



Application No: 151235

Location: Cosway Caravan Park, Fen Lane, East Mersea, Colchester, CO5 8UB

Scale (approx): 1:2500

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Committee Report

Agenda item

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To the meeting of **Planning Committee**
on: **1 October 2015**
Report of: **Head of Professional/Commercial Services**
Title: **Planning Applications**

7.1 Case Officer: Sue Jackson Due Date: 02/10/2015

MINOR

Site: Cosway Caravan Park, Fen Lane, East Mersea, Colchester, CO5 8UB

Application No: 151235

Date Received: 9 June 2015

Agent: Mr Ian Butter Bsc FRICS MRTPI

Applicant: Cosways Holiday Park Ltd

Development: Removal of condition 02 of planning permission 132270 in order to allow the extended season to apply without time limitation.

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 is a Major Application and objections have been received.

2.0 Synopsis

- 2.1 The key issues explored below are Government advice in respect of 12 month occupancy, the objections and issues raised by the parish council and residents are responded to, and details of the measures undertaken by the applicant to control occupancy are also described.

3.0 Site Description and Context

- 3.1 The holiday caravan park is situated at the eastern end of Mersea Island. It is accessed from the East Mersea Road close to the access to East Mersea Country Park. The site adjoins Fen Farm Holiday Park. The application site extends to approximately 4.99ha.

4.0 Description of the Proposal

- 4.1. The site currently has a temporary 18 month permission for 12 month occupancy. The proposal is for a permanent permission providing for holiday use across 12 months of the year for static caravans. The site also includes caravans closer to the coast which are excluded from this application and a small number of caravans which can be rented for holiday use.

5.0 Land Use Allocation

- 5.1 The site is identified as a caravan park.

6.0 Relevant Planning History

- 6.1 132233 Use of land for the stationing of static holiday caravans and children's play area approved
- 6.2 132270 Variation of holiday occupancy period from 1st March - 31st December to allow for a 12 month year round holiday season. Resubmission of 131667. Temporary permission for 18 months
- 6.3 144759 Change of Use and Conversion of Existing Store Building to Laundrette. Approved
- 6.4 144856 Construction of bulk gas compound and installation of 6no.2T bulk LPG vessels including access road, footpath and fencing. Approved
- 6.5 146091 Application for removal or variation of a condition 3 following grant of planning permission 111597 to permit the opening period of the shop and reception to coincide with that for the holiday park as a whole. Approved
- 6.6 146377 Retention of new extension to reception/shop and enlargement of adjacent service vehicle parking area within Cosways Holiday Park. Approved
- 6.7 151175 Demolition of existing and erection of new building to provide A1 (Shop), A5 (Hot Food Takeaway), B1 (Business), B8 (Storage), Games Room and Laundrette uses with ancillary facilities, together with Children's Play Equipment, Entrance Gateway, associated access, security barriers, parking, change of use to B8 (storage) and associated facilities. Approved
- 6.8 151231 Application for removal or variation of condition 02 of planning permission 132233 - variation of approved layout plan for additional caravans. Approved

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:

UR2 - Built Design and Character
TA5 - Parking
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
DP19 Parking Standards
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 Natural England comment "Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development".

Natural England currently has no comment to make on the removal of condition 2.

Please refer to our letter dated 19 December 2013 (our ref 105176) for our previous comments.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us any further consultations regarding this development, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

- 8.2 Highway Authority has assessed the highway and transportation impact of this proposal and raises no objection as it is not contrary to policy
- 8.3 Environmental Protection wish to make the following comments:-
No comment
- 8.4 Environment Agency - Our maps show this application site falls entirely within Flood Zone 1. We therefore have no comment to make.

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 East Mersea Parish Council objects to this application for the following reasons:

"EMPC are very concerned about proposed permanency of the 12 month season at Cosways. This is actually more of a generic concern that that particularly focussed on Cosways. A 12 month season makes it particularly difficult for a Borough, Town or Parish Council to police effectively a site in order to ensure that individuals are not living there permanently and hiding behind a 12 month holiday season. This policing is made more difficult if the caravan site managers are not meticulous in their own management and checking of the site to ensure no one is living there permanently. There is concern that individuals have been living at Cosways permanently and the PC understands that children have been going to school from the site.

In addition there is a growing concern nationally from Natural England about caravan seasons being extended well into the winter season on sites alongside SSSI's. Across the country there are concerns about the detrimental effect to wildlife from increasing usage and disturbance of caravan site users in the winter. The overwintering birds on the East Mersea Flats are the main feature of the SSSI / Special Protection Area designation and there is a concern this area could easily lose that importance if bird numbers reduce or disappear.

