



**REPORT of
CHIEF EXECUTIVE**

to
**CENTRAL AREA PLANNING COMMITTEE
20 SEPTEMBER 2017**

Application Number	FUL/MAL/17/00865
Location	Happy Days Caravan Park, Goldhanger Road, Heybridge, Essex
Proposal	Vary condition 2 on approved application F/MAL/514/93 (Retention of consent ref: MAB/111/60 without compliance with condition 1 to allow) Vary condition of planning permission to extend the permitted holiday season to 11.5 months
Applicant	Mr & Mrs Peter Norburne - Happy Days Caravan Park
Agent	N/A
Target Decision Date	29.09.2017
Case Officer	Yee Cheung, TEL: 01621 876220
Parish	HEYBRIDGE EAST
Reason for Referral to the Committee / Council	Member Call In

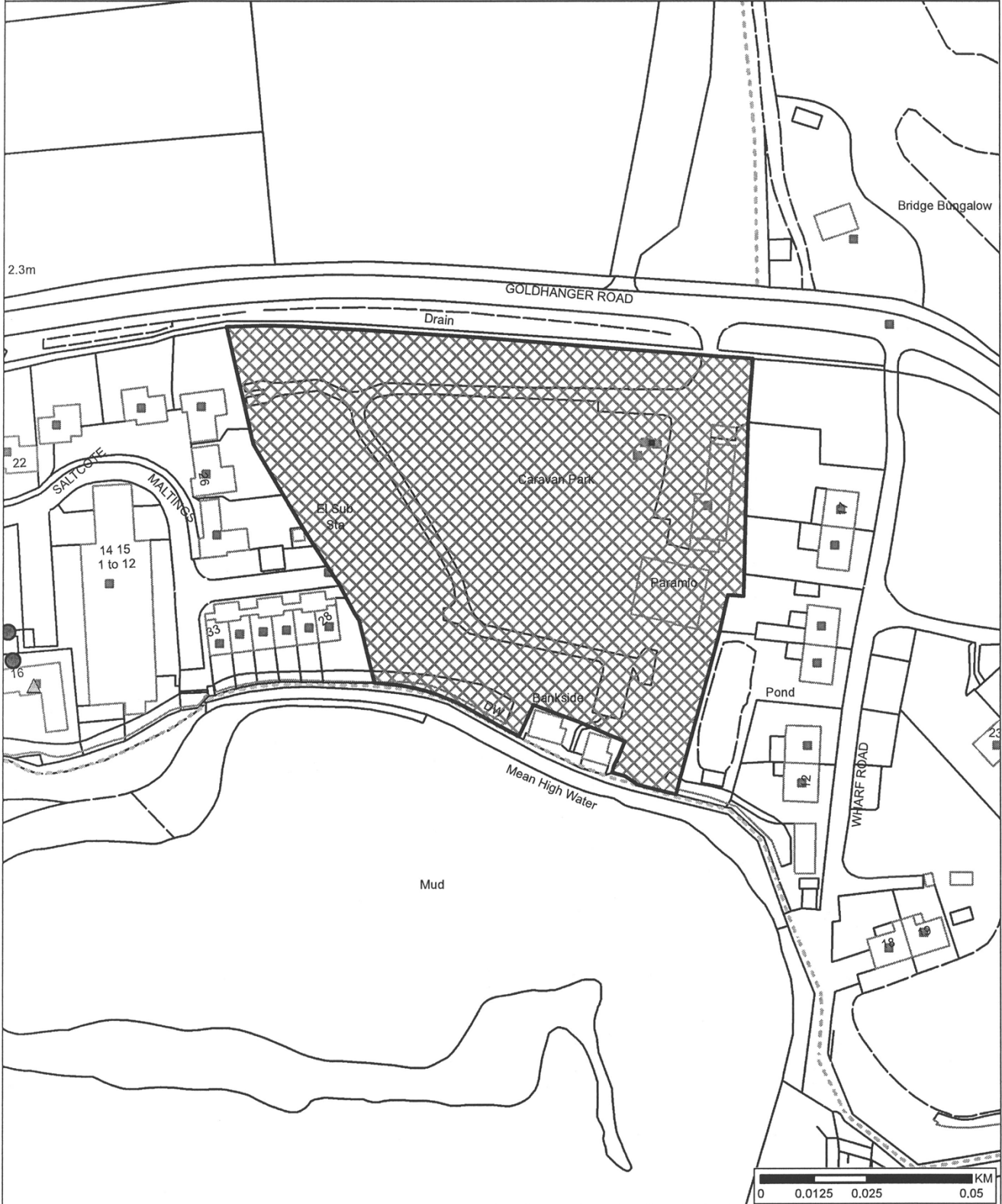
1. RECOMMENDATION


APPROVE subject to the conditions (as detailed in Section 8 of this report).

2. SITE MAP

Please see overleaf.

Happy Days Caravan Park - Goldhanger Road
 Heybridge FUL/MAL/17/00865



 <p>Copyright For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</p>	Scale:	1:1,250
	Organisation:	Maldon District Council
	Department:	Planning Services
	Comments:	Central Committee
	Date:	07/09/2017
www.maldon.gov.uk	MSA Number:	100018588

3. SUMMARY

3.1 **Proposal / brief overview, including any relevant background information**

3.1.1 Happy Days Caravan Park is located to the south of Goldhanger Road and to the north of the River Blackwater outside of a defined settlement boundary, located east of Heybridge, north of Heybridge Basin and west of Goldhanger. There is a National Cycle Route which runs parallel to the northern boundary and a public footpath to the southern boundary of the site. Beyond the public footpath, is the Blackwater Estuary where it is designated as Special Areas of Conservation (SAC), a Site of Special Scientific Interest (SSSI) and an internationally recognised RAMSAR site. The site also lies in an area of flood risk.

