



Application No: 150383

Location: Coopers Beach Holiday Park, Church Lane, East Mersea, Colchester, CO5 8TN

Scale (approx): NOT TO SCALE

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7.4 Case Officer: Sue Jackson Due Date: 23/10/2015

MAJOR

Site: **Coopers Beach Holiday Park, Church Lane, East Mersea, Colchester, CO5 8TN**

Application No: **150383**

Date Received: 11 March 2015

Agent: Mr Andrew Dowell, GVA

Applicant: Mr Alan Castledine. Park Resorts Ltd

Development: Proposed change of use of land to site 60 holiday lodges ,access roads,parking and landscape.

Ward: Pyefleet

Summary of Recommendation: Approved subject to conditions

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it is a major application and objections have been received.

2.0 Synopsis

- 2.1 The key issues explored below are the land use allocation and the issues raised in the representations.

3.0 Site Description and Context

- 3.1 Coopers Beach Holiday Park is an established site in East Mersea with approximately 620 static caravans. Vehicular access is from East Road via Church Lane and then a private road which is also a public right of way. The existing caravans and facilities are located on the east side of Church Lane within a triangular area of land which extends close to the edge of the water. Land used for playing fields on the west side of the road abuts the south boundary of the site. The application site is located on the west side of Church Lane close to the Holiday Park entrance. It is a rectangular area of approx. 3.5hectares containing several small buildings, some small trees and scrub.
- 3.2 St Edmunds Church and East Mersea Hall, both listed buildings, are located along Church Lane between the site and East Road.

4.0 Description of the Proposal

- 4.1 The application proposes the change of use of land to site 60 holiday lodge caravan pitches, access roads and landscaping.

- 4.2 The Transport Statement states that “Park Resorts are prepared to improve the surfacing of the car parking areas used by the church (all of which are owned and maintained by Park Resorts) to provide a more formalised parking area. The areas will be treated with suitable rural car parking treatments”.

5.0 Land Use Allocation

- 5.1 The site is allocated for Caravan Park use in the Adopted Site Allocation Document 2010.

6.0 Relevant Planning History

- 6.1 111721 - Application to Essex County Council for Retrospective planning application for the importation of approximately 12,500 tonnes of inert waste material including some fragments of hazardous material for the purpose of levelling the site with restoration to nature conservation(ESS/43/11/COL). Approved
- 6.2 145459 - Relocation of existing Waste Water Treatment Plant and Construction of a Site Flood Prevention Counter Wall within the Existing Site Curtilage approved
- 6.3 145513 - Conversion of existing barns and stables to 18 self-catering holiday accommodation units and for the erection of 14 new holiday cottages approved
- 6.4 146075 - Planning application for change of use of land for the storage of caravans and staff car parking approved
- 6.5 151677 - Extension and elevational improvements to the Coastline Entertainment Complex. Outstanding no decision

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
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
DP3 Planning Obligations and the Community Infrastructure Levy
DP9 Employment Uses in the Countryside
DP10 Tourism, Leisure and Culture
DP14 Historic Environment Assets
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
DP21 Nature Conservation and Protected Lanes
DP23 Coastal Areas

- 7.4 Further to the above, the adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

Site allocated for Holiday Caravan use in the Site Allocations Document

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

Vehicle Parking Standards
Sustainable Construction
External Materials in New Developments
East Mersea Village Plan and Design Statement

8.0 Consultations

- 8.1 **Archaeology Advisor** comments: This applications lies in an area of high archaeological interest recorded in the Essex Historic Environment Record. The proposed development is located c.100m from the medieval church and churchyard (EHER no. 2119). An irregular moat adjoins the church that is possibly the remains of a medieval moated hall complex. In addition, cropmarks indicative of occupation remains have been recorded on aerial photographs in the immediate vicinity of the proposed site. Based on this evidence, there is high potential for encountering archaeological remains at this location, which has not been the subject of any previous systematic archaeological investigation. Groundworks relating to the proposed development would cause significant ground disturbance that has potential to damage any archaeological deposits that exist.

In order to establish the full archaeological implications of this area, the applicant should be required, prior to determination of the application, to provide for an archaeological/historical desk-based assessment of the site and, depending on the results of the desk-based assessment, followed by field evaluation comprising geophysical survey and trial-trenching. The area cannot be assessed or approved in my view until an archaeological assessment has been undertaken, and the results of this work will enable us to accurately quantify the archaeological resource (both in quality and extent).

