

## **TOWER CARAVAN PARK: REQUEST FOR ALTERATION OF SITE LICENCE CONDITION (Minute 206/00)**

### **1 SUMMARY**

- 1.1 The purpose of this report is to decide whether to approve a variation of site licence conditions for Tower Caravan Park. Caravan site licensing is a statutory function.
- 1.2 The report recommends approving the proposed change.

### **2 INTRODUCTION**

- 2.1 Members will recall the decision at the Community Services Committee meeting on 27 June 2000 to meet with the owner of Tower Caravan Park to discuss the outstanding six breaches of site licence condition 3.1, which requires a separation space of 6 metres between caravans. Prosecution proceedings with respect to these breaches were authorised subject to the outcome of the discussion.
- 2.2 The site operator has since written to express concern at the Council's decision to prosecute for what he considers to be minor breaches and has made a formal application to change site licence 3.1 in order to prevent this happening.

### **3 PROPOSED CONDITION**

- 3.1 The new condition would read:

“Subject to the following variations, every caravan shall be not less than 6 metres from any other caravan which is occupied separately with the exception of:

7 Main Road  
36 Main Road  
1 Pond Close  
1 Ridgeway  
8 Sunshine Close  
5 Queens Avenue

and in respect of the first five caravans they must be repositioned to conform with the 6 metres spacing requirement when the caravan is sold by way of assignment or when the caravan is replaced whichever

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date is the earliest. In respect of No.5 Queens Avenue, when the caravan is replaced.”

- 3.2 The site operator has stated that the caravan at No.5 Queens Avenue cannot be repositioned, but can be replaced with a smaller caravan when the pitch becomes vacant. Sketch plans of the breaches supplied by the site owner are appended to this report.

#### **4 COMMENT ON THE PROPOSAL**

- 4.1 The change of licence reflects what the Community Services Committee previously agreed with the site owner’s representative at a meeting on 4 March 1997 (Min 15/97) and subsequently by letter to the site operator dated 18 March 1998 (appended).
- 4.2 The new condition means that the site owner risks prosecution if the breaches are not resolved when stated.
- 4.3 The Fire Authority has been consulted as the new condition involves fire safety. They commented that the breaches are of a minor nature and as such have no objection to the new condition.
- 4.4 Given the Fire Authority’s comments, it would be unreasonable for the Council to not accept the new licence condition.

#### **5 ENVIRONMENTAL IMPLICATIONS**

- 5.1 The six-metre separation distance is imposed to reduce the risk of fire spread between caravans. The response from the Fire Authority indicates that the distances involved would have a minimal effect in this respect.

#### **6 RESOURCE IMPLICATIONS**

- 6.1 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 cost of proceedings.

#### **7 LEGAL IMPLICATIONS**

- 7.1 The site operator has the right to request the Council to consider a variation to a licence condition 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 has acted reasonably in the circumstances.

#### **8 PARISH IMPLICATIONS**

- 8.1 Tower Caravan Park is in the Parish of Hullbridge.

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**9 RECOMMENDATION**

9.1 It is proposed that the Committee **RESOLVES**

- (1) To approve the changes to the licence condition 3.1 as worded in this report.
- (2) To rescind resolution (2) of Minute 206/00. (HHHCC)