3.1.2 The application site is approximately 0.95ha and is occupied by 30 static caravans, a two storey dwelling, single storey office and workshop, minor access ways and open grassed areas. Access to the site is via the B1026 Goldhanger Road.

3.1.3 Planning permission is sought to vary Condition 2 of extant permission MAL/514/93 which relates to the season which the caravan park operation can function.

Condition 2 of MAL/514/93 currently reads:

“The caravans shall not be used for human habitation between 30th November in any one year and 1st March in the following year.”

3.1.4 The reason for the imposition of this planning condition is that the site is within an area where it is the policy of the planning authority to prevent permanent residential use. Planning permission is given in this instance for holiday use only.

3.1.5 It is proposed to vary the condition to read:

“This application is to vary condition of planning permission to extend the permitted holiday season to 11.5 months. This would include the Christmas and New Year period as part of the holiday season.”

3.1.6 This planning application is a resubmission following a recent refusal of planning application: FUL/MAL/16/00491. The application was to vary Condition 2 on approved planning permission FUL/MAL/93/00514 and was refused for the following reasons:-

1 ‘The closure of the park for a period of only 14 days is not a sufficient deterrent to prevent users from having their primary residency within the site. The use of the site for permanent residential accommodation is objected to because the site is remote from services and facilities, and would encourage reliance on the private car for journeys; the site is also in an area at high risk of flooding and fails the sequential and exception test as set out within the National Planning Practice Guidance. The proposal is contrary to policies S2, H1 and CON5 of the adopted Maldon District Replacement Local Plan and policies S1, H4 and D5 of the emerging LDP and guidance contained within the NPPF.’

