the boundaries of the existing holiday park and the proposed works would provide a wider range of food/drink facilities at the park that cannot be achieved by the mobile fish and chip unit already in situ. This in turn expands the attractions and facilities at the site and accordingly contributes positively to the aims of Policy PP11. Whilst officers recognise the existing refreshment hut and outside seating area would be lost as a result, the proposed development provides an enhanced offer within the park and extensive customer seating areas are retained.

Therefore, the principle of development is acceptable subject to the detailed considerations below.

2. Flood Risk

Paragraph 170 of the National Planning Policy Framework 2024 (NPPF) states inappropriate development in areas at risk of flooding should be avoided, by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Paragraph 181 of the NPPF says that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere, and where appropriate, applications should be supported by a site-specific flood-risk assessment.

Adopted Local Plan Section 2 Policy PPL1 states that all development proposals should include appropriate measures to respond to the risk of flooding on and/or off site. In addition, within Flood Zones 2 and 3, development proposals must be accompanied by a Flood Risk Assessment.

The application site falls within Flood Zone 3, which is the most significant area of flooding risk. However, it is acknowledged that the Orchards Holiday Village, along with its various services, are already located in this high-risk flood area. The development subject of this application would be ancillary to this use and by its very nature the proposals must be located in the holiday park given they are for the sole use of guests staying at the site.

The application is accompanied by a Flood Risk Assessment which confirms that a Flood Warning and Evacuation Plan was prepared for the wider site in January 2015, and details of this are updated for this planning application. This plan identifies the roles and responsibilities of the Flood

Wardens, details of the proposed flood actions and sets out the roles and responsibilities of other bodies. The Environment Agency, following consultation, have confirmed they have no objections.

3. Design and Visual Impact

Paragraph 135 of the NPPF seeks to ensure that new development will function well and add to the overall quality of the area through good architecture and use of materials in order to create attractive, welcoming and distinctive places to live, work and visit whilst optimising the potential of the site to accommodate and sustain an appropriate amount and mix of development.

The proposed development will be well screened by fencing and boundary vegetation and will not appear prominent from the adjacent neighbouring streets. The proposed development sits alongside the much larger, more visible main clubhouse building. Only glimpses of the proposed development through the trees and fences will be possible and the building will not appear visually prominent or harmful within this context.

The scale, design and materials are considered in keeping with the external appearance of the adjacent buildings and will sit comfortably within the site and its surroundings.

4. Impacts on Neighbouring Amenities

Paragraph 135 of the National Planning Policy Framework 2024 confirms planning policies and decisions 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 of Section 1 of the 2013-33 Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 (Part C) seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

The site provides an existing Fish & Chip takeaway facility operating from a vintage style trailer. The proposed development seeks to replace this with a permanent, more sophisticated unit with extraction equipment to offer an improved menu.

There are several residential properties around the Orchard Holiday Village site, the closest to the application site area are those within New Way and Colne Way to the west of the site boundary. As explained above, the container unit is to be sited approximately 6 metres from the western boundary, increasing to 9.9 metres (due to the angled site boundary). A 2.4-metre-high close boarded fence will enclose the rear service yard, set in from the roadside edge by approximately 3.5 metres and fully screened by the existing boundary conifers.

Properties fronting Colne Way, closest to the site are number 57 Colne Way on the opposite side of the road, (to the rear of the main clubhouse building) and numbers' 4 and 4A to the north of the clubhouse building. The other neighbouring dwellings close to the site are those fronting New Way, with their rear elevations and rear gardens facing Colne Way and the site. The position of the proposed building and location of the flue are, on average, 25 metres from the rear facing windows of the properties fronting New Way and number 57 Colne Way.

In terms of visual impact, the development is fully contained within the site and only glimpses of the fencing and building will be possible through the conifer trees from neighbouring residential windows. There will be no material loss of light, privacy or outlook.

The development is wholly associated with the existing holiday park and the agent confirms that the facility will be used by visitors to the park only. There are several existing noise generating facilities within the park and the locality is urbanised. All deliveries will be via the established access. The scale of the development will not result in a material increase in traffic movements.

Considering all the above, and through the imposition of appropriately worded conditions securing full details of the extraction equipment, a noise impact assessment and appropriate mitigation measures (if needed), the development will not be materially harmful to residential amenities.

5. Accessibility & Highway Safety

Policy CP1 of the adopted Local 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, and the design and layout of the development provides safe and convenient access for people.