This is in accordance with paragraphs 128 and 129 of the National Planning Policy Framework.

The results of the archaeological assessment will enable the archaeological resource, both in quality and extent, to be accurately quantified. Decisions on the suitability of

the site, and also the need for, and scope of, any further work should there be any below-ground archaeological finds of significance, will be based upon the results of this work. I will, on request of the applicant, prepare a brief for each stage of the archaeological investigation.

8.2 **Archaeology Advisor (following receipt of Archaeological Assessment)**

An adequate archaeological assessment has been undertaken, in the form of trial-trenched evaluation (Archaeology South-East Report 2015353). This sample did not define any archaeological remains on the site. Consequently, I am able to revise, and withdraw, my previous advice concerning this application. There are now no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets and no further archaeological investigation will be required if planning consent is granted.

8.3 **Environmental Protection** No comment

8.4 **Highway Authority**

Whilst this Authority does not in principle object to the development proposal, continued piece-meal developments of the caravan park will over time see an increase in traffic on the highway.

The applicants' submitted information makes note of useful facilities where sustainable forms of transportation can be utilised but does not appear to say how they are going to advertise these, or further improve them. The only concession to the highway user appears to be an improvement to the church car park.

All local Authorities have current policies which aim to develop the sustainable forms of transportation. The Highway Authority would welcome further information from the applicant how these more sustainable forms of transportation are being promoted and/or developed on site.

Following the receipt of additional information regarding sustainable transport the Highway Authority has confirmed they have no objection to the application

8.5 **Landscape Planning Officer** has no objection subject to amendments to the tree planting pallet and additional planting within the proposed hedgerow. Officer comment: these matters can be secured by a condition.

8.6 **Colchester Ramblers**

East Mersea footpath 5 runs between the application site and the existing site. It is getting increasing use, partly because of the (probably permanent) closure due to erosion of the "Coastal Route". Any increase in vehicles sharing with walkers will cause conflict, particularly as the junction will also affect drivers heading into the existing site. Only yesterday I saw part of a group follow a car under the newish traffic barrier which nearly closed on some people's heads.

The factual and out of date details concerning bus routes, the coastal route (only ever a footpath and never available to cyclists) and local shopping facilities should be corrected before the application is considered.

The exact route and full width of the existing footpath should be maintained free from obstruction throughout and after any construction which might be agreed. That includes not blocking it with parked construction vehicles.

8.7 Natural England

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Statutory nature conservation sites – no objection

The application is in close proximity to the Colne Estuary Site of Special Scientific Interest (SSSI). This SSSI forms part of the Colne Estuary (Mid-Essex Coast Phase 2) Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar Site) and the Essex Estuaries Special Area of Conservation (SAC).

Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Colne Estuary (Mid-Essex Coast Phase 2) and Ramsar Site, and Essex Estuaries SAC, have been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the sites' conservation objectives.

In addition Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Colne Estuary SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

Should the details of this application change, Natural England draws your attention to Section 28(i) of the Wildlife and Countryside Act 1981 (as amended) requiring your authority to reconsult Natural England.

Natural England notes and supports the proposed Code of Conduct which seeks to guide appropriate behaviours and activities with respect to the over-wintering bird interest of the adjacent Colne Estuary SSSI, SPA and Ramsar Site. We have engaged with the developer's ecological consultants as part of this process and will be happy to provide further comments as part of the discharge of conditions (which should be used to secure the production of the code of Conduct).

Protected Species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species.

Impacts to Invertebrates and their Habitats

Natural England does not provide bespoke advice to local planning authorities on habitats and species listed as being of principal importance for the purpose of conserving biodiversity, under Section 41 of the Natural Environment and Rural Communities Act 2006. These are capable of being material considerations in the determination of planning applications, and this proposed development may affect s41 invertebrate species and/or the s41 habitat "open mosaic habitat on previously developed land".

We have not assessed the application for impacts and species, and our lack of comment should not be taken to imply that there are no impacts on them arising from the proposed development.

Local Sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR)

the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as it is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.* Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.'*

Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

8.8 Major Development and Projects Manager

This application lies on the western flank of the existing caravan park. It is shown on the proposals map and I shall not therefore consider the principle. The site lies approximately 150 m to the south of the grade I listed Church of St Edmund King and Martyr and the adjacent Hall Farm (a typical hall-church complex with medieval origins). The setting of these highly graded designated heritage assets needs to be preserved in accordance with the statutory duty (s.66(1) PI (Listed Buildings & Conservation Areas) act 1990.

