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**Item No:** 7.3

**Application:** 162442

**Applicant:** Mr Greg Lashley

**Agent:** Mr Martin Taylor

**Proposal:** Change of use of land to site 67 static holiday caravans together with associated landscaping.

**Location:** Cosways Holiday Park, Fen Lane, East Mersea, Colchester, CO5 8UB

**Ward:** Mersea & Pyefleet

**Officer:** Chris Harden

**Recommendation:** Refusal

## **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 Tim Young who states that “I understand that the above application is being recommended for refusal. I think this is a mistake.” He adds that the proposal “looks positive and beneficial to the Borough’s offer as a visitor destination.” He strongly requests that the application goes to committee.

## **2.0 Synopsis**

- 2.1 The key issues for consideration are the principle of the development, impact upon the landscape, wildlife, archaeology, highway safety and residential amenity and any flood risk or drainage issues.
- 2.2 To summarise, it is not considered the proposal can be supported in principle on the grounds of the site being within a sensitive countryside location, including within the Coastal Protection Zone and not being allocated for Caravan use in the current Local Plan. There would also be serious visual detriment to the character of this part of the landscape and countryside from the introduction of the caravans and associated works, including hard surfacing and potential lighting. Whilst there would be some economic benefits from the proposal, it is not considered these would outweigh the principle policy objections and the serious visual harm that would be caused to the landscape and character of this part of the countryside by this major development.
- 2.3 Accordingly, the proposal is not considered to be of an appropriate scale for this location. The proposal is, therefore, considered contrary to Local Plan policies ENV1, ENV2, DP1, DP10 and DP23 and to the National Planning Policy Framework which recognises the importance of “protecting and enhancing valued landscapes” and maintaining the character of undeveloped coastlines. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. It is not considered that there are material considerations that would warrant departing from the Development Plan.
- 2.4 It is not considered that the impact upon wildlife, including upon the adjacent European Designated sites and upon the site itself would be of such significance to warrant a refusal on these grounds. Natural England has not objected in this respect, although Essex Wildlife Trust maintains its objections. Archaeological concerns have been addressed and there would not be a detriment to highway safety or residential amenity. There are no objections on Flood Risk or drainage grounds.

### **3.0 Site Description and Context**

- 3.1 The application site is an open grassed area that lies adjacent to the associated existing caravan site that was known as Cosways Holiday Park but is now called Mersea Island Holiday Park. This grassed area is generally higher than the adjacent caravan site as parts of the original site are located in what used to be a quarry. The application site lies within the countryside and within the coastal Protection Belt zone. It also 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. The site is bound to the North by arable fields. The site lies within Flood Zone 1.
- 3.2 Footpath 131\_25 runs adjacent to the eastern boundary of the site and the west of the Country Park in a north-south direction from Broman's Lane to the sea.

### **4.0 Description of the Proposal**

- 4.1 The proposal is for the change of use of land to site 67 static holiday caravans together with associated landscaping. The proposed plan includes an access road from the existing caravan site into the application site and internal roads to serve the static caravans. The caravans would be laid out in a series of crescents with a mixture of 45 single unit caravans and 18 twin-unit holiday lodges. Two play areas, landscaped areas and refuse bin areas are also shown. A hardstanding base and parking space alongside each caravan would be provided. Shallow bunds with 1:3 sides to 2 metres high were originally shown on the Northern and Eastern boundaries but these have now been omitted from the scheme.
- 4.2 The supporting documents submitted with the application include: a landscape statement, planning statement, full ecological appraisal, reptile survey report, transport statement, flood risk assessment and landscape masterplan.
- 4.3 The holiday park has a site licence for 230 caravans. In support of the application the agent states that this current proposal, together with the recent approvals for 28 new caravans by the entrance to the site and the central clubhouse leisure facilities represent a major investment in the park to match expectations of modern families. The existing park has a range of facilities including reception, shop, laundry, tennis courts, clubhouse, swimming pool and play area. Currently the number of jobs on site are 11 FTE (8 Full Time) and the agent states that this will increase to 15 FTE (12 Full Time.)

### **5.0 Land Use Allocation**

- 5.1 Coastal Protection Zone  
Countryside

## **6.0 Relevant Planning History**

### **6.1 Main Site:**

162027 Extension of clubhouse  
Approve conditional 14/10/16

151231 Children's play area  
Approve conditional 4/8/15

151235  
09/06/2015 - Removal/Variation of a Condition (13 Week Determination)  
Removal of condition 02 of planning permission 132270 in order to allow the extended season to apply without time limitation.  
Approve Conditional - 02/10/2015

132235  
Extension of existing and erection of new building to provide A3 (Restaurant), A5 (Hot Food Takeaway), B1 (Business), B8 (Storage), A1 (Shop) uses with ancillary facilities; together with Children's Play Equipment, associated access and parking facilities.  
Approve 25/03/15

132233  
Use of land for the stationing of (23) static holiday caravans and children's play area.  
Approve conditional 7/04/13

131667  
04/09/2013 - Full (13 Week Determination)  
Application to extend occupancy period of Cosways Caravan Park from 1st March- 31st December to 1st March - 31st January.  
Approve Conditional - 07/11/2013

132270  
14/11/2013 - Removal/Variation of a Condition (13 Week Determination)  
Variation of holiday occupancy period from 1st March - 31st December to allow for a 12 month year round holiday season. Resubmission of 131667.  
Approve Conditional - 07/01/2014

072975  
04/12/2007 - Full (8 Week Determination)  
Variation of occupancy condition attached to COL/98/0445 and COL/99/0655 to allow site opening between 1 March to 31 December each year .

98/0445  
20/03/1998 - Full /rem cond  
Amendment to Condition 01 of planning permission COL/86/1555 to allow extension of annual site opening period from 1 March to 30 November  
Approve Conditional - 26/05/1998

6.2 Other applications:

171137 Regularisation of three lighting columns and three bollard lights.  
Approve Conditional – 18/08/17

161410 Application to remove Condition 4 of planning permission 132233  
(implementation timetable) –  
Approve 9/9/17

**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  
SD2 - Delivering Facilities and Infrastructure  
CE1 - Centres and Employment Classification and Hierarchy  
UR2 - Built Design and Character  
TA1 - Accessibility and Changing Travel Behaviour  
TA4 - Roads and Traffic  
ENV1 – Environment  
ENV2 - Rural Communities

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  
DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses  
DP9 Employment Uses in the Countryside  
DP10 Tourism, Leisure and Culture  
DP14 Historic Environment Assets  
DP17 Accessibility and Access  
DP19 Parking Standards  
DP20 Flood Risk and Management of Surface Water Drainage  
DP21 Nature Conservation and Protected Lanes  
DP23 Coastal Areas\*

7.4 Some “allocated sites” also have specific policies applicable to them. There are no adopted Site Allocations (adopted 2010) policies of relevance to the application.

7.5 East Mersea does not have a Neighbourhood Plan.

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

External Materials in New Developments  
EPOA Vehicle Parking Standards  
Community Facilities  
Open Space, Sport and Recreation  
Sustainable Construction  
Sustainable Drainage Systems Design Guide  
Managing Archaeology in Development.  
Developing a Landscape for the Future  
East Mersea Village Design Statement

7.7 National Planning Practice Guide 2014

## **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 Planning Policy has made the following points:

- Site is currently an undeveloped area of open grassland located to the east of the existing Mersea Island Holiday Park. The land that is the subject of this planning application is not allocated for caravan use in the current Local Plan.
- Extension of the caravan park does not conflict with the objectives of paragraph 28 of the NPPF or Development Policy DP10 which support the delivery of sustainable rural tourism and leisure developments that benefit existing local community services and facilities. The proposal will extend an established tourism business, delivering additional jobs [from 11 FTE (8 full time) to 15 FTE (12 full time) ] and increase support for local businesses on Mersea as a result of an increase in holiday makers visiting Mersea. Proposal is therefore considered to accord with paragraph 28 of the NPPF and this element of policy DP10.
- East Mersea Parish Council produced a Village Design Statement in 2013. This is a material consideration when determining this planning application. There is general support in the adopted East Mersea Village Design Statement for the expansion of local businesses which do not detract from the rural character of East Mersea and which generate jobs locally. Despite acknowledging the importance of tourism locally on Mersea and the fact that the caravan parks provide alternative

community facilities, there is strong community opposition to any further expansion of the caravan parks in East Mersea.

