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## **Item No: 7.1**

**Application:** 201048

**Applicant:** Waldegraves Holiday Park

**Agent:** Mrs Fiona Bradley, Attwells

**Proposal:** Use of the site for the stationing of 57 No. static caravans in lieu of 117 caravan pitches and associated landscaping and access works.

**Location:** Mersea Caravan Centre, Waldegraves Farm Holiday Park, Waldegraves Lane, West Mersea, Colchester, CO5 8SE

**Ward:** Mersea & Pyefleet

**Officer:** John Miles

**Recommendation:** Approval

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

- 1.1 This application is referred to the Planning Committee due to call in by Councillor Moore on the following basis:

*This application wishes to replace touring caravan pitches with static caravans/homes. I oppose this because there is a shortage of touring sites on Mersea Island but far more statics and lodges than the infrastructure can happily accommodate. I am also concerned that the presence of statics will turn that grassy area into a 'brown field' site thereby losing it as a green open space.*

## **2.0 Synopsis**

- 2.1 The key issue for consideration is the impact that the change in type of unit and the reduction in unit numbers, may have on the surrounding area, including with regards to landscape and ecological impacts.
- 2.2 The use of the site is well established and the change in the type of unit is anticipated to have a neutral impact on the surrounding area, subject to appropriate conditions and an appropriate financial contribution towards off-site ecological mitigation being secured and the proposal is found to be in accord with adopted policy.
- 2.2 The application is subsequently recommended for approval, subject to conditions and a proportionate financial contribution to the Essex Coast RAMS being secured.

## **3.0 Site Description and Context**

- 3.1 The application site is located to the south of Waldegraves Lane and forms part of the wider Waldegraves Holiday Park site. Access to the site is via Waldegraves Lane, which leads south east from the junction with East Road and Chapmans Lane.
- 3.2 The site itself comprises a large field, with an area of trees of mixed species to the north, hedgerows to the west, south and east, and a further row of trees to the east, of mixed species.
- 3.3 Beyond the north of the site is Waldegraves Business park, while beyond the site to the west, south and east is the wider Waldegraves Holiday Park site.

## **4.0 Description of the Proposal**

- 4.1 The application seeks planning permission for the use of the application site for the stationing of a maximum 57 static holiday caravans within the existing caravan park, in lieu of touring caravans.

## **5.0 Land Use Allocation**

- 5.1 The application site is allocated as a caravan site within the adopted Local Plan.

## **6.0 Relevant Planning History**

- 6.1 The wider Waldegraves Holiday Park has an extensive planning history. Of relevance is application 171181, which sought planning permission for a similar proposal to that considered here. This application was withdrawn at the time on the advice of the council, owing to discrepancies between the number of caravans detailed in the application, the site license and previous planning applications. Application 182813 was subsequently made, and a lawful development certificate was granted, regularising the use of the wider site for – amongst other things – the stationing of 264 static caravans and as touring fields to accommodate 298 pitches for touring caravans and motorhomes.

## **7.0 Principal Policies**

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

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

SD1 - Sustainable Development Locations  
UR2 - Built Design and Character  
ENV1 - Environment  
ENV2 - Rural Communities  
ER1 - Energy, Resources, Waste, Water and Recycling

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

DP1 Design and Amenity  
DP10 Tourism, Leisure and Culture  
DP14 Historic Environment Assets  
DP19 Parking Standards  
DP20 Flood Risk and Management of Surface Water Drainage  
DP23 Coastal Areas

- 7.4 Regulation 14 Pre-Submission Consultation on the Draft West Mersea Neighbourhood Plan concluded in January 2021. Whilst good progress is being made on the plan, considering its stage of preparation the plan can be afforded

limited weight in the context of the Development Plan and the determination of applications.

**7.5 Submission Colchester Borough Local Plan 2017-2033:**

The Council is developing a new Local Plan that has been submitted to the Planning Inspectorate (October 2017).

Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to:

1. The stage of preparation of the emerging plan;
2. The extent to which there are unresolved objections to relevant policies in the emerging plan; and
3. The degree of consistency of relevant policies to the policies in the Framework.

