

**AGENDA ITEM NO: 8/2(e)**

<b>Parish:</b>	<b>Hunstanton</b>	
<b>Proposal:</b>	<b>Extension of Lees caravan site at no.91 South Beach Road for the siting of touring caravans/tents at 97-99 South Beach Road</b>	
<b>Location:</b>	<b>97 &amp; 99 South Beach Road Hunstanton Norfolk PE36 5BA</b>	
<b>Applicant:</b>	<b>Mr &amp; Mrs Lee</b>	
<b>Case No:</b>	<b>17/02367/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Mr C Fry</b>	<b>Date for Determination: 15 February 2018 Extension of Time Expiry Date: 12 March 2018</b>

**Reason for Referral to Planning Committee** – The views of the Town Council are contrary to the Officer recommendation.

**Neighbourhood Plan:** No

**Case Summary**

The site lies within the Coastal Flood Risk Hazard Zone for Hunstanton on the eastern side of South Beach Road, Hunstanton set behind existing built form.

The site contains a newly refurbished detached dwelling that was the subject of an approval for a replacement dwelling with occupancy condition imposed (16/01550/F). The adjacent site, no. 97 once contained a property but had been burnt down in 2010 and left abandoned. No.97 was subsequently refused a replacement dwelling under delegated powers.

The proposal is to extend the adjacent caravan park into where no.97 once stood and across into no.99 to provide 11 pitches for touring for either tent or caravan use. The property at no.99 will be retained.

**Key Issues**

Planning History  
Principle of Development  
Flood Risk  
Other Material Considerations

**Recommendation**

**REFUSE**

## **THE APPLICATION**

The site lies on the eastern side of South Beach Road and contained within the Coastal Flood Risk Hazard Zone, Hunstanton. It is accessed between Flat A, 95 and 101 South Beach Road.

The application site comprises of a newly refurbished bungalow that is subject of an occupancy condition and the remnants of no.97 which was burnt down to slab level and left abandoned in 2010. A replacement dwelling was refused planning permission at no.97, 16/01555/F and dismissed on appeal APP/V2635/W/17/3172987 but a replacement dwelling was permitted at no.99

The adjacent land uses are either buildings used as holiday homes, or caravan parks and holiday campsites.

The proposal seeks consent to extend Lee's caravan park, which is to the north of the site into this application site for the stationing of 11 pitches and the occupancy of no.99 in accordance with its restrictive occupancy as granted under 2/91/1826/F with its associated s106 agreement.

## **SUPPORTING CASE**

The agent has put forward the following supportive case:

Policy DM11 contains the qualifying term 'not normally allowed'. Exceptions can legitimately be made. The reasons for an exception here include:

- This is an extension to an existing static site, a site that is already managed to anticipate such events,
- flooding events are now the subject of considerable warning, and touring vehicles can readily be driven off the site to a safe refuge, and
- the Town Council's explicit support for more tourism development, and their reasoning that this use is only for the safe summer months anyway.
- There is a fall back position for the site owner that may partly off-set some of the perceived risk. Part of the site has permission for a replacement house (permission 16/01550) that –given its size and prospective attractiveness to tourists - could be expected to present an intensity of use above and beyond the present bungalow on the site. This increased activity will be over a longer time period than a summer touring site, and carries its own risk that may partially offset the potential flood risk of proposed touring pitches.

## **PLANNING HISTORY**

17/00466/F: Application Refused: 05/07/17 - Removal of condition 16 of planning permission 16/01550/F to allow 12 months unrestricted occupancy

16/01555/F: Application Refused: 23/01/17 - Erection of new residential dwelling with integral double garage and associated external works  
Appeal Dismissed 29/06/17;

16/01550/F: Application Permitted: 25/01/17 - Erection of new residential dwelling with integral double garage and associated works

04/02356/F: Application Permitted: 15/02/05 - Permanent retention of holiday bungalow

2/97/1441/F: Application Permitted: 23/04/98 - Variation of condition 2 of planning permission 2/82/3346 to allow occupation except from 15 January to 15 February each year

## **RESPONSE TO CONSULTATION**

**Hunstanton Town Council: SUPPORT** this application in spite of the BCKLWN policy to not allow any increase in the tidal flood zone 3. The occupancy would only be for the summer months and the hard defences that protect this area are deemed to be adequate. It is the soft defences at Snettisham that are more at risk and anyway the Searle's Leisure Park is the other side of the fence and they have a higher number of camper vans etc. in the summer months.

