



Application No: 160915

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

Scale (approx): 1:1250

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7.4 Case Officer: Ishita Sheth

OTHER

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

Application No: 160915

Date Received: 18 April 2016

Agent: Mr Andrew Dowell, Bilfinger LPA

Applicant: Mr Carl Castledine

Development: Planning application to amend location and provide full details of children's playground approved by planning permission 151231.

Ward: Pyefleet

Summary of Recommendation: Conditional 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 Davidson for the following reason:

Impact on visual or residential amenity including potential loss of daylight or sunlight or overshadowing, loss of privacy, noise disturbance, smell or nuisance to the adjacent mobile home park & residents who have bought homes within this park.

These two East Mersea caravan parks have a unique USB with their reputation as quiet parks rather than an 'entertainment venue'.

The proposed site is within an area rated as a risk to the SSI site and therefore the local environmental habitat.

- 1.2 The Councillor wishes to call this application in if the officer is recommending approval.

2.0 Synopsis

- 2.1 The key issues explored below are whether the proposed play area is acceptable in principle and satisfies national and borough policies.

3.0 Site Description and Context

- 3.1 Cosways Holiday Park, which has been renamed as Mersea Island Holiday Park is located in East Mersea with access off the East Mersea Road. The application site, the subject of this application is a part of the wider caravan site. It is located to the south of the existing club house and open swimming pool area on the wider site, along the frontage close to the water.

4.0 Description of the Proposal

- 4.1 The proposal seeks to provide a children's play area within the application site to serve the wider caravan site. 5 Nos. play equipment are proposed to be provided within the proposed children's play area comprising of a seagull springer, nest swing, stilts course, infinity bowl and a 'varioset anrsberg' (unit including a climbing ramp, ramp ascent, balancing rope, slide and fireman's pole – all situated around a viewing platform)

5.0 Land Use Allocation

- 5.1 The land is shown as an area of countryside.

6.0 Relevant Planning History

- 6.1 Application 132233 for Use of land for the stationing of static holiday caravans and children's play area was approved in January 2014. Condition No. 4 of the consent required the submission of the details of the play area and for the approved details to be implemented. The originally proposed play area has not been provided as yet in the location proposed. The applicant seeks to provide a play area for the wider site in a different location which is as proposed in this application.
- 6.2 The application site which is the subject of this application did not form a part of the application site that was approved under Application 132233 and therefore the current proposal is a separate application for full planning permission for a play area for the wider caravan site.

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 also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.
- 7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations
SD2 - Delivering Facilities and Infrastructure
SD3 - Community Facilities
UR1 - Regeneration Areas
UR2 - Built Design and Character
ENV1 - Environment
ENV2 - Rural Communities

- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):

DP1 Design and Amenity
DP9 Employment Uses in the Countryside
DP10 Tourism, Leisure and Culture
DP20 Flood Risk and Management of Surface Water Drainage
DP21 Nature Conservation and Protected Lanes
DP23 Coastal Areas

- 7.4 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:

East Mersea Village Plan and Design Statement

8.0 Consultations

- 8.1 Environmental Health - Are aware of concerns from residents of the nearby Fen Farm site regarding noise disturbance from the proposed play area and have recently received a complaint regarding noise from children playing on an inflatable castle and other inflatable equipment located, on the proposed site of the play area.

However, also accept that the site is a holiday park and the proposed location is preferred so that parents can use the clubhouse facilities whilst their children are nearby. We note that there is already seating outside the clubhouse and an open-air swimming pool adjacent.

In order to minimise any impact make the following recommendations:-

ZPD - 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.

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

The age level of equipment provided is restricted to that included within the application, i.e. for very young children only.

The hours of use are restricted to reasonable hours (we understand that the adjacent Fen Farm play area is only open between 08:30 and either 21:30 or dusk, whichever is sooner).

The play area is not illuminated.

Also recommend that the play area is located as far from the boundary with the adjacent site as possible.

9.0 Parish Council Response

- 9.1 The Parish Council have raised objection to the proposal based on the two main issues – noise and privacy.

In addition to the details reported above, the full text of all consultation responses is available to view on the Council's website.

10.0 Representations

- 10.1 Responses have been received from one resident of Fen Farm and two owners of the same caravan of the application site. Response has been received from a Solicitor on behalf of the owner of Fen Farm Holiday Park. Petition has been submitted by some residents of the Fen Farm Holiday Park objecting to the proposal.
- 10.2 The main concerns and objection raised by these responses are:
1. Noise issues – high noise levels when bouncy castle was erected for a temporary period in this location; proposed play area would be open for much longer.
 2. Loss of amenity and privacy issues.
 3. Already too much noise generated by clubhouse and outdoor film shows.
 4. Concerns about the applicant's intention to provide a decked area between the clubhouse and play area – especially this land previously being a reed bed.
 5. Wildlife implications in respect of the reed bed along southern boundary.
 6. Flood Risk issues
 7. Alternative siting available within the site; could be sited within the playing fields.
 8. Presumptuous of the Agent to state that occupiers of the caravans near the proposed site are used to and accept certain levels of noise from the clubhouse and the swimming pool.
 9. Erection of the play area detracts from the view.
 10. Play area would be visible from the coastline, introducing a visually obtrusive incongruous development negatively impacting on the surrounding landscape.
 11. Applicant intends to apply for extended licence for clubhouse till midnight.
 12. Objects to the discharge of condition application 160694.
 13. The scale of the images of the proposed play equipment is not stated anywhere on the drawing; the impact of these cannot therefore be assessed.
 14. The proposed platform of the play equipment would enable some of the children to directly look into some of the caravans and/or gardens of the neighbouring caravan park.
 15. The works commenced without planning consent.
 16. The proposed play area would spoil the peace and tranquillity of the Fen Farm caravan park.
- 10.3 Subsequently, a re-consultation was carried out as further details were submitted on the play equipment. Following further comments were received:
1. Welcomes the provision of further details. However still maintains the previous objections.
 2. No attempt was made to consult the neighbouring caravan park by the applicant.
 3. A good number of residents of the applicant caravan park also object to the proposal but are afraid to voice their opinion.