The setting of the listed buildings is the whole environment in which the assets are experienced (NPPF Glossary) and this includes long views of the church tower from the south and vice versa. To achieve mitigation of the potentially intrusive impact of the caravans, an effective landscape buffer needs to be introduced across the northern edge of the site of a material depth and incorporating structural planting such as native Oak (*Quercus robur*) , Sycamore (*Acer pseudoplatanus*) and scots pine (*Pinus sylvestris*) . The belt must be more substantial than presently shown on the landscape strategy This approach is in accordance with the commentary at paragraph 8.18 of the Adopted Site Allocations DPD that identifies the need to avoid any detrimental impact on the setting of the Church of St Edmund. The improvement of the parking areas needs to form part of a detailed landscape solution. The retention of a grass finish (plastic cellular system) would be preferable with the car park broken up with landscape planted areas to filter views. This could enhance the setting of the church if well designed.

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

9.0 Parish Council Response

9.1 The Parish Council have stated that

1. We have considered this application carefully and objectively and we feel that we have no other option but to object to this application on the grounds that the layout of the plan is high density, that accessibility and travel issues have been glossed over and that the Village Design Statement, accepting that it is for guidance, has been ignored. Add to this the fact that Park Resorts are incrementally growing the size of Coopers Beach (having had a previous application in the last 6 months approved for 42 units). Therefore the overall site could grow to be over 700 individual units in size, over 3 and half time the size of East Mersea village itself, which is even more pertinent now that individuals are allowed to use the site for 12 months of the year (which has caused significant concern due to individuals potentially living all year round on the site). And this does not take into consideration the other 2 sites in East Mersea, who could also be looking at increasing the size of their sites. Finally, we also have to make comment, and it is subjective, that Coopers Beach is always mentioned at council meetings due to concerns that they are ignoring or at best applying a cavalier attitude to previous approved planning applications and their conditions as well as flouting borough council guidelines.
2. General Comments on Application. The diagrams presented with the application are of concern. They appear to show a high density bungalow development reminiscent of the 60's which is very traffic and car dominant with roads that look like a series of metal zippers. The proposed 'lodges' parking bays and access roads will cover a greater part of the proposed site with concrete or hard surfaces with traffic dominated high density dwellings. These dwellings or lodges, however you look at them, are permanent structures with a minimal sub urban setting reflective of the worst housing estate giving a mere passing nod to its rural setting.
3. Lack of Planning Thought. Frankly the plan is uniform and boring, lacking in variety or proper grouping with token minimal planting (the plants that have been suggested are normal garden plants, not native plants to the area). There is very little screening of the site both externally and internally with poor separation distances between the individual sites leading to a lack of privacy. Some of the individual sites also appear to be very close (approx 5m) to the sewage works which we wonder if they are within acceptable limits. Overall noise and light pollution is not mentioned. The final point in this area is that, whilst there are drawings of 'boxes', on the sites there is no detailed description of what the 60 'lodges' will look like. We have a grave concern that these 'bungalow' type structures will encourage permanency especially as the site has a 12 month season. Taken to extremes in time this site could end up like Jaywick, with all its attendant issues.

4. Sustainability, Accessibility and Travel Behaviour. Colchester Borough Council is committed to support proposals that are sustainable and reduce the need to travel. This scheme, and the previous application for 42 holiday units, will necessitate the much greater use of cars on the existing narrow roads (a conservative estimate would be a minimum of an extra 60-90 vehicles carrying out potentially a further 180 journeys per day) as there are virtually no bus routes close by (there is one bus a week on a Monday which passes the bottom of Church Lane). Cycling is already dangerous on the narrow country roads, due to the extra traffic, and whilst there is footpath to West Mersea from Coopers Beach it is a fair walk and it is most unlikely that this would be used for routine shopping trips. In addition it has become fairly impassable. There also could be a commensurate increase in the requirement for services in the area such as doctors, dentists and school places (all in short supply on Mersea).
5. Tourism v Residential Policies. We also note that Colchester Borough Council, in Nov 13, turned down an application to build a house in the village (albeit outside of the village envelope) and one of the main issues quoted for refusing permission was that the site was not sustainable and would fail to accord with the aims of policies SD1, H1 and TA1 of the Core Strategy which seeks to direct new development towards accessible locations that reduce the need to travel by private car. Whilst there may be a clear delineation between tourism and permanent residence policies this distinction become much less clear when caravan sites have the option to apply for 12 month seasons thus allowing individuals to de facto live permanently on site. Finally, we should mention that there is no longer a shop, post office or Pick Your Own/Nursery in East Mersea (the planning transport statement is therefore incorrect) therefore, apart from the integral shop to Coopers Beach, tourists have to travel by car to at least West Mersea for provisions.
6. The Village Plan and Design Statement. The Village Plan was produced some two years ago and whilst we accept that it is a non statutory neighbourhood planning tool and that it might carry less weight in the decision making process it does represent East Mersea villagers' views and should be considered in the planning process. A sample from the plan is included below:

