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**Item No:** 7.2

**Application:** 171137

**Applicant:** Mr Greg Lashley

**Agent:** Mr James Wells

**Proposal:** Regularisation of three lighting columns and three bollard lights.

**Location:** Mersea Island Holiday Park, Fen Lane, East Mersea, Colchester

**Ward:** Mersea & Pyefleet

**Officer:** Chris Harden

**Recommendation:** Approval

## **1.0 Reason for Referral to the Planning Committee**

- 1.1 This application is referred to the Planning Committee because it has been called in by Councillor Moore who states: "Light pollution affecting the rural nature of East Mersea. Against policy no.6.229. All coastal developments must be sensitive to and integrate with the sensitive coastal environment and surrounding rural landscape. It also goes against the dark skies policy being adopted by East Mersea Parish Council." A site visit is requested to appreciate the rural nature of the area and proximity to SSSI.

## **2.0 Synopsis**

- 2.1 The key issues for consideration are the visual impact of the lighting upon the surrounding environment, impact upon neighbouring residential amenity and any impact upon wildlife.
- 2.2 The application is subsequently recommended for approval. It is considered that the retention of the three column lights (to be revised with additional hooding and lower light wattage) and three bollard lights would not have a significant detriment to the character of the area or its surroundings, would not detract from neighbouring residential amenity or have an adverse impact upon wildlife.

## **3.0 Site Description and Context**

- 3.1 The site is an existing caravan site that lies within the countryside and within the Coastal Protection Belt zone. The caravan site lies adjacent to the Colne Estuary Ramsar site, the Colne Estuary Special Area of Conservation and the Colne Estuary Special Protection Area and the Site of Special Scientific Interest. Further eastwards lies Cudmore Country Park.

## **4.0 Description of the Proposal**

- 4.1 The proposal is for the retention of three lighting columns and three bollards that have been erected within the Easterly area of the site. The lighting columns measure five metres in height and the bollards are 1.1 metres in height. The agent has agreed to amend the column lights so that bulbs would be 20 Watts rather than the current 35 Watts and a hood would be added to on the landward side to cover half of each of the three column lights.
- 4.2 The agent states that the six lights were installed in the course of implementing planning permissions 13/2233 granted in 2013 and 151231 (modified) to station additional static holiday caravans at the park. The agent states that "the lights are to ensure the safety of visitors to the park and allow the new phase of accommodation to remain consistent in this respect with the rest of the park. Normally the provision of such lights would be permitted development as a requirement of the Caravan Site Licence and were installed on that understanding. However, it appears that rather exceptionally, in this case there is no such requirement in the current Site Licence."

4.3 The agent also confirms that the other existing lighting across the park predates the applicant's ownership and is also five metres in height, although of a different design.

## **5.0 Land Use Allocation**

5.1 Coastal Protection Zone.

## **6.0 Relevant Planning History**

6.1 132233 Use of land for the stationing of static holiday caravans and children's play area – Approved 7/1/2014

6.2 151231 Application for removal or variation of condition 02 of planning permission 132233 - variation of approved layout plan. Approved 4/8/15

## **7.0 Principal Policies**

7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.

7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations  
UR2 - Built Design and Character  
ENV1 - Environment

7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

DP1 Design and Amenity  
DP9 Employment Uses in the Countryside  
DP10 Tourism, Leisure and Culture  
DP14 Historic Environment Assets  
DP21 Nature Conservation and Protected Lanes  
DP23 Coastal Areas

7.4 There are no adopted Site Allocations (adopted 2010) policies that are specifically relevant to this case.

7.5 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):

Sustainable Construction  
East Mersea Village Design Statement

7.6 In addition, the CBC Artificial Lighting Guidance Note 2012 has relevance, although this is not a formally adopted document.

## **8.0 Consultations**

8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.

8.2 The Head of Environmental Protection does not object and suggests the following condition: Light Pollution for Minor Development:

Any lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone EZ1 AONB. Note:

Reason: In order to safeguard the amenity of the surrounding area by preventing the undesirable, disruptive and disturbing effects of light pollution.

Advisory note

We suggest that the new column lights are shielded on the landward side in order to reduce any residential impact.

