



**REPORT of the  
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

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to  
**SOUTH EASTERN AREA PLANNING COMMITTEE  
12 FEBRUARY 2018**

<b>Application Number</b>	<b>FUL/MAL/17/01440</b>
<b>Location</b>	Waterside Holiday Park Main Road St Lawrence Essex CM0 7LY
<b>Proposal</b>	Variation of occupancy condition on planning permission MAL/652/80 (Change of use to static caravan site for holiday purposes) granted on appeal APP/5217/C/81/2488.
<b>Applicant</b>	Mr. E English
<b>Agent</b>	Mr. Mark Jackson - Mark Jackson Planning
<b>Target Decision Date</b>	15.02.2018
<b>Case Officer</b>	Spyros Mouratidis, TEL: 01621 875841
<b>Parish</b>	<b>ST. LAWRENCE</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In

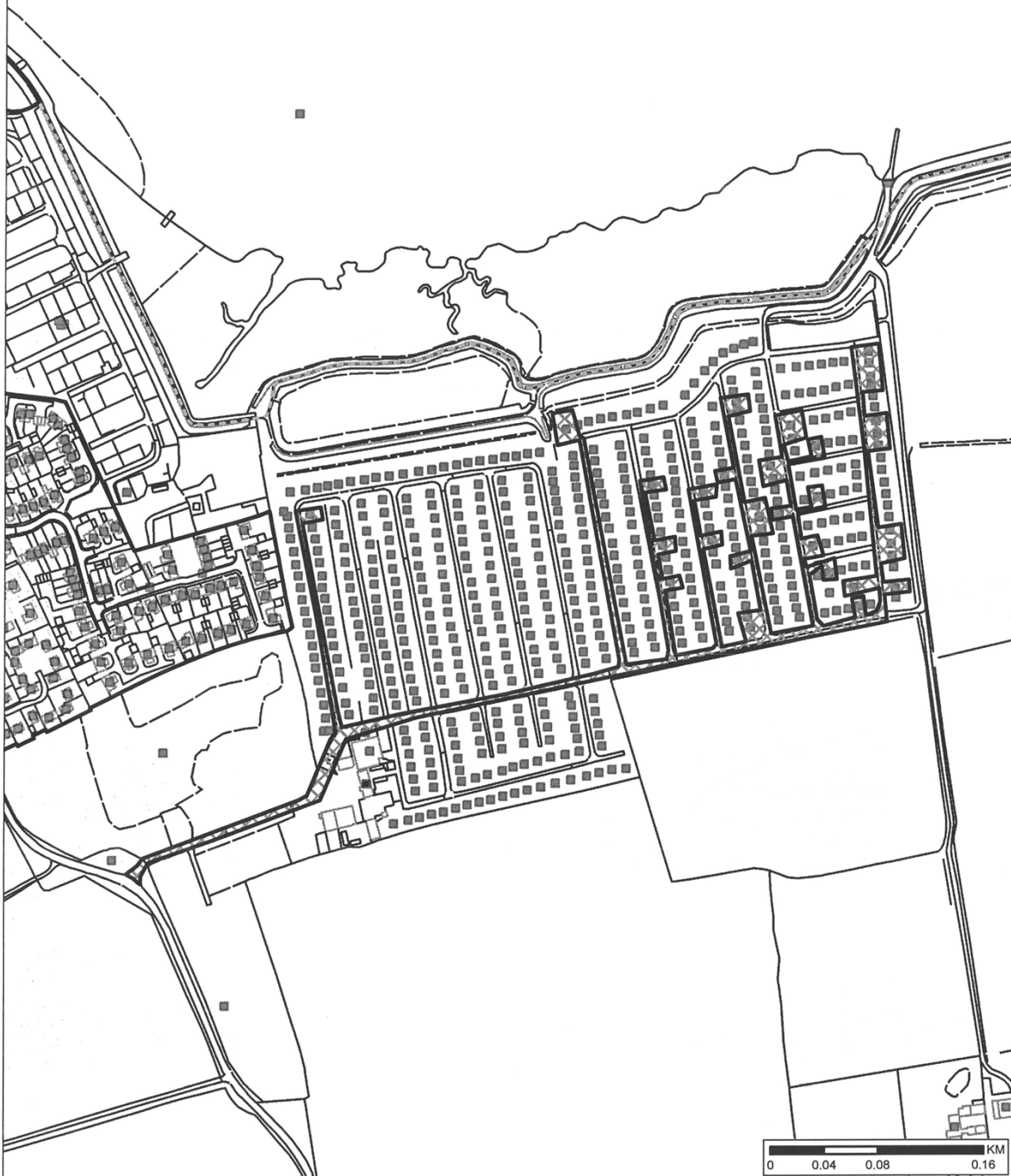
**1. RECOMMENDATION**

**APPROVE** for the reasons as detailed in Section 8 of this report.

**2. SITE MAP**

Please see overleaf.

**Waterside Holiday Park - Main Road**  
**St Lawrence FUL/MAL/17/01440**



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 Maldon District Council 100018588 2014

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Scale: 1:4,000

Organisation: Maldon District Council

Department: Planning Services

Comments: South East Area Committee

Date: 31/01/2018

MSA Number: 100018588

### **3. SUMMARY**

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

- 3.1.1. The application has been submitted to the Local Planning Authority under S.73 of the Town and Country Planning Act 1990 to vary the condition imposed to planning permission MAL/652/80. With the variation of the condition permission is sought for the continuation of use of the land as a caravan site with an extended occupancy season of nine months instead of seven months. The current restriction on the application site is for the use to be allowed between 1<sup>st</sup> April and 31<sup>st</sup> October inclusive (seven months) while the proposal is to allow the use between 1<sup>st</sup> March and 30<sup>th</sup> November inclusive (nine months).
- 3.1.2. The application site comprises thirty-eight (38) plots occupied by static caravans within the land known as Waterside Holiday Park, a caravan site off of Main Road in St. Lawrence. The application site lies outside of any defined development boundaries, within a flood risk zone. It should be noted that part of the land known as Waterside Holiday Park was granted permission under S.73 of the Act in 2003 to be used for nine months 1<sup>st</sup> March and 30<sup>th</sup> November inclusive. Within the planning statement it is claimed that the application has been submitted to bring the application site in line with the limitations imposed on other parts of the caravan park.