Colchester Council, by decision at the meeting of Full Council on Monday 1 February 2021, has formally adopted the Colchester Borough Local Plan 2013-2033: North Essex Authorities' Shared Strategic Section 1 Plan.

The Emerging Local Plan Section 2 is at an advanced stage and is, therefore, considered to carry some weight in the consideration of the application, but as it is yet to undergo a full and final examination, it is not considered to outweigh the material considerations assessed above in accordance with up-to-date planning policies and the NPPF.

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

EPOA Vehicle Parking Standards  
Managing Archaeology in Development.

**8.0 Consultations**

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

**8.2 The Councils Landscape Advisor made the following comments:**

*The landscape content/aspect of the strategic proposals lodged on 14/10/20 under drawing(s) 8110.F03.A would appear satisfactory.*

*In conclusion; there are no objections to this application on landscape grounds.*

A condition relating to the implementation of a scheme of hard and soft landscaping in accordance with details to be submitted and agreed with the Local Planning Authority is also recommended. The imposition of such a condition has been agreed.

**8.3 Environmental Protection have no objections but recommended a condition limiting the hours of work (construction and demolition) and the submission of details on the method of foul drainage.**

8.4 The Council's Arboricultural Officer made the following comments:

*I am in agreement with the tree report provided.*

*The proposal requires the removal of small hedges throughout the site. These are non-native and could be easily replaced if deemed important by the landscape officer. In conclusion, I am satisfied with the Arboricultural content of the proposal subject to the above.*

*Agreement to the landscape aspect of the application subject to condition: Make the tree report an approved document.*

8.5 The Lead Local Flood Authority have made the following comments:

*Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission based on the [imposition of the conditions recommended].*

The Lead Local Flood Authority have requested the imposition of four conditions: one relating to the production and implementation of a detailed surface water drainage scheme; one the production and implementation of an agreed scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution; one the production of a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies; and one relating to maintaining yearly logs of maintenance which should be carried out in accordance with any approved maintenance plan. The imposition of these conditions have been agreed with the applicant.

8.6 Anglian Water:

Anglian Water have advised their records show no assets owned by Anglian Water within the site boundary and that foul drainage for the development is in the catchment of Mersea Water Recycling Centre that will have available capacity for these flows. Anglian Water confirmed that they have no objections subject to a condition covering the production, approval and implementation of a detailed on-site foul water drainage scheme. The imposition of such a condition has again been agreed with the applicant.

8.7 The Environment Agency have made the following comments:

*Thank you for re-consulting us on the above application. We have reviewed the documents as submitted and can confirm that we are able to remove our holding objection.*

*The document titled 'Ecology report' on the planning portal confirms that the proposed static caravans will be connected to an existing mains drainage system. We are satisfied with the foul drainage plans and are able to remove our objection on this basis.*

8.8 Natural England

No Objection – Subject to appropriate mitigation being secured.

**9.0 Parish Council Response**

9.1 The Parish Council have objected to the proposed development raising the following issues:

- This is a significant plan at a time when the Local Plan has not been finalised.
- Loss of those touring sites is a risk to the island because it could result in those caravans parking up in car parks if they cannot get on established sites.

Supplementary representation was also received raising the following matters:

- Progression of the Emerging Local Plan, specifically policy SS12C.
- Reduction in the number of touring pitches, contrary to the Neighbourhood Plan
- Conflicting with increasing demand for touring sites.
- The proposal would provide second homes that would further increase the pressure on local services.
- Aspects of the proposal are unclear.

**10.0 Representations from Notified Parties**

10.1 The application resulted in four letters of objection from members of the public. The full text of all of the representations received is available to view on the Council's website. However, a summary of the material considerations is given below:

- The visual impact of the proposal
- Impact on tourism and the economy
- Potential future use of the site
- Impact on wildlife and the environment
- Lack of appropriate infrastructure

## **11.0 Parking Provision**

11.1 The proposal includes one parking space per unit. While minimum standards for the proposed use are not explicitly set in the EPOA Parking Standards document the provisions proposed are considered appropriate in this instance. Additional car parking would also be available through the use of the large car parking area, which is located within the wider holiday park, to the south of the application site.