Graham Woolhouse

Head of Housing, Health and Community Care

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**Background Papers:**

Letters from Berkeley Leisure Group Ltd. dated 23 June 2000 and 1 August 2000

Letter to Berkeley Leisure Group Ltd. dated 19 July 2000

Letter to Fire Authority dated 11 August 2000

Letter from Fire Authority dated 1 September 2000

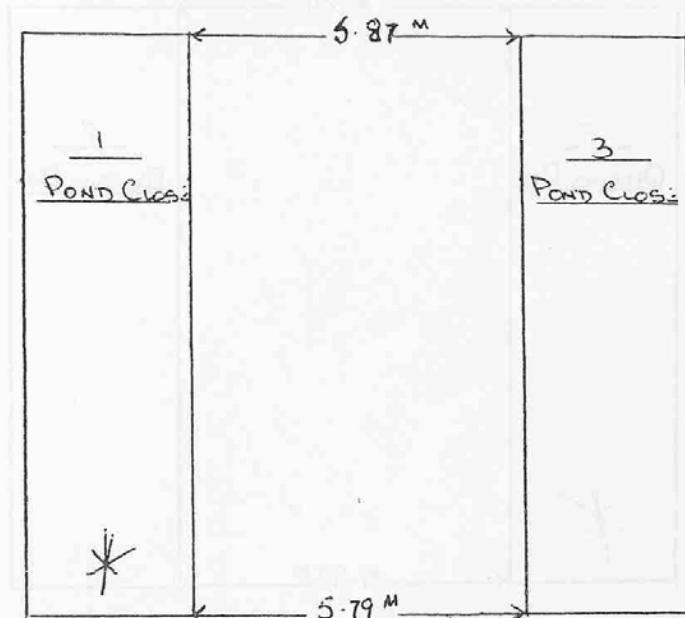
For further information please contact Elaine Prosser on:

Tel: 01702 318052

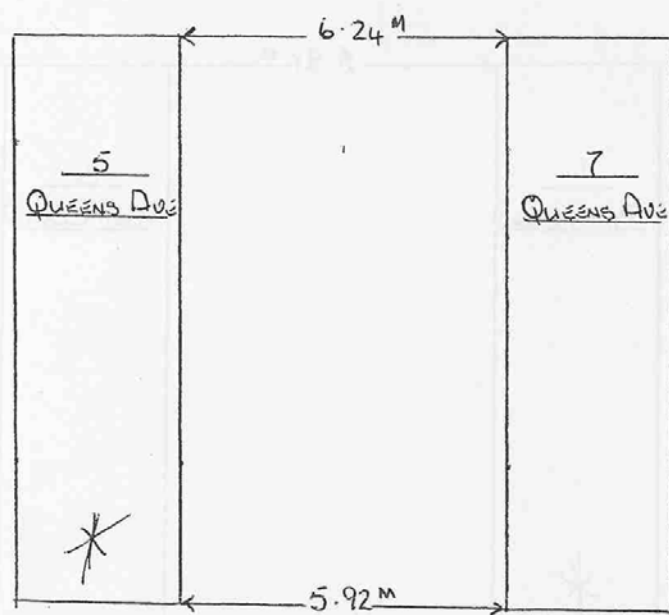
E-Mail: [elaine.prosser@rochford.gov.uk](mailto:elaine.prosser@rochford.gov.uk)