#### **3.2. Conclusion**

- 3.2.1. As the application relates solely to the extension of the occupancy period for plots within an existing and established caravan park and the extended period would not fall within the core months for the overwintering bird season, it is considered that the proposal is acceptable and in line with policies S1, S7, S8, D1, D2, D5, E5, H4, N2, T1 and T2 of the Local Development Plan (LDP) as well as guidance contained within the National Planning Policy Framework (NPPF).

### **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:**

- 14 Presumption in favour of sustainable development
- 17 Core planning principles
- 28 Supporting a prosperous rural economy
- 93 - 108 Meeting the challenge of climate change flooding and coastal change
- 109 - 125 Conserving and enhancing the natural environment
- 186 - 187 Decision-taking
- 196 - 198 Determining applications

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

- S1 Sustainable Development
- S7 Prosperous Rural Communities
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- D5 Flood Risk and Coastal Change
- E5 Tourism
- N2 Natural Environment and Biodiversity.
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

**4.3. Relevant Planning Guidance / Documents:**

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

**5. MAIN CONSIDERATIONS**

**5.1. Principle of Development**

- 5.1.1. The Waterside Holiday Park is a well-established tourist facility on the south bank of the Blackwater River. Like other caravan parks close to the coast the site is subject to restrictions on the use of the park accommodation during the winter months. Policy N2 of the LDP states that where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted. In this instance, the proposal is for the extension of the occupancy period for the caravans by two months but outside of the core overwintering period for birds. Therefore, any adverse effects are not anticipated to arise from the proposal. This matter will be further discussed in the following sections of the report.
- 5.1.2. Furthermore, policy E5 of the LDP states that the Council will support developments which contribute positively to the growth of local tourism in a sustainable manner and realise opportunities that arise from the District's landscape, heritage and built environment. It is considered that the principle of the proposal would be in line with policy E5 as the extension of the occupancy period would contribute to the local tourism.
- 5.1.3. In terms of flooding, the proposal would not result in any additional risk. As such, the proposal is considered acceptable in principle. Other material planning considerations will be discussed in the following sections of this report.

