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Item No: 7.4

Application: 181783

Applicant: Parkdean Resorts Ltd

Agent: Mr Martin Taylor

Proposal: Conversion of existing barns and stables to 18 self catering holiday accommodation units and for the erection of 14 new holiday cottages.

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

Ward: Mersea & Pyefleet

Officer: Eleanor Moss

Recommendation: Approval with conditions

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the application has been called in by Cllr Moore for the following reason:

While not objecting to the conversion of the barns the 14 proposed new holiday cottages should be treated as domestic dwellings and assessed as such. The site which is outside the village envelope must be regarded as non sustainable as there is no public transport and no facilities outside the caravan park for several miles. Cycling from this site would be extremely dangerous. The area is already over supplied with caravans and holiday lodges, more so than when permission was granted some years ago. The applicants planning statement is spurious and inaccurate and should be disregarded.

2.0 Synopsis

- 2.1 The key issues for consideration are history of the Coopers Beach Holiday Park, policy and highway considerations.
- 2.2 The application is subsequently recommended for approval.

3.0 Site Description and Context

- 3.1 The site forms part of Coopers Beach Holiday Park, an established site comprising over 600 static holiday caravans, a club house, pool and recreation facilities, site reception/sales offices, maintenance buildings, redundant agricultural buildings and an area used for the display of caravans for sale.
- 3.2 The Holiday Park is in East Mersea and it is accessed from Church Lane leading off East Road, East Mersea. The holiday caravans are on a triangular shaped area of land with a direct frontage to the water. The entrance to the site is to the north of the holiday caravans and this area contains the offices and reception building.
- 3.3 The Holiday Park is located to the south of St Edmunds Church, a Grade 1 Listed Building and to the north of the church is East Mersea Hall, a Grade 2 Listed building. To the west and east of the site are areas of agricultural land.
- 3.4 The application site is an irregular shaped parcel of land located immediately north of the main holiday complex and can be divided into two parts. The northern part consists of a group of single storey former agricultural buildings. These buildings provide an enclosure along the northern boundary, with an inner courtyard, and a barn, which is used for storage/workshop. It also includes land used for caravan sales.
- 3.5 The other area of land lies to the south of the barn and is currently overgrown with a limited area of open storage. The eastern boundary is enclosed by an area of woodland.

4.0 Description of the Proposal

4.1 The application proposes the following:

- The conversion of the existing group of former agricultural buildings to provide 18 self catering holiday accommodation units and
- The erection of a group of 14 new holiday cottages. These are in the form of three groups of terraced, one-and-a-half storey, two and three bedroom buildings

4.2 Parking areas between the self catering units and holiday cottages will provide 32 parking spaces. The scheme also proposes the provision of secure cycle parking racks, together with an on-site cycle hire facility.

4.3 The application is supported by a Planning Statement, a Transport Statement, a Travel Plan, a Noise Report, a Heritage Statement, a Structural Survey, a Contamination Report, a Tree Survey and an Ecology Report.

5.0 Land Use Allocation

5.1 Caravan Park

6.0 Relevant Planning History

6.1 110953 Application for the conversion of existing barns and stables to form 18 self catering holiday accommodation units and erection of 14 new holiday cottages approved 21 February 2012.

6.2 145513 Application for the conversion of existing barns and stables to form 18 self catering holiday accommodation units and erection of 14 new holiday cottages approved 10 November 2017.

6.3 The submitted application is identical to the above planning permissions.

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
- TA1 - Accessibility and Changing Travel Behaviour
- TA2 - Walking and Cycling
- TA3 - Public Transport
- TA4 - Roads and Traffic
- TA5 - Parking
- ENV1 - Environment
- ENV2 - Rural Communities

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

- DP1 Design and Amenity
- DP3 Planning Obligations and the Community Infrastructure Levy
- DP9 Employment Uses in the Countryside
- DP10 Tourism, Leisure and Culture
- DP14 Historic Environment Assets
- DP17 Accessibility and Access
- DP19 Parking Standards
- DP20 Flood Risk and Management of Surface Water Drainage
- DP21 Nature Conservation and Protected Lanes
- DP22 Dedham Vale Area of Outstanding Natural Beauty
- DP23 Coastal Areas

- 7.4 Further to the above, the Site Allocations Document (adopted 2010, amended 2014) identifies a 7.8 hectare site as an extension to the Coopers Beach Holiday park site.