2 *‘The submitted Flood Risk Assessment is inadequate; failing to a suitable basis for assessment to be made of the flood risks arising from the proposed development. On this basis, the application fails to comply with CON5 of the Maldon District Replacement Local Plan, Policy D5 of the submitted Local Plan and the National Planning Policy Framework.’*

3.1.7 The current application seeks to address the above reasons for refusal.

3.2 Conclusion

3.2.1 It is considered that there is no objection to the principle of extending the opening season for the caravan for holiday purposes and there are no flood risk, ecology, residential amenity or highway issues in accordance with policy E5 of the Maldon District Local Development Plan (LDP) and Government advice contained in the National Planning Policy Framework (NPPF). Further, this approach of extending the opening season for the caravan for holiday purposes would be in line with caravan sites such as Mill Beach Caravan Park, Osea Caravan Park and Eastland Meadows where such consent has been granted by the Council and the Planning Inspectorate.

4. MAIN RELEVANT POLICIES

Members’ attention is drawn to the list of background papers attached to the agenda.

4.1 National Planning Policy Framework 2012 including paragraphs:

- 7, 8, 14, 17, 94, 99, 100, 102, 103, 109

4.2 Maldon District Local Development Plan approved by the Secretary of State:

- Policy S1 - Sustainable Development
- Policy S7 - Prosperous Rural Communities
- Policy S8 – Settlement boundaries and the Countryside
- Policy D1 – Design Quality and Built Environment
- Policy D5 – Flood Risk and Coastal Management
- Policy E5 – Tourism
- Policy H4 - Effective Use of Land
- Policy N2 - Natural Environment and Biodiversity
- Policy T2 – Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Guidance (NPPG)
- National Planning Policy Framework (NPPF)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The application site has an established use as a caravan park for holiday purposes. Therefore, the general principle of development has already been accepted. The main issue in this application is whether the varying of Condition 2 and extending the opening season to 11.5 months would impact on the Council's ability to prevent permanent occupation of the caravan site in the interests of protecting the countryside and restricting unsustainable development in rural areas; and maintaining the tourism nature of the site.
- 5.1.2 Within the National Planning Policy Framework (NPPF) there is a presumption in favour of sustainable development (the 'presumption') which is central to the policy approach in the Framework, as it sets out the Government's changes to the planning system and emphasises the need to plan positively for appropriate new development. The NPPF replaces Local Plan policies that do not comply with the requirements of the NPPF.
- 5.1.3 It is necessary to assess whether the proposed development is 'sustainable development' with regard to three dimensions defined in the NPPF, which are an economic, social and environmental role. If the site is considered sustainable then the NPPF's 'presumption in favour of sustainable development' applies.
- 5.1.4 Section 3 of the NPPF seeks to support a prosperous rural economy. This includes '*supporting sustainable rural tourism and leisure developments that benefit businesses in rural areas*'. There is limited guidance contained in the NPPF and NPPG on tourism and the Good Practice Guide on Tourism, withdrawn on 7 March 2014, has now been replaced by the national guidance in the National Planning Practice Guidance.
- 5.1.5 The existing use of the site would offer benefits to the local economy from tourism and the potential increase in the number of visitors to the area. The proposed increase in opening times would provide possible benefits from an economic perspective, as it would allow additional visitor trips to the site and the District, throughout the year, which could increase footfall to local shops and services during these times. This would be of benefit from a sustainability perspective.
- 5.1.6 In environment terms, the impact of the proposal on the locality is examined below. Regard must also be given to the designations in the Estuary and any impact that could result to the important nature conservation sites, if planning permission were granted.
- 5.1.7 From a social perspective, the proposal would help to meet needs of current and future generations, specifically tourists, and with increased economic benefits, could assist in creating a high quality built environment in the Maldon and Heybridge area.
- 5.1.8 In terms of sustainability, the site is located in a rural location but this is an existing caravan park on site which is operational and provides benefits to the local tourism economy of the District.