### **Highways Authority: NO OBJECTION**

**Emergency Planner: OBJECTION** as it is contrary to the Site Allocation and Development Management Policies Plan DM18 – Coastal Flood Risk Hazard Zone (Hunstanton to Dersingham) as it states no new park homes/caravans are all in tidal flood zone 3.

**Environment Agency: OBJECTION** the site is within flood zone 3 and the hazard zone of the BCKLWN Strategic Flood Risk Assessment. Our tidal hazard mapping indicates that the site could flood up to depth of 2m in an event of overtopping or breaching of the coastal flood defences.

None of the following new development will be permitted within tidal Zone 3 designated on the SFRA climate change maps. These are:-

- New dwellings, new or additional park caravans.

The reason for no new dwellings or additional park homes/caravans is due to some types of new development increasing the amount of people and property at risk, and certain users will also present a greater risk to life than others.

The proposals will increase the amount of people and property at risk and the proposed use will present a great risk to life than other types of development, therefore we object on these grounds. No FRA will be able to adequately address these concerns for us to be able to remove our objection in principle.

We do not comment on the suitability of an evacuation plan, this advice should be sought from your emergency planner.

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)

**Environmental Health & Housing – Environmental Quality: NO OBJECTION** subject to an unexpected contamination condition.

**Public Right of Way: NO OBJECTIONS** on PROW as although Heacham Byway Open to All Traffic 3 is the vicinity but it does not appear to be affected by the proposals.

**Natural England: NO OBJECTION** £50 habitat mitigation fee is suitable

**Environmental Health and Housing – Community Safety Neighbourhood and Nuisance:** comments to be forward on in late correspondence

## **REPRESENTATIONS**

None received.

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS05** - Hunstanton

**CS08** - Sustainable Development

**CS10** - The Economy

**CS11** - Transport

**CS12** - Environmental Assets

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM1** – Presumption in Favour of Sustainable Development

**DM2** – Development Boundaries

**DM11** – Touring and Permanent Holiday Sites

**DM15** – Environment, Design and Amenity

**DM18** – Coastal Flood Risk Hazard Zone (Hunstanton to Dersingham)

**DM21** - Sites in Areas of Flood Risk

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

## **PLANNING CONSIDERATIONS**

The main planning considerations in regards to the application are:-

- Planning History
- Principle of Development
- Flood Risk
- Other Material Considerations

## **Planning History**

The site has had recent planning permissions for replacement dwellings both approved and refused, with the refused application dismissed on appeal.

No.97 South Beach Road, was a property that was burnt down in 2010 and was determined both during the delegated decision and the appeal of that application to be abandoned in planning terms, accordingly a new dwelling on the site would not be allowed under Policy DM18 – Coastal Flood Risk Hazard Zone of the Site Allocation and Development Management Policies Plan 2016.

No.99 South Beach Road was at the time of determination found to be structurally sound and was not abandoned in planning terms and therefore a replacement dwelling subject to the 7 points of the coastal protocol outlined in DM18 was approved. This planning permission has yet to be implemented; however no.99 during the site visit for this planning application has been significantly renovated.

The continued use of no.99 for a residential purpose, as referenced in the Design and Access Statement for occupation by the site owners or for holiday accommodation is acceptable, provided such occupation is in accordance with the conditions of the 2/91/1826/F application and s106 obligation imposed on that property. The relevant condition restricts the bungalow so that it cannot be occupied between the 15th January and 15th February in any given year and the s106 agreement that accompanied that permission restricts its use to either holiday letting accommodation or a 2nd holiday and not somebody's permanent residence (2/91/1826/F).

It is also noted that a replacement dwelling at Lee's caravan site has been permitted, 15/01989/F with no occupancy condition, pre-dating the adoption of Policy DM18 that offers guidance on replacement dwellings in the Coastal Hazard Zone.

## **Principle of Development**

Policy DM11 linked to DM18 of the Site Allocation and Development Management Policies Plan 2016 (SADMP) offers guidance on the approach to take when assessing extensions to existing holiday accommodation. Policy DM11 states

“Proposals for new holiday accommodation sites or units or extension or intensification to existing holiday accommodation will not normally be permitted unless:-

- The proposal is supported by a business plan demonstrating how the site will be managed and how it will support tourism or tourist related uses in the area.
- The proposal demonstrates a high standard of design in terms of layout, screening and landscaping ensuring a minimal adverse impact on visual amenity and the historical and natural environmental qualities of the surrounding landscape and surroundings; and
- The site can be safely accessed;
- It is in accordance with the national policies on flood risk
- The site is not within the Coastal Hazard Zone indicated on the policies map, or within areas identified as tidal defence breach hazard zone in the Borough Councils Strategic Flood Risk Assessment and the Environment Agency's mapping.