'We should allow expansion of the existing tourism/holiday/leisure sites'. – 39.1% disagreed with this statement and 37% strongly disagreed – a total of 76% of villagers are against further expansion. We do feel that local views and interest, especially at this percentage level must take priority over the interests of a large company which has no local interest, has little or no consideration of the local character or identity of the village.

'All new developments on East Mersea should have the minimum possible carbon footprint' – 29.4% agreed with this statement and 62.4% strongly agreed giving a total of 91%. It is felt that the proposed application would have a significant footprint including the delivery of the units and the number of journeys required by the owners on a daily basis taking into account the lack of public transport and local amenities.

Summary. We do not feel that enough thought has been put into this application by Park Resorts and that it does not meet Colchester Borough Council's planning guidelines in terms of sustainability and transport policies. We feel that incremental planning applications in order to grow the size of a caravan site is underhand and, if not illegal, at least considered to be shady practice and that the Village Design Statement and the villager's views must be taken into account.

10.0 Representations

10.1 Eleven objections have been received and issues raised are summarized below

Traffic Issues:

- East Road was never designed to take the amount of traffic now using it, the Highways department is struggling and failing to maintain it
- Traffic flow down Church Lane has increased.
- The traffic count was done in January. The counter was set up past the entrance to Cooper's Beach, this should be done again in the summer with the counter positioned before Cooper's beach entrance to get an accurate count of the number of vehicles using our "quiet rural road".
- The extra 60 Lodges will create a further approximate 120 car trips past existing residential properties where it has already become increasing difficult to exit and enter driveways.
- Cycling and walking is becoming more dangerous.
- Church Lane is a single track lane and the verges have already been destroyed by cars trying to pass one another.
- Park Resorts already have permission for a further 30 holiday cottages and so if this application was to be granted the extra number of units would be 90 which is likely to cause gridlock in Church Lane at the height of the summer season
- Any expansion of the holiday parks in East Mersea will reduce the likeliness of people using bicycles not increase it.

Noise:

- extra noise that will come from the new development. Noise from Cooper's Beach can already be a problem and as the 60 lodges will be closer to houses than the main site this will be an increasing issue.

Permanent Residential Occupation

- Coopers Beach now has a 12 month license for holiday use only and not for use as either a permanent or main place of residence. There is clear evidence that Park Resorts are allowing permanent residence: There are children taking the bus each morning during term time to go to school Admission by residence at Coopers Beach that they live there permanently on "Mersea Locals" in Facebook. Several cars exiting Cooper's Beach in the early morning with only one occupant, which is not typical holiday behaviour
- Enforcement officers have already had to visit the site and current arrangements are not working these additional lodges would put a strain on your budget and resources as more checking would be involved

- East Mersea only has about 200 dwellings and there is much concern within the village that the dynamics of East Mersea will completely change if this permanent residency is allowed to continue. No expansion should be allowed to the site until there are proper safeguards in place to prevent permanent residency.
- This application is inappropriate since it will have the effect of siting what in reality will be a large number of low cost and low specification permanent or semi-permanent dwellings with high intensity occupancy within this rural community.

Errors in the Submitted Documents:

- There is no shop, post office (or Pick your Own) in East Mersea and so any shopping has to be done in either West Mersea (3 miles) or Colchester (10 miles). Coopers Beach has a shop (not always open) that sells only basic items resulting in their customers having to use their cars to shop.
- There is only one pub, The Fox is in West Mersea.
- Also although East Mersea does have bus stops the bus that serves them leaves East Mersea at 7.30 am and returns at 16.45 pm and does not run during school holidays, the only other bus operates only on Monday making one trip out of East Mersea in the morning and returning later in the day making public transport far from suitable for holiday makers. Although it is a nice idea to encourage people to walk and cycle, the only road in and out of East Mersea is narrow and winding making it dangerous due to the increasing traffic and the Coastal Footpath heading towards West Mersea as is noted in the application is no longer safe and is fenced off. Cooper's Beach resort is getting far too large,