## **12.0 Accessibility**

12.1 The proposal allows for flexibility in the design of individual units and as such units could be designed to meet the varying needs of individual users. The scheme complies with the provision of the Equalities Act and complies with DP17 which covers accessibility and access.

## **13.0 Open Space Provisions**

13.1 The proposal does not include, nor is it required by policy to make any open space provisions.

## **14.0 Air Quality**

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

## **15.0 Planning Obligations**

15.1 As a “Major” application by virtue of the site area, there was a requirement for this proposal to be considered by the Development Team. No contributions were requested from any parties.

## **16.0 Report**

16.1 The main issues in this case are:

- The Principle of Development
- Design, Layout and Landscape impact
- Ecology and Habitats Regulations Assessment (HRA)/Appropriate Assessment (AA)
- Transport and highways safety
- Residential Amenity
- Flood Risk
- Occupation
- Climate Emergency
- Archaeology

## 16.2 **Principle**

- 16.3 The application site forms part of an existing well established camping and caravan site, which is allocated as such in the adopted Local Plan. Policy DP10 provides support for visitor accommodation, including static caravans, in 'suitable locations', with Waldegraves Holiday Park identified as one such location within the adopted Local Plan. While the site is within the designated coastal protection belt the proposal would not result in any development along the undeveloped section of the coast and the coastal location is considered justified. It is also noted that compliance with Core Strategy and Development Policies DP21 (Nature Conservation) and DP23 (Coastal Areas) were considered further at the stage at which Waldegraves Holiday Park was allocated in the adopted local plan, with development (in accordance with Policy DP10) at Waldegrave Holiday Park held to accord specifically with these policy requirements.
- 16.4 While Part 2 of the Emerging Local Plan is not yet adopted, following the adoption of Part 1 and with Part 2 at an advanced stage it is considered to carry some weight. With regards to the Emerging Local Plan, Policy DM5 provides support for the development of new and extended visitor accommodation, including static caravans, where such development is located in suitable areas, subject to minimising their impact on neighbouring areas. In addition, Policy SS12c provides general support for development proposals at caravan parks on Mersea Island, including change of use, intensification of an existing use, or change in activities on site.
- 16.5 As Discussed, West Mersea Neighbourhood Plan is currently at a draft stage with regulation 14 pre-submission consultation and publicity concluding in January of this year. In terms of policies of the draft Neighbourhood Plan of particular relevance is Policy WM25 which concerns development proposals at existing caravan parks. While this policy is generally supportive of changes of use, intensification of existing uses and change in activities at existing caravan parks (subject to certain criteria being met) it is noted that this policy is not supportive of the removal of touring caravan sites to be replaced by static caravan sites. At this stage of preparation, the plan is however held to have limited weight, not least given the remaining stages of the adoption process and the possibility for future amendments. It is not considered the aforementioned draft Neighbourhood Plan policy outweighs the in-principle support for the proposal under adopted policy.
- 16.6 Taking into account the established use of the site and the background of policy support with regard to adopted local plan policy and emerging local plan policy the use of the site for the proposed purposes of stationing static caravans for holiday use is therefore considered acceptable in principle.



