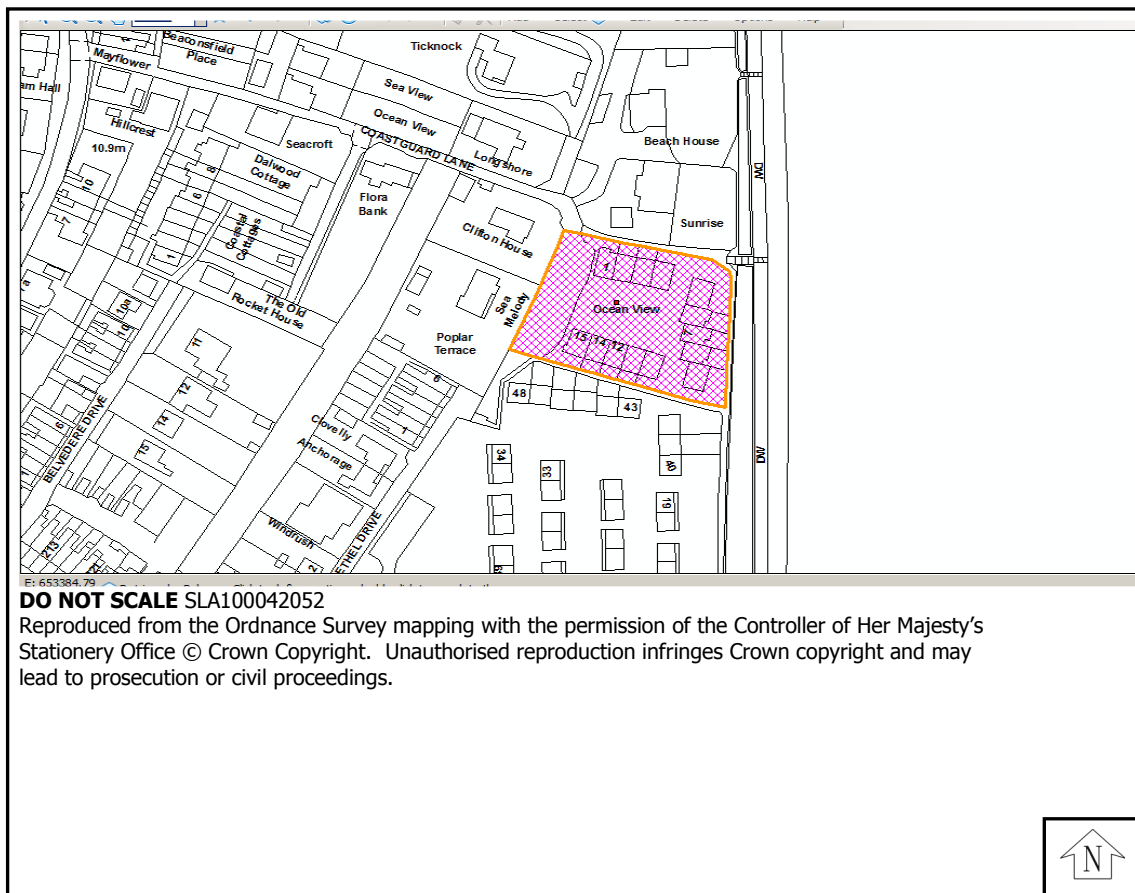


**PLANNING COMMITTEE – 15 SEPTEMBER 2015****APPLICATION NO DC/15/2965/ROC****LOCATION**

Ocean View Holiday Homes  
Coastguard Lane  
Kessingland  
Suffolk

**EXPIRY DATE** 15 September 2015**APPLICATION TYPE** Removal of Conditions**APPLICANT** Mr & Mrs Tom Hubbard**PARISH** Kessingland

**PROPOSAL** Removal of Condition No.4 of N2650/8 - To erect 14 holiday chalets (to replace existing caravans) - To remove holiday occupancy restriction to allow for use as residential

**SUMMARY**

- 1.1 This application proposes the removal of holiday occupancy conditions from a long-standing development of 14 holiday chalets in Kessingland to enable them to be occupied as permanent dwellings.

- 1.2 A similar application was on the agenda for the January Committee meeting but was withdrawn before it could be considered.