In East Mersea the area of mud in front of Cudmore Grove/Cosways is one of the most popular areas of mudflat for waders as it's one of the first to be uncovered by the outgoing tide. Gathering flocks of many internationally important wader species such as ringed plover, sanderling and redshank arrive here to feed during the winter months when their food is in short supply, the weather often harsh and opportunities to feed limited to when the tide is out. Flying around unnecessarily burns up vital energy reserves. There are already regular occasions when wader flocks are disturbed close into the beach either by walkers or by their dogs. The internationally important flock of Brent geese around the Mersea foreshore, also spend a lot of the winter early morning in front of the western end of the country park cliff, feeding on the algae on the mud.

There is already a lot of disturbance to this feeding ground for Brent geese in the middle of winter and this disturbance would increase even more from an extension to the caravan site season. Some of the disturbance to wildlife is also due to an increase in leisure activities seemingly permitted on the grass field adjacent to the beach and have been witnessed over the last couple of years such as paramotor landings and take-offs, flying of petrol-fuelled model aircraft and motorbike scrambling as well as an increase in jet-ski usage from the beach. This has changed the feeling of peace and quiet for many visitors to the country park especially in the south-west corner.

Having a longer season for caravan site users would provide more opportunities to create more noise for park users and more disturbance to wildlife and will definitely

spoil the experience of park visitors. Cosways is now a bigger site than it used to be a couple of years ago, so potentially more users will be using the beach through the winter period.

In the event that a 12 month permanent season is granted there will need to be exceptionally strict and well policed conditions to ensure that the 12 month season is strictly for those on holiday and is not being breached by those living there permanently. In addition the management of the site will need to ensure that breaches of the 12 month season are not being condoned - this will need

CBC regular advisory visits and inspections to ensure adherence.

These conditions should be no less than that in 133270; ie

- The 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/chalets on the site and of their main home addresses and shall make this information, together with details of drivers licences, Council tax bills and utility bills as appropriate, available at all reasonable times to the local planning authority.
- The occupants of the caravans and chalets cannot go to work or attend school from the Cosway Holiday Park.
- All subletting shall be subject to these requirements.(Borough and Parish Councillors to be involved in monitoring the site)

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

10.0 Representations

10.1 1 support 2 objection

10.2 Objections

- As the applicant lives away from the site and the consultant lives up in the north of England - I fail to see how they can state The extended season has not given rise to any detrimental circumstances and has been a positive benefit in supporting the upgrading and improvement of this tourism asset
- An increase in traffic along East Road into and out of the site has caused a series of near misses over the last 12 months.
- It has been noticed that there is an increase in rubbish along Bromans Lane and East Road which may or may not be attributable to the users of the site.
- Noise levels have fluctuated throughout the year - but it has been noticed and commented by locals that an increase in noise and light pollution has occurred in winter months - which in a rural area cannot be right.
- The site has still seen no development as per 151175 - so to allow 12 months full use prior to any new build would then not allow a revision of timings if the new restaurant and complex proved to be out of keeping, light polluting and noisy in this rural area.
- The local community has yet to see any gain from the site in terms of jobs, add back to the schools or primary healthcare organisations and until this is proved then the extension of season seems redundant.
- CBC agreed to monitor usage of the site and there is concern amongst residents over illegal occupation of the site

- In the village plan - 97% of villagers objected to an increase in the size of the site, further development and any increase to operating periods. CBC now need to act on the views of their locals and support them in what is a rural area.

10.3 Support

- I am a caravan owner on Cosways since 2008, as I am an avid nature lover and bird watcher I chose this site for the wonderful natural surroundings and I too share the Parish Council concern for the birds that overwinter here, however I strongly disagree with the remarks they made about Cosways caravan owners. A vast number of the visitors to Cudmore are dog walkers who drive there to exercise their dogs, all year round, (creating more traffic on the narrow lanes of East Mersea) and not caravan owners from Cosways, who walk there.
- a lot of the other caravan owners and most of them are like me, worked all our lives approaching or in retirement and are not irresponsible people
- As for people playing games on the field by the beach; in January and February people don't normally play ball games outside, and in any case the birds on the mudflats are not likely to be too bothered.
- The vast majority of people don't use the site in this period anyway so the numbers are going to be very small, as an avid birdwatcher I find it the best time of the year for birdwatching so I would appreciate the chance to stay in these months.
- I and all the caravan owners I have talked to have not got a problem with producing council tax and household bills to prove house residence.
- Many of the issues raised by the Parish Council have nothing to do with the caravan owners as inferred. As for the motorcycle scrambling, I do not believe anyone on Cosways is likely to be doing that, and this would certainly be in breach of the site rules and likely to be dealt with by site management as all the other caravan owners would certainly complain about that
- The para glider that has been flying around I believe is from a house and not caravan owner as inferred
- It seems that the Parish Council is trying to dig up anything it can to tarnish the reputation of responsible caravan owners who take a pride in their caravans and the surrounding area, and many as I do use local shops and the village pub for food and drinks so helping keep the community facilities alive.