1-3 Pond Close

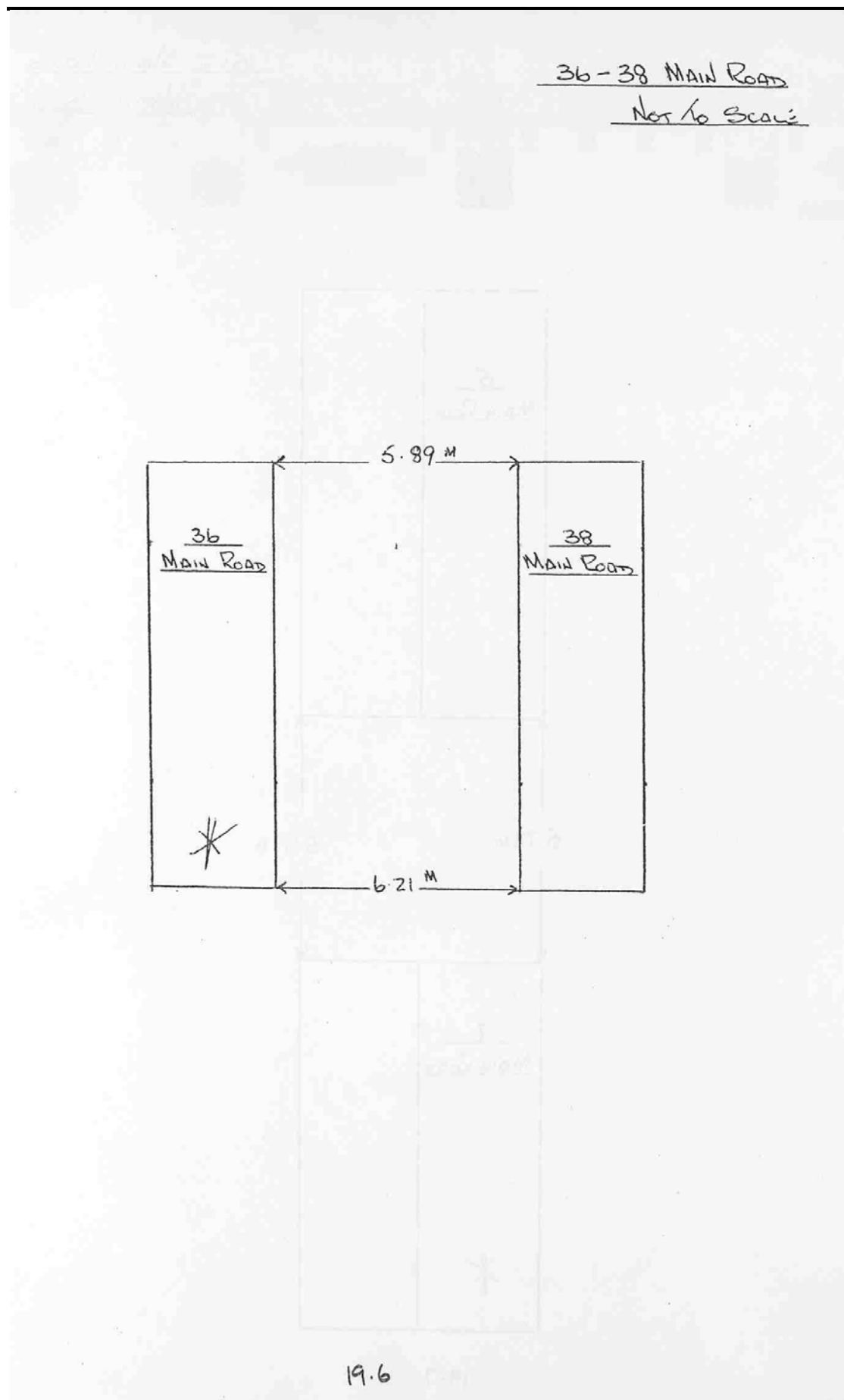
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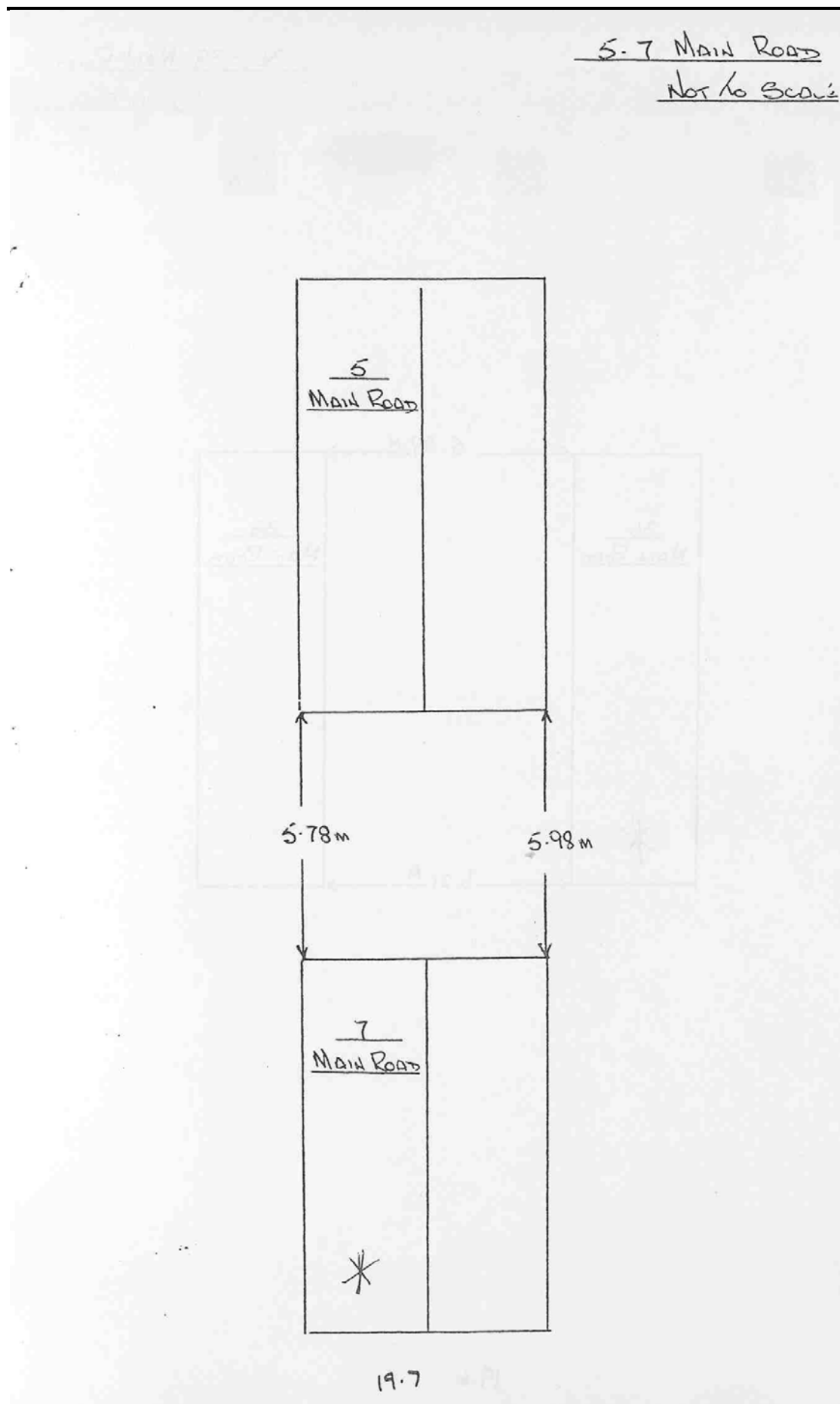