Other objections raised:

- Too great a strain on our infrastructure, has a negative environmental impact and causes nuisance to us residents.
- This development is also contrary to the Village Design statement and the general feelings of private residents in East Mersea against the expansion of caravan sites.
- Lack of site management has allowed site to degenerate
- Increased Light pollution will affect the wildlife Natural England has identified bats using the church and red squirrels in the church yard
- The amount of rubbish generated from Coopers Beach along East Road and Church Lane is very significant. Staff at Coopers Beach do not collect rubbish; even on their own land in front of the Church and the rubbish is picked up by local volunteers. Yet more chalets at Coopers Beach will inevitably increase this.
- The ownership has a poor record of adhering to previous planning conditions and on occasions has had to seek retrospective planning approval for illegal development including allowing the dumping of toxic asbestos related waste on its site.

- 10.2 Parochial Church Council (PPC) has objected to the application they emphasise that the church enjoys regular Sunday Service attendances in excess of 40 people and undertakes a number of weddings and funerals every year. The PCC is concerned with access along Church lane and parking in the small area to the south of the church boundary. Church Lane was never designated to accommodate the vehicular traffic that such a large population there is only a school bus service and one weekly service church lane has deteriorated verges and road edges are eroded. Regarding parking the PCC acknowledge the land is now part of the Coopers Beach site although all parties appreciate the Church has enjoyed unlimited use for parking The application indicates parking for the church will be improved such statements have been made in

the past but nothing has ever been done. The old and dilapidated buildings next to the parking areas need to be improved and the litter removed by the applicant not the church congregation.

10.3 East Mersea Village Hall Management Committee objects to any further increase in the number of caravans or chalets at Coopers Beach Holiday Park. East Mersea Village Hall is situated in East Road, East Mersea almost opposite but slightly to the west of the turning into Church Lane and the Management Committee objects to any further increase of sites at Coopers Beach on the following grounds:-

1. An increase in traffic which is already substantial and far greater than that for which the road was originally constructed. In addition to increased wear and tear, the result is erosion of the already limited grass verge and, since there are no pavements, it is increasingly dangerous for pedestrians and cyclists approaching and leaving the Hall.
2. The Village Hall car park already suffers from litter which is principally thrown from cars. More caravans/chalets mean more vehicles which, in turn, mean more litter. The amount of litter which accumulates in Church Lane is an indication that vehicles based at Coopers Beach contribute substantially to this problem.

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 Adopted Parking Standards Document does not include a standard for holiday parks. However each lodge plot will be provided with a parking space with an additional 32 provided on "changeover" days. Secure cycle parking for at least 4 cycles will be provided for each plot

12.0 Open Space Provisions

12.1 There is no standard for the provision of 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 classed as a "Major" application and therefore there was a requirement for it to be considered by the Development Team. It was considered that no Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990 as the application relates to holiday use not residential use. Essex County Highways do not require any highway or access improvements.

15.0 Report

Land use/ Policy issues

- 15.1 The application site was a new allocation for caravan park use in the 2010 Proposals Map. The principle of the use has therefore been agreed.
- 15.2 The following requirements were identified as part of the site allocation
- Delivery of or contribution towards highway and access improvements required as well as for public transport, cycling and walking.
 - Allocation and any future re-development should not have a detrimental impact on St Edmunds Church adjacent to the site
 - A landscaping scheme designed to minimise the impact of the extended site on the surrounding landscape, particularly to the western boundary of the site shall be provided
 - No caravans shall be located in Flood Zone 3a
 - A Code of Conduct to be agreed between land owners, Natural England and Colchester Borough Council
 - Occupancy restrictions to be placed on the site to restrict occupancy during the sensitive winter months.
- 15.3 Planning permission is required for the change of use of the land and layout is not subject to planning control. The current site license permits the existing site to be used all year for holiday use. Unlike other caravan sites on Mersea Island the occupancy period is not controlled by planning condition. The background to this is an historic planning permission allowed at appeal when the planning inspector considered control over occupancy should not be duplicated and could be adequately controlled under the Site License.
- 15.4 The Licensing Team has received complaints regarding residential use on the site. Some of the complaints have not been specific and it has not been possible to investigate them, in one instance a caravan where residential occupancy was alleged did not exist. The licensing team has found no evidence of residential occupation and will be carrying out further checks.
- 15.5 Government policy supports the principle of 12 month occupancy and this is not precluded by our Development Plan policy. Further evidence of the governments support for such proposals is provided in appeal decisions. Tendring District Council lost an appeal in January 2013 for 12 month holiday occupancy of a caravan site in Clacton-on-Sea. The Inspector identified one of the main issues was “whether the proposed development would lead to the caravans being occupied as full-time residential accommodation”.
- 15.6 He stated “The Council has misgivings in respect of the efficacy of the condition in addressing the issue of permanent occupancy but no compelling evidence has been put forward to substantiate this fear. From the Guide and other appeal decisions submitted by the appellants it seems to me that use of the condition is not unusual and I have no reason to doubt that it could be effective. I conclude that subject to imposition and execution of the condition the proposed change of use would not lead to the caravans being used as full-time residential accommodation”.