## **16.7 Design, Layout and Landscape impact**

- 16.8 Policy ENV1 of the Core Strategy seeks to conserve and enhance the natural environment, countryside and coastline. Development Plan Policy DP23 requires development within the Coastal Protection Belt to, inter alia, conserve the landscape character of the coast. Development Plan Policy DP1 also requires that development proposals must respect and enhance the character of the site, context and surroundings in terms of (inter alia) its landscape setting, while Development Plan Policy DP10 requires development such as that proposed to demonstrate it is compatible with the rural character of the surrounding area and avoid causing undue harm to the open nature of the countryside or designated sites
- 16.9 Permission is sought for the use of the site for the stationing of 57 static caravans. The application seeks to allow flexibility in the position and design of the proposed units. This is considered acceptable on the basis that all units remain within the application site and fall within the definition of a caravan, both of which can be ensured by condition, as can control on the number of units. These details are also largely controlled by the Caravan Act and associated licencing legislation.
- 16.10 It is recognised that while the nature of the use of the site would not be significantly altered, the proposed static caravans do pose the potential for a greater impact on the surrounding landscape, particularly due to their relative permanence, compared to static caravans.
- 16.11 The site is however largely defined by existing established hedgerows, with additionally a planting belt to the north of the site. Protection of existing notable natural features is detailed in an Arboricultural Impact Assessment (AIA) submitted in support of the application. Following comments from the Council's Landscape Advisor the proposals have also been revised to include a linear feature of trees along the perimeter of the southern and western boundary to enhance the site's landscape character and help filter views of the site from nearby Public Rights of Way, ensuring public amenity and landscape character is preserved. An indicative landscaping scheme is outlined within this application, with the Council's Landscape Advisor in agreement with the application's landscape content. The finer details of the scheme of hard and soft landscaping can be agreed by condition.
- 16.12 Taking the above factors into consideration, subject to appropriate conditions, the proposal is held to conserve the surrounding area's existing landscape character and the proposal is in accord with policies ENV1, DP1, DP10 and DP23 in this regard.

**16.13 Ecology and Habitats Regulations Assessment (HRA) /Appropriate Assessment (AA)**

- 16.14 Core Strategy Policy ENV1 and Development Policy DP21 seek to conserve or enhance biodiversity of the Borough. The NPPF also states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity. Emerging Local Plan Policy DM5 and SS12C states that proposals (for tourism and leisure development) that are likely to have an adverse impact on the integrity of European sites will not be supported and that Development proposals at caravan parks on Mersea Island in particular should help protect the integrity of European sites and minimise disturbance to migratory or over wintering birds using the sites .
- 16.15 The proposal has been assessed in line with the NPPF and Natural England Standing Advice. The site is not considered to encompass suitable habitat for protected species, nor is the proposal considered likely to have a direct impact upon protected species at site level.
- 16.16 It is necessary to assess the application in accordance with the Habitats and Species Regulations 2017 (as amended). Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a Special Protection Area must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'.
- 16.17 While the proposal does not concern a residential caravan site and as such the Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS) does not by default apply to the proposal, applications involving tourist accommodation (including holiday caravans and campsites) can still potentially have recreational disturbance impacts (and other impacts) on designated sites.
- 16.18 The site is in close proximity to the Colne Estuary Special Protection Area (SPA), with the Colne Estuary also listed as a Ramsar site and a Site of Special Scientific Interest (SSSI). These designated sites are located around 250 metres to the south-west of the application site. The whole of Colchester Borough Council is also within the zone of influence (Zoi) for the Essex Coast RAMS and consideration must also be given to the potential for impacts upon the interest features of other Habitat Sites identified in the Essex Coast RAMS [Blackwater Estuary SPA and Ramsar site, Dengie SPA and Ramsar site, Stour and Orwell Estuaries SPA and Ramsar site (south shore) and Essex Estuaries SAC].
- 16.19 The proposal is considered to have the potential to have an impact upon the features of interest of the aforementioned Habitat sites through increased recreational pressure, when considered either alone or in-combination with other plans and projects.
- 16.20 While the static caravans are proposed to be sited on a land currently used as sites for touring caravans and there are anticipated to be a significant

reduction in people staying at the site at any one time under the proposed use compared to the existing use during the summer, during the winter season the proposed use is anticipated to result in an increase in the number of people visiting the site.