## **SITE DESCRIPTION**

- 2.1 The “Ocean View” holiday development was granted outline planning permission by the former East Suffolk County Council in March 1973. Condition number 4 of the planning permission states:
- 2.2 “The chalets shall be used solely for holiday purposes and may be occupied only during the period from the 1st April or Easter whichever is the earlier, to the 31st October in any one year”.
- 2.3 Reserved matters were approved by Waveney in 1975 and the chalets constructed between 1977 and 1980, with the site fully operational in 1981.
- 2.4 The development consists of 14 chalets in three terraces of four, five and five bungalows arranged around three sides of a central grassed area. There is a separate area at the western end of the site for parking. The chalets are of brick and tile construction.
- 2.5 Vehicular access to the site is from Coastguard Lane, an unadopted road, which in turn leads to Green Lane, also unadopted. There is a public right of way along Coastguard Lane which continues alongside the northern boundary of the site to a set of steps leading to the beach. There is also a footpath from Bethel Drive to the south running adjacent to the south and east boundaries of the site. The “Alandale” holiday park lies immediately to the south of the site.
- 2.6 The site lies outside but adjacent to the “physical limits” of Kessingland. The boundary of the Coastal Change Management Area lies immediately adjacent to the eastern boundary of the site.

## **PROPOSAL**

- 3.1 The proposal is the removal of the condition quoted in paragraph 2.2 above. If approved this would allow the chalets to be occupied year round as “normal” dwellings.
- 3.2 The application is accompanied by an assessment from a Tourism consultant.

## **CONSULTATIONS/COMMENTS**

- 4.1 **Neighbour consultation/representations:** Four objections have been received, as detailed below:
- 4.2 An objection has been received from the occupiers of “Ticknock”, Coastguard Lane, who object because of the impact on local infrastructure (sewerage/surface water drainage) and particularly increased traffic movements on Coastguard Lane. This access track was not designed or constructed for the additional traffic and has no facility for vehicles passing once on the lane. The minimal parking facilities and the lack of space for vehicles turning within the chalet site will only increase the likelihood of an accident whilst vehicles reverse and manoeuvre both in and out at the top and bottom of the track.
- 4.3 An objection has been received from the occupiers of “Pantai House”, Coastguard Lane, who object because:
- 4.4 1) Access to the property and volume of traffic in Coastguard Lane. The only access would again have to be via Coastguard Lane, this is a unmade up road / track that is already used to its full capacity, the lane couldn't possibly take on another 14 residential dwellings, the

current users of Coastguard Lane already experience high volumes of traffic for such a small track.

- 4.5 2) Removal of holiday occupancy restriction to allow for residential use. Any change of the occupancy restriction to these holiday chalets could then have a much larger impact, not only the home owners in the Coastguard Lane area but the region as a whole, as I would believe that if this application is approved it would then open up the flood gates for so many similar struggling holiday site that currently have restrictive occupancy to do the same.
- 4.6 An objection has been received from the occupiers of "Flora Bank", Coastguard Lane on the grounds of increased traffic and impact on services and schools.
- 4.7 An objection has been received on behalf of the management company for the Sea View site and their 120 chalet owners. The need for affordable housing is unquestionable, however there is a marked difference between purpose built affordable housing that meets modern building standards and the needs of the occupants and small holiday chalets, often elderly and purposely designed solely for holiday use. Holiday chalets do not generally have any outdoor space. The designs simply do not accommodate the needs of the modern family to reside in comfortably, storage space is limited, kitchens small, heating often inadequate and limited to relatively expensive electric only.
- 4.8 They further point out that the implications of permitting any holiday chalets to become residential homes. It's not just the Ocean View chalets that would be affected, the repercussions of approval would in reality be an open invitation for all business and individual 'holiday' chalet owners to also seek removal of the 'holiday' restriction and any occupation periods currently in force.
- 4.9 Turning now to the more general statements made in support of the application, in particular the assertion holiday chalets on sites without any facilities are not viable. Whilst we sympathise with the applicant in our experience this is not necessarily the case. We find there is still a demand for the rental of holiday chalets on this site despite the fact we have no facilities such as bars, shops etc. and none of the razzmatazz of larger holiday sites. We do not try to compete with the larger sites instead we offer an alternative. We find there are guests who do want simple, quiet and 'old fashioned' type sites, what you might call bucket and spade holidays. Our guests tend to make use of the local shops, public houses, restaurants and make their own entertainment by visiting local attractions. If there are difficulties generating bookings then one of a number of specialist holiday home booking agencies may be able to assist. In addition the freehold or lease of individual chalets can be sold and ongoing revenue generated from a 'service' charge, this is certainly the case on this site and we understand at Alandale and Kessingland Cottages. If approval is given for the removal of the 'holiday use' condition the dye will be set with far reaching consequences that cannot be reversed.
- 4.10 **Kessingland Parish Council Comments:** When this application was first submitted in December 2014 (DC/14/3809/ROC), Kessingland Parish Council expressed its concerns for a number of reasons, they included:-
- 4.11 The proposed site is located at the end of Coastguard Lane which has the appearance of an unmade road but is in fact a Public Footpath on the County Councils Designated Footpath Map. It is used by a handful of local residents to access their properties. Given that the proposed site would generate an increase in vehicle movement, it would not be fit for purpose.
- 4.12 The applicant must have private rights to take motorised vehicles over the public right of way. Without lawful authority it is an offence under the Road Traffic Act 1988 to take a motorised vehicle over a public right of way, other than a byway.
- 4.13 There are the usual concerns relating to the infrastructure, such as overcrowding as the Doctors Surgery and School and problems with the foul/water drainage system.