5.2 Tourism Considerations

- 5.2.1 Policy E5 of the Local Development Plan (LDP) seeks to support tourism providing there is a need, there are good connections to other tourist destinations, and there would be no significant impact on the character and appearance of the area, and the natural and historic environment. The policy is silent on caravan site uses and their occupation.
- 5.2.2 In previous planning applications where the proposals were to vary or to extend the period of opening on caravan parks and were approved, the material considerations were based on the appeal decision at Eastland Meadows where the Planning Inspector had allowed an all year round occupancy for the site subject to conditions. Since that appeal decision, this approach was taken when considering similar applications at Mill Beach Caravan Park and Osea Caravan Park where they both applied to extend their period of opening. Whilst there are no specific policies relating to caravan sites, in terms of the policy requirements, these do need to be considered fully in order to ensure that there is no impact on the local environment, any protected habitats, conservation sites or wildlife, and to ensure that the site is appropriately connected to nearby sites.
- 5.2.3 No demonstrable need for the proposal has been expressed in the planning application. In the planning statement submitted in support of the application, it states that the variation of condition would be in line with the industry standard, to keep the business competitive, viable and adapt to market trends, reflective of the requests of caravan and site users and to reflect other sites in the area from, effectively, a competition perspective. However, the site has good connections to other tourism facilities in the immediate area including other caravan parks, local amenities and tourist attractions such as Heybridge Basin and the Promenade Park at Maldon which is supported by the policy.
- 5.2.4 In the previous application FUL/MAL/16/00491, the Council was not convinced that the closure of the site for a period of 14 days would prevent the caravans from being used for permanent residential accommodation. In this resubmission, the Applicant has submitted supporting information to demonstrate that there are other caravan sites across the district where extending the holiday seasons has been accepted by the Council. As such, it is considered that the proposal would be broadly in line with the policy approach, and subject to the imposition of planning conditions similar to those which have been imposed in other planning applications at Mill Beach (reference: FUL/MAL/14/01030 - Approved on 13 April 2015), Osea Leisure Park (reference: 14/00264/FUL - Approved on 26 June 2014) and Eastland Meadows (reference: APP/X1545/A/09/2102289 – Allowed on 14 September 2009), would be considered acceptable in accordance with policy E5 of the LDP and Government advice contained in the NPPF. Also, this has addressed the first reason for refusal under application FUL/MAL/16/00491. These decisions are considered to carry more weight than the 2010 decision that formed the basis for the determination of planning application FUL/MAL/16/00491.

5.3 Occupancy Considerations

- 5.3.1 Historically, within the District, tourism accommodation sites such as caravan parks are controlled through the use of planning conditions to prevent permanent residential

usage of the site and in the interests of flood risk and to limit the impact upon ecology, where sites are located adjacent to protected wildlife areas which involve bird assemblages. Caravan parks have had seasonal occupancy conditions with sites across the District having an opening period between 1 March and 31 October or 30 November. In the past, the Council had relied on policy REC20 contained in the Maldon District Replacement Local Plan which occupation restrictions should be applied to such use. The national Good Practice Guide for Tourism was also a useful tool in determining such applications. However, this has since been superseded by the National Planning Practice Guidance (NPPG).

- 5.3.2 Since 2009, there has been a Planning Inspector's appeal decision and two approvals from the Council for the extension of holiday seasons on caravan parks across the Maldon District. These sites were subjected to planning conditions requiring the site to be used for holiday purposes only, that the accommodation is not used as a person's sole / main residence, and that an up to date register is maintained.
- 5.3.3 With regard to any concerns over permanent residential use of the site beyond holiday use, this would result in a breach of the planning conditions which the Council could take future enforcement action against.

5.4 Design and Impact on the Character of the Area

- 5.4.1 The NPPF advises on good design and in paragraph 56 states that:

'The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.'