- 16.21 The proposal is therefore considered likely to have a significant effect on the interests features of the aforementioned Habitat sites through increased recreation pressure when considered in-combination with other plans and projects, without appropriate mitigation. Taking this into account and the circumstances of the case, it is also considered that the Essex Coast RAMS is relevant in this instance and an Appropriate Assessment (AA) is also required. An AA has been undertaken (supported by the submitted Ecological Report) and forms part of the Council's planning record, available to view on the Council's Website.
- 16.22 The AA assessment concluded that through a combination of existing on-site mitigation measures across the wider Waldegraves Holiday Park Site and a financial contribution to the Essex Coast Rams as off-site mitigation, the scheme would be acceptable in terms of associated recreational pressure. The suggested contribution has been derived from the standard RAMS tariff but adjusted to take into account the specifics of the proposed use, as outlined in the submitted ecological report.
- 16.23 Taking into account the information provided, including that the site will be served by existing mains sewage, it is not considered the proposal is likely to have a significant effect upon the interest features of European sites through other issues such as water quality, water resources, air quality, loss of offsite functional habitat and it is considered these matters are not required to be subject to further consideration under an appropriate assessment.
- 16.24 Natural England have been consulted on the proposed development and the appropriate assessment undertaken, with Natural England in their role as a statutory consultee advising they concur with the conclusions drawn under the appropriate assessment made. Natural England confirm they have no objections to the proposed development subject to the suggested contribution to the Essex Coast RAMS being secured. Delegated Authority is sought to oversee the securing of such a contribution via an appropriate mechanism.
- 16.25 Emerging Policy SS12c requires development proposals at Mersea Island Caravan Parks to (inter alia) have adequate waste water treatment and sewage infrastructure capacity to serve the caravan park and to protect the EU designated coastal bathing water quality and to help meet EU Water Framework Directive requirements. As discussed, the development is proposed to be served by an existing mains sewage connection, with Anglia Water confirming the site is in the catchment of West Mersea Water Recycling Centre which will have available capacity for the anticipated flows. Exact details on the foul drainage scheme and its implementation are proposed to be controlled by way of condition, with such a condition agreed.

- 16.26 Taking the above factors into consideration subject to a proportionate financial contribution to the Essex Coast RAMS being secured the proposal will not have an adverse impact on designated sites nor will the proposal otherwise be harmful to biodiversity or the natural environment more generally.

**16.27 Transport and highways safety**

- 16.28 Core Strategy policy TA1 seeks to improve accessibility and change travel behaviour and encourages development within highly accessible locations to reduce the need to travel. Core Strategy Policy TA2 promotes walking and cycling as an integral part of sustainable means of transport. Policy TA4 seeks to manage the demand for car use. Development Policy DP17 states that all developments should seek to enhance accessibility for sustainable modes of transport by giving priority to pedestrians, cycling and public transport access. Paragraph 109 of the NPPF confirms development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy TA5 of the Core Strategy refers to parking and states that development proposals should manage parking to accord with the accessibility of the location and to ensure people friendly street environments. Policy DP19 states that the Council will refer developers to the Essex Planning Officers Association (EPOA) Vehicle Parking Standards which is an adopted SPD (November 2009).
- 16.29 The proposed development is to make use of the site's existing and established access from Waldegraves Lane. It is anticipated that the proposed development may actually reduce associated vehicle movements at certain times of year and will likely reduce the number of towing vehicles using the access and surrounding highway network. Notwithstanding this the existing access is considered suitable to accommodate the proposed developments associated vehicle movements, as is the surrounding highway network, with it should be noted that the Highway Authority does not raise any concerns with regards to the proposals.
- 16.30 It is proposed for each holiday caravan to be served by one parking space, with this considered a suitable level of provisions. Whilst it is recognised a majority of visitors are likely to reach the site by private vehicles the site is linked to West Mersea via a public footpath, with opportunities also existing for visitors to travel around the area by bike and using local bus services which can be accessed at the junction of East Road, Waldegraves Lane and Chapmans Lane, which provide sustainable means of accessing the facilities/attractions of the wider borough.

### **16.31 Residential Amenity**

- 16.32 Development Policy DP1 states that all development must be designed to a high standard and avoid unacceptable impacts on amenity. This includes protecting existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight. Development Policy DP10 also requires development relating to tourism and leisure specifically to not cause significant harm to the amenity of people living and working nearby.
- 16.33 Notwithstanding the existing lawful use of the site, the proposed use is not in itself anticipated to give rise to any adverse impact on residential amenity. The nearest dwelling is over 200 metres from the site and taking into account the distance between this neighbouring dwelling and any other surrounding dwellings, and the application site, in addition to the intervening natural features and the nature of the site's proposed use, there are no concerns the proposed use will adversely impact the level of amenity enjoyed by the occupants of nearby dwellings, including in terms of privacy, security, noise or disturbance.

