



Rochford District Council

To the Meeting of: COMMUNITY SERVICES

On: 20 JANUARY 2000

Report of: HEAD OF HOUSING, HEALTH AND COMMUNITY CARE

Title: HALCYON CARAVAN PARK: APPLICATION TO CHANGE SITE LAYOUT

Author: Miss E Prosser

Report approved by

Purpose of Report

To decide whether to approve a change of site layout to Halcyon Caravan Park, Pooles Lane, Hullbridge, under the site licence conditions.

Background

Halcyon Caravan Park is currently licensed as a mixed holiday and residential site for a maximum of 126 caravans. The ownership of the park was transferred to The Berkeley Leisure Group Ltd. on 19 August 1997. The new owner wishes to re-develop the site with a view to it eventually being used solely for permanent residential occupation. The holiday use of the site has already ceased and most of the holiday units have been removed. As part of the re-development, the site operator wishes to change the site layout.

The site licence conditions require the site to be set out in accordance with the approved site layout plan and written approval must be obtained before any changes can be made to the location of any road, footpath, approved structure or recreation space shown on the plan.

The site operator submitted an application to change the site layout earlier this year. The proposed layout was at variance with the original planning consent for the site (No. ROC/581/62) and conflicted with the site licence condition regarding car parking. The site operator was informed and has now submitted a revised application to vary the layout.

The current and proposed layouts have been placed in the Members' Room.

Proposal

The new layout is based on the existing road system and would incorporate 98 caravans. An adjacent parking bay will be provided for each caravan. The site operator will have to ensure that the caravans are laid out in accordance with licence conditions, which are based on Model Standards issued by the Government.

The Head of Planning Services has confirmed that the proposed site layout would not require further planning permission.

Tree Preservation Order

Trees on the caravan park are protected by a Tree Preservation Order (TPO) and the site operator has stated that all of the trees that remain on the site are affected by the revised site layout. It does appear that trees would have to be removed in order to fully implement the proposed layout.

The site operator has in fact submitted an application for the removal of all trees covered by the TPO on the grounds that they are causing damage to hardstandings and drainage. Further information and evidence on the alleged damage has been requested by the Head of Leisure and Client Services in order that the application to remove trees can be determined.

Regardless of the issue of damage, the site operator has been advised by their Counsel that the provisions of the TPO would not apply where the felling of trees is immediately required for the purposes of development authorised by planning consent No. ROC/581/62. Their Counsel has suggested that the site operator makes an application to fell the trees necessary to implement the revised layout and in the event this is refused to seek a declaration i.e. a judicial review.

The Head of Legal Services considers the advice given by the site operator's Counsel to be questionable and confirms that the fact the trees are subject to statutory protection is a consideration in examining any proposed revision to the site layout.

Comment

Whilst there are no objections in principle to the proposed layout so far as site licensing is concerned, the site operator would not be able to implement the proposals until the issue concerning the trees covered by the TPO has been resolved. In the circumstances it would not be appropriate to approve the application at this stage.

If there are any changes in connection with the TPO in the future the site operator can, of course, apply again to change the site layout.

Crime and Disorder Implications

None

Environmental Implications

If this application is approved, it is likely that some trees on the site that would have to be removed to allow the revised layout to be implemented. The trees are currently subject to a Tree Preservation Order.

Financial /Resource Implications

There would be resource implications in contesting any appeal lodged by the site licence holder. In the event the appeal was successful the site licence holder would be entitled to claim the costs of proceedings.

Legal Implications

The site licence holder has a right to request the Council to consider a revised site layout and has the right of appeal to the Magistrates Court if this application is refused or is not determined. In deciding any appeal the Court would have to consider whether the Council had acted reasonably in the circumstances.

Parish Implications

Halcyon Caravan Park is in the Parish of Hullbridge.

Proposed that this Committee RESOLVES

(1) To refuse the application for approval of the proposed new site layout on the grounds that having regard to the Tree Preservation Order on the site the layout cannot be implemented..(HHHCC)(1479)

Background Papers

Letters from the site operator dated: 13 May 1999, 18 October 1999 and 1 November 1999.

Letters to the site operator dated: 25 June 1999 and 26 October 1999.