- 4.14 Following the withdrawal of the previous application, the applicant has now commissioned a report which concerns an assessment of Ocean View Chalets as a holiday park.
- 4.15 There is a lot of reliance placed on the fact that this site has no onsite facilities and there is insufficient room to develop such facilities. The report goes to some length to compare this site with nearby holiday sites that have these facilities, i.e. Pontins and Kessingland Beach Holiday Park.
- 4.16 There are a number of sites locally that do not have such facilities that are mentioned in the report and they all seem to manage quite well, not everybody spending their holiday time on this coastline want these types of holiday sites.
- 4.17 The problem the applicant has with this site is that he has done very little to improve the site, it is still very much the same as when it was first built and it is through lack of investment that the owner finds himself in this situation.
- 4.18 The report talks about the cost of site refurbishment stating that all the units need modernisation and refurbishment and this would run into tens of thousands of pounds. Yet the one of the suggestions "is to convert to housing, and given the standard of building that would seem possible".
- 4.19 The question here must be if this site according to the report requires tens of thousands of pounds to maintain its holiday site status that indicates that they are not fit for purpose but the applicant is willing to trade them off for housing units for local people?
- 4.20 Kessingland relies heavily on its tourism business as part of the local economy and any loss would be have to be considered against the benefit to the community.
- 4.21 To finalise, Kessingland Parish Council are against the removal of Condition 4 to allow the chalets to be occupied all year round and without holiday restrictions, for the reasons mentioned above.
- 4.22 The last application was not referred to Suffolk County Council Footpaths, the Parish Council suggest that this time round it goes to their Rights of Way Officer.
- 4.23 Since receiving this application the Parish Council have been contacted by the applicant Mr Hubbard, who expressed a concern that the site would have to be sold off and that would not benefit the local community if a property developer stepped in. What he said was that he would like the properties on this site to serve the local community as low cost starter homes for Kessingland people. This was discussed with the Planning Officer Richard Amor and on his advice the applicant was told that his consultant should contact WDC.

### **Consultees**

- 4.24 **Suffolk County - Rights of Way:** Thank you for your consultation concerning the above application.
- 4.25 Government guidance considers that the effect of development on a public right of way is a material consideration (Rights of Way Circular 1/09 – Defra October 2009, page 46, paragraph 7.2) and public rights of way should be protected.
- 4.26 The proposal as submitted would have a significant effect on Public Footpath 8 which is recorded along Coastguard Lane, access to application area.
- 4.27 The Public Rights of Way and Access Team objects to the proposal on the basis that:

- 4.28 The proposal would have a detrimental impact on the use and amenity of the public right of way.
- 4.29 In the interest of safety there is insufficient width for walkers and vehicles to pass safely and there are few passing places or places to escape to in the event of a large vehicle using the footpath.
- 4.30 In the interest of the amenity for the public it is not an acceptable route for additional traffic due to the lack of width and the likely damage to the largely unmade path surface.
- 4.31 Referring to the Planning Statement regarding access - "The existing vehicular access to the site is far from ideal but the proposed change of use is unlikely to create any additional traffic movements over and above those that arise from the current holiday use." - residential use of the chalets will incur an increase in traffic as there will be more deliveries/visitors to the site and potentially the residents themselves could have more than one vehicle per property.
- 4.32 **Suffolk County - Highways Department:** Having reviewed the attached request to remove the Holiday Occupancy restriction (Condition 4), Suffolk County Council's perception, as Highway Authority, is that the proposed development would have a potentially severe impact on highway safety. Therefore, SCC formally objects to the proposal.
- 4.33 We consider that the proposal to allow all year round use of the site for residential purposes would be a degree of intensification of use at this site and this would be detrimental to the safety and condition of the existing unmade surface access route from the site to Green Lane. This would be exacerbated by use during the months with the worst weather, which is not the case with the existing restricted summer season use. The route is not wide enough for two way traffic and residential use is likely to increase the number of vehicle trips, including servicing vehicles, deliveries and visitors, again this is likely to be an intensification of use compared to the existing restricted arrangements.
- 4.34 Therefore our view is that we oppose the removal of this condition. If you require any further information, please let me know.
- 4.35 **WDC - Economic Regeneration** were consulted on the 13 August 2015.