## **5.2. Design and Impact on the Character of the Area**

- 5.2.1. The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development. These principles have been incorporated into policy D1 of the LDP.
- 5.2.2. The proposal will extend the occupancy period for some plots located within an established and existing caravan park. Therefore, the proposal would not alter the character and appearance of the area in any material way. On this basis the impact of the proposal upon the character and appearance of the area is acceptable.

## **5.3. Impact on Residential Amenity**

- 5.3.1. The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.3.2. The nature of the proposal is such that it would not alter the relationship of the plots with their neighbouring plots and as such there would be no detrimental impact upon the amenity of the neighbouring users.

## **5.4. Access, Parking and Highway Safety**

- 5.4.1. Policy T2 pursues to create and maintain an accessible environment. The proposal would not alter the highway access or parking arrangements. Furthermore, as this is an established use on the land, the extension of the occupancy period for thirty-eight plots is not considered to create any significant additional traffic. On this basis, the proposal is considered acceptable in terms of access, parking and highway safety.

## **5.5. Private Amenity Space**

- 5.5.1. Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. The proposal would not alter the physical dimensions of the plots or the caravans occupying them. As such there are no objections in terms of private amenity space. In any case, the land is a caravan site and sitting conditions to allow sufficient space between the caravans are imposed through the licensing control.

## **5.6. Flood Risk**

- 5.6.1. The application site is located within Flood Zone 3a, defined by PPG as having a high probability of flooding. Policy D5 of the LDP, in line with national policy, provides local flood risk considerations and seeks to direct development to the lower risk flood zones.
- 5.6.2. The proposed variation of the occupancy period would not alter the classification of the use in relation to its vulnerability to flooding as per the relevant classification table contained in the PPG. According to the submitted flood risk assessment the site

is at risk of flooding but this risk would not change whatever the outcome of this application. Nevertheless, if the site is to have the occupancy period extended to cover more of the calendar year then the risk of caravans being occupied during a tidal flood is greater. Therefore, in line with the provisions of S.73 of the Act appropriately worded condition could be imposed as mitigation against this higher probability.

- 5.6.3. In light of the above, and subject to conditions, the proposed development is not considered to give rise to any demonstrable increase in flood risk on the site or elsewhere.

## **5.7. Ecology**

- 5.7.1. The application site is within close proximity to an internationally designated site (Natura 2000 site, Blackwater Estuary Special Protection Area (SPA), Blackwater Estuary Ramsar site 1), and therefore, the proposal has the potential to affect the ecology features of the designated site. Internationally designated sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The designated site is also notified at a national level as the Blackwater Estuary Site of Special Scientific Interest (SSSI).
- 5.7.2. As stated previously, policy N2 of the LDP states that where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted. The application was submitted without any bespoke ecology appraisal to support the case that the proposal would not cause any significant harm to the designated sites. Instead the supporting statement relies on the assessment for the permission allowing a nine-month occupancy period for the south-western part of the caravan park.
- 5.7.3. The occupancy season is sought to be extended in order to include March and November. The over-wintering season for birds is broadly taken to be October to March inclusive. The core winter period, though, is December to February inclusive. The site is sensitive in this area due to the presence of significant numbers of wintering birds associated with the Blackwater Estuary SSSI, SPA, and Ramsar site, which use the area for both foraging and roosting at St. Lawrence Bay, and which are vulnerable to disturbance by people and dogs.
- 5.7.4. In this instance it is not considered that the proposal would cause a detrimental effect to the designated site due to the avoidance of the core winter months (December – February inclusive), the availability of alternative high tide roosting habitat at Highfield Farm, and the fact that 318 of the plots on the caravan park already have equivalent permission. Natural England has been consulted on the matter and raise no objections.
- 5.7.5. The nine month occupancy is also consistent with other permissions for similar uses in the District, i.e. the St. Lawrence Bay caravan park (FUL/MAL/12/00594). It should be noted that in 2003 the south-western part of the caravan site was granted planning permission under the provisions of S.73 premised on a suite of mitigation measures such as access restrictions from the Park to the sea wall etc. Similar conditions could be imposed with this permission.

