

Application for Determination

Parish	Burgh Castle
Reference	BA/2012/0209/COND Target date 24.08.2012
Location	Wherry 8, Waveney Valley Holiday Village, Butt Lane, Burgh Castle
Proposal	Variation of condition 1 on pp BA/2000/0655/HISTAPP restricting the period of time Wherry 8 can be used as holiday accommodation to enable year round use as holiday accommodation
Applicant	Mrs Rachael Wells
Recommendation	Approve subject to conditions
Reason referred to Committee	Third Party Objection

1 Description of Site and Proposals

- 1.1 The application site comprises a single chalet within Waveney Valley Holiday Village, a complex of 110 chalets to the east of Burgh Castle and the west of the River Waveney. The site is accessed off Butt Lane to the east and via a drive which runs through Kingfisher Holiday Park. Kingfisher Holiday Park contains a number of static caravans. Burgh Castle Marina and Holiday Park exists to the north beyond which is the River Waveney and agricultural land extends out to the south.
- 1.2 The application site, Wherry 8, which is labelled on the front door as Wherry 2, sits within the centre of the southern border of the village facing a small gravelled car park to the west. Wherry 8 is an end chalet of three chalets which sit facing the car park. The chalet is single storey, has yellow brick gable ends, timber clad, with a red concrete tiled roof.
- 1.3 Waveney Valley Holiday Village has a complex planning history with all of the chalets being restricted to the use for holiday purposes only. All of the chalets, Wherry 8 included, are also restricted in terms of the length of occupancy. A break of occupancy is required at all chalets. There are three different periods of occupation permitted across the site, these are as follows:
 - From 15 January to 28 February; or
 - From 1 December to the 31 January; or

- From 1 November to 29 February.

Currently, condition 1 of planning permission BA/2000/0655/HISTAPP restricts the occupancy time of Wherry 8 and states:

'The chalets shall be occupied as holiday accommodation only from 1st February to 30th November in any one year and outside that period shall remain vacant'.

The applicant seeks to amend this condition to allow for all year holiday use with no break.

2 Site History

Original approval given for the installation of static caravans and chalets 21 November 1972.

In 1992 planning permission was granted for: Amendment to condition regarding occupancy period - BA/1992/0090/HISTAP.

In 1993 planning permission was refused for: Extend car park, extend chalet and build 12 new chalets for holiday use - BA/1993/0206/HISTAP.

In 1993 planning permission was granted for: Erection of children's room- BA/1993/0208/HISTAP.

In 1993 planning permission was granted for: Change of use to take-away shop and internal alterations- BA/1993/0220/HISTAP.

In 1993 planning permission was granted for: Erection of eight new chalets, extend chalet 38, and extend car park- BA/1993/0227/HISTAP.

In 1993 a planning application was withdrawn for: Erection of children's paddling pool, swimming pool, diving board and erection of shower block - BA/1993/1050/HISTAP.

In 1995 planning permission was granted for: Erection of swimming pool cover - BA/1995/0344/HISTAP.

In 1995 planning permission was granted for: Siting of two caravans for summer staff use - BA/1995/1025/HISTAP.

In 1997 planning permission was granted for: Erection of conservatory on old barn pub - BA/1997/1103/HISTAP.

In 1998 planning permission was granted for: Extension to holiday chalet for summer use only - BA/1993/0189/HISTAP.

In 1998 planning permission was granted for: Amendment to condition 1 of 06/92/0011/BF (BA/1992/0090/HISTAP) Chalets to be occupied 1 March to 14 January for holiday purposes - BA/1998/0473/HISTAP.

In 2000 a planning application was withdrawn for: Amendment of condition to allow occupation of chalet for fifty two weeks of the year - BA/2000/1453/HISTAP.

In 2004 planning permission was granted for: Five new holiday chalets - BA/2004/0830/HISTAP.

In 2004 planning permission was granted for: Erection of five holiday chalets - 06/04/0312.

Whilst all of the holiday chalets are restricted to holiday use only in 2011 the Local Planning Authority became aware that a large number of them were being used for permanent residential use. This is unauthorised and this is not an area where new permanent residential use would be permitted. In March 2012 the Local Planning Authority served Enforcement Notices on all 110 chalets requiring the cessation of such use. A full report on this was considered on the 7 October 2011 meeting of the Planning Committee.

3 Consultation

Broads Society - No objections provided that all year round occupation is restricted solely to holiday use and not for permanent residence.

Parish Council - We consider the application should be refused for the following reasons: It would set a precedent. The infrastructure would be further compromised. Disturb neighbouring residents.

District Member - Response awaited.

Highways - The proposals to operate the property for all year round holiday accommodation, as a standalone unit, are unlikely to affect the surrounding highway network. The site use during the summer is well established and the roads accessing the site cater for the traffic with little known problems and are clearly signed.

The only concern the Highway Authority has is the conditioning of the use of the property such that it is not occupied all round as a residence instead of holiday unit. If this were to become the case then there would be an increase in traffic movements from the development for which the Highway Authority would have to review.