8.3 Highway Authority - no objections.

8.4 Natural England “has no comments to make on this application...this does not imply there are no impacts upon the Natural Environment..the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.”

*Standing advice is referred to.*

## **9.0 Parish Council Response**

9.1 East Mersea Parish Council “strongly objects to part of planning application no. 171137. The low level bollard lighting is probably essential for safe and secure circulation around the site, whilst Stalag III type flood lighting would be unnecessary, intrusive to the surrounding properties (as well as, one would think, to the Mersea Island Holiday Park residents themselves) and ecologically unfriendly.

## 10.0 Representations from Notified Parties

10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. The full text of all of the representations received is available to view on the Council's website. However, a summary of the material considerations is given below.

10.2 Three letters of objection have been received which make the following points:

- (i) understand security need but current high level lights are totally out of kilter with the landscape. Piercing white, and visible due to their height across the village. Diagrammatic representation does not show that they are on high ground and the village is on low ground. High level lights are visible from a long distance over 1 mile or so from the site. Cause huge glow.
- (ii) Living in Bromans Lane the nearest light is under 400m from us and forces us to close curtains at night - especially as they seem to be on 24 hours a day, which is certainly not needed.
- (iii) Close proximity of Cudmore Grove, the rural village of East Mersea (recognised by CBC as a special location and rural village – Zone 3) and Ramsar site, which these lights have a direct effect upon.
- (iv) Current high level street lighting at Cosways (Away Holiday Park) is causing a complete nuisance and is in direct contravention to CBC Planning Guidance note 2012 \_ External Artificial Lighting.
- (v) The Clean Neighbourhood and Environment Act 2005: As no planning permission was granted for them, this is in direct contrast with planning guidance.
- (vi) Failure in park's governance when submitting applications or indeed following policy.
- (vii) Policy DP10 contravened - agents statements not supported by Planning Guidance. High rise lights proposed are in direct contravention of the policy and do not meet NPPF guidelines.
- (viii) CBC policy states that: glare and insensitive lighting can have serious implications ... Bright or inappropriate lighting in the countryside can also have severe ecological implications. Obtrusive light in rural locations can affect the natural diurnal rhythms amongst a wide range of animals and plants.
- (ix) High lights contrary to DP1.
- (x) EZ 1: Intrinsically dark landscapes – argument can be made that no lighting should be encouraged across the site, certainly not high level.
- (xi) EZ 2: Low district brightness areas. High level not appropriate, low level lighting may be required.
- (xi) high level lighting should be removed.
- (xii) Lights have caused concern for a while- no effort made by owners to communicate with community.
- (xiii) Dark peaceful rural areas need to be protected.
- (xiv) CBC needs to take holistic view of all proposals on the site.
- (xv) No technical reason why columns can't be designed sensitively.
- (xvi) If approved will set incremental precedent.

- 10.3 Mersea Island Society state: Tall lighting at other locations has been applied for and so far they have always been refused. Because of the close proximity of Cudmore Grove and the disturbance to wild life this application should be refused.

## **11.0 Parking Provision**

11.1 N/A

## **12.0 Open Space Provisions**

12.1 N/A

## **13.0 Air Quality**

- 13.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

## **14.0 Planning Obligations**

- 14.1 This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (s.106) of the Town and Country Planning Act 1990.

## **15.0 Report**

- 15.1 The main issues in this case are the visual impact of the lighting upon the surrounding environment, impact upon neighbouring residential amenity and any impact upon wildlife.

### Visual Impact and Neighbouring Residential Amenity

- 15.2 With regard to the visual impact of the column lighting, there was concern that the lights would be viewed from a considerable distance, causing an unacceptable light glowing impact at dawn, dusk and during the night. The agent, therefore, agreed to amend the scheme to reduce the wattage of the lights in the column lights from 35 W to 20 W and to have a hood around the lighting on the landward side (which would cover half of the light). This would then reduce the glow emanating from the lights and also would minimise the amount of light source visible by neighbours.
- 15.3 The Head of Environmental Protection has raised no objections and has referred to the environmental zones outlined in the Artificial Lighting Guidance Note against which impacts of lighting should be judged. Having discussed the case further with Environmental Protection it is considered that the site falls in-between the two zones shown below as it is adjacent, but not within the nature conservation areas, is in a countryside location but also on a site where there is already existing lighting:

**EZ 1:** Intrinsically dark landscapes. Lighting proposals that are near enough to significantly affect areas of nature conservation importance, e.g. Sites of Special Scientific Interest, National Nature Reserves and County Wildlife Sites, will only be permitted in exceptional circumstances. External artificial lighting can have severe implications for the natural diurnal rhythms in a range of animals and plants and therefore sites which are deemed important in terms of their provision of wildlife should not be affected.