4. Character of this peaceful East Mersea part will be lost.

- 10.4 A support letter has been submitted by the applicant's agent providing responses to the objections. A petition has also been submitted by the applicant signed by the 112 holiday guests at the application site to support the play area.

The full text of all of the representations received is available to view on the Council's website.

11.0 Parking Provision

- 11.1 The proposal has no implications for car parking provision.

12.0 Open Space Provisions

- 12.1 There is no specific policy relating to open space. However, this application is for a play area/open space.

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 Development Team and 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 (S106) of the Town and Country Planning Act 1990.

15.0 Report

Policy Issues

- 15.1 The NPPF recognises that planning policies should support economic growth in rural areas this includes support for sustainable rural tourism and leisure developments such support include supporting the provision and expansion of tourist visitor facilities in appropriate locations.
- 15.2 Policy DP10 of the Development Policies states that Development for new and extended visitor attractions, leisure and cultural facilities, along with visitor accommodation will be supported in suitable locations. In rural areas, location for tourism, leisure and culture development should help to support existing local community services and facilities. The proposal must be compatible with the rural character of the surrounding area and avoid causing harm to the open nature of the countryside or designated sites.
- 15.3 Proposals for tourism, leisure and culture development must not cause significant harm to the amenity of people living and working nearby.

- 15.4 The proposal relates to the provision of a play area on an area of land within the caravan site. It is considered that the provision of a play area within a caravan park would be compatible with the existing use of the site and its provision as such would not be objectionable.
- 15.5 It is noted that objections have been received in respect of the proposed play area for reasons pertaining to noise issues from its use. However, the proposed play area is located within a caravan park where such facilities would be expected. Furthermore, the proposed play area is located to the south of the existing club house (with an outdoor swimming pool). The proposed play area would be in proximity to an area already used for congregation of people inclusive of children. The provision of 5 Nos. play equipment and its use is not considered to significantly increase in noise issues. This is reflected in Environmental Health Officer comments not objecting to the proposal. Significant objections have been received from the neighbouring Fen Farm caravan park in respect of the proximity of the play area to the caravans on their land and the noise issues from the play area. However, it should be noted that the proposed play area would be located at least some 20 m from the western boundary of the application site; the party wall boundary with this neighbouring site. It is considered that this level of buffer from the play area is adequate to mitigate any potential noise issues.
- 15.6 The Environmental Health Officer has recommended a condition in respect of limitation of hours on the play area. However, it is considered that such restriction would not be enforceable and it is not considered that the imposition of such a condition would be appropriate in this instance. It should be also noted that the play area would most likely be used in good weather and when there is relatively adequate daylight. This is another reason why the imposition of such a condition is not considered necessary.
- 15.7 Concerns have also been raised in respect of privacy issues from the play equipment. The only equipment that the kids could stand on is a platform area on the Multiplay. This is some 1.45m high and located some 20 m from the party wall boundary with the neighbouring caravan park. Under the circumstances, it is not considered that any privacy issues will arise from the provision of the play equipment.
- 15.8 Furthermore, it is not considered that the provision of 5 Nos. play equipment will significantly detrimentally alter the character of the area especially in the context of the existing use and the proximity to the clubhouse.
- 15.9 Concerns have been raised about too much noise generated by clubhouse and outdoor film shows. The clubhouse is existing and the outdoor film shows cannot be controlled under Planning legislation.
- 15.10 Concerns have also been raised about the applicant's intention to provide a decked area between the clubhouse and play area. However, such works would need consent and do not form part of this planning application.
- 15.11 There have been suggestions of alternative locations for the play area. However, the proposal is for this particular area and the application has to be considered on this basis.

15.12 There are no wildlife or coastal area implications or flood risk issues from the proposal.

16.0 Conclusion

16.1 The proposal is considered acceptable and the proposal is recommended for APPROVAL.

17.0 Recommendation

17.1 APPROVE subject to the following conditions

18.0 Conditions

1 - Time Limit for Full Permissions

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2 - *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 3842-501, 3842-502 and 3842-500 Rev C.

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

3 - Non-Standard Condition/Reason

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.

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

4 - Non-Standard Condition/Reason

No additional play equipment other than what has been proposed as a part of this application shall be installed within the proposed play area without the prior consent of the Local Planning Authority.

Reason: To ensure that the proposed development hereby permitted is not detrimental to the amenity of the area and/or nearby residents.

19.0 Informatives

(1) ZT0 – Advisory Note on Construction & Demolition

The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

(3) **ZTA - Informative on Conditions Stating Prior to Commencement/Occupation**

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission. Please pay particular attention to these requirements.

20.0 Positivity Statement

20.1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.