



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

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

Application Number	FUL/MAL/17/01364
Location	Steeple Bay Holiday Park Canney Road Steeple Essex CM0 7RS
Proposal	Change of use of land to allow the occupation of holiday caravans between the 1st March and the 30th November (inclusive) in each year.
Applicant	Park Holidays UK Ltd
Agent	Mr Ian Butter - Rural & Urban Planning Consultancy
Target Decision Date	20.03.2018
Case Officer	Spyros Mouratidis TEL: 01621 875841
Parish	STEEPLE
Reason for Referral to the Committee / Council	Member Call In Major Application

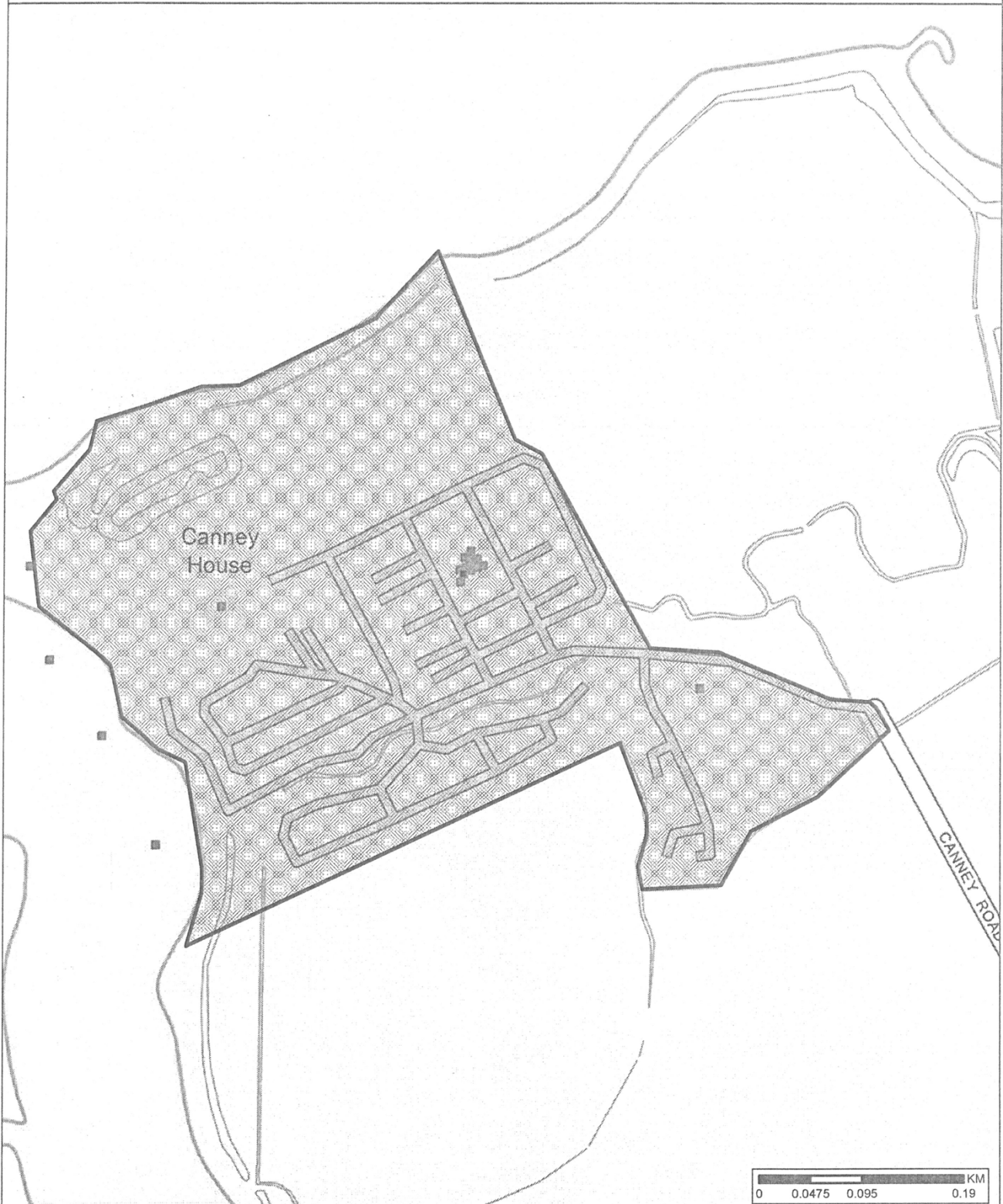
1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

Steeple Bay Holiday Park Canney Road Steeple
FUL/MAL/17/01364



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 Maldon District Council 100018588 2014