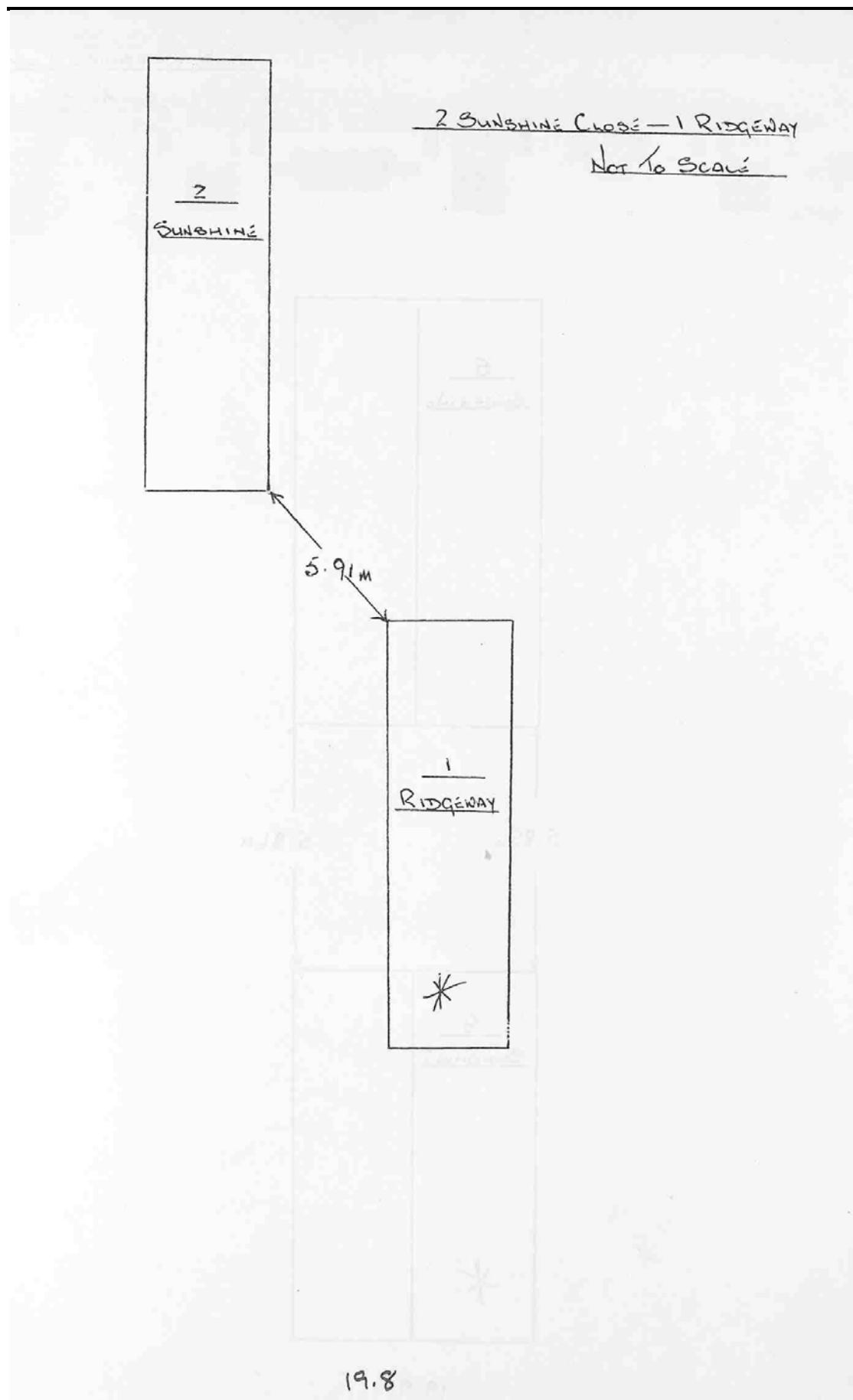
5-7 QUEENS AVE  
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