- 5.7.6. In this instance, the proposal for the extension of the occupancy period for thirty-eight plots by two months but outside of the core overwintering period for birds is not considered to be detrimental to the ecology interest of the adjacent designated area as any adverse effects are not anticipated to arise from the proposal in line with policy N2 of the LDP.

## 6. ANY RELEVANT SITE HISTORY

- **LDP/17/01472** – Claim for lawful development certificate for proposed use for the siting of caravans all year round occupation - PENDING
- **FUL/MAL/17/01285** – Variation of occupancy condition on planning permission MAL/652/80 (Change of use to static caravan site for holiday purposes) granted on appeal APP/5217/C/81/2488. – WITHDRAWN [26.01.2018]
- **FUL/MAL/15/00389** – Continuation of use without compliance with occupancy conditions attached to 0653/80 and 0532/86 to allow the occupancy of the caravans/mobile homes for 10 months per year (only to be occupied during the months of March to December inclusive). – REFUSED [29.11.2016]
- **FUL/MAL/15/00175** – Variation of condition 3, 4 & 5 of approved application FUL/MAL/03/00112 to allow 5 caravans to be used all year as staff accommodation. – REFUSED [13.01.2016]
- **FUL/MAL/06/00190** – Variation of condition 3 (FUL/MAL/03/00112) to allow use of 2 no. caravans for Wardens accommodation at the Waterside Leisure Park – REFUSED [26.04.2006]
- **FUL/MAL/05/01295** – Non-compliance with condition 3 (Restruction on occupancy of caravans between 1 December to 28 February) of planning permission FUL/MAL/03/00112 to enable the use of 4 No. caravans for residential staff accommodation – REFUSED [12.01.2006]
- **FUL/MAL/05/00044** – Use of 6 caravans for residential staff accommodation (Variation of Condition 3 of planning permission FUL/MAL/03/00112] – REFUSED [04.03.2005]
- **FUL/MAL/03/00442** – Retention of consent: FUL/MAL/03/00112 but without compliance with condition No. 3 attached, to allow the occupancy of 10 No. caravans for 12 months per year for residential staff accommodation. – REFUSED [03.06.2003]
- **FUL/MAL/03/00112** – Continuation of use without compliance with occupancy conditions attached to 0652/80 and 0532/86 to allow the occupancy of the caravans/mobile homes for 9 months per year. (only to be occupied during the months of March to November inclusive) – APPROVED [01.04.2003]
- **FUL/MAL/FUL** – Continuation of use without compliance with occupancy conditions attached to 652/80 and 532/86 to allow the occupancy of the caravans/mobile homes for 9 months per year. (Only to be occupied during the months of March to November inclusive) – REFUSED [22.08.2001]
- **FUL/MAL/00/00757** – Retention of consent ref: FUL/MAL/97/0636 without compliance with condition 9 to allow an extra year to monitor the impact of

the extended occupancy period on the nearby SSSI – APPROVED [26.10.2000]