- The ecological survey submitted to support the above proposal satisfies the requirement of criteria (i) of Development Policy DP21. However, the site is located immediately adjacent to the internationally designated Colne Estuary Ramsar site, the Colne Estuary Special Area of Conservation and the Colne Estuary Special Protection Area (Phase2) designated under European directives.
- Policy ENV1 does not support development proposals that result in adverse impacts on Natura 2000 sites. Given the close proximity of the caravan site to the designated sites the extension to the caravan site could potentially increase recreational disturbance at the Natura 2000 sites. The citation for the Colne Estuary SPA (paragraph 4.3 ) in the Ecological Appraisal acknowledges that this site is vulnerable to recreational pressure with potential impacts to both the habitats designated as part of the SPA and to feeding and wintering waterfowl. Under the Habitats Regulations 2010 (as amended), all projects must be screened to determine any likely significant effects on European designated sites. No HRA screening opinion has been sought or submitted with the planning application.

Given the close proximity of the caravan site to the designated sites, it may not be possible to conclude no likely significant effects and where this is the case, a full Appropriate Assessment would be needed to identify mitigation measures to address identified impacts. The application should not be determined until the proposal has been screened and submitted to Natural England for further consideration. This will help ensure compliance with Core Strategy policy ENV1 and policy DM21 and the Habitats Regulations.

- The planning policy team welcomes the fact that a traffic assessment has been completed however we have concerns about the application of the TRICS data. There is no supporting information about how this data was derived from TRICS. The team recognise that most visitors will arrive at the caravan park by car given its location and poor accessibility by public transport. The planning policy team has concerns around some of the conclusions reached in the Transport Statement with respect to the site's accessibility. The policy team disagree that the caravan park is accessible by a range of transport means including public transport. Bus provision to East Mersea is very limited with only 2 services, the 69A and 69 running on Tuesdays. Access on foot for all users, would be unsafe due to the lack of a pedestrian footway and lack of street lighting. Similarly, accessing the caravan park by bike would not be realistic particularly for families.

Previous comments from the Planning Policy team in April 2016, identified the need for final proposals to promote sustainable travel opportunities between the site and West Mersea, to help minimise traffic

impacts and to reduce impacts on the local community. Any final proposal should include measures to achieve these objectives to ensure compliance with policies ENV2, TA1, and TA4 in the Core Strategy and development management policies DP1 and DP10.

The spatial policy team welcomes the preparation of the Flood Risk Assessment/Drainage Strategy. We note however that no flood or evacuation plan has been submitted which is now promoted by the Environment Agency as good practice and considering that the sea wall at the Rewsalls frontage not far from the Mersea Island Holiday Park, failed in high winter storms in January 2014.

Finally the spatial policy team received a significant number of comments from residents in Mersea in response to the recent Local Plan Preferred Options consultation that people were living permanently at the caravan parks in Mersea.

If this is the case it is in clear breach of existing licensing agreements. A condition restricting the use of caravans/chalets at the Mersea Island Holiday Park solely for short term holiday use needs to be strengthened significantly if this application secures approval.

- 8.3 Landscape Officer: states that “Core Policy ENV1 requires protection of the landscape in accordance with the Colchester Borough Landscape Character Assessment (CBLCA). The proposed development site lies within Character Area (CA) E1 within the CBLCA and immediately adjacent to CA C3.

It should be noted CA E1 (Mersea Island Coastal Farmland) requires the landscape be ‘*conserved and enhanced*’ with guidelines to:

- a. *Consider the impacts of any new development in adjacent character areas avoiding visual intrusion and adverse impact on the generally undisturbed character;*
- b. *Conserve the open nature of some views across the coastal farmland;*
- c. *Consider the visual impact of any new small-scale development appropriate scale, form, design and use of materials appropriate to landscape character;*
- d. *Prevent coalescence of tourist orientated development on the southern edge of the area;*
- e. *Seek to screen visually intrusive caravan parks using structure planting (appropriate to local landscape character);*
- and for CA C3 (West Mersea Estuarine March/Mudflat), an objective ‘*conserve*’, with guidelines to:
  - f. *Conserve the mostly undisturbed, undeveloped character;*
  - g. *Consider the impact on views from the area to potential areas of new development within adjacent Mersea Island coastal farmland;*
  - h. *Manage and control possible levels of sewage and pollution released from adjacent caravan parks and development on Mersea Island.*



8.4 The Landscape Officer also makes a number of additional observations including:

- to better screen the development a more comprehensive tree and shrub belt should be proposed to enclose the eastern and southern boundaries of the site. This complementing the planting belts and groves to the adjacent Cudmore Grove and the requirement under the CBLCA to screen the development. The currently proposed screening is weak to the southern boundary, where it would currently be categorised as 'filter screening' rather than 'screening'. The existing screen planting to the elevated western boundary of the site is in generally poor condition, consisting primarily failing elm with a poor screening value in the long term. The current level of landscape enclosure would allow the development to visually bleed out to the surrounding landscape (and seascape) to varying degrees, potentially impacting detrimentally on the character of those areas that Core Policy ENV1 requires to be conserved.
- the proposed bunding would be fairly uncharacteristic of this landscape and should ideally be deleted from any proposals, if proposed then it should be extremely subtle (i.e. very shallow, a max 500mm high), this in order to help conserve the landscape as required under Core Policy ENV1.
- The Landscape Statement's response needs to be expanded to consider all changes in public views, including views from the south (land and sea) and west & northwest from the caravan park and exposed views from East Road & Broman's Lane.

The landscape officer has confirmed that the omission of the bunds and improved planting details/revised landscape details are beneficial.

8.5 Archaeologist: Originally stated: "The proposed site is of potential archaeological significance with multi-period archaeological remains already recorded by aerial photography within this site (Colchester HER no. MCC8916). It is, therefore, likely that heritage assets of archaeological interest will be found, i.e. below-ground archaeological remains. The evidence indicates that this is a sensitive site, which has a high likelihood of including archaeological deposits of national importance.

The potential archaeological significance of the site should be further explored, by way of pre-determination desk-based assessment, geophysical survey and trial trenching, before any decision is made as to whether or not the development of the site would be acceptable. This accords with the recommended approach contained in paragraph 128 and 129 of the National Planning Policy Framework (the Framework), in order for the LPA to be able to take into account the particular nature and the significance of any below-ground heritage assets at this location."

8.6 Following submission of the required evaluation the Archaeologist now states:

“An adequate geophysical survey and trial-trenched evaluation has been carried out across the proposed development site. On the basis of the results of this evaluation, and although the report on the trial-trenched evaluation has not yet been completed, I am able to revise my previous advice (dated 17 October 2016), which recommended the need for predetermination evaluation.

There are now no grounds to consider refusal of permission in order to achieve preservation *in situ* of any important heritage assets. However, in accordance with the *National Planning Policy Framework* (Paragraph 141), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

In this case, the following archaeological condition is recommended:

No works shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation that has been submitted to and approved, in writing, by the Local Planning Authority....”

8.7 Environmental Protection have no objections but recommend the following conditions and advisory notes:

Limits to Hours of Work

No demolition or construction work shall take outside of the following times;

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working

Light Pollution for Major Development

Prior to the first OCCUPATION/USE of the development hereby permitted, a validation report undertaken by competent persons that demonstrates that all lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) fully complies with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone EZ1 shall be submitted to, and agreed in writing by, the Local Planning Authority. Any installation shall thereafter be retained and maintained as agreed therein. *Note: In order to comply with this condition external lighting will have to be switched off between 23:00 and 07:00 and we recommend this is also conditioned.*

Demolition and Construction informative.

8.8 Contaminated land officer states: "It is noted that the Planning, Design and Access Statement advises that the land is very rough with noticeable rocks which may have been used for the deposition of spoil from the time when the adjoining the holiday park was used as a quarry. Consequently, should permission be granted for this application, Environmental Protection would recommend inclusion of a condition which would deal with any unexpected contamination which might be encountered."

8.9 Highway Authority has no objections and suggests the following conditions:

1. Each unit shall not be occupied until such time as the car parking area, indicated on the approved plans has been hard surfaced. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development.