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Scale: 1:4,900

Organisation: Maldon District Council

Department: Department

Comments: SE Committee 17/01364/FUL

Date: 27/02/2018

MSA Number: 100018588

3. SUMMARY

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

- 3.1.1. Planning permission is sought for the continuation of use of the land as a caravan site with an extended continuous occupancy season of nine months instead of seven and a half months plus the weekends during the rest of the year. The current restriction on the application site, which stems from condition 1 of planning permission ECC/MAR/61/56 allows the use to occur between 15st March and 31st October inclusive (seven and a half months). During the periods from 1st November to 31st January and from 1st March to 15th March, the caravans may only be occupied at weekends being between Friday to Monday. The proposal is to allow the use between 1st March and 30th November inclusive (nine months). Condition 1 of the abovementioned permission was imposed for the following reason:

“The site is not considered suitable for use during winter months by reason of its remoteness from the established village of steeple.”

- 3.1.2. The application site known as Steeple Bay Holiday Park lies outside of the defined settlement boundary of Steeple. It consists of static caravans occupied for holiday purposes and a small number of pitches for camping and touring caravans and lodges used for the same purpose. Within the site there is a residents club with bar, family entertainment area and a small retail shop with bookings desk. The whole site is within Flood Zone 3 and is bounded to the north and west by the Blackwater Estuary. Access to the site is taken from Canny Road within the village of Steeple which also provides access to a number of private dwellings.
- 3.1.3. The site shares a boundary with the seawall where the seaward side of the seawall provides wildlife areas recognized through national and international legislation as Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and a Ramsar site.

3.2. Conclusion

- 3.2.1. The submission of the application has not been supported by an appropriate assessment in terms of impact upon Ecology and Biodiversity. Given the highly sensitive location of the caravan site and the potential harm that the extended activity on site may cause upon the protected site in the immediate vicinity of the site, the proposal is considered unacceptable in this instance and contrary to policies S1, S8, D2, E5 and N2 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 Steeple Bay 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 application has not been supported by a robust appraisal to support the applicant's case. Therefore, there is insufficient evidence to demonstrate that no adverse effects will arise from the proposal. This matter will be further discussed in the following sections of the report.
- 5.1.2. 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 the main thrust of policy E5 as the extension of the occupancy period would contribute to the local tourism. However, the policy supports proposals subject to environmental considerations, among other considerations.

- 5.1.3. As such, the proposal is considered unacceptable 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 to policy D1 of the LDP.
- 5.2.2. The proposal will extend the occupancy period for caravans 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 existing plots with their neighbouring plots or the relationship of the use with residential properties nearby and as such there would be no detrimental impact upon the amenity of the neighbouring residents.

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 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 therefore conditions to allow sufficient space between the caravans are imposed through licensing controls.

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.
- 5.6.3 The Environment Agency have been consulted and raised no objection to the application. In part, the reasoning is based on the fact that the occupants should be holiday makers with access to another property and therefore, in the event of a flood, the occupants would have access to another property and would not lose all of their possessions. The Environment Agency highlights that the applicant's Flood Risk Assessment includes mitigation measures at Section 5 and it is considered that some of these can be secured through the imposition of an appropriately worded condition. It is also considered relevant to note that no objection is raised by the Council's Emergency Planner subject to a suitable evacuation plan being held on the site. Again, this could be secured by condition as necessary.
- 5.6.4 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), 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 protected at a national level as the Blackwater Estuary Site of Special Scientific Interest (SSSI). 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.
- 5.7.2. The application was submitted with an Habitat Regulations Assessment (HRA) to support the case that the proposal would not cause any significant harm to the designated sites. Because the HRA was written in 2015, the applicant submitted an accompanying letter from the author of the HRA who reviewed the data of the HRA and provided an up to date advice to comply with the national guidance about HRAs. It should be noted that Natural England offered discretionary advice to the author of the HRA in 2015. However, the submitted HRA has not followed the methodology recommendations that Natural England proposed then. In particular, there is no targeted field survey to validate the data gathered from the desktop study of bird count data. Moreover, the HRA does not study the patterns of human behavior (volumes of people on site, dog ownership etc.) Also, the HRA does not fully assess the impact of the development at the populations of birds present at the protected site during the relevant months claiming that the pick period for bird populations is outside of the requested months.

- 5.7.3. While it may be true that 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**), each site has different characteristics and planning permissions shall be given on the basis of planning merits of each application. In this instance, the applicant has not demonstrated that the proposal for the extension of the continuous occupancy period of the caravan park within the overwintering period for birds is not detrimental to the ecology interest of the adjacent designated area contrary to policy N2 of the LDP. Given the significance and sensitivity of the designated site, this reason is sufficient to warrant the refusal of the application.