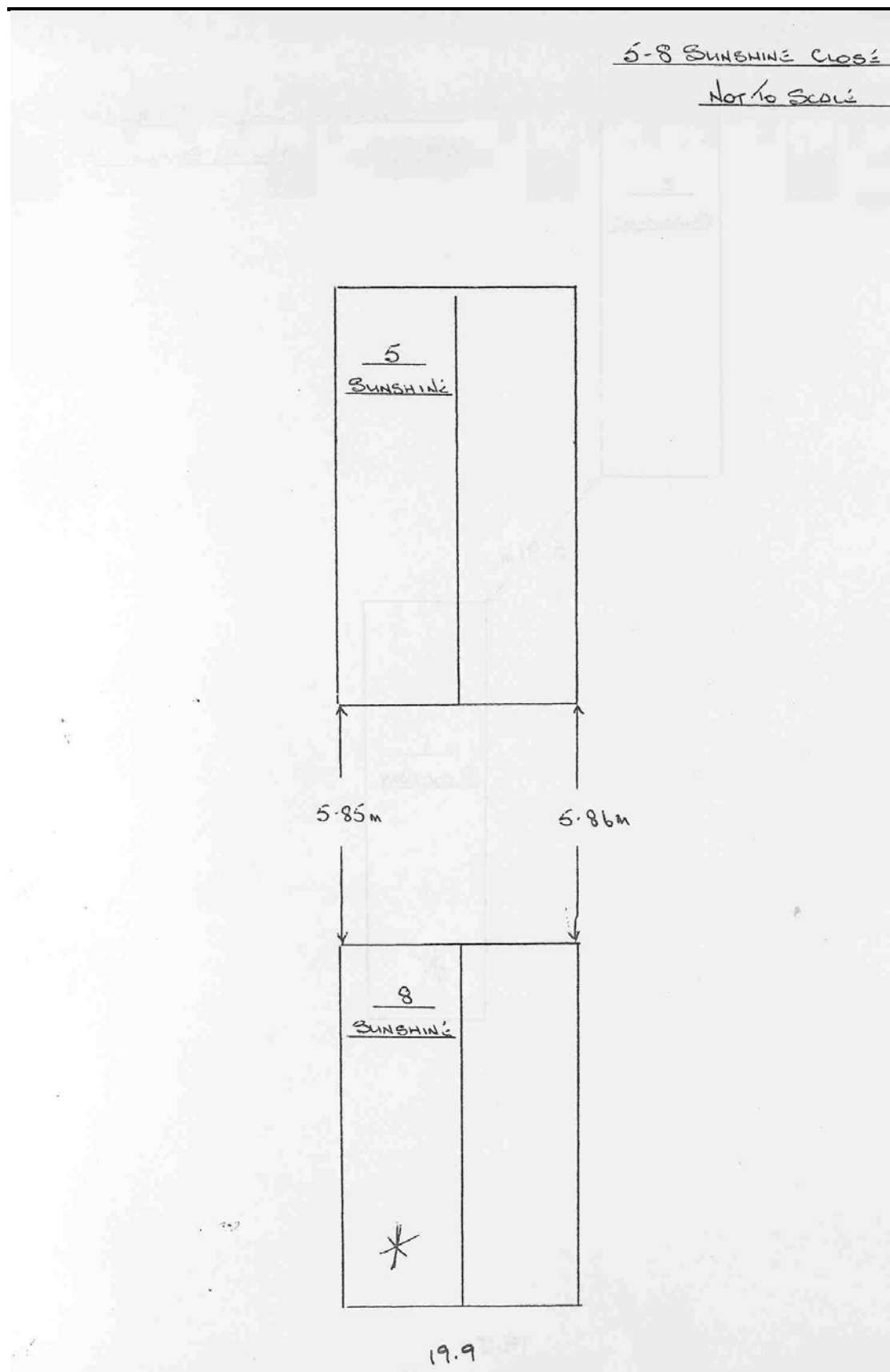
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ROCHFORD DISTRICT COUNCIL