2. The parking spaces / vehicular hardstandings shall be constructed to minimum dimensions of 5.5m x 2.9m.

3. Prior to commencement of the proposed development, details of the provision for the storage of bicycles for each unit, of a design this shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted and shall be maintained free from obstruction at all times for that sole purpose in perpetuity.

4. Prior to the occupation of any of the proposed new units, the vehicular visibility splays at the connection to East Road shown in Stilwells Drawing Numbered TSP/AR/P3043/001 Rev A, shall be provided and maintained in perpetuity free from obstruction clear to ground.

8.10 Essex County Council Flood & Water Management Planning & Environment initially objected to the application on the grounds of the submitted drainage plan being incomplete. Additional details have now been submitted and there are now no objections subject to the following conditions relating to:

1. A detailed surface water drainage scheme for the site.

2. Scheme to minimise the risk of offsite flooding.

3. Maintenance logs.

8.11 Natural England which is the statutory consultee on wildlife issues, has been consulted on the application and has provided a number of comments including reiterating the comments submitted for the applications 132270 and 132233) and submitting additional comments following the receipt of objections received by the Essex Wildlife Trust. The key conclusions received from Natural England are directly below. Full comments received from English Nature are available on the Council's website.

Summary:

(i) attached our previous response for your consideration.

(ii) the site lies in a sensitive location being in close proximity to a European designated site (also commonly referred to as Natura 2000 sites). European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is also in close proximity to the Colne Estuary Special Protection Area (SPA) which is a European site. The site is also listed as the Colne Estuary Ramsar site<sup>1</sup> and also notified at a national level as the Colne Estuary Site of Special Scientific Interest (SSSI). Further eastwards lies Cudmore Country Park.

(iii) the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment.

(iv) In terms of impact on the Colne Estuary SPA, the area of the high tide roost is already managed as a country park, as an attraction for visitors and that in winter the wildlife is an important part of that attraction. "The park has therefore been carefully designed to facilitate access to and enjoyment of this area of the coast and its wildlife, and conserve and enhance the over-wintering wildlife interest. This promotes the enjoyment of the wildlife by visitors without disturbing their natural behaviour and movement. For these reasons, Natural England's opinion is that the proposal is *not likely to have a significant effect* on the interest features of the Colne Estuary SPA."

(v) If the development is carried out in strict accordance with the submitted details, Natural England is satisfied that the proposal "will not damage or destroy the interest features for which the site has been notified... this SSSI does not represent a constraint in determining this application."

(vi) Maintain overall position of no objection and have identified need for mitigation measures to reduce anticipated disturbance effects caused by an increase in the local population. Should the applicant implement these measures as part of their project, then we do not anticipate that a formal Appropriate Assessment will be required.

(vii) the overall function of the over-wintering birds of the SPA would not be compromised by the development of the area, notwithstanding that it does make some contribution for these purposes.

(viii) Other parties may identify local impacts, which may still be important at a local level and should still be taken into account by the local planning authority.

(ix) Forage in site area but recent creation of new inter-tidal habitats at Fingringhoe management realignment of the site and closure of sea wall at Rewalls may offset some disturbance. Mitigation measures can be covered by condition.

(x) Roosting resource- function has weakened once land use changed from arable to grass land. Overall, function of overwintering birds in SPA not compromised.

(xi) Ringed Plover: peripheral to core breeding area. Mitigation including financial contribution recommended.

(xii) Buffer with Cudmore Country Park- suggest strengthen boundaries.

(xiii) anticipate that the main route of the Coast Path could be taken along the beach.

8.12 Essex Wildlife Trust: “object to this proposal for the following reasons:

- Insufficient information to conduct an Appropriate Assessment required to demonstrate that it will not pose a risk of unacceptable impacts to interest features of the Colne Estuary Special Protection Area (SPA)<sup>1</sup> and Ramsar site and the Colne Estuary Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR)
- Increased recreational impacts on interest features of the Colne Estuary SPA/NNR/SSSI
- Loss of habitat functionally linked to the SPA; loss of supporting/buffer habitat for the country park and increased “edge effect” (noise disturbance) impacting on the country park boundary
- Increased light pollution with adverse impacts on bats and other nocturnal wildlife associated with the adjacent Cudmore Grove Country Park Local Wildlife Site (LoWS) (Co168); increased predation by domestic cats/
- Loss of hunting/foraging habitat for Kestrels and Barn Owls; loss of nesting habitat for Skylarks”

Summary

Essex Wildlife Trust objects to this application for the reasons outlined above. An Appropriate Assessment is required to accompany this application. The applicant should provide wintering and nesting bird surveys and assessments of impacts (due to recreational disturbance, noise disturbance, light disturbance and loss of functionally linked habitat) on the Colne Estuary SPA. As previously stated, these are necessary to inform the appropriate assessment. Additional surveys to inform this application should include surveys for bats, reptiles and invertebrates.

8.13 Additional comments from EWT:

- Signage and information leaflets are of very limited use in influencing human behaviour.
- Mitigation measures won't work. How will effectiveness of conditions be monitored?
- Increased noise and other disturbance from increased recreational use as a direct result of the proposed caravan park extension is a clear and indisputable risk. It is self-evident that caravan occupiers will want to use the beach and foreshore for recreational activities. Caravan owners are able to occupy vans throughout the winter months; there will therefore be an increase in the numbers of people using the beach during the winter. This poses a risk of increased adverse impacts on feeding waders and wildfowl, particularly at those stages in the tide cycle when only a narrow strip of mudflat is exposed.

- The current application poses a risk of increasing the direct disturbance of feeding birds as a result of people and dogs intruding directly onto their feeding habitat in winter.
- The proposed development will result in an increase in noise disturbance, potentially all year round and most notably after dusk. This will adversely impact on the ecology of the country park due to chronic disturbance to wildlife, reducing the number of suitable territories available for breeding and foraging and affecting the behaviour of nocturnal species. This will result in a localised reduction in habitat quality and an overall reduction in biodiversity in the country park.
- We are surprised to note Mr Meurer's dismissive comment that skylarks, kestrels and barn owls are "common" species. This is highly misleading; while all three species can be described as widespread, they are all birds of conservation concern due to significant population declines over the last 50 years.
- Barn owls are dependent on the availability of prey-rich foraging areas and favour rank, open grassland habitat. The Kestrel has BoCC4 amber conservation status in the UK and is listed as a species of conservation concern across Europe. The cumulative impact of all these new developments and the consequent loss of foraging habitat for skylarks, kestrels and barn owls poses a risk of adverse impacts on the local populations of these species and other grassland specialists.
- Noise disturbance from adjacent caravans on the application site will continue to occur after the hours of darkness, and sometimes well into the night at weekends. This poses the risk of adverse impacts on nocturnal species in the park.
- Caravan owners often like to have additional decorative exterior lighting as well. These lights are often left on by caravan occupiers throughout the night and result in significant light pollution. This is a separate issue to the park's own security lighting and would not be controlled by planning conditions.
- We do not agree with Natural England's conclusions and it is our view that the available evidence does not support their position. The decision on whether an appropriate assessment is necessary should be made on a precautionary basis. The development is not necessary for reasons of overriding public interest. It cannot be excluded, on the basis of objective information, that it will have a significant effect on the SPA, either individually or in combination with other plans or projects. Therefore it should be subject to an appropriate assessment of its implications for the SPA in view of the site's conservation objectives. This is in line with the ruling of the European Court of Justice in Case C-127/02 (the Waddenzee Judgment). We maintain the position that an appropriate assessment is required.

Full comments received from the Essex Wildlife Trust are available on the Council's website.

## 9.0 Parish Council Responses

- 9.1 East Mersea Parish Council “vehemently opposes the Away Resorts Application (162442) for 67 extra caravans on its site for the reasons identified below.