- 5.4.2 Such design principles are dealt with by local plan policy D1 of the Local Development Plan which seeks to ensure that new development is compatible with its surroundings in terms of design, scale, layout, appearance and architectural style, and make a positive contribution to the landscape and open countryside. It should be noted that design is not just about how buildings will appear visually but also how buildings function and relate to their surroundings, with regard to sustainable development.
- 5.4.3 Furthermore, the core planning principles of the NPPF includes recognition of the intrinsic character and beauty of the countryside. Paragraph 109 of the NPPF advises that valued landscapes should be enhanced and protected. Local Development Plan policy H4 is also considered relevant to this application as it seeks to ensure that no harm is caused to the landscape character of the locality of the application site.
- 5.4.4 The proposal would make use of an existing caravan site which is currently restricted in terms of opening times. The physical appearance of the site does not change when the site is closed. The only noticeable difference is the level of activity within the site. Evidently, allowing extended opening times would increase the activity taking place at the site during, what is currently, closed times of the year. However, this would not increase the visual impact of the development site on the character and appearance of the wider locality. Therefore, the proposal would not be considered to conflict with the aforementioned policies.

5.5 Flood Risk

- 5.5.1 The NPPF provides the most up to date policy when assessing flood risk. Policy D5 of the Local Development Plan also provides local flood risk considerations and seeks to direct development to the lower risk flood zones.
- 5.5.2 The application site falls within flood zone 3a defined by the ‘Planning Practice Guidance: Flood Risk and Coastal Change’ as having a high probability of flooding. The proposal is to extend the occupancy period of the holiday caravan park to 11.5, which is the highest flood risk zone. The Planning Practice Guidance (PPG) indicates that a seasonal / holiday caravan site would fall within the ‘more vulnerable’ classification and requires the Sequential and Exception Tests to be applied for the extended opening period.
- 5.5.3 The Sequential Test aims to steer new development to areas with the lowest probability of flooding and into flood zone 1 and, where there are no reasonably available sites within zone 1, consider reasonably available sites in flood zone 2, taking into account flood risk vulnerability of land uses. It is only when there is no reasonably available land within flood zone 1 or 2 that sites can be considered in flood zone 3 and subject to passing the Exceptions Tests.
- 5.5.4 There are no allocated caravan parks in the LDP at a lower risk of flooding. Traditionally caravan parks are often found adjacent to the coastline, particularly in this District, due to the coastal leisure and tourism appeal. As there are no allocated or other sites in a lower flood risk area and as the proposal involves the extension of existing occupation periods for the site, this part of the proposal is considered acceptable in regard to the Sequential Test.
- 5.5.5 In terms of the Exceptions Test, the existing facility will offer wider economic and sustainability benefits to the community. This is a material consideration. A Flood Risk Assessment (FRA) has been submitted, along with a topographical survey of the site at the request of the Environment Agency. No objection has been received from the Environment Agency, although the Council is requested to have due regard to the vulnerability of use, including that in the event that the caravans become permanently occupied.
- 5.5.6 A Flood Warning and Evacuation Plan has been submitted as part of the FRA. The Emergency Planner has considered the Flood Warning and Evacuation Plan and has raised no objection to the proposal providing that this is adhered to in the event of a flood. A condition would be considered suitable to ensure this takes place. This would be considered essential given the proposed extended opening times of the facility and the increased vulnerability of site users associated with winter months and poor weather. It is recognised that a similar condition has been imposed on other sites which have sought extended opening hours and this would be considered essential to ensuring the safety of all users of the site.
- 5.5.7 In the previous planning application FUL/MAL/16/00491, the Environment Agency had objected to the proposal as the Flood Risk Assessment submitted at the time was inadequate. In this current application, the Environment Agency has raised no objection to the proposal. This has addressed the second reason for refusal under application FUL/MAL/16/00491.