The proposal is fully contained within the site, served by on-site parking for visitors of the park. The proposals would be for the sole use of guests of the holiday park, accessed on-foot from within the park. There will be no implications to the traffic movements associated with the wider site use. ECC Highway Authority raise no objection.

Deliveries associated with the proposed unit will be minimal (replacing the existing trailer facility). Deliveries will be via the established access and will not result in a material increase in traffic movements that would warrant refusal of planning permission on this basis.

6. Ecology and Biodiversity

The Natural Environment and Rural Communities Act 2006 amended by the Environment Act 2021 provides under Section 40 the general duty to conserve and enhance biodiversity: "For the purposes of this section "the general biodiversity objective" is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England." Section 40 states authorities must consider what actions they can take to further the general biodiversity objective and determine policies and specific objectives to achieve this goal. The actions mentioned include conserving, restoring, or enhancing populations of particular species and habitats. This development is subject to the general duty outlined above.

The site is occupied by an existing refreshment building and outside seating. The proposal is essentially an enlargement and enhancement of the existing use of the site and will not result in the loss of any habitat.

Having regard to the baseline situation on site together with the scale and nature of the development, no material harm to ecology or biodiversity will occur.

Biodiversity net gain

Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. The minimum requirement is for a 10% net gain in biodiversity value achieved on a range of development proposal. This excludes applications which are below the threshold i.e. does not impact a priority habitat and impacts less than 25 sq.m of habitat, or 5m of linear habitats such as hedgerow).

In this instance, the application is excluded falling under the exemption thresholds.

Conclusion

In conclusion, this development is considered to accord with policy and legislation requirements in consideration of the impacts on ecology interests.

7. Representations

Parish Council Comments:

St Osyth Parish Council objects to the application and supports the objections raised by the residents of Point Clear Bay (officer comments included in italics):

- If the LPA is minded to approve, all deliveries should be internal, or via the delivery/service vehicular access on Eastern Way, as per the approval granted on 6th August 2021, in respect of 21/00831/LUEX, so as not to increase traffic, especially HGV deliveries, on Colne Way.

The agent has confirmed that all deliveries associated with the proposed unit will be via the established access (see email received on 30.01.2025 and scanned to the file as 'Agent Response to Officer Questions').

Letters of Objection:

10 letters of objection have been received. The concerns and comments raised can be summarised and addressed as follows (officer response in italics):

- Additional traffic movements / deliveries will cause additional disturbance and further damage to the already poor state of the roads.
- Exacerbate existing congestion problems.
The established access will be used. The proposal will not result in a material increase in traffic movements. ECC Highway Authority raise no objection. Private Roads are not maintained by ECC Highway Authority.
- Enough food outlets on site - no further outlets needed.
The Local Planning Authority are required to assess and determine planning applications as submitted. There is no ceiling on development or restriction on the number of food outlets or other amenities. Every application is dealt with on its own merits.
- Will exacerbate litter problems.
- Waste bins are not managed properly and cause vermin.
- Litter endangers the surrounding environment causing harm to wildlife and biodiversity.
The agent has provided amended plans to show the number and position of the waste bins to serve the development. Litter and vermin issues are not covered by planning legislation. Any concerns over environmental issues need to be reported to the Council's Environmental Protection Team.
- It will attract more Anti-Social Behaviour.
Any anti-social behaviour is a police matter and should be reported as needed.
- Smells and air pollution.
Consultation has been undertaken with the Council's Environmental Protection Team who raise no objections subject to a suitable noise assessment and the installation of any mitigation measures required to ensure no material harm to the environment or neighbouring amenities will result. This will be covered by suitably worded, pre-commencement conditions (agreed by the agent).
- Goes against residents' environmental protection plans for Point Clear Bay.
Officers are not aware of any established policy or local planning guidance document.
- No site notice or expiry date showing on the planning application.
The site notice was erected at the front entrance of the site, expiring on 31st January 2025.
- Hours of operation.
This is provided within the accompanying application form. The Noise Report requirement will assess the impact of the development during the hours proposed.
- Holiday visitors only.
The agent has confirmed this (see email received on 30.01.2025 and scanned to the file as 'Agent Response to Officer Questions').

- Will exacerbate surface water flooding and drainage issues.
- Would put pressure on the already poor drainage system.
The application is accompanied by the appropriate Flood Risk Assessment and management plan. The Environment Agency raise no objection subject to compliance (secured by condition).
- The proposal may involve the use and storage of hazardous substances.
Substances associated with food preparation are not considered hazardous and the Council's Environmental Team raise no objection.