### *Blurring of Residential and Tourist Accommodation.*

East Mersea is a small village of around 100 houses which enjoys a rural and quiet lifestyle. Over the past years, and significantly over the past four years, it has suffered a substantial incremental creep of caravan park applications for both caravans and supporting infrastructure within the sites. This application takes the total of caravans in the parish, sited on three main parks, to over 1100 pitches dwarfing the village population. The design of caravans has improved enormously over the last ten years and new caravans, especially the lodge style of van, which is essentially similar to a two or three bedroom house can now be lived in comfortably all year round. Align this fact with two of the three sites having applied successfully for a 12 month season and caravan owners can and do spend all year on the sites. These two facts have blurred significantly the differential between residential and tourist occupancy and East Mersea has seen around 200 units (including traditional van, lodge style and holiday homes) applied for and approved over the last four years which would have been turned down if they were residential housing applications. The nascent CBC plan acknowledges that East Mersea is unsuitable for further housing yet caravan sites have continued to expand.

This is unacceptable – Colchester Borough Council needs to apply similar criteria to caravan park growth as it does to residential growth and treat them either as one policy rather than as separate entities or at the very least do not treat Policy DP10 – Tourism Leisure and Culture as a standalone policy but consider it as part of the overall plan not in isolation. What is happening in East Mersea is housing growth by stealth due to policy stove piping – it is extremely disappointing and frustrating that CBC has to date ignored this aspect of village planning.

### *Incremental Growth.*

Incremental growth by developers in reality is unacceptable but appears to be accepted as the normal course by planning departments. We have seen Cosways and now the new owners, Away Resorts, put in planning applications incrementally with apparently no requirement to demonstrate a strategic plan. This is planning madness but it does suit the applicant as incremental planning slices may be acceptable to the planning authorities in the Council but the strategic growth and business plan, which all developers will have created, due to size may not be. In the past four months we have seen a number of applications from Away Resorts, which even when taken individually, are very significant but if they had been taken together could have convinced the Council planners that the overall plan was too large for the village. A similar view can be taken with Coopers Beach who has also benefitted from incremental planning. What has happened, and is happening with this application, is that we are seeing uncontrollable and unstoppable growth in and around a small village which has become almost dominated by large urban style conurbations. If this application is approved there will be almost nonstop coastal ribbon development from Cudmore Grove to the Youth Camp on the parish

council boundary – and all abutting a number of SSIs, the nationally important Colne Estuary National Nature Reserve, the Colne Estuary Site of Special Scientific Interest, The Colne Estuary Special Protection Area and the Essex Estuaries Special Area of Conservation and all within the Coastal Protection Belt.

### *The Proposed Site.*

The most significant factor against the application is the geography of the site itself. Unlike the majority of the remainder of the Away Resorts site which nestles, at least from the northern perspective, in a natural bowl the proposed site is raised and therefore can be seen from both Broman's Lane, Cudmore Grove and is skylined from the southern aspect.

The application proposes raising bund type barriers to shield from view which will only succeed in creating a significant artificial mound type of view which will be an eyesore and definitely not 'in simpatico' with the landscape of East Mersea or indeed of the island as a whole. It is also likely to reduce resident's panoramic views. In addition the site has a boundary with Cudmore Grove, one of the few true country parks in the area. Having an essentially large housing development (with its attendant car parking, lighting and access roads) next to the rural country park is ridiculous – at least currently there is a field separating Cudmore Grove from the Away Resorts site which as described above sits in a bowl like geographical feature which shields those using the park from the urban sprawl like view.

Although trees are being provided as a screen in winter the site will be very visible and night time lighting (already a current issue with the remainder of the existing site) will be exacerbated by the height of this application. It is incongruous that in the Coastal Protection Belt this application would be allowed to progress. Approving the application on this land will essentially almost increase the physical size of built on land on the site by around 40%.

### *Policy DP10 – Tourism Leisure and Culture.*

DP10 is the overarching Development Policy in the current Local Development Framework. It emphasises that 'proposals must be compatible with the rural character of the surrounding area and avoid causing undue harm to the open nature of the countryside or designated sites.' It also states that 'Proposals for new or extended tourism facilities will be assessed against their ability to help deliver Core Strategy policies SD1, SD3, UR1, ENV1 and ENV 2.' This application certainly does not appear to satisfy either ENV1 - Environment or ENV2 –Rural Communities policies. ENV1 states that 'development will not be permitted that would adversely affect the open and rural character of the undeveloped coastline and its historic features, sites of nature conservation importance and wildlife habitats.'

Whilst ENV2 states 'that the Council will favourably consider sustainable rural business, leisure and tourism schemes that are of an appropriate scale (Parish Council emphasis) and which help meet local employment needs, minimise negative environmental impacts and harmonise with the local character and surrounding natural environment.(Parish Council emphasis)' It is of the opinion of



the Parish Council that this application clearly does not meet those requirements – this development is certainly not sensitive to or integrates at all with its countryside landscape surroundings.

#### *East Mersea Village Plan and Design Statement.*

The East Mersea Village Plan was produced in July 2013 and whilst it is accepted that it is for guidance only it does demonstrate how the village residents feel about the village and what should and should not occur. It is very significant that 76% of those polled disagreed or strongly disagreed with the statement 'We should allow expansion of the existing tourism/holiday/leisure sites.' In addition over 72% agreed with the statement 'Local business development should be encouraged as long as it does not detract from the peaceful rural character of the village.' Local resident's views must be considered a factor when planning officials consider this application – it is clear in this case that there is significant opposition to this application. The Parish Council notes the very significant amount of comments opposing the application on the planning website. This clearly shows the local swell of feeling against having yet further building in the village.

#### *Wildlife Impact.*

The Parish Council also have concerns about the impact on wildlife that this application, if approved, will bring to the area. Having spoken to the Ranger in charge of Cudmore Grove it should be noted that the site and the immediate area is hugely important for foraging bats, breeding skylarks, local kestrels and barn owls, reptiles and nationally rare moths. The siting of the new caravans will be only 75 metres from the edge of the Colne Estuary National Nature Reserve with its international and national designations. Brent geese and six species of wader found on the adjacent mud are present in nationally important numbers and there will be increased disturbance to waders and wildfowl on the foreshore from the increased usage. This is one of reasons why visitors come to Cudmore Grove – it would be hugely ironic if the application succeeded and the knock-on consequence was a reduction of the local wildlife and a commensurate reduction in those visiting Cudmore Grove. We also note that the Ranger at Cudmore Grove is very sceptical of the ecological appraisal carried out by the applicant which apparently was carried out over only one four hour visit – clearly insufficient study has been done.

#### *Sustainable Transport Policy.*

The Transport Statement written by Stilwell Partnership and submitted as part of the application is so poorly researched, inaccurate and not even proof read that it should not be used as part of this application. Examples of these inaccuracies, but by no means all include:

- Reference is made to East Road being a quiet, rural road with a number of pubs, restaurants and bus stops located on East Lane. With local traffic, Cudmore Grove and the other holiday parks (Fen Farm and Coopers Beach) East Road (not Lane) is not a quiet rural road. It has a single pub and restaurant on it.

- The report claims facilities close to the site. The post Office, shop and Nursery have all been closed for a number of years. The Fox public house is 5 km away in West Mersea.
- The report states that the site is located in a sustainable location with local buses within easy access. There is a single bus service on Tuesday each week. Constant referral to "Chichester" within the report (instead of we presume Colchester)
- Almost all the stated distances are inaccurate (for example the High Street, West Mersea is 6.5km away and not the stated 5km).
- The proposed number of trips associated with the development is stated to generate a maximum of 13 trips in both the AM (13:00 - 14:00) and PM (17:00 - 18:00) peak hour. This information is absolutely irrelevant to East Mersea. It is designed to measure the impact of extra traffic in an urban location that has peak rush hour traffic. It does not address the daily impact of extra traffic on a narrow rural road. The application states that each lodge will be provided with two car parking spaces suggesting a far higher impact on traffic than the report suggests.

This proposed development would not be consistent with Colchester Borough Council's own Sustainable Transport Policy. There is no regular bus service in East Mersea. The closest regular bus service is from Blue Row 4km away which if used would result in a walk of 8km for each round trip. Due to the continued incremental increase in the number of holiday homes in East Mersea, East Road is has now become so busy that it is accepted by cycling clubs as being completely unsuitable for cycling. No resident of the village is currently happy cycling along the only route into the village due to traffic density.