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 site has ample parking space for the caravan users.

12.0 Open Space Provisions

12.1 There is adequate open space within the site.

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. The development team considered that contributions would only be appropriate if the site were to be used for residential use not holiday use.

15.0 Report

Policy issues

- 15.1 The National Planning Policy Framework (March 2012) recognises that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development (paragraph 28). This includes support for sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. Such support should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.
- 15.2 CBC Development Policy DP10: Tourism, Leisure and Culture states:
“Development for new and extended visitor attractions, leisure and cultural facilities, along with visitor accommodation (including hotels, bed & breakfast accommodation, self-catering accommodation, holiday lodges, static and touring caravans and tenting fields) will be supported in suitable locations. 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.
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.
Urban areas of Colchester will be the focus for larger scale tourist, leisure and culture facilities and accommodation in line with the need to concentrate development at the most sustainable and accessible locations. The Council will also support proposals for a youth hostel, the preferred location being within Colchester Town Centre in line with the sequential approach, although proposals elsewhere will also be supported where appropriate”.

- 15.3 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”.
- 15.4 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”.
- 15.5 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”.
- 15.6 A similarly worded condition has been imposed on other appeals for 12 month occupancy in other parts of the country.
- 15.7 Other local plan policies, seek to protect the countryside and open coast DP23 and residents and general amenity DC1. This application does not involve an expansion of the site but the continuation on a permanent basis of a temporary planning permission. It is considered the proposal is not in conflict with these policies. A temporary permission was granted as there were concerns about the adequacy of controls to prevent residential use. Government advice is that temporary permissions should only be used in exceptional circumstances and that a second temporary permission should not normally be granted

Comments on the representations received from the parish council and residents

- 15.8 The parish council has raised concerns about possible impact on Cudmore Grove and the SSSI. It should be noted that Natural England has not objected to the application. The Highway Authority has also raised no objection.
- 15.9 Since the temporary planning permission was granted officers from the Licencing and Investigation Teams have made unscheduled visits to the site to inspect the register and check for residential use; during these visits they found no evidence of residential use.

15.10 Neighbours suggest 12 month occupancy should not be determined until the development granted under application 151175 has been implemented. Application 151175 includes a new building to provide Shop, Hot Food Takeaway, Business, Storage, Games Room. The planning permission includes a range of conditions including opening hours, and a requirement for details of extract equipment and sound insulation to be submitted. It would be unreasonable to delay a decision for the reason suggested by residents.

15.11 The case officer has also made an unscheduled visit to the site. When requested the register was immediately made available and was an up to date and comprehensive record. The applicant also supplied a copy of documents given to caravan owners explaining holiday use. He also indicated annual checks are made. The applicants licence agreement also explains holiday use and sets out the documents to be submitted to demonstrate main residence.

16.0 Conclusion

16.1 The application is not for an expansion of the site but permanent consent following a temporary permission for an 18 month period. The temporary planning permission was granted due to concerns about possible residential use on the site. The applicant has demonstrated that a comprehensive and up to date register is kept on site and is available for officers to inspect.

16.2 Planning permission is recommended subject to conditions

17.0 Recommendation

17.1 APPROVE subject to the following conditions

18.0 Conditions

1 - Non-Standard Condition/Reason

The 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/chalets on the site and of their main home addresses and shall make this information, together with details of drivers licences, Council tax bills and utility bills as appropriate, available at all reasonable times to the local planning authority. The occupants of the caravans and chalets cannot go to work or attend school from the Cosway Holiday Park. All subletting shall be subject to these requirements.(Borough and Parish Councillors to be involved in monitoring the site).

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

2 - Non-Standard Condition/Reason

The approved signs displayed within the site making it clear the use of the site is for holiday purposes only shall remain in place in perpetuity .

Reason: To ensure occupants are aware the authorised use of the site is for holiday purposes only.

3 - Non-Standard Condition/Reason

The development hereby permitted relates to the caravans within the red line application site of PLAN RUPC.2 shall be carried out in accordance with the details shown on the submitted location plan drawing unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

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

19.0 Positivity Statement

- 19.1 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.