### **16.34 Flood Risk**

- 16.35 Core Strategy policy ENV1 seeks to direct development away from areas of flood risk (both fluvial and coastal), towards sites with the lowest risk from flooding. Development Policy DP20 seeks to promote flood mitigation and defence measures as well as the use of appropriate sustainable drainage. Emerging Local Plan Policy SS12c requires (inter alia) development proposals at caravan parks on Mersea Island to be supported by a Site Specific Flood Risk Assessment. The NPPF also requires a detailed flood risk assessment (FRA) to be produced for all development located within a flood zone and/or sites that are greater than 1 hectare.
- 16.36 A Flood Risk and SUDs assessment have been submitted in support of the application. The site is within Flood Zone 1 and the site is at a low risk of fluvial or tidal flooding and in accordance with the Technical Guidance that accompanies the NPPF, it is consequently suitable for all types of development from a flood risk perspective.
- 16.37 Whilst other areas of the wider Waldegraves Site are at a greater risk of flooding than the application site these are matters that have been considered under the original permissions for the wider site, with it also understood that as part of the site's license conditions are imposed in respect of flood risk, flood warning and flood emergency action plans.
- 16.38 The proposed development itself is not considered to increase the flood risk for occupants of the site or otherwise be unsuitable in terms of flood risk. The Environment Agency also have no objections to the proposal. In addition to this the proposed development will not increase the risk of flooding elsewhere and provides opportunities for the incorporation of a sustainable urban drainage scheme, with exact details to be controlled by

way of conditions - in the form of those recommended by Essex County Council in their role as Lead Local Flood Authority.

### **16.39 Occupation**

16.40 Development Plan Policy DP10 and Emerging Local Plan Policy DM5 states that 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. Emerging Local Plan policy SS12c also states permission will not be granted for caravans or chalets at the caravan parks on Mersea Island to be used as permanent residences.

16.41 Concerns have been raised in representations received regarding the use of the units as permanent residences. However, it should be noted that this is not what has been applied for within this application and use of the site will be safeguarded by appropriate conditions in accordance with adopted policy. Further controls also exist with regard to the site's license.

### **16.42 Climate Emergency**

16.43 The Council has declared a Climate Emergency and has committed to being carbon neutral by 2030.

16.44 The purpose of the planning system is to contribute to the achievement of sustainable development as defined in the National Planning Policy Framework. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives.

16.45 This report has taken into account the Climate Emergency and the sustainable development objectives set out in the NPPF. Subject to the discussed mitigation the scheme will not have an adverse ecological impact and is also anticipated to reduce vehicle movements associated with the use of the site. Users of the site will be able to take advantage of the existing opportunities for the use of sustainable transport methods when holidaying at the site, including the public footpaths and bus routes in close proximity to the site which provide visitors access to West Mersea and the wider area. A scheme for the implementation of Electric Vehicle charging points is also to be agreed by way of condition, with this to help facilitate the uptake of ultra-low emission vehicles. The proposed development is also sought pursuant to the continued operation of an established holiday park which attracts visitors to the area, with associated spending. Taking the above factors into consideration the application is held to represent sustainable development.

## **16.46 Archaeology**

- 16.47 Development Plan Policy DP14 states that development will not be permitted that will adversely affect important archaeological remains or have a negative impact on the historic environment. Core Strategy Policy ENV1 further requires that decisions safeguard (inter alia) the Borough's archaeology.
- 16.48 The proposal site is located within an area of archaeological interest, with the Council's Archaeological Advisor subsequently consulted on the proposal. While there are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets, in light of the potential presence of heritage assets it has been recommended that a condition be imposed regarding the production of a Written Scheme of Investigation which will then be followed throughout the construction phase to ensure archaeological assets within the approved development boundary are safeguarded. The imposition of such a condition has been agreed with the applicant.