East Mersea is serviced by a single, narrow road that has no pavement and is the only route to and from the village. It is already heavily impacted by tourist traffic with visitors travelling to East Point, Cudmore Grove, Cosways caravan park, Fen Farm caravan park and Coopers Beach caravan park. It has almost no public transport and is unsuitable for use by cyclists. The only practical means of transport is by car. With 2 cars per proposed sites this equates to a further 134 cars clearly contrary to CBC's own Sustainable Transport Policy. Summary. The Parish Council represents East Mersea residents and this application has severely irritated and concerned the villagers – as can be seen by the comments on the Council website.

The new Council Plan, although still in draft, acknowledges that East Mersea is not suitable for expansion yet here is another example of creeping housing growth. We do not believe that the application should be approved as there are hugely significant concerns outlined in this note. This is yet another building expansion (camouflaged by utilising tourism guidelines) which is dwarfing the village. It is essentially housing by default by getting around residential requirements and takes advantage of the 12 month season which allows all round occupation. The location in no way suits the proposal as it would create a hugely geographical eyesore as well as causing a significant impact on the wildlife in the area. It is time that the residents of East Mersea are listened to by the planning authorities rather than them pandering to large commercial organisations whose prime rationale is to see an excellent return on their investment and have no interest in the village

itself. It is interesting that at no time since Away Resorts took on the overall site has any approach been made by their management to talk to the residents or the parish council.

Now is the time for the Planning Department and the Planning Committee to step up to the mark and refuse the application for the reasons described above and then have the courage to continue to oppose the undoubted appeals that will emerge.

9.2 West Mersea Town Council "OBJECT to the above application for the following reasons:

1. Access to the site and most facilities are in West Mersea which realistically is only accessible from East Mersea by car. There is NO public transport in East Mersea. Walking from East to West for a fit and able person will take at least 30minutes at best.

2. Reading the transport statement by Mr David Brooke Stilwell Ltd it is very clear that the company has not visited the Island for the following reasons: a. Item 2.20 & 2.21 i. There are no cycle routes between East and West Mersea  
ii. The public foot paths around the sea wall as shown in 'Oyster beds and vineyard tour' in areas that are now impassable and have had to be altered due to coastal erosion.

b. Item TA3 i. Travel from East to West will be mainly by car. If an accident were to happen on the Strood or East Mersea Road it could potentially totally block the road. The island in general already struggles with road blockages and severe parking shortages.

c. Item TA5 i. West Mersea has car parks managed by the WMTC and North Essex Parking Partnership, some of the car parks are free for the 1st 1 hour but all chargeable after that. These car parks are all fully used and West Mersea is in desperate need of additional spaces. During the height of the holiday season the congestion of the island is unbearable with even residents being blocked into their own drives.

d. Item 3.3 East Road (this is called East Mersea Road as opposed to East Road which is situated elsewhere in West Mersea) i. East Mersea Road, East Mersea is not a quiet road and people, especially visitors, regularly speed in excess of 40mph down it. There have been deaths on this road, though not in the last 5 years  
ii. East Mersea has only one public house  
iii. East Mersea no longer has a Bus service

e. Item 3.7 i. West Mersea has a population of approximately 7800, this does not include the caravan parks in West Mersea. If the population of the caravan parks in West Mersea were taken into account, due to the 12 month residency potential, the population could be more like 9000 and in the summer rising to over 18000 with other visitors to the Island. This excludes East Mersea Parks.

ii. It should be noted that NPPF para 29, is in favour of sustainable transport modes and para 30 encourages reduction in greenhouse gases and congestion.

This development will not only impact on the roads in both East and West but add to the already poorly maintained roads and pollution in what is an important environmental area. Para 32 talks about safe and suitable access, East Mersea Road is an unlit dangerous road and the only real way to travel it is by car.

f. Item 3.8 i. East Mersea information 1. A Post Office or local store is NOT situated in East Mersea the nearest one is in West Mersea over 4km away

2. The “pick you own” farm closed over 2 years ago

3. The Fox is Located in West Mersea over 3.5km from the site

4. The vineyard is over 2km from the site

g. Item 3.9 i. All WMTC car parks are pay and display. The nearest to the site is a 4km drive. 1. Seaview

2. Esplanade

3. Willoughby Car Park

4. Coast Road Car Park

5. Library

h. Item 3.10 i. It states in this paragraph that the site is for holiday use only, but it is known that some caravans are permanently being lived in.

3. WMTC are concerned that the proposed additional caravans and lodges will not comply with section SS17c of Colchester’s Local Plan – Preferred Options. WMTC would like to be assured that all 5 points of SS17c will be met in full.

4. In your current adopted policy DP10: Tourism, Leisure and Culture it clearly states the following: a. Proposals for tourism, leisure and culture development should promote accessibility by a choice of means of transport and must not cause significant harm to the amenity of people living and working nearby. i. The proposed new development would be in breach of the above statement for the reasons mentioned above. 1. There is only one mode of transport from East Mersea 2. It will put extra pressure on West Mersea already stretched amenities.

b. In rural areas, locations suitable for tourism, leisure and culture development should help to support existing local community services and facilities. The proposals must be compatible with the rural character of the surrounding area and avoid causing undue harm to the open nature of the countryside or designated sites. It is recognised that not all rural locations are readily accessible by public transport. Where accessibility is poor, proposals should be small scale and/or comprise the conversion of suitable existing rural buildings or limited extension to existing visitor accommodation. In locations where residential uses would be inappropriate, developments of visitor accommodation will be limited to holiday use only and/or certain periods of the year in order to prevent permanent or long-term occupation.

i. Once again the proposed additional caravans are in breach of this. 1. It is not accessible by public transport by any means.

2. The caravan sites have been granted 12-month usage and are not in any way enforced for holiday use only.

a. Item: 4.30 Extensions to existing holiday parks in the Borough, particularly those located at sensitive coastal locations will only be appropriate if a sympathetic development approach is followed and mitigation measures provided to manage climate change and environmental impacts on neighbouring Natura 2000 sites. a. If the development of the 67 new lodges and caravans was to go ahead it would be a disaster for the local environment, being so close the East Mersea Cudmore Grove country park, for disturbance to local wild life and addition to the wear and tear of the beach / cliffs where coastal erosion is taking a massive toll on a yearly basis.

WMTC serious believes this application should be rejected for the reasons stated and as no additional resources will be given to WMTC to cope with the additional demand.”

## **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 67 letters of objection have been received which make the following observations:

- Proposed development is on high ground and will be visible from the village, surrounding area and sea. Unacceptable impact on rural agricultural area on a small island.
- Proposal needs to be viewed in light of the current overdevelopment of the island with a proposed 350 extra homes and also with the current development of Coopers Beach. If agreed, total increase to the island population (due to 12 month residency rules) would at a minimum be over 1100 individuals and potentially at 3000 extra individuals.
- Impending development of Bradwell, which under ONR and National Government guidelines would indicate that emergency recovery plans would be required to support evacuation of Mersea Island along with ONR agreement to planning – this would indicate that this application would not be upheld at a national level.
- Application is outside the agreed CBC curtilage of the site.
- Caravan Site – CBC Option: CBC is requested to conduct a full survey of the treatment and sewerage of the site as the local bathing water around the site is known to be contaminated and current infrastructure is unfit for current or any increased capacity.
- Will cause further disturbance to recognised breeding and feeding grounds for a large amount of invertebrates and mammals. As Cudmore is recognised as a SSSI and Ramsar site and the foreshore is also recognised as a SSSI – this is in direct contravention of NATURA 2000 site guidance.
- Increase in this site will cause an increase in traffic as no public transport can realistically or does service the site. Direct effect on residents due to noise and increase in traffic flow as well as light pollution.