**EZ 2:** Low district brightness areas. Significant lighting proposals within the open countryside and small villages will only be permitted if the applicant can demonstrate to the LPA that the scheme proposed is the minimum needed for security and/or working purposes and that it reduces the potential for obtrusive light from glare, light trespass and sky glow to an acceptable level. Artificial lighting in the open countryside can have a demonstrable effect on 'dark skies', one of the special qualities of the rural landscape.

15.4 The applicant has outlined why the lighting is needed and this need is considered reasonable. Environmental Protection has confirmed that the proposal complies with the guidance relating to EZ.1 and with the associated 'Obtrusive Light Limitations for Exterior Lighting Installations'. The light levels have been measured from Broman's Lane using a light meter (before hooding that is to be added.) A condition can be applied, as outlined earlier, in order to safeguard the amenity of the surrounding area by preventing the undesirable, disruptive and disturbing effects of light pollution.

15.5 Overall, subject to compliance with this condition, and the additional hooding and lower light wattage, it is considered that the three column lights would not have a significant visual detriment to the surroundings, including this part of the countryside and Coastal Protection Zone, or detract in any significant way from neighbouring residential amenity. There are already a number of column lights on the site and it is not considered these additional three columns would make such a significant difference to warrant a recommendation of refusal.

15.6 Similarly, the low level bollard lighting would be well hidden in the site from outside views and would not have any visual impact upon the wider surroundings outside the site or upon neighbouring residential amenity.

15.7 The 'dark skies' policy adopted by East Mersea Parish Council is noted. However, given the fact that the lighting will be partly hooded, the wattage reduced and there are already other existing light columns on site, it is not considered a refusal can be justified in this respect.

#### Impact Upon Wildlife

15.8 With regard to impact upon wildlife, Natural England has raised no objections - confirming that the application is not likely to result in significant impacts on statutorily designated nature conservation sites or landscapes. Accordingly, it is concluded that all of the lighting proposed to be retained within this application would not have any significant impact upon the Colne Estuary Ramsar site, the Colne Estuary Special Area of Conservation and the Colne Estuary Special

Protection Area and the Site of Special Scientific Interest. Similarly, it is too far from Cudmore Country Park to have any significant impact.

15.9 It is not considered that there would be any significant impact upon the general natural environment either. The lighting lies well within the existing caravan site.

## **16.0 Conclusion**

16.1 To summarise, it is considered that the retention of the three column lights and three bollard lights would not have a significant detriment to the character of the area or its surroundings, would not detract from neighbouring residential amenity or have an adverse impact upon wildlife.

## **17.0 Recommendation to the Committee**

17.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following conditions:

### **1. ZAM – Development To Accord With Approved Plans**

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 3904-121 received 9/5/17 and hooding and lamp wattage details received 5/7/17.

Reason: For the avoidance of doubt as to the scope of this permission and in the interests of proper planning.

### **2. Z00 – Hooding and Lamp Wattage Installation**

The additional hooding and reduced wattage lamps (20W) as outlined in the submitted details received 5/7/17 shall be installed on the three column lights the subject of this application within one month of the date of this approval and shall thereafter be retained as such.

Reason: In order to safeguard the amenity of the surrounding area by preventing the undesirable, disruptive and disturbing effects of light pollution.

### **3. Z00 – Light Specification**

The lighting hereby approved (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the figures and advice specified in the Colchester Borough Council External Artificial Lighting Planning Guidance Note for zone EZ1 AONB.

Reason: In order to safeguard the amenity of the surrounding area by preventing the undesirable, disruptive and disturbing effects of light pollution.

## **18.0 Informatives**

18.1 For any future lighting, the applicant is advised to consult Colchester Borough Council's External Artificial Lighting Planning Guidance Note.