- 15.7 The appeal was allowed and the following condition imposed “caravans shall be occupied for holiday purposes only and shall not be occupied as a person’s sole or main place of residence. The operators of the caravan park shall maintain an up-to-date register of the names of all owners of caravans on the site and of their main home addresses and shall make this information available at all reasonable times to the local planning authority”.
- 15.8 A similarly worded condition has been imposed on other appeals for 12 month occupancy in other parts of the country.

Impact on the Surrounding Area

- 15.9 Whilst lodges will be slightly higher than caravans the roofs will be less conspicuous in the landscape than white caravans. The application includes a detailed landscape scheme. The concept for the landscape scheme is described “to maintain and improve the enclosure and appearance of the proposed application site, establishing a strong, vegetated and natural edge”. The southern boundary is proposed to have a continuous native hedgerow which will be supplemented on the western and northern boundaries with supplementary shrub and tree planting, improving the landscape character and structure, connecting the proposed vegetation on the site with that on the existing park. The Landscape Planning Officer is satisfied with the scheme subject to amendments to species. Ecological enhancements are proposed as part of the landscape proposals including the use of native species and nectar- and pollen-rich and fruit- and nut-producing species within the landscape scheme
- 15.10 The application documents include an Ecological Appraisal. This identifies there are no areas of National, Regional, County or District nature conservation importance on the site. The habitat of highest nature conservation interest associated with the site is the Colne Estuary Special Protection Area (SPA) and Essex Estuaries Special Area of Conservation (SAC), located approximately 300m south of the site. Pollution control measures perimeter ditches to be maintained and controls to the surface water run-off scheme entering the ditches are proposed to mitigate any effect on the habitats for which the Essex Estuaries SAC is designated either alone or in combination with other plans or projects. Consideration has been given to the potential effects of disturbance on birds for which the Colne Estuary SPA is designated which might arise in the absence of avoidance and mitigation measures in combination with other plans or projects. A Code of Conduct is currently being prepared in consultation with Colchester District Council and Natural England which will detail the mitigation and avoidance measures to ensure no adverse effects on the integrity of the SPA arise as a result of recreational pressure arising from the proposed development, either alone or in combination with other plans or projects.
- 15.11 The report identifies the habitat of highest nature conservation interest within the site is the grassland and scrub. The report does not identify any protected species and recommends the site could provide new opportunities for wildlife such as for roosting bats and refuge and hibernation habitats for invertebrates, amphibians and reptiles. Bat and bird boxes are proposed on a maintenance building within the site.

- 15.12 Whilst the site allocation indicates occupancy restrictions should be placed on the site to restrict occupancy during the sensitive winter months Natural England has not objected to this application for 12 month holiday occupancy and are discussing A Code of Conduct with the applicant which seeks to guide appropriate behaviours and activities with respect to over-wintering birds.