- Lights would shine down upon village houses (thus increasing light pollution across the East Mersea peninsula) and increase unacceptable noise levels in a quiet rural environment. Does not meet CBC Caravan Site Options.
- Policy DM1: will take away large green arable area reducing owners' healthy lifestyle. Increase traffic emissions.
- Policy DM 5: have a large impact on a small rural community in terms of light, noise, pollution and unsustainability. AWAY will provide their own shops. This will take away from any local business. CBC, will need to have measures so that AWAY does not abuse the regulations. Does not contribute to LEA.
- Contrary to criteria in Expansion of Business policies and in policies DM9, DM12, DM17, DM18. Need not demonstrated and Mersea infrastructure cannot take any more.
- DM23: Whilst outside Flood Zone 3 by 50m, flooding may occur in 3-5 years owing to erosion. Could also result in more flooding.
- Contrary to criteria in Policies ENV2 and ENV3. Reducing green infrastructure.
- Transportation of caravans a problem.
- Will increase litter.
- If permitted, conditions should include lighting time restrictions, construction working times, layout changes.
- More pressure on schools, doctors, and infrastructure of whole island including roads. East's sewage and water services already overloaded.
- As caravan owner on site, already disturbed by noise.
- Gap to Cudmore Grove should be maintained
- Site of Archaeological interest.
- Many caravans the size of a small bungalow and sites becoming residential in nature with 12 month occupancy.
- Should be audit check no units used for permanent accommodation.
- Contravenes sustainable transport policy.
- Jet skis causing a problem.
- Argument that it would create five more jobs is laughable.
- Other sites will want more units.

10.3 Councillor Bentley States: "As the County Councillor for East Mersea I would like to object. East Mersea is a very rural community that already has a lack of facilities enjoyed by other parts of the borough and to add extra caravan sites would only increase the amount of people using these very limited resources.

There is also genuine concern for the infrastructure and what impact extra vehicles generated by this application would cause, not to mention light and noise pollution as well. Due consideration must also be given to the impact of the wellbeing of existing residents on Mersea Island who are already expecting around an extra 350 homes to be built in future years. As a caravan application these are not seen as extra homes but in affect will use the same facilities as any extra build and this will have an impact also on the environment.

The proposed site is also close to farmland and near to protected nature areas and this should be considered before determination.

For these reasons I believe the application should not be approved."

10.4 The Ramblers state: “The proposal gives the erroneous impression that there are enough public buses for residents of the site to not need a private vehicle when staying here. Mention is made of connectivity to the Public Right of Way network in the locale. I am hoping this relates to the forthcoming Coast Path and look forward to seeing how matters develop. Currently the nearest routes are on the mudflats and in Cudmore Grove Country Park. The area, and particularly Cudmore Grove, are visited to get away from it all and enjoy the wilderness feel and the wildlife which has been promoted and assisted by long-term management. Having a development adjacent to it may well undo a lot of the good which has been done.”

## **11.0 Parking Provision**

11.1 Parking and turning provision details have been shown on the submitted plans and there is ample space on site for such provision.

## **12.0 Open Space Provisions**

12.1 Areas of open space have been shown within the submitted details.

## **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 As a “Major” application, there was a requirement for this proposal to be considered by the Development Team. It was not considered that Planning Obligations should be sought via Section 106 (s.106) of the Town and Country Planning Act 1990.

## **15.0 Report**

### Principle of the Development:

15.1 The proposal at hand is contrary to the Local Plan. It is not considered that the extension to the caravan park can be supported in principle, having regard to Local Plan and National Policies. Whilst tourism uses are supported in some circumstances, the site lies within the countryside and is currently an undeveloped area of open grassland located adjacent to the existing Holiday Park. The land that is the subject of this planning application is not allocated for caravan use in the current Local Plan.

15.2 The site falls within the Coastal Protection Belt zone and Policy ENV1 states that development in this zone “will not be permitted that would adversely affect the open and rural character of the undeveloped coastline, and its historic features, sites of nature conservation importance and wildlife habitats.” The policy also states that development will be strictly controlled on unallocated greenfield land outside of settlement boundaries. It adds that where new development needs, or

is compatible with, a rural location it should demonstrably be in accord with national, regional and local policies and be appropriate in terms of its scale, siting and design. Having regard to this Policy, it is considered that the open and rural character of the countryside would be adversely affected by the 67 caravans and associated infrastructure including hard surfaced access-ways and parking areas in direct conflict with this policy. This major proposal would not be of an appropriate scale for the location.

- 15.3 The supporting text to Policy ENV 1 also emphasises that “Colchester countryside and coastline is extremely diverse and important in terms of natural environment, biodiversity, landscape character, archaeology and cultural heritage. The countryside provides the attractive landscape setting that defines and characterises the villages and rural communities of Colchester Borough.” The text also explains that the Coastal Protection Belt “is a county-wide designation that protects the sensitive character of the undeveloped coastline which could be harmed by development that might otherwise be acceptable in a countryside area.” In this case the development would result in the loss of an attractive, coastal greenfield site to the detriment of this part of the landscape, again contravening the criteria and supporting text of policy ENV1.
- 15.4 Policy ENV 2 also emphasises the importance of such development being of an appropriate scale, that negative environmental impacts should be minimised and that such proposals should harmonise with the local character and surrounding environment. It is not considered the proposal would be in harmony with the local character and surrounding environment or that negative environmental impacts have been minimised.
- 15.5 Policy DP23 has similar provisions and states that within the Coastal Protection Belt development will only be supported where it can be demonstrated that it will not be significantly detrimental to the landscape character of the coast. It adds: “In exceptional circumstances, development may be permitted where it is proven that the proposal provides an overwhelming public or community benefit that outweighs all other material considerations. In such instances, applications must demonstrate that the site is the only available option and be acceptable in terms of other planning merits.” Again, the proposal conflicts with this policy owing to the adverse impact upon the landscape within the Coastal Protection Belt. It has not been demonstrated there is an overwhelming community or public benefit.
- 15.6 Paragraph 109 of the NPPF backs up the above policies and recognises the importance of “protecting and enhancing valued landscapes.” Paragraph 114 adds that Local planning authorities should “maintain the character of undeveloped coast, protecting and enhancing its distinctive landscapes...”
- 15.7 Permitting this scheme would introduce development into an open and undeveloped area of coastal land in East Mersea and extend the Eastern boundary of the caravan park right up to the western boundary of Cudmore Grove Country Park. The proposal, therefore, contravenes the objectives of policy ENV1 in relation to the Coastal Protection Belt.



- 15.8 There are elements of Local Plan and National Planning Policies that offer support for rural tourism. Policy DP10 supports the provision of sustainable rural tourism in appropriate locations, including static and touring caravans. However, it also indicates that proposals must be compatible with the rural character of the surrounding area and that, where accessibility is poor, proposals should be small-scale.
- 15.9 The NPPF recognises that planning policies should support economic growth in rural areas and this includes support for sustainable rural tourism and leisure developments, which respect the character of the countryside (Paragraph 28). Such support should include the “provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities.” Paragraph 18 states that the Government is committed to securing economic growth. It is likely that there will be some economic benefits from the proposal, with the increased size of the holiday park and a likely subsequent increase in income and benefits associated with increased tourist activity. The proposal will extend an established tourism business, increasing jobs to 15 FTE (12 Full Time) from 11 FTE (8 Full Time) and potentially increase support for local businesses on Mersea as a result of a likely increase in holiday-makers visiting Mersea. However, for the reasons outlined earlier, the site is not considered to be in an appropriate location for this expansion and it is not considered the development would respect the character of this part of the Countryside. Accordingly it is not considered that economic benefits would overrule the principle objections mentioned above.
- 15.10 The East Mersea Parish Council Village Design Statement (2013) is also a material consideration. In this statement there is general support for the expansion of local businesses which do not detract from the rural character of East Mersea and which generate jobs locally. However, despite acknowledging the importance of tourism locally on Mersea and the fact that the caravan parks provide alternative community facilities, it is clear from the comments received that there is strong community opposition to any further expansion of the caravan parks in East Mersea.
- 15.11 Overall it is, therefore, not considered that the principle of allowing the extension to the caravan park can be supported, having regard to the above Local and National Planning policies and the nature of this greenfield, unallocated countryside site that lies within the Coastal Protection Belt zone.