5.6 Impact on Residential Amenity

- 5.6.1 Policy D1 of the Local Development Plan advises that all new development must protect the amenity of surrounding areas by taking into account privacy, overlooking, noise, smell, light, visual impact, pollution daylight and sunlight.
- 5.6.2 A letter of representation was received objecting to the proposal. The main reason for objection related to the position of a particular caravan and its close proximity to the shared boundary of a residential property at Saltcote Maltings. It is important to note that this planning application is to extend the period of opening and not for the positioning of the caravans. It is understood that caravans have to be positioned at a certain distance away from boundaries and from each other and are dealt with by other legislations that the owner / operator of the site has to comply with. Providing that there are sufficient distances between the caravans and the shared boundary with the residential properties at Saltcote Maltings and appropriate boundary treatment reinstated, it is not considered that the proposal would cause harm to the existing occupiers at Saltcote Maltings to warrant refusal in accordance with policy D1 of the LDP.

5.7 Access, Parking and Highway Safety

- 5.7.1 There will be no changes to the existing site access and routes through the site. The existing site access and routes would be utilised during the extended opening times proposed. The existing parking arrangements at the site would also be utilised. Evidently, the increased use of the site would generate more traffic and activity during currently closed periods including Christmas and New Year. However, this increased level of traffic can be accommodated on the main road networks from the site and in the locality. The proposal would therefore not be considered to raise any highway safety implications. The Highway Authority was consulted but no reply has been received at the time of writing this report.

5.8 Nature Conservation

- 5.8.1 Paragraph 109 of the NPPF states that *'the planning system should contribute to and enhance the natural and local environment by..... recognising the wider benefits or ecosystem services.....and minimising impacts upon biodiversity and providing net gains in biodiversity where possible'*. Further, policy N2 of the Local Development Plan states that *'to protect the District's natural environment and bio-diversity, developments should not have a detrimental impact on sites of ecological significance both in terms of quantity, quality and connectivity'*.
- 5.8.2 The application site shares a boundary with the seawall where the seaward side of the seawall provides wildlife areas recognised through national and international legislation as SSSI, SPA and Ramsar site. The site is outside of these protected areas. The extended opening period for the caravan park could potentially result in more noise and disturbance upon the neighbouring wildlife areas. Natural England has been consulted, but no response has been received at the time of writing this report. However, having checked the previous planning application FUL/MAL/16/00491, it is noted that Natural England had considered the location, use of the site and over-wintering birds, but had not expressly objected to the proposal. It is considered that a similar response from Natural England would be appended to this current

application. The Council's Coast and Countryside Officer (Leisure Services) has also been consulted, but no response has been received to date. Any comments received will be presented to Members either by Members' Update or verbally at the area planning committee. As this was not a reason for refusal of application FUL/MAL/16/00491, it is considered unlikely that an objection would be raised to this application by either consultee.

6. ANY RELEVANT SITE HISTORY

- **MAB/111/60** – Change of use for seasonal use as a caravan site, season 1 April to 31 October. Approved 18 May 1961.
- **FUL/MAL/91/00675** - Extension to existing clubhouse. Approve: 01.10.1991.
- **FUL/MAL/93/00514** - Retention of consent ref: MAB/111/60 without compliance with Condition 1. Approved: 21 October 1993.
- **OUT/MAL/98/00705** - Proposed residential development. Refused: 04 November 1998.
- **OUT/MAL/01/00110** - Demolition of existing buildings and ancillary structures. Removal of caravans and redevelopment of the site with 3 no. single-storey dwellings, 5 no. two-storey dwellings and 8 no. flats in two, double storey blocks. Provision of open space buffer to estuary. Refused: 28 June 2001. Appeal Dismissed on: 22 January 2002.
- **FUL/MAL/05/01364** - Variation of condition 1 imposed upon Planning Permission MAB/111/60 to allow occupation of one unit for warden/caretaker on a permanent basis. Refused: 03 March 2006.
- **FUL/MAL/06/01025** - Demolition of existing two storey house, single storey clubhouse and chalet. Erection of new house and garage. Approved: 21 November 2006.
- **FUL/MAL/07/00393** - Refurbishment of existing shop and new pitched roof, change of use to equipment store and site office. Approved: 23 May 2007.
- **FUL/MAL/08/01192** - Variation to condition 8 of FUL/MAL/06/01025 requiring construction details to demonstrate the building can withstand hydrodynamic and hydrostatic pressures from a flood event. Refused: 22 December 2008.
- **FUL/MAL/10/00569** - Addition of a window in the attic of the east wing. Approved: 13 September 2010.
- **HOUSE/MAL/13/01076** - Proposed extension to dwelling to the side. Approved: 13 January 2014.
- **FUL/MAL/16/00491** - Variation of condition 2 on approved planning permission FUL/MAL/93/00514. Refused: 29 June 2016.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Heybridge Parish Council	No comments received at the time of writing this report	Any comments received will be reported on the Members' Update.