Therefore, in highway terms only, I have no objection to the proposals subject to the following (or similar worded) condition being imposed on any grant of permission your Authority is minded to make such that, SHC 50. The property shall be occupied for holiday purposes only and shall not be occupied as a

person's sole or main place of residence. Reason: To ensure that the highway network is adequate to cater for the development proposed.

Environment Agency - Although the site is shown by our Flood Zone Map to currently lie in Flood Zone 1, your Strategic Flood Risk Assessment shows that the site will lie in Future Flood Zone 3a once climate change is applied to the flood levels.

As the chalet already has planning permission and is in situ, we have no objections to the removal of the time limited occupancy condition providing you are satisfied with the safety of the inhabitants of the development.

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. We do however recommend that the owners of the holiday chalet sign up to receive flood warnings and develop a Flood Response Plan which meets the satisfaction of you and your Emergency Planner.

4 Representation

None.

5 Policies

5.1 Core Strategy (2007)

[Core Strategy \(Adopted Sept 2007\).pdf](#)

CS9- Supporting, Widening and Strengthening Tourism
CS11- Appropriate Location of Tourism and Recreational Development
CS12- Sustainable Location of Holiday Accommodation.

5.2 Development Management Plan DPD (2011)

[DMP DPD - Adoption version.pdf](#)

DP14- General Location of Sustainable Tourism and Recreational Development
DP15- Holiday Accommodation- New Provision and Retention.

5.3 Other material planning considerations: National Planning Policy Framework (2012).

6 Assessment

6.1 The main issues to consider in the determination of this application are the principle of the development, impact on flood risk, impact on highways, and neighbouring amenity.

- 6.2 Although there are no specific policies regarding unrestricted timings of holiday accommodation there is a general presumption in favour of supporting and strengthening tourism in both the NPPF and the Development Plan. As the proposal allows the property to be used all year for holiday accommodation rather than be restricted to certain times of the year, the proposal strengthens the use, bringing more tourists to the area, and in turn increasing tourist economy. The proposal is therefore considered acceptable in principle. To ensure the chalet remains in use for holiday accommodation and not for permanent residential use, conditions are required covering the use, the length of stay by any one occupant, and a register of booking to be maintained.
- 6.3 The original reason for restricting periods of use was to ensure the use of the properties for holiday accommodation only and from the Environment Agency's requirement to ensure the chalets were empty during those periods of the year when the site was most at risk of flooding (the winter period). However subsequent applications have not followed the same dates, resulting in a site where there are a number of different periods of restriction. The inconsistency across the site weakens the argument that a break from occupancy is required for Flood Risk purposes. As the chalets are in situ and can be used for the majority of the year it is not considered that the increase in use for all year will significantly increase the risk of inhabitants of Wherry 8 or surrounding chalets. In addition it is considered that the imposition of a condition requiring a Flood Evacuation Plan and Notice would prepare inhabitants of the possibility of flooding and connect them to the Environment Agency's Flood Warning system, therefore reducing and managing the risk to inhabitants compared to the current situation. The Environment Agency agrees with this approach.
- 6.4 As the use of the site throughout the summer months is well established, and as the roads accessing the site cater adequately for this traffic and are clearly signed, it is not considered that the small increase in use of the site through December and January will adversely impact on the highway network.
- 6.5 Turning to the issue of precedent and impact on amenity raised by the Parish Council. This application is for the all year round use of one sole unit. It is not considered that the use of one unit will significantly alter the use of the site or interrupt the highway network, and in turn, create disturbance to resident. It is therefore considered acceptable. Although each application is judged on its own merits, it is appreciated that there are 109 other chalets within the site which could apply for their condition to be varied in line with Wherry 8 and this would need to be considered in the context of any such application. In this case, however, given the strong policy support for tourism and recreation development, the opportunity for better management of the flood risk issue, and the well established road network it is not considered that the risk of setting such a precedent would justify the refusal of planning permission here.

7 Conclusion

- 7.1 As the proposal represents the strengthening of an existing tourist use and as there would be no adverse impact on flood risk to inhabitants, highways or neighbouring amenity, the variation of condition is considered appropriate.

8 Recommendation

- 8.1 Approve subject to the following conditions:

- (i) Holiday restriction.
- (ii) Length of use by any one occupant.
- (iii) Register of bookings to be kept.
- (iv) Flood Evacuation Plan and Notice.

9 Reasons for Recommendation

- 9.1 Although there are no specific policies regarding restricting timings of holiday occupancy it is considered that the proposal is in accordance with the general ethos of the National Planning Policy Framework (2012) and policies CS9, CS11 and CS12 of the Core Strategy (2007) and Policies DP14 and DP15 of the Development Management Policies DPD (2011).

Background papers: BA/2012/0209/COND

Author: Kayleigh Wood

Date of Report: 30 July 2012

List of Appendices: APPENDIX 1: Site Location Plan

APPENDIX 1

BA/2012/0209/COND - Wherry 8, Waveney Valley Holiday Village, Butt Lane, Burgh Castle
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