### Landscape and visual Impact

- 15.12 The general concerns about the proposal's impact on the landscape, contravening policies ENV1, DP23 and DP10 have been outlined above and the issue ties in with the principle of the development. In more specific terms, Local Plan policy ENV1 requires protection of the landscape in accordance with the Colchester Borough Landscape Character Assessment (CBLCA). The proposed development site lies within Character Area (CA) E1 within the CBLCA and immediately adjacent to CA C3.
- 15.13 As indicated in the response from the council's Landscape Officer, Character Area E1 within the CBLCA requires the landscape to be 'conserved and enhanced' and the guidelines for this are listed in the Landscape Officer's comment above. The site itself is on rising and elevated land and accordingly it is considered that the 67 caravans and associated works, which could include lighting, would be prominent and visible from a considerable distance, including from the estuary. Whilst a landscaping scheme has been submitted, including the reduction of the originally submitted bunds, it is considered that it would be extremely difficult to satisfactorily accommodate the extension of the caravan park into the landscape without there being a serious visual detriment to the character of this part of the countryside.
- 15.14 Much of the original site of the caravan park lies within land that was formerly a quarry; this would appear to form a logical limit to expansion of the site. The existing site is, accordingly, lower than the current application site. Caravans within the former quarry area are therefore less obtrusive than they would be on the application site and benefit from the lower land levels, the banks of the edge of the former quarry and some planting. However, the 67 new caravans would not have the benefit of being sited on this lower land. Indeed the site steps up markedly at certain points adjacent to the original caravan site and so the new caravans would be far more prominent than those within the former quarry area.
- 15.15 The application site itself is generally undisturbed and there would be visual intrusion and an adverse impact on this generally undisturbed character from the caravans and associated infrastructure, contrary to point (i) of the Character Assessment (CA) guidelines. The open nature of views across the coastal farmland would be lost and the large-scale development would not be appropriate for the existing character of the landscape, contrary to points (j) and (k) of the Character Area Assessment.
- 15.16 The proposal would also result in a degree of coalescence with other tourist oriented development which is Cudmore Country Park in this instance. That park is surrounded by vegetation but nevertheless the application proposal would bring the caravan park right up to its Western boundary. The open, undeveloped gap between the park and the existing caravan site would be lost. This would be contrary to the aims of point (l) of the Character Assessment (CA) guidelines.

- 15.17 Point (m) of this guidance also aims to visually screen intrusive caravan parks and, as outlined above, this would be very difficult to achieve given the elevated nature of the site and its prominence. Point (n) of the CA guidelines also provides that the mostly undisturbed, undeveloped character of the area should be conserved and the proposal would clearly conflict with this aim. Point (p) indicates that levels of sewage and pollution released from caravan parks needs to be controlled. However, it has been brought to the Council's attention that Cosways are currently discharging from the site in excess of their allowable volume of fully-treated sewage effluent. They have been informed that they would need to apply to have their permit revised but to date no application has been received.
- 15.18 Overall the concerns expressed by the Landscape Officer about the development visually bleeding out into the landscape (including seascape), detracting from the character of those areas, are considered justified. Whilst the landscape scheme has been amended and further information submitted, it is not considered that the additional information overcomes the serious landscape impact as outlined above.
- 15.19 Accordingly the proposal is considered to be contrary to Local Plan policies ENV 1, DP23, DP10 and DP1 and to the National Planning Policy Framework, which recognises the importance of "protecting and enhancing valued landscapes" and maintaining the character of undeveloped coastlines. (Paragraphs 109 and 114).

#### Wildlife Impact

- 15.20 With regard to wildlife impact, the site lies in a sensitive location, being in close proximity to a European designated site (also commonly referred to as Natura 2000 sites). European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is also in close proximity to the Colne Estuary Special Protection Area (SPA) which is a European site. The site is also adjacent to the Colne Estuary Ramsar site<sup>1</sup> and also recognised at a national level as the Colne Estuary Site of Special Scientific Interest (SSSI). Further eastwards lies Cudmore Country Park.
- 15.21 Natural England, which is the statutory consultee on wildlife issues, has been consulted on the application and has provided a number of comments (as outlined above) including submitting additional comments following the receipt of objections received by the Essex Wildlife Trust.
- 15.22 Having regard to the comments received from Natural England and all of the information submitted by the applicant and the concerns raised by Essex Wildlife Trust it is not considered a refusal can be justified in terms of the impact of the proposal upon wildlife. The reasons for reaching this conclusion are as follows.

- 15.23 Natural England is the statutory wildlife consultee and has determined that the proposal is “unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment.” Natural England has also concluded that in terms of impact on the Colne Estuary SPA, the area of the high tide roost is already managed as a country park, as an attraction for visitors and that in winter the wildlife is an important part of that attraction. “The park has therefore been carefully designed to facilitate access to and enjoyment of this area of the coast and its wildlife, and conserve and enhance the over-wintering wildlife interest. This promotes the enjoyment of the wildlife by visitors without disturbing their natural behaviour and movement. For these reasons, Natural England’s opinion is that the proposal is *not likely to have a significant effect* on the interest features of the Colne Estuary SPA.”
- 15.24 Natural England has also concluded that, if the development is carried out in strict accordance with the submitted details, it is satisfied that the proposal “will not damage or destroy the interest features for which the site has been notified... this SSSI does not represent a constraint in determining this application.” Accordingly it is not considered that this conclusion can be justifiably overruled by the Local Planning Authority and it is therefore considered that there are not sufficient grounds to refuse the proposal on the basis of impact upon these designated sites. It is agreed that the proposal is not likely to have a significant impact upon wildlife in the Colne Estuary SPA.
- 15.25 Natural England has provided a number of additional bespoke comments, having analysed the individual merits of the case and the comments received from the Wildlife Trust. It has confirmed that the overall position of no objection is maintained and has identified need for “mitigation measures to reduce anticipated disturbance effects caused by an increase in the local population.” It is also confirmed that, if the applicant implements these measures as part of their project, then Natural England does not anticipate that a formal Appropriate Assessment will be required. As the mitigation measures could have been conditioned if the application was recommended for approval, this again points to a lack of justification for refusing the application on wildlife impact grounds. Additional conclusions reached are that the overall function of the over-wintering birds of the SPA would not be compromised by the development of the area, notwithstanding that it does make some contribution for these purposes.
- 15.26 In terms of further site specific impact detail following the response from Essex Wildlife Trust, Natural England agreed that the site was a forage in site area but that the recent creation of new inter-tidal habitats at Fingringhoe, management realignment of the site and closure of the sea wall at Rewalls may offset some disturbance. It was considered that appropriate mitigation measures could be covered by condition. Natural England also considers that whilst the site itself is a roosting resource, that its function has weakened once the land changed from arable to grassland. Accordingly it is concluded that the function of overwintering birds in the SPA has not been compromised.

- 15.27 In terms of specific impact upon the Ringed Plover the site is deemed by Natural England to be peripheral to the core breeding area and that mitigation including a financial contribution is recommended. The Local Planning Authority sees no reason to disagree with this conclusion.
- 15.28 The applicant's ecological survey has concluded that "beyond the normal requirements to avoid impacts on protected species and designated sites in the wider area, there appear to be no overriding nature conservation constraints that would preclude the development of the site." A reptile survey was also submitted with the application and this concluded that the "site supports a low-end 'good' population of Common Lizard and very 'low' population of Adder and as such does not qualify as a SSSI, SINC or key reptile site and as a whole is considered unlikely to be of significant local value for reptiles." The report also outlines measures to ensure compliance with nature conservation legislation and states that, subject to their implementation, no adverse effects on Common Lizard and Adder populations would be expected to arise as a result of the proposed development. It is considered that these are sound conclusions.
- 15.29 Finally, with regard to the impact upon Cudmore Country Park, Natural England suggested that strengthening the boundaries on this side of the site would provide an adequate buffer to avoid significant impact.
- 15.30 Overall, having regard to all of the information submitted by the applicant, the comments and conclusions submitted by Natural England and the objections raised by the Essex Wildlife Trust it is not considered that the proposal can be recommended for refusal on the grounds of impact on upon the European Designated sites or upon wildlife on the site itself. The overall impact upon wildlife is not considered so significant to be able to justify a refusal.
- 15.31 The proposal is therefore not considered to be contrary to the provisions of the Habitat Regulations or to Local Plan Policy DP21, which aims to conserve or enhance biodiversity. The Habitats Regulations process has now been met with appropriate consideration under the requirements of Regulations 61 and 62 of the Habitats Regulations by the Council in conjunction with Natural England. Paragraph 118 of the NPPF also states that Local Planning Authorities should conserve and enhance biodiversity and avoid adverse effect upon sites within or adjacent to sites of Special Scientific Interest. For the above reasons it is not considered that the provisions of the NPPF in this respect would be contravened.