Highway Issues

- 15.13 Members will note several of the objections raised relate to highway issues in particular the adequacy of the road net-work and existing levels of traffic. The Highway Authority has considered the Transport Report which considers the highway impact of the development and concludes "The report has shown that the trips generated by the proposed development will be insignificant and easily accommodated on the existing road network that the proposed development can be accommodated without detriment to vehicular flows and road safety on the surrounding highway network". The Highway Authority does not require any improvements to the road network or the access and whilst initially they had concerns how sustainable forms of transportation were being promoted and/or developed on site following the receipt of clarification on this issue no objection has been raised.
- 15.14 A Travel Plan Framework will be prepared and a Travel Plan submitted. The supporting information indicates "sustainable forms of transportation are being developed on the site with cycle hire being made available from the park reception as proposed in the yet to be implemented application to form holiday accommodation units in the northern area of the Cycles will be able to be hired in advance at the time of residents booking, though some will be kept on site for take up upon arrival. Cycles will be available to hire on a daily basis or for the duration of the stay. The on-site, cycle hire facility and advanced ordering system will allow the whole family to access cycles. The cycle hire facility will be promoted on the park website and by distributing information within the park resident's information arrival packs. Each self-catering holiday accommodation unit will be provided with secure cycle parking for at least four cycles. Visitors to the park will be encouraged to use the coastal walkway with these routes being highlighted in their arrival information packs and on information provided at the park reception. Maps and information sheets that show sustainable transport options and service providers will be made available to all park residents at the reception throughout their stay. Whilst the services are perhaps not regular enough for commuting to work, however they are adequate for holiday use".

Heritage issues

- 15.15 It is considered the proposed development will have minimal impact on the setting of the church and East Mersea Hall. The landscaping along the north boundary will soften any views. The Archaeological Advisor requested an evaluation report and trial trenches and these works confirmed no archaeological conditions are required

Other matters

- 15.16 The applicant has offered to improve the surfacing of the car parking areas used by the church (all of which are owned and maintained by Park Resorts) to provide a more formalised parking area with the retention of the grass area. The site is outside flood zone 3a

16.0 Conclusion

- 16.1 Despite the concerns regarding alleged residential occupancy on the existing site this application must be determined on its planning merits. The site was allocated for holiday use in the 2010 Site allocations document and the principle is therefore acceptable. Government policy supports 12 month occupancy. Natural England and the Highway Authority have not objected to the proposal. The application includes new landscaping and habitat creation and will not have an adverse impact on the protected sites, landscape or heritage assets. Despite the concerns raised by the parish council and in the representations the proposed development is considered acceptable subject to conditions.

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 - Non-Standard Condition/Reason

This consent relates to the use of land for the siting of 60 holiday lodges only.

Reason: In the interests of proper planning and to avoid doubt as to the scope of the consent hereby granted.

3 - Non-Standard Condition/Reason

The holiday lodges shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The operators of the holiday lodges shall maintain an up-to-date register of the names of all owners of holiday lodges on the site and of their main home addresses and shall make this information, together with details of drivers licenses, Council tax bills and utility bills as appropriate, available at all reasonable times to the local planning authority. The occupants of the holiday lodges cannot go to work or attend school from the Holiday Park site.

Reason: To ensure that approved holiday accommodation is not used for permanent residential occupation.

4 - Non-Standard Condition/Reason

Prior to the use of any of the holiday lodges details of signs making it clear the use of the site is for holiday purposes only, and their proposed location, shall be submitted to the local planning authority for approval. The approved signs shall be erected prior to any of the holiday lodges being brought into use and shall thereafter be retained.

Reason: This is the basis upon which the application has been submitted and subsequently determined as this application was considered as being for holiday purposes in the interests of contributing to tourism and the economy of the area.

5 - Non-Standard Condition/Reason

The development hereby permitted relates to the holiday lodges within the red line application site of drawing number 3670-410 rev E.

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

6 - Refuse and Recycling Facilities

Prior to the first occupation of the development hereby permitted, refuse and recycling storage facilities shall be provided in accordance with a scheme which shall have been previously submitted to and agreed, in writing, by the Local Planning Authority. Such facilities shall thereafter be retained to the satisfaction of the Local Planning Authority at all times.

Reason: The application contains insufficient information to ensure that adequate facilities are provided for refuse and recycling storage and collection.

7 -Non-Standard Condition/Reason

No external lighting fixtures shall be constructed, installed or illuminated until details of all external lighting proposals have been submitted to and approved, in writing, by the Local Planning Authority. Thereafter, no lighting shall be constructed or installed other than in accordance with those approved details.

Reason: To reduce the risks of any undesirable effects of light pollution.

8 - Non-Standard Condition/Reason

The public's rights and ease of passage over PUBLIC FOOTPATH number 131 5 shall be maintained free and unobstructed at all times.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility.