Comments in support:

Welcome any development that makes the environment a better place and helps a business Grow (subject to all other concerns being addressed).

8. Conclusions & Recommendation

The planning application proposes an expansion to the facilities at a safeguarded holiday park, supported by Local Plan policy. Through the imposition of appropriately worded conditions securing appropriate ventilation and extraction, a noise assessment and any appropriate mitigation, the application is recommended for approval.

8. Recommendation

Approval - Full

9. Conditions

1. COMPLIANCE: TIME LIMIT

CONDITION: 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. COMPLIANCE: APPROVED PLANS AND 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.

- 2293-TO-001 Site Plan - received 02.12. 2024
- 2293-TO-013 Floor Plans and Elevations - received 02.12.2024
- 2293-TO-010 2 Amended Proposed Block Plan - received 30.01.2025
- Flood Risk Assessment ref. 24773-GAP-XX-XX-RP-C-0001 - received 02.12.2024
- Additional information received via email dated 30 January 2025

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

3. FURTHER APPROVAL: NOISE AND ODOUR IMPACT ASSESSMENT

CONDITION: Prior to installation of any plant/machinery/ventilation/air conditioning/extraction equipment, including any replacements of such, full details including location, acoustic

specifications, and specific measures to control noise and odour from the equipment, shall be submitted to and approved in writing by the Local Planning Authority.

These details shall be accompanied by a formal Noise Impact Assessment performed by a suitably and relevantly qualified / competent person. The assessment shall be made in accordance with the current version of British Standard 4142. The noise levels shall be determined at all boundaries near to noise-sensitive premises, taking account of the approved opening hours detailed within Condition 4 of this permission.

Confirmation of the findings of the assessment and full details of any mitigation measures shall be submitted to and approved in writing by the Local Planning Authority.

The equipment, and any identified mitigation measures, shall be installed, used and maintained in accordance with the manufacturer's instructions thereafter in full accordance with the approved details.

REASON: To ensure compliance with the relevant standards and guidelines and to protect the amenity of nearby occupants.

4. COMPLIANCE: OPENING HOURS

CONDITION: The hereby permitted use shall only operate between the hours of:

- 11:30 to 23:00 daily

There shall be no deliveries to the use arranged for outside of these approved hours.

REASON: To enable the Local Planning Authority to retain control over the development in the interests of residential amenity within close proximity.

NOTE/S FOR CONDITION:

1) This condition shall engage and restricts the operation of the development from the first commencement of the use. This condition is imposed to ensure the development avoids unreasonable impact on the residential amenity of neighbouring dwellings, especially given the location of the development with considerations to the prevailing character and amenity currently enjoyed in this location. Without the imposing of this condition, the development would be refused due to the risk of harm and this condition is considered necessary, enforceable and reasonable in all other respects. This condition as detailed will apply to the development at all times unless varied or removed legally.

2) If the development operates outside of the hours stated this may result in unlawful development/use at risk of Enforcement Action. You are encouraged to discuss any concerns with this condition with the Local Planning Authority.

5. FURTHER APPROVAL: CONSTRUCTION MANAGEMENT TO BE AGREED

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) Confirmation of the hours of operation on the site. 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 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.
- 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 wheel and underbody washing facilities to be provided and used at the site.
- e) Details of any protection measures for footpaths and trees surrounding the site.
- f) Details of any means of access to the site during construction.
- g) Details of the scheduled timing/phasing of development for the overall construction period.
- h) 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.
- i) Details of the siting of any on site compounds and portaloo's.
- j) Details of the method of any demolition to take place, including the recycling and disposal of said materials resulting from demolition.
- k) Site waste management plan (that shall include reuse and recycling of materials) and the prohibition of the burning of materials on the site.
- l) Scheme for sustainable construction management to ensure effective water and energy use.
- m) A scheme to control noise and vibration during the construction phase, including details of any piling operations. If piling is to be carried out on the site a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents shall be provided.
- n) Scheme of review of complaints from neighbours.
- o) Registration and details of a Considerate Constructors Scheme.

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 in adverse harm to neighbouring residents' amenities.

10. Informatives

Positive and Proactive Statement

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

11. Equality Impact Assessment

In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected

characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

12. Notification of Decision

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
Has there been a declaration of interest made on this application?	YES	NO