#### Archaeology

- 15.32 It has been concluded that the site is of potential archaeological significance with multi-period archaeological remains already recorded. Accordingly an archaeological evaluation was required by way of pre-determination desk-based assessment, geophysical survey and trial trenching. This approach accords with the recommended approach contained in paragraph 128 and 129 of the National Planning Policy Framework.

- 15.33 Following submission of the required evaluation the Archaeologist now concludes that an adequate geophysical survey and trial-trenched evaluation has been carried out. The archaeologist is now able to revise his previous advice, which recommended the need for predetermination evaluation.
- 15.34 He concludes: There are now no grounds to consider refusal of permission in order to achieve preservation *in situ* of any important heritage assets. An archaeological Programme of Works condition is now recommended in order to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed. Subject to compliance with this condition there are now no objections to the scheme on archaeological grounds.

#### Highway Safety

- 15.35 It is not considered there would be any significant impact upon highway safety from the proposal. Adequate visibility splays into the site can be provided and there would be space within the site to provide parking and manoeuvring space for vehicles associated with the use. The Highway Authority has not objected to the proposal, subject to conditions.

#### Residential Amenity

- 15.36 It is not considered that there would be a significant impact upon neighbouring residential amenity from the proposal. The site itself lies some distance from neighbouring properties and so it is unlikely that there would be significant disturbance from noise and activity within the park. Vehicular movements would not be so intensive to cause significant disturbance either.

#### Sustainable Drainage

- 15.37 With regard to the provision of a Sustainable Drainage System, Essex County Council now has no objection following the submission of additional details showing a complete drainage plan. Subject to the conditions as mentioned earlier, it is therefore considered that adequate detail has been submitted and that an adequate sustainable drainage system could be provided.
- 15.38 Policy Framework, 'more vulnerable' development types, such as the static holiday caravans are deemed appropriate within Flood Zone 1. The submitted Flood Risk Assessment confirms that in terms of other forms of flooding there is a low risk to the whole site from fluvial surface water, artificial sources, reservoirs, groundwater and sewer flooding. The Flood Risk Assessment concludes that overall flood risk is assessed as low. The agent has confirmed that there is already a flood warning and evacuation procedure in place.
- 15.39 Accordingly it is concluded that there are no objections to the proposal on flood risk grounds, including having regard to impacts caused by the development itself. As outlined above, the drainage system detail provided is adequate.

## Other Issues

- 15.40 A Traffic Assessment has been submitted and there was initial concern about how the data was derived from the Trip Rate Information Computer System (TRICS). Further information has been submitted, with the agent stating that it is anticipated that there would be 11 to 12 extra car trips per hour based on 2 trips per caravan. It is fair to say that the site has reasonably poor accessibility by public transport. Access by foot could also be unsafe and access by bicycle may be unrealistic to some families. The location of the site is therefore not considered ideal from a sustainability point of view. However, it is acknowledged the majority of people will arrive at the caravan park by car, which is the nature of such holiday parks and that there are facilities within the site to serve the holidaymakers. Access to the centre of Mersea would probably require the use of a car. Nevertheless, given the nature of the site, the fact there are on-site facilities and that sustainable opportunities have now been identified, it is not considered on balance that the proposal should be specifically refused on sustainability grounds. This, however, does not overrule the serious objections raised above as to the site being unallocated and in a sensitive countryside location.
- 15.41 Concern has been raised about the potential impact upon the centre of Mersea itself. On the one hand the development may be of benefit to the economy, by bringing more trade to local shops and other services. On the other hand there could be increased pressure on services and parking provision for example. Overall though, it is not considered the increase in tourist numbers would be so significant from 67 extra caravans to justify a refusal on the grounds of impact upon Mersea and its services. In reaching this conclusion, consideration has been given to the potential cumulative effect in relation to additional housing on the island.
- 15.42 It is not considered there would be any significant impact upon trees and other vegetation from the development. The majority of the site is grassland.
- 15.43 It is not considered that there would be any significant impact upon the setting of the Listed Building in Broman's Lane. This is considered to be far enough from the site to be affected in this respect and is also partly screened by vegetation.
- 15.44 The site lies outside the 5 km consultation zone in respect of Bradwell Nuclear Power Station. In 1999, it was announced that the station would cease operation and in 2002 decommissioning began. All spent nuclear fuel was removed from the site by 2005, the turbine hall was demolished in 2011, and by 2016 underground waste storage vaults had been emptied and decontaminated. Given the distance of the site from Bradwell and the fact that the power station has been decommissioned, it is not considered that an objection can be raised to the increase in numbers of people having emergency evacuation issues. Whilst plans to invest in a new power station on the site may come to fruition in future, at this point in time there is not a justification to object to the scheme on the grounds of proximity to Bradwell.

## 16.0 Conclusion

- 16.1 In conclusion, it is not considered the proposal can be supported in principle on the grounds of the site being within a sensitive countryside location, including within the Coastal Protection Zone and not being allocated for Caravan use in the current Local Plan. There would also be serious visual detriment to the character of this part of the landscape and countryside from the introduction of the caravans and associated works, including hard surfacing and potential lighting. Whilst there would be some economic benefits from the proposal, as outlined above, it is not considered that this would outweigh the principle policy objections and the serious visual harm that would be caused to the landscape and character of this part of the countryside from this major development.
- 16.2 The proposal is not considered to be of an appropriate scale for this location. Accordingly the proposal is considered contrary to Local Plan policies ENV 1, ENV 2, DP23, DP10, DP1 and to the National Planning Policy Framework which recognises the importance of “protecting and enhancing valued landscapes” and maintaining the character of undeveloped coastlines. (Paragraphs 109 and 114). Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. It is not considered that there are material considerations that would warrant departing from the Development Plan.

## 17.0 Recommendation to the Committee

- 17.1 The Officer recommendation to the Committee is for:

**REFUSAL** of planning permission for the reasons set out below:

The greenfield site lies within a prominent countryside location, within the Coastal Protection Zone and on rising land that is generally elevated compared to the existing caravan park, foreshore and surroundings. The land is not allocated for caravan use in the Local Plan. The proposed use of the site for 67 caravans with associated infrastructure such as hard surfacing and potential lighting would be seriously visually detrimental to the character of the landscape and this part of the undeveloped coastline that lies within the countryside. The proposal would be of inappropriate scale for its location and would not harmonise with the local character of the area. The open nature of views across coastal farmland would be lost and there would be a severe visual intrusion and adverse impact from the 67 caravans and associated infrastructure on the undisturbed character of this part of the landscape.

The proposal would therefore be contrary to the following policies of the Colchester Borough Core Strategy (adopted 2008, revised 2014) Development Policies (adopted 2010, revised 2014, which form the Local Plan:

- (i) ENV1 which provides that development in the Coastal Protection Zone will not be permitted where it adversely affects the open and rural character of the undeveloped coastline. The policy also provides that new development in rural locations must be appropriate in terms of its scale, siting and design and that unallocated greenfield land outside settlement boundaries will be protected and enhanced where possible in accordance with the Landscape Character



Assessment. The proposal fails to accord with the Landscape Character Assessment criteria for the above reasons.

- (ii) ENV2 which provides that leisure and tourism schemes should be of an appropriate scale, that negative environmental impacts be minimised and that such proposals should harmonise with the local character and surroundings.
- (iii) Policy DP23 which states that within the Coastal Protection Belt and along the undeveloped coast, development will only be supported where it can be demonstrated it needs a coastal location, will not be significantly detrimental to the landscape character of the coast or where there is an overwhelming public or community benefit that outweighs all other material considerations. No such public or overwhelming community development has been demonstrated. It has not been demonstrated that the site is the only available option or is acceptable on its other planning merits.
- (iv) Policy DP10 which provides that such proposals must be compatible with the rural character of the surrounding area and avoid causing undue harm to the open nature of the countryside. The policy also states that where accessibility is poor, proposals should be of small scale.

The proposal would also conflict with The National Planning Policy Framework Paragraphs 28, 109 and 114 which provide respectively that rural tourism and leisure proposals should respect the character of the countryside, be in appropriate locations and that the character of the undeveloped coast should be maintained, protected and enhanced.

## **18.0 Informatives**

18.1 The following informatives are also recommended:

### **ZTB - Informative on Any Application With a Site Notice**

PLEASE NOTE that a site notice was erected in a publicly visible location at the site. Colchester Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.