In this regard the proposal has not been supported by a business plan detailing how the site will be managed or how it will support tourism or tourist related uses. Only a small paragraph in the Planning Statement in respect to Lee's caravan site states “it has a reception building

and security arrangements". The proposal would offer some benefit to the tourist accommodation through the occupants of the site using services in Hunstanton and along the coast. However this has not been quantified or developed by the applicant and accordingly little weight can be given to this material consideration.

The form and character of development is mixed on South Beach Road. The development comprises of single, two and three storey dwellings and caravan parks. Indeed the site is flanked to the north and east by existing caravan parks. It is considered that there would be minimal adverse impact in terms of visual amenity if the site was to be used as an extension to the existing caravan park.

The highways officer has no objection to the proposal.

The site is within the Coastal Hazard Zone and accordingly the proposal would be contrary to the policy DM11 and DM18 of the SADMP.

### **Flood Risk**

Paragraphs 106-108 of the National Planning Policy Framework relates to development within Coastal Change Management Areas and the local authority will approach the determination of such applications in these areas, specifically identifying what development would not be appropriate in such areas.

Policy DM11 and DM18 of the SADMP are very clear in their approach to tourist development and the management of development in the CHZ. Whether it be for new holiday accommodation sites, extension or intensification of existing holiday accommodation, these are not normally permitted unless the site is not contained within the Coastal Hazard Zone. This site is contained within the CHZ. Policy DM18 – Coastal Hazard Zone repeats the provisions of Policy DM11.

The proposed change of use of land at no.97 from a null use to a tourist use would increase the flood risk vulnerability class. This would be contrary to Policy DM18 as it states in regards to changes of use "Any proposed change of use will not be permitted if, as result of the change, the flood risk vulnerability (as defined in the National Planning Practice Guidance) would be increased.

Whilst it is noted that the application was accompanied by a Flood Risk Assessment, the EA state within their objection "No FRA will be able to adequately address these concerns for us to be able to remove our objection in principle."

The Emergency Planner objects to the proposal too, given that the proposal is contrary to adopted policy.

### **Other Material Considerations**

The agent places weight in their planning statement that the proposal offers a form of betterment in terms of neighbour amenity, in so far as not implementing the 3 storey replacement dwelling at no.99. However, no weight can be placed on that particular consideration as that development was considered to be acceptable; otherwise it would have been refused on such grounds. Whilst the structures on the site (tents/caravans) will not cause overshadowing, overbearing or overlooking issues (subject to additional boundary treatment that could be secured by way of condition) the surrounding neighbours will experience noise and disturbance from the occupants of the caravans. However, being a mixed use area and subject to a management plan condition that would outline the protocol

in respect to dealing with unruly patrons, the noise and disturbance could be managed to a level that would not warrant a refusal of the application.

There are no on-site features that would require a protected species report and Natural England have no objection in terms of the proposal on the designated sites subject to the £50 per pitch mitigation fee.

## **CONCLUSION**

Fundamentally the proposal is contrary to Policy DM11 and DM18 of the Site Allocation and Development Management Policies Plan. Both policies make it clear that no new additional caravans or extensions to holiday accommodation will be supported in the Coastal Flood Risk Hazard Zone. Additionally where a proposed change of use is proposed, it will not be permitted if, as a result of the change, the flood risk vulnerability (as defined in the National Planning Practice Guidance) would be increased.

Little evidence has been put forward by the applicant as to why the development should not be determined in accordance with the development plan policy. That aside even if the applicant were to provide evidence that would add weight to the material consideration of boosting tourism and the economy, including an extensive business plan, it would be difficult to envisage how such information would outweigh the consideration of flood risk and the potential loss of life through this form of development in the Coastal Flood Risk Hazard Zone.

Accordingly the proposal is recommended for refusal for the following reason.

## **RECOMMENDATION:**

**REFUSE** for the following reason(s):

- 1 The site is contained within the Coastal Flood Risk Hazard Zone, where the risk from coastal flooding is particularly high. This proposal to extend the new touring caravan/tent site at no 97-99 South Beach Road, is an inappropriate use which would be contrary to Policy DM11 and DM 18 of the Site Allocation and Development Management Policies Plan 2016, where such developments are not permitted in the Coastal Flood Risk Hazard Zone. The proposal also conflicts to the overarching aims of managing development in flood risk areas referenced in the NPPF. The proposal is therefore contrary paragraphs 106 to 108 of the NPPF and policy CS08 of the Local Development Framework Core Strategy and Policies DM11 and DM18 of the Site Allocation and Development Management Policies Plan 2016. There are no material considerations put forward to outweigh this policy objection.