## PUBLICITY

4.36 The application has been the subject of the following press advertisement:

Category	Published	Expiry	Publication
Public Right of Way Affected,	14.08.2015	03.09.2015	Beccles and Bungay Journal
Public Right of Way Affected,	14.08.2015	03.09.2015	Lowestoft Journal

## SITE NOTICES

4.7 The following site notices have been displayed:

General Site Notice	Reason for site notice: In the Vicinity of Public Right of Way, Date posted 12.08.2015 Expiry date 01.09.2015
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## RELATED APPLICATIONS

Reference No	Proposal	Decision	Date
DC/14/3809/ROC	Removal of Condition No.4 of N2650/8 - to allow 14 chalets to be occupied all year round and without holiday restriction	Withdrawn	8 January 2015

## PLANNING POLICY

- 5.1 The Waveney Core Strategy was adopted in January 2009. Policy CS01 sets the Spatial Strategy for the District and policy CS13 deals with tourism
- 5.2 The Development Management policies were adopted in January 2011. Policy DM02 sets design principles for development.

## PLANNING CONSIDERATIONS

- 6.1 The site lies outside the “physical limits” of Kessingland, where new build residential development would not normally be acceptable. However in this case the buildings already exist and no physical changes to them are proposed in this application.
- 6.2 The supporting text to Core Strategy CS13 starts with the sentence: “The tourist industry is vital to the economy of Waveney”. With this in mind, the policy states that “Existing tourism uses will be protected. Redevelopment of existing sites will be encouraged where it increases the range and/or quality of tourist facilities and accommodation.”
- 6.3 The applicant’s agent has submitted a Planning Statement to accompany the application. This draws attention to paragraph 51 of the National Planning Policy Framework, which states:
- 6.4 “Local planning authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies and, where appropriate, acquire properties under compulsory purchase powers. They should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.”
- 6.5 The statement provides the following justification for the application:
- 6.6 “The Ocean View holiday chalet business has been operating since 1981, a period of some 33 years, during which time the holiday industry has changed considerably. In the early days the chalets were rented by families but the modern family requires amenities such as swimming pools, shops and a bar which this site is too small to accommodate, with the result that the majority of current customers are elderly couples, often with a little dog, who chose to come in the early and late season when prices are low.
- 6.7 The massive build-up of the adjoining seashore caused by the actions of the sea has also had a negative effect on the business because the beach is now several minutes walk away.
- 6.8 There are a number of much larger holiday businesses nearby including Pontins, Kessingland Holiday Village, Heathland and The Hollies who are all competing for the family market with a range of on-site attractions including swimming pools, leisure and entertainment facilities, shops and bars. Ocean View simply cannot compete in this market and in recent years has struggled to break even or make even a small profit – and this without taking proper account for the time put into managing the site by the applicant and

his adult son. The owner, who is now nearing 80 years of age, has tried to sell the business on a number of occasions but without success.

6.9 In the early years of the business a well known local letting agency was used but this led to occasional conflicts between “single sex lettings” with the more traditional family lettings. To prevent these conflicts the owners felt they needed to be able to control the lettings, which they were unable to do with the letting agency, and so they stopped using the letting agency and have since marketed the chalets themselves.

6.10 The peak holiday season for the Ocean View Chalets is the 6 weeks of the school summer holidays. In the early years of the business very high occupancy rates were achieved in the 6 week peak season and provided the base for the financial viability of the business. In recent years the peak season occupancy rates have declined to less than 40% and this has been the main cause of the decline in the financial viability of the business. The decline in occupancy is demonstrated by the following table:

6.11	2002	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
	89%	71%	71%	81%	73%	64%	51%	33%	37%	33%	39%

6.12 The applicant’s accountant has confirmed the parlous financial state of the business and has provided an analysis of its financial returns over the last 10 years to back this up on a confidential basis.