## **17.0 Conclusion**

- 17.1 To summarise, the use of the wider site for holiday accommodation is long established and the proposed use of the site is considered consistent with the site's wider use and in accord with adopted policy. Subject to provisions of the agreed financial contribution to the Essex Coast RAMS the proposal will not have an adverse impact on the nearby habitat sites and with a lack of wider harm identified and the proposal found to be in accordance with the provisions of the Adopted Local Plan, the Emerging Local Plan and the National Planning Policy Framework, the application is recommended for approval.

## **18.0 Recommendation to the Committee**

- 18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to a proportionate financial contribution to the Essex Coast RAMS being secured and the imposition of the following conditions:

### **1) ZAA - 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 - Development to Accord with Approved Plans**

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Number 8110 F03 A 'Proposed Site Plan Option 3'(Dated February 2020) and 8449-D-AIA 'Prelim AIA'(Dated 05.11.20).

Reason: For the avoidance of doubt, to ensure that the proposed development is carried out as approved and to safeguard the continuity of amenity afforded by existing trees and hedgerows.

## **3) Non-Standard Condition – Landscaping**

No part of the development shall be occupied until a scheme of hard and soft landscape works for the site has been submitted to and agreed, in writing, by the Local Planning Authority. This scheme shall include any significant changes in ground levels and also accurately identify positions and spread of all existing trees, shrubs and hedgerows on the site, proposed planting, details of any hard surface finishes and external works, implementation of which shall comply with the recommendations set out in the relevant British Standards current at the time of submission. The approved landscape scheme shall be carried out in full prior to the end of the first planting and seeding season following the first occupation of the development or in such other phased arrangement as shall have previously been agreed, in writing, by the Local Planning Authority. Any hard or soft landscape works which, within a period of 5 years of being implemented fail, are removed or seriously damaged or seriously diseased shall be replaced, like for like, in the next planting season with others of similar specification/size/species, unless the Local Planning Authority agrees, in writing, to a variation of the previously approved details. Reason: In order to ensure that there is a sufficient landscaping scheme for the relatively small scale of this development where there are publicly visible areas to be laid out but there is insufficient detail within the submitted application.

## **4) 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.

## **5) Non-Standard Condition – SuDS 1/4**

No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and certified as technically acceptable in writing suitably qualified person(s) or the Lead Local Flood Authority (ECC), the statutory consultee in relation to SuDS. The certificate shall thereafter be submitted by the developer to the



Local Planning Authority as part of the developer's application to discharge the condition. No development shall commence until the detailed scheme has been approved in writing by the LPA. The approved scheme shall subsequently be implemented prior to occupation and should include but not be limited to:

- Limiting discharge rates to 8.2l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Final modelling and calculations for all areas of the drainage system.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason: To prevent surface water flooding and to mitigate any environmental harm that may be caused to the local water environment.

#### **6) Non-Standard Condition – SuDS 2/4**

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

To ensure the effective operation of SuDS features over the lifetime of the development.

To provide mitigation of any environmental harm which may be caused to the local water environment

Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

#### **7) Non-Standard Condition – SuDS 3/4**

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard

from the site. Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

#### **8) Non-Standard Condition – SuDS 4/4**

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

#### **9) Non-Standard Condition – Archaeology**

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

The scheme shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording.
- b. The programme for post investigation assessment.
- c. Provision to be made for analysis of the site investigation and recording.
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- e. Provision to be made for archive deposition of the analysis and records of the site investigation.
- f. Nomination of a competent person or persons/organisation to undertake the works.

The site investigation shall thereafter be completed prior to development, or in such other phased arrangement, as agreed, in writing, by the Local Planning Authority. The development shall not be occupied or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological

assets affected by this development, in accordance Adopted Development Policy DP14 (2010, Revised 2014) and the Colchester Borough Adopted Guidance titled Managing Archaeology in Development (2015).

**10)Non-Standard Condition – Foul Drainage**

Prior to any works above slab level a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

Reason: To prevent environmental and amenity problems arising from flooding.

**11)Non-Standard Condition – Limit on Numbers**

No more than 57 static caravans shall be sited within the area outlined in red on the Location Plan submitted as part of this application.