PAUL WARREN, BA(Hons), MRTPI, DMS  
Corporate Director (Services)

My Ref: ESP/1432

Your Ref:

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Date: 18 March 1998

Dear Mr Berkley

Caravan Sites and Control of Development Act 1960  
Caravan Site Licence No.1  
Tower Caravan Park, Pooles Lane, Hullbridge, Essex

I refer to your letter dated 26 February 1998.

With respect to the issue of breaches of the basic six metre distance requirement between vans, at the Sub-Committee meeting on 21 January 1997, which was attended by Mr Lewis the site manager, Members appreciated the difficulties site owners faced in remedying the breaches. However, Members were also anxious for the breaches to be remedied within as short a period of time as reasonably practicable.

At the meeting it was agreed that, as two units were due for replacement (2 - 6 Towerside and 2 - 4 Main Road), these would be remedied first, as has been done. The remaining six breaches would then be remedied in the course of natural turnover, i.e. when there is a change of occupier / van. It was also decided that the situation would be monitored at regular intervals, to ensure that progress is being made.

Regarding other breaches (porches, LPG and sheds), all site licence holders have been treated on an equal basis. Any outstanding breaches found on any site after 6 July 1998 may be subject to enforcement action. I am afraid the matter cannot be concluded until these breaches have been remedied.

Yours sincerely

A handwritten signature in black ink, appearing to be 'G. Woolhouse'.

G. Woolhouse  
Head of Housing, Health and Community Care

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The Berkeley Leisure Group Ltd.  
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