6.13 Bookings for the current holiday season have declined dramatically and at the time of writing this Statement, 20 July 2015, only 62 weeks have been booked out of a possible 434, an occupancy rate of 14.2%. This is fast becoming the worst season the business has ever had, it is not even covering its costs and the owners are being forced to inject cash to prop up the business. Unless there is a dramatic recovery in bookings during August (which seems most unlikely) it is now clear that the owners will be forced to close the business at the end of the season leaving the chalets empty and open to the inevitable vandalism.

6.14 There is a national and local shortage of affordable homes and the local shortage has been identified in the emerging Kessingland Neighbourhood Plan. One of the Council’s key sustainability issues is the lack of affordable housing. The proposal also accords with policy CS01. Approval of the change of use of these chalets, which are constructed with cavity brick walls and concrete tiled roofs, for permanent residential use will bring to the housing market 14 small homes that will be at an affordable price.

6.15 The existing vehicular access to the site is far from ideal but the proposed change of use is unlikely to create any additional traffic movements over and above those that arise from the current holiday use.”

6.16 The previous report to the January Committee meeting identified three main issues. The first was whether the applicant had explored all avenues to improve the viability of the site so that it could be retained in holiday use. The conclusion was that he had not.

6.17 As a result the applicant arranged a site meeting with one of the Council’s Economic Development Officers, who recommended that an assessment of the business should be obtained from a recognised tourism consultant.

6.18 The applicants appointed Asa Morrison, an experienced locally based tourism consultant, to carry out an assessment of the business and his report concludes:

6.19 “The main issue is that if occupancy does not pick up dramatically over the summer the park may face closure at the end of the year. This type of small holiday park with no facilities and communal gardens is going to struggle to survive in an era when holiday park visitors seek privacy and want a wide range of facilities and activities on site.

- 6.20 It is highly unlikely that the site has a future as a holiday park and consideration needs to be given now as to what use of the site will most benefit the community of Kessingland to prevent it from becoming a disused empty site.
- 6.21 Ocean View is a Holiday Park with some major challenges; its occupancy has dropped to unsustainable levels in recent years.
- 6.22 This is due to a number of factors;
- It does not have any onsite facilities and it does not have enough space to develop facilities, or bed spaces to make any facilities economically viable.
  - Visitor's used to rely on the facilities at Kessingland seafront, a short walk away, but over the years these facilities have closed.
  - The site has communal garden space, modern visitors seek privacy and the site does not have sufficient space to make each unit have private space.
  - The site units seem to be of sound build, but require modernisation and refurbishment, the land requires re-landscaping and access to the properties need to be improved.
  - Marketing of the site could be improved
- 6.23 The issues of facilities and communal space are such that even with significant investment in marketing and complete refurbishment, it is highly likely that the site will not become viable again".
- 6.24 The second issue is that at present the bungalows have no private gardens, they share a small communal area behind the bungalows. The areas are small, particularly those on the north and south sides of the development, with depths of 4-5 and 3-4 metres respectively. These areas would be very small for permanent dwellings. However there would be no direct impact on adjoining properties from overlooking.
- 6.25 In some cases occupancy of holiday chalets has been restricted in winter months because the construction of the chalets is such that their standards of insulation would be inadequate. However in this case with cavity brick walls this should not be an issue.
- 6.26 The third issue is that access to the site is very poor, but it is already in use to serve the site. Permanent residential occupation is likely to generate more traffic than holiday use, but perhaps not to the extent that refusal would be justified. However the existing parking area may not be adequate for potentially 28 vehicles, and will increase pressure on limited existing on street parking facilities.
- 6.27 If this application is approved it will enable the buildings to be sold on the open market and, by reason of their size and disposition, at a price that is affordable, making a contribution to the supply of smaller dwellings.

## **CONCLUSION**

- 7.1 Based on the information submitted with the application it seems unlikely that the site has a future as a holiday park, and if it is destined to close the question is what use should be found for it. Whilst residential use has some potential disadvantages, such as the small private garden areas and the limited parking, this does seem to be the best option for this site.
- 7.2 Accordingly the application is recommended for approval.

## **RECOMMENDATION**

That the removal of condition 4 to permission N2650/8 be agreed.



**BACKGROUND INFORMATION:**

See application ref: DC/15/2965/ROC at  
[www.waveney.gov.uk/publicaccess](http://www.waveney.gov.uk/publicaccess)

**CONTACT**

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