9 - Non-Standard Condition/Reason

No works shall take place until full details of all landscape works have been submitted to and agreed, in writing, by the Local Planning Authority and the works shall be carried out prior to the occupation of any part of the development unless an alternative implementation programme is subsequently agreed, in writing, by the Local Planning Authority. The submitted landscape details shall include:

- PROPOSED FINISHED LEVELS OR CONTOURS;
- MEANS OF ENCLOSURE;
- CAR PARKING LAYOUTS;
- OTHER VEHICLE AND PEDESTRIAN ACCESS AND CIRCULATION AREAS;
- HARD SURFACING MATERIALS;
- MINOR ARTEFACTS AND STRUCTURES (E.G. FURNITURE, PLAY EQUIPMENT,

REFUSE OR OTHER STORAGE UNITS, SIGNS, LIGHTING ETC.);

- PROPOSED AND EXISTING FUNCTIONAL SERVICES ABOVE AND BELOW GROUND (E.G. DRAINAGE POWER, COMMUNICATIONS CABLES, PIPELINES ETC. INDICATING LINES, MANHOLES, SUPPORTS ETC.);
- RETAINED HISTORIC LANDSCAPE FEATURES;
- PROPOSALS FOR RESTORATION;
- PLANTING PLANS;
- WRITTEN SPECIFICATIONS (INCLUDING CULTIVATION AND OTHER OPERATIONS ASSOCIATED WITH PLANT AND GRASS ESTABLISHMENT);
- SCHEDULES OF PLANTS, NOTING SPECIES, PLANT SIZES AND PROPOSED NUMBERS/DENSITIES WHERE APPROPRIATE; AND
- IMPLEMENTATION TIMETABLES AND MONITORING PROGRAMS.

Reason: To ensure that there is a suitable landscape proposal to be implemented at the site for the enjoyment of future users and also to satisfactorily integrate the development within its surrounding context in the interest of visual amenity. The submitted landscape scheme whilst generally acceptable requires amendment.

10 - Non-Standard Condition/Reason

Prior to any works being carried out in connection with this planning permission details of the proposed mitigation for the safe removal of any reptiles on the site shall be submitted to the local planning authority for approval. The development shall be implemented in accordance with the agreed details.

Reason: To ensure the nature conservation interests to the amenity of the area are protected.

11 - Non-Standard Condition/Reason

No works shall take place until details of new and improved habitat retention and creation measures have been submitted to and agreed, in writing, by the Local Planning Authority. The development shall thereafter be carried out in accordance with such agreed details.

Reason: To ensure the nature conservation interests to the amenity of the area are enhanced.

12 - Non-Standard Condition/Reason

Prior to the first occupation of the development, the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, shall have been hard surfaced, sealed, marked out in parking bays and made available for use to the satisfaction of the Local Planning Authority. The vehicle 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 that are related to the use of the development.

Reason: To ensure that there is adequate parking provision to avoid on-street parking of vehicles in the adjoining streets in the interests of highway safety.

13 - Non-Standard Condition/Reason

No works shall take place until a Code of Conduct has been submitted to and approved in writing with the local planning authority, in consultation with Natural England. This document shall include the proposed mitigation and avoidance measures to ensure no adverse effects on the integrity of the Special Protection Area arise as a result of recreational pressure arising from the proposed development.

Reason To ensure the development does not have an adverse effect on the integrity of the Special Protection Area.

14 - Non-Standard Condition/Reason

Prior to the first occupation of the development a Travel Plan shall be submitted to the local planning authority for approval in consultation with the Highway Authority. The travel plan shall include a mechanism for ongoing review and assessment.

Reason: In the interests of promoting sustainable development and transport.

15 - Non-Standard Condition/Reason

No works shall take place until a detailed scheme of the proposed improvements to the “church car park” including materials, landscaping and implementation timetable, on land within the applicants control, has been submitted to and approved in writing with the local planning authority. The approved scheme shall be implemented in accordance with the approved timetable.

Reason: To secure improvements to acknowledged heritage assets.

16 - Non-Standard Condition/Reason

The development shall be implemented in accordance with pollution control measures relating to surface water detailed in the Ecological Appraisal.

Reason: To ensure the nature conservation interests to the amenity of the area are protected.

17 - Non-Standard Condition/Reason

The development shall be implemented in accordance with the submitted Ecological Appraisal, Landscape Statement and Landscape Strategy, and Transport Statement.

Reason: To ensure a satisfactory form of development.

18 - Non-Standard Condition/Reason

The cycle hire scheme detailed in the Transport Statement shall be in place prior to any of the holiday lodges being occupied.

Reason: In the interests of promoting sustainable development and transport.

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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.