6. ANY RELEVANT SITE HISTORY

- **MAR/59/52** – Caravans for weekend and holiday use – APPROVED [22/04/1963]
- **MAR/61/56/1** – Continued use of land for caravan park – APPROVED [23/04/1963]
- **MAR/625/64** – Two (2) staff houses – APPROVED [23/02/1965]
- **FUL/MAL/882/84** – Two (2) caravans for manager – APPROVED [18/01/1985]
- **FUL/MAL/94/00214** – Use of mobile caravan for reception and security officer. – APPROVED [02.06.1994]
- **FUL/MAL/01/00686** – Renewal of consent **FUL/MAL/94/00214** to allow use of mobile caravan for reception and security office – APPROVED [11.09.2001]
- **09/00049/LDE** – Claim for Certificate of Lawfulness Application: Use of land as caravan site for weekend and holiday purposes. – APPROVED [07.04.2009]
- **FUL/MAL/10/00217** – To vary the permitted occupancy period of caravans on MAR/61/56 – CLOSED [16.09.2010]
- **FUL/MAL/14/00403** – Change of Use of land to allow holiday occupation of the park between 1st March and 31st January in the following year – WITHDRAWN [04.07.2014]
- **SCR/MAL/18/00136** – Request for a Screening Opinion to determine the requirement for an Environmental Impact (EIA) for the change of use of land to allow the occupation of holiday caravans between the 1st March and the 30th November (inclusive) in each year. – EIA IS NOT REQUIRED
- **LDE/MAL/18/00159** – Claim for a lawful development certificate for the existing use as a holiday home sales area between 1 November in any one year and 14 March in the following year – PENDING

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1. Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Steeple Parish Council	Support	Noted

7.2. Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
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	The comment is noted and discussed in the relevant section of the report.
Highways Authority	No objection	Noted
Essex Fire & Rescue Service	No objection – access is acceptable. Water provision shall be made for fire fighting purposes	Noted. Water supplies for fire fighting is a matter which can be addressed by the Licensing Authority.
Natural England	Object – The submitted HRA is not sufficient and clarification on certain matters shall be sought	Comment has been noted and discussed in section 5.7 of the report.
Anglian Water	No response has been received	
Essex & Suffolk Water	No objection	Noted
Lead Local Flood Authority	No objection – The development will not impact the existing water drainage.	Comment has been noted and discussed in the relevant section of the report.
ECC Public Footpaths Officer	No response has been received	
RSPB	No response has been received	

7.3. Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions about holiday use only	Noted
Emergency Planner	No objection	Noted
Planning Policy	No objection	Noted
Coast and Countryside	No objection – subject to	

Name of Internal Consultee	Comment	Officer Response
officer	conditions	

7.4. Representations received from Interested Parties

7.4.1. Representations objecting to the application

- Philip and Jacqueline Gunning, 76 Wellsted Road, East Ham, London, E6 6DD
- Mr. Mickael Finn, 59 Blackshots Lane, Grays, RM16 2JT

Supporting comment	Officer Response
The caravan park mis-sold to the holiday makers that the park already had this opening season.	Not a material planning consideration.
There are staff members staying on site all year round	Not relevant to the application. Some plots on site benefit from planning permission and are used from employees. Other plots that are occupied throughout the year are the subject of enforcement investigations.
The caravan occupiers were told to stay even after a Breach of Condition Notice was served.	Not a material planning consideration
The decision of this application will jeopardise the legal case of the occupiers	Not a material planning consideration

7.4.2. Representations supporting the application

- Mr. Alan Palmer, 25 Sedgemoor Drive, Dagenham, RM10 7JL
- Mr. Paul Harris, Laburnum Groove, South Ockendon RM15 6TA

Supporting comment	Officer Response
The holiday makers will enjoy a longer holiday season.	Noted

8. REASON FOR REFUSAL

1. In the absence of appropriate habitat assessment or survey information to demonstrate whether or not the development would have an adverse effect upon the internationally and nationally designated nature conservation site, the Local Planning Authority is unable to be satisfied that the proposal would not have a detrimental effect on the natural environment. The proposal would therefore, conflict with Policies S1, S8, E5, D2 and N2 of the approved Local Development Plan and the guidance contained within the National Planning Policy Framework. Given the importance and sensitivity of the site the Local Planning Authority considers that a precautionary approach should be adopted and that no permission should be granted until it can be demonstrated that the

proposal would not adversely affect protected species or habitats or that any such effects can be mitigated.