Reason: For the avoidance of doubt as to the scope of this permission as this is the basis upon which the application has been submitted and subsequently determined and extension to the site would need to be considered on its own merits at such a time as it were to be proposed.

**12)Non-Standard Condition – Size of Units**

All static caravans on the site hereby approved shall fall within the definition of a caravan as set out within The Caravan Sites Act 1968 (as amended), unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt as to the scope of this permission and as this is the basis upon which the application has been submitted and subsequently determined and any larger units would need to be considered on their own merits at such a time as they were to be proposed.

**13)Non-Standard Condition – Holiday Use Only**

The development hereby approved shall be used solely for the purposes of holiday accommodation and shall not be occupied as a sole or main place of residence. No caravan on the site shall be occupied between January 15th and February 15th in any year. The applicant shall keep a log of all the holiday lettings which shall be made available to the Local Planning Authority upon request. Reason: This is the basis upon which the application has been submitted and subsequently determined and any permanent residential dwelling use of the site would need to be considered at such a time as it were to be proposed, as this application was considered as being for holiday purposes in the interests of contributing to tourism and the economy of the area. The owners of the application site shall maintain a log of the occupation of all caravans at the site, including dates of occupation, occupiers names and home addresses. Said Log shall be made available for inspection by the LPA upon request.

Reason: For the avoidance of doubt as to the scope of this permission and to ensure the use of the caravans hereby approved as holiday accommodation as this is the basis upon which the application has been submitted and subsequently determined and any permanent residential use of the site would need to be considered at such a time as it were to be

proposed, as this application was considered as being for holiday purposes in the interests of contributing to tourism and the economy of the area.

#### **14)Non-Standard Condition – Parking**

Prior to the occupation of each unit hereby approved, one parking space with minimum dimensions 2.9m x 5.5m shall be made available for the occupants of the unit and shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use that unit.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

#### **15)Non-Standard Condition – EV Charging Points**

Prior to the first occupation of the proposed development EV charging point infrastructure shall be provided to serve the proposed development, in accordance with a scheme which shall have previously been submitted to, and approved in writing by, the Local Planning Authority. Five EV charging points are to be provided as a minimum.

Reason: In the interests of sustainability and air quality by encouraging the use of ultra-low emission vehicles.

#### **16) Lighting**

Any lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone EZ2 RURAL, SMALL VILLAGE OR DARK URBAN AREAS.

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

### **19.0 Informatives**

19.1 The following informatives are also recommended:

#### **1) 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) 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 and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via [www.colchester.gov.uk/planning](http://www.colchester.gov.uk/planning) or by using the application form entitled 'Application

for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.

### **3) Informative on Any Application With a Site Notice**

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

### **4) SuDs**

A Suitably Qualified Person(s) must have a background in flood risk and be assessed by staff at Essex County Council before reviewing and providing any supporting statements to say that an application is technically acceptable. The assessment of a suitably Qualified Person will be carried out by members of the Development and Flood Risk team and may be liable to a charge. Following the initial assessment of a Suitably Qualified Person(s) subsequent reviews will take place and if deemed necessary Qualified Person status may be withdrawn or the person(s) assessed may be required to carry out further training and assessment at additional charge. The applicant may use ECC SuDS Planning Written Advice service to have their FRA/ Drainage strategy reviewed to provide a formal letter confirming this is acceptable issued. Further details on the SuDS Planning Advice service can be found at: <https://flood.essex.gov.uk/new-development-advice/apply-for-suds-advice/>

### **5) Landscaping**

Detailed landscape proposals, if/when submitted in order to discharge landscape conditions should first be cross-checked against the Council's Landscape Guidance Note LIS/B (this available on this CBC landscape webpage under Landscape Consultancy by clicking the 'read our guidance' link).

### **6) Archaeology**

PLEASE NOTE The submitted scheme of archaeological investigation should be in accordance with an agreed brief. This can be procured beforehand by the developer from Colchester Borough Council. Please see the Council's website for further information: <http://www.colchester.gov.uk>

### **7) Highways**

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO1 – Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester  
CO49YQ