- 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). An Inspector has been appointed and the formal examination commenced in January 2018. The examination is ongoing.

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.

The Emerging Local Plan 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):

The Essex Design Guide
External Materials in New Developments
EPOA Vehicle Parking Standards
East Mersea Village Design Statement

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.

Essex Police - Essex Police would like to see this developer seek to achieve a Secured by Design award in respect of this development.

Incorporating Secured by Design into your development is always preferable in order that security and lighting considerations are met for the benefit of the intended residents and those neighbouring the development.

Essex Police, in supporting the ethos of Sections 58 & 69 of the NPPF, provide a free, impartial advice service to any applicant who request this service; we are able to support the applicant to achieve the requirements to gain Secured by Design accreditation and would invite them to contact Essex Police via designingoutcrime@essex.pnn.police.uk.

Natural England – No objection

Highway Authority – No objection

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

The development shall not be occupied until such time as the car parking and turning area, has been provided in accord with the details shown in Drawing Numbered 3147-210-REV B. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of Travel Information Packs for sustainable transport sufficient for the occupants of each unit on site approved by the Local Planning Authority.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and

DM10 of the Highway Authority's Development Management Policies February 2011.

Informative1: The public's rights and ease of passage over Public Footpath No.5 (East Mersea) shall be maintained free and unobstructed at all times.

Informative2: The Highway Authority observes that only one off street parking space per unit is proposed although some units may accommodate more than the occupants of one car and no overflow or additional parking is being shown.

Informative3: 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 or by post to:

SMO1 – Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

Landscape Advisor - No objections The following condition(s) is/are recommended.

Standard:

ZFE – Landscape management plan

Bespoke:

Z00 – 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.).
- Earthworks (including the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform)
- 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.
- Implementation timetables.

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.

Recommended informative:

'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).'

Archaeological Advisor – No objections subject to recommended conditions
This application concerns the conversion of farm buildings that are of potential historic interest (undesignated heritage asset), and which are present on the First Edition OS Map dating to the 1880s.

The following condition (Z00) relating to historic building recording is recommended in accordance with the National Planning Policy Framework (Paragraph 199):

Prior to the commencement of any works, a programme of building recording and analysis shall have been undertaken and a detailed record of the building shall have been made by a person or body approved by the Local Planning Authority and in accordance with a written scheme which first shall have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To secure provision for recording and analysis of matters of historical importance associated with the site, which may be lost in the course of works. In this case, a historic building survey should be carried out, by a historic buildings specialist. The objective should be to compile a record of the affected building at Historic England Level 2, as described in Understanding Historic buildings: A Guide to Good Recording Practice (Historic England 2016). I will, on request of the applicant, provide a brief for the investigation.

The proposal is also located in an area of archaeological interest and within the area of a medieval (or possibly earlier) enclosure, which contains St Edmunds Church and East Mersea Hall (HER Monument no. MCC8792). There is, therefore, high potential for encountering early occupation remains at this location. Groundworks relating to the proposed development would cause significant ground disturbance that has potential to damage any archaeological deposits that exist.

There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 199), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

The following archaeological condition (Z00) is recommended:

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

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).

I will, on request of the applicant, provide a brief for each stage of the archaeological investigation. In this case, a trial-trenched archaeological evaluation will be required to establish the archaeological potential of the site. Decisions on the need for any further investigation (excavation before any groundworks commence and/or monitoring during groundworks) will be made on the basis of the results of the evaluation.

Pre-determination archaeological evaluation is not required for this proposal.

However, I would recommend that the applicant undertakes the trial-trenching at the earliest opportunity to assess the archaeological potential at this location, in order to quantify the risk in terms of cost and time for any further archaeological investigation that might be required.

Informative on 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>.

Contaminated Land Officer – No objection

It is noted that this report has been commissioned with respect to an earlier application (110953). The reporting of the proposed intrusive works should

therefore confirm whether or not there have been any additional potentially contaminative uses on the site since 2011, also that the assumed Conceptual Site Model remains relevant for the current application.

Notwithstanding the above, this is an acceptable report for Environmental Protection's purposes. I note that it has been recommended that some intrusive works are undertaken and assessed to clarify the potential risks identified. However, based on the information provided it would appear that the site could be made suitable for the proposed use.

The applicant's attention is drawn to the recommendation for an appropriate asbestos survey to be undertaken and any recommendations carried out in accordance with all relevant legislation and best practice, prior to any demolition works.

Consequently, should this application be approved, we would recommend inclusion of the following conditions:

ZGX - Contaminated Land Part 1 of 4 (Site Characterisation)

ZGY - Contaminated Land Part 2 of 4 (Submission of Remediation Scheme)

ZGZ - Contaminated Land Part 3 of 4 (Implementation of Approved Remediation Scheme)

ZG0 - Contaminated Land Part 4 of 4 (Reporting of Unexpected Contamination)

ZG3 - *Validation Certificate*

Heritage Officer – No objection

The proposals for the conversion of the agricultural complex and the erection of 14 new cottages to its South is not expected to have any detrimental impact to the complex itself and the setting of the listed buildings within its vicinity and therefore, there are no objections from a heritage standpoint to their approval.

Arboricultural Officer – No objection

I am in agreement with the arboricultural impact assessment provided.

Recommended Landscape Conditions:

Make the AIA an approved document

9.0 Parish Council Response

9.1 The Parish Council have stated the following:

East Mersea Parish Council has discussed this resubmission of a significant building programme to provide 18 self-catering cottages and 14 new holiday homes on the northern part of Coopers Beach. Whilst we accept that the last submission was approved in late 2014, we do have significant reservations arising from infrastructural and other changes since that time.

Firstly, however, we would reiterate our objection submission dated 25/09/14 to the previous application Ref: 145513 and would emphasise all the points we made against approval at that time, particularly the following -

1. The matter of full time, permanent residency by caravan occupants is becoming more rife, especially at Coopers Beach, despite the Parish Council

providing ample evidence of this to the Borough. The total lack of action by both the Borough and the Coopers Beach management in policing this is most frustrating and is causing much anti-tourist feeling in the parish due to individuals openly bragging that they live on sites full-time and pay no council tax. Thus, our fears, expressed in our previous submission that this illegal practice would increase, have turned out to be absolutely true.

2. The Transportation Statement and the Travel Plan are both by Stilwell Partnership and dated May 2011 and are hopelessly inaccurate and misleading, apart from being 7 years out of date! Eg. there are no buses to West Mersea and only one a week to Colchester, there is no Post Office and local store in East Mersea, the Fox PH is in West Mersea, the site is certainly not within reasonable walking distance of West Mersea. These documents recommend cycling as the means of alternative transport to and from the site – amazingly supported by ECC Highways – which is about the most dangerous pursuit possible in East Mersea due to the traffic density and speed. Local inhabitants have long since abandoned this mode of transport because of this. Walking is also a perilous activity due to the lack of any pedestrian pavements and street lighting. This application will result, we are told, in an additional 4,000 visitors a year – the roads will not support it.

Another point concerns the economic figures submitted by the applicant in support of their case, including additional local jobs. This is patently rubbish and unsupported by reality – there are no local shops!

Since the original applications for this additional accommodation were approved, there has been much growth in traffic due to the installation of a children's playground by ECC at Cudmore Grove Country Park. This uncalled for intrusion into the park has caused traffic chaos on most good-weather days in the school holidays and at week-ends, blocking the access road to the park and preventing local residents from leaving and returning to their homes. This situation is intolerable and has not yet been addressed with any sustainable solution and will be made worse by this proposed increase in accommodation and thus visitors in cars.

The above represents further aggravation to the local roads system, noise and general pollution, including litter and, to add to this there is the current appeal by Away Resorts against their application to site a further 67 static caravans on their site. The country village of East Mersea cannot absorb this number of additional visitors and their cars.

In conclusion, East Mersea Parish Council reflects the vast majority of local residents' views on this incremental growth in the caravan parks, whether mobile, static or conversion of existing buildings and the message to the Borough is enough is enough, please refuse this application.

East Mersea Parish Council objects to any further units be it conversions or new build as the village infrastructure cannot cope with any further units on any of the caravan sites but also with emphasis to the way that Parkdean flout the conditions of their licence by allowing residential use and allowing people to travel to work from the site (it is for holiday use only).

10.0 Representations from Notified Parties

10.1 The application resulted in 35 notifications to interested third parties including neighbouring properties. The full text of all of the representations received is available to view on the Council's website. However, a summary of the material considerations is given below.

- Lack of ecological information
- Concerns regarding permanent occupation of caravans
- Lack of infrastructure on Mersea
- Harmful impact upon countryside
- Lack of wider benefits
- Highway safety concerns
- Concerns regarding impact upon heritage
- Objections to any further caravans on Mersea
- Refusal at Away Resorts
- Flood concerns
- Requirement for farmland at Mersea
- Misleading supporting documentation and data
- Contrary to East Mersea Design Statement
- Noise concerns
- Litter concerns
- Light pollution concerns

11.0 Parking Provision

11.1 The parking standard for Caravan Parks is one space per pitch and one space per full time equivalent, cycle parking is one space per five pitches. There is no specific standard for this type of holiday accommodation.

11.2 The application shows the provision of 32 parking spaces; 28 of these are within an area of land between the converted outbuildings and the holiday cottages, the remainder are on land occupied by sales caravans. The main parking area has been divided up by the use of planted spacers between the groups of three and four bays. There would be secure cycle parking racks provided for the proposed holiday cottages and an on-site cycle hire facility to encourage holiday makers to use alternative modes of transport.

11.3 There is space within the site to accommodate vehicles generated by this proposal.

12.0 Accessibility

12.1 A planning condition has been suggested in order to ensure the proposal is compliant with the Disability Discrimination Act.

13.0 Open Space Provisions

- 13.1 There is no standard for holiday accommodation but the development proposes a central courtyard for the self-catering accommodation and the converted holiday lets each have an amenity area.

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 This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (s.106) of the Town and Country Planning Act 1990.

16.0 Report

Principle:

- 16.1 This site is a small part (0.7 hectares) of a much larger area (7.8 hectares) allocated for holiday caravan use within the Site Allocations Document and forms an extension to the Coopers Beach Holiday Park. The main area of the extension relates to land on the opposite side of the access road. The allocation document lists a number of considerations that need to be addressed within any application. The main issues are: delivery of or contribution towards highway and access improvements as well as public transport, cycling & walking; a Code of Conduct to be agreed between land owners, Natural England and Colchester Borough Council; occupancy restrictions; landscaping scheme to minimise impact and no detrimental impact upon St Edmunds Church. These issues are all addressed in the application proposals.
- 16.2 The principle of the proposed use complies with Colchester Borough Council's planning policies. Paragraph 8.17 of the Site Allocations DPD recognises the valuable contribution caravan parks such as Coopers Beach make to the supply of holiday accommodation in the Borough.
- 16.3 Planning Policy supports the conversion of the existing rural buildings as part of the proposals; this accords with national policy particularly paragraphs 83 and 84 of the NPPF which supports sustainable rural businesses which involve the expansion of existing rural businesses and the re-use of existing buildings. The conversion of the existing buildings also accords with local planning policies DP9 and DP10 of the DPD relating to tourism use in the countryside.
- 16.4 The Site Allocations DPD requires the delivery of or contribution towards highway and access improvements required as well as the public transport, cycling and walking and policy DP10 also requires tourism proposals to promote accessibility. Due to the nature of the proposed use it is highly likely that the

majority of visitors will arrive by car. The submitted Travel Plan proposed new cycling facilities as part of the development. The caravan park owners should also be provided additional information promoting walking and cycling routes in the local area for those staying at Coopers Beach. This would accord with proposals in the East Mersea Village Design Statement to improve cycling facilities between West and East Mersea.

16.5 The land that is subject to this planning application is allocated for caravan use in the current Local Plan and emerging Local Plan. On balance, the reuse of the existing buildings and expansion of Coopers Beach is supported in policy terms.

16.6 Planning permission was granted for an identical development under application reference 110913 and 145513. These are material considerations.

Design

16.7 Core Strategy policy ENV1 seeks to conserve and enhance Colchester's natural and historic environment. Core Strategy policy UR2 seeks to promote and secure high quality design. Development Policies DP1 and DP12 set out design criteria that new development must meet. These require new development to be of a high quality and respect the character of the site and its context.

16.8 The scheme has been amended since submission in order to ensure materials are of a high quality. Whilst the buildings are not listed they are of traditional design. The buildings when converted will have slate roofs and brick and weather boarded elevations and will provide an attractive edge to the holiday park site. The new build units have steeply pitched slate roofs and dark stained weather boarded elevations. On balance, the proposal is considered to be of an acceptable design and is in compliance with the aforementioned policies.

Scale Height and Massing

16.9 The proposal involves the conversion of existing buildings mainly single storey but including one 2-storey building. The new build cottages are 1 - 1.1/2 storeys in height. The new build reflects the scale of existing buildings and are mainly hidden from public views by existing holiday park development. As such, the proposal is considered to be acceptable in this regard.

Highway Matters

16.10 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. Relevant paragraphs of the NPPF provide guidance on transportation matters, including that application should only be refused on highway grounds if the impact (on safety or capacity) is severe.

- 16.11 The application is supported by a Transport Assessment and Travel Plan. There are approximately 600 static caravans within the complex. The proposal is to provide an additional 32 units and whilst it will add to the existing vehicular activity within the area it is not of a scale that would justify withholding permission. The response from the Highway Authority does not raise an objection to the scheme.
- 16.12 The Travel Plan seeks to encourage staff & visitors to use cars more efficiently and to encourage alternative travel modes (walking, cycling & public transport).
- 16.13 It is noted that many of the objections that have been received in relation to the proposed development have identified the perceived inadequacy of the local highway network and the problems experienced by motorists at present, especially during the school summer holidays. The concern is that the proposed development would exacerbate current problems and also create highway safety issues. These views are fully acknowledged and appreciated.
- 16.14 Notwithstanding these concerns the Highway Authority has advised in its consultation response (available to view on file) that the impact of the proposal is acceptable to the Highway Authority. As such, the proposal is considered to be acceptable in this regard.

Heritage Issues

- 16.15 Core Strategy policy UR2 seeks to enhance Colchester's unique historic character and protects features which contribute positively to the character of the built environment from demolition or inappropriate development, these features include buildings and Conservation Areas. Development Policy DP14 seeks to protect the Council's Conservation Areas from inappropriate development.
- 16.16 The application site is in proximity to a Grade I Listed Church and a Grade II Listed Hall. The Historic Buildings and Areas Officer does not raise an objection to the scheme. These buildings are separated from the new buildings by the existing former agricultural buildings, which are to be converted, as well as by the new parking area between the existing and the proposed buildings. The conversions in themselves will not adversely impact upon these listed building or their wider settings.

Landscape and Trees

- 16.17 Core Strategy policy ENV1 states that the Borough Council will conserve and enhance Colchester's natural and historic environment, countryside and coastline, and this is also echoed within section 11 of the NPPF. Development Policy DP1 provides that all development must demonstrate environmental sustainability and respect its landscape setting and contribute to the surrounding area.

- 16.18 In this instance, the application was accompanied by an Arboricultural Impact Assessment, Tree Protection Document and Landscaping Scheme. Both the Arboricultural Officer and Landscape Advisor do not raise concerns in relation to the scheme, and recommend planning conditions in order to ensure tree protection and landscaping measures are secured. In this regard, the proposal is considered to be acceptable and recommended conditions are suggested.

Ecology

- 16.19 Core Strategy policy ENV1 and Development Policy DP21 seek to conserve or enhance biodiversity of the Borough. The NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity.
- 16.20 The application has been supported by an Ecological Report. The report provides an ecological appraisal of the site within the context of the surrounding area. It outlines the habitat features on the site, the likelihood of protected species being present and any potential effects of the proposed development on protected species.
- 16.21 The report notes that no significant ecological constraints were identified that would adversely affect the development of the site. A number of mitigations and enhancements were recommended to be incorporated, as encouraged by the NPPF. For these reasons, it is considered that the proposed redevelopment of this site would not have a significantly adverse effect on protected species and that any impact could be suitably moderated through ecological enhancement and mitigation measures, secured by suggested planning conditions.

Flooding

- 16.22 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. The NPPF 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. The application site is outside an identified flood zone and measures 0.7 hectares and as such a FRA is not required to support the application. Given that the proposal is outside of any flood zone, the proposal is not considered to have a harmful impact upon surface water drainage within the locality.

Contamination

- 16.23 Development Policy DP1 requires all development to avoid unacceptable environmental impacts. The application has been supported by a Contamination Report which confirms the level of risk assessed is unlikely to have an adverse effect on the property and would not be designated "contaminated land" within the meaning of Part IIA of the Environmental Protection Act 1990. Further to this, the Contaminated Land Officer has not raised an objection and notes that contamination could be suitably controlled by suggested planning conditions. As such, the proposal is considered to comply with the