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Environment Agency	No objection to this planning application, providing that the Council have taken into account the flood risk considerations which are the Council's responsibility.	Noted
Natural England	No comments received at the time of writing this report	Any comments received will be reported on the Members' Update.
Highway Authority	No comments received at the time of writing this report	Any comments received will be reported on the Members' Update.

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Emergency Planner	The information contained within the flood warning and evacuation plan is sufficient and if used as intended in the event of a flood incident should facilitate a safe evacuation.	Noted.
Environmental Health Service	No objection subject to conditions to avoid a holiday site being used for residential purposes or temporary accommodation other than holiday use.	Noted – Planning Conditions.

7.4 Representations received from Interested Parties (*summarised*)

7.4.1 Letters were received **objecting** to the application from the following and the reasons for objection are summarised as set out in the table below:

- Alan Williams 26 Saltcote Maltings Heybridge Maldon

Objection Comment	Officer Response
One caravan is sited too close to 26 Saltcote Maltings and seriously impacts the enjoyment and use of our garden and home. By extending the holiday season 11.5 months would be distressing as the only respite and relief from this unwanted and distressing intrusion is during the 3 months when the site is closed.	Noted in report.

7.4.2 Letters were received **in support** of the application from the following and the reasons for support are summarised as set out in the table below:

- Mr Robinson, 15 Wharf Road, Heybridge, Essex

Supporting Comment	Officer Response
Cannot see a reason why Happy Days Caravan Park cannot extend their season to 11.5 months	Noted.

8. PROPOSED CONDITIONS

1. No caravans shall be occupied between 15 February and 1 March in any calendar year.
REASON: To ensure that the caravans remain in holiday use and to prevent permanent residential occupation having regard to the guidance and provisions of the National Planning Policy Framework, and policies S1, S8, D1, D5, E5 and T2 of the Maldon District Local Development Plan.
2. The caravans hereby permitted shall be occupied for holiday purposes only.
REASON: To ensure the use of the site is appropriate to the locality in this rural coastal location in high risk flood zone and to prevent permanent residential occupation of the caravans having regard to the guidance and provisions of the National Planning Policy Framework, and policies S1, S8, D1, D5, E5 and T2 of the Maldon District Local Development Plan.
3. No caravans shall be used as a person's sole or main place of residence. The owners / operators shall maintain an up to date register of the names of all owners / occupiers of caravans on the site and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority for inspection.
REASON: To ensure the use of the site is appropriate to the locality in this rural coastal location in high risk flood zone and to prevent permanent residential occupation of the caravans having regard to the guidance and provisions of the National Planning Policy Framework, and policies S1, S8, D1, D5, E5 and T2 of the Maldon District Local Development Plan.

4. The measures contained within the Flood Warning and Evacuation Plan (as prepared by Happy Days Caravan Park Document C dated July 2017) shall be fully implemented and in place prior to the permission being implemented. The measures contained within Flood Warning and Evacuation Plan shall be applicable as such thereafter.

REASON: To ensure the appropriate measures are in place, in the event of a flood, to protect those utilising the site in accordance with the guidance and provisions of the National Planning Policy Framework, the National Planning Practice Guide and policy D5 of the Maldon District Local Development Plan.