- **FUL/MAL/00/00307** – Retention of consent ref: MAL/97/0636 without compliance with condition 9 - to allow permanent extension of occupancy period from 7 to 9 months – REFUSED [29.06.2000]
- **FUL/MAL/97/00805** – Retention of consent FUL/MAL/97/0636 without compliance with temporary occupancy condition to allow site to open 9 months per year – REFUSED [08.01.1998]
- **MAL/532/86** – Application for variation of the existing condition attached to the planning permission ref: MAL/652/80 so that caravans are permitted to be stationary on the land all the year around, subject to occupancy of the caravans being prohibited for the use of human habitation between 1 November in any one calendar year and 31 March in the next following year – APPROVED [10/09/1986]
- **MAL/652/80** - Change of use to static caravan site for holiday purposes – REFUSED – APPEAL ALLOWED APP/5217/C/81/2488 [06.06.1983]

## 7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

### 7.1. **Representations received from Parish / Town Councils**

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
St. Lawrence Parish Council	No response has been received	

### 7.2. **Statutory Consultees and Other Organisations**

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Environment Agency	No objection – The proposal would not alter the vulnerability of the use and will not increase the flood risk on site or elsewhere	Noted
Highways Authority	No objection	Noted
Natural England	No objection – The extended occupancy period will not detrimentally affect the protected designated site bearing in mind the small number of pitches, the existing permission for the majority of the plots on part of the caravan park and the	Noted



<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
	proposed period being outside of core winter months.	

### 7.3. Internal Consultees

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health	No objection subject to conditions about holiday use only	Noted

### 7.4. Representations received from Interested Parties

7.4.1 No representations were received for this application

## 8 PROPOSED CONDITIONS

- At any one time, no more than 38 caravans (as defined by the Caravans Act 1960 as amended or any subsequent application) shall be stationed anywhere within the application site edged red on the accompanying **LP/17/0511/01**.  
REASON: To ensure that no overdevelopment of the site occurs in the interest of the visual amenity of the area, the amenity of the occupiers and the protection of the natural environment in line with policies D1 and N2 of the Local Development Plan as well as guidance contained within the National Planning Policy Framework.
- The caravan site shall be occupied for holiday purposes only. No caravan shall be occupied for residential purposes or as a sole or main residence of any person.  
REASON: To ensure that the use of the site is appropriate to the risk of flooding and in the interest of protecting the natural environment in line with policies D1, D5 and N2 of the Local Development Plan as well as guidance contained within the National Planning Policy Framework.
- The occupation of the caravans on site is permitted only between 1<sup>st</sup> of March and 30<sup>th</sup> November in any one calendar year. No caravan shall be occupied between 1<sup>st</sup> December in one calendar year and the last day of February in the following year.  
REASON: To ensure that the use of the site is appropriate to the risk of flooding and in the interest of protecting the natural environment in line with policies D1, D5 and N2 of the Local Development Plan as well as guidance contained within the National Planning Policy Framework.

4. The measures proposed within the Flood Risk Assessment under reference 1929/RE/11-17/01, submitted as part of this application, must be implemented in full. These measures include the caravans to be anchored into the ground, a Water Entry Strategy to be implemented, the occupiers to register with the Environment Agency's Flood Warnings Direct and prepare a Family Flood Plan and the occupiers evacuate the site during the early warning stages.  
REASON: To ensure that appropriate measures are in place to mitigate against the risk of flooding in line with policy D5 of the Local Development Plan as well as guidance contained within the National Planning Policy Framework.
5. The slipway of the caravan site shall only be used between the dates of 1<sup>st</sup> of April and 31<sup>st</sup> of October in any one calendar year.  
REASON: To safeguard the habitat adjacent to the site in line with policy N2 of the Local Development Plan as well as guidance contained within the National Planning Policy Framework.

### **INFORMATIVES**

1. 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 shall be agreed before the commencement of works.
2. The applicant may need an environmental permit for flood risk activities if they want to do work in, under, over or within 8 metres (m) from a fluvial main river and from any flood defence structure or culvert or 16m from a tidal main river and from any flood defence structure or culvert. The Blackwater, is designated a 'main river'. Application forms and further information can be found at: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>. Anyone carrying out these activities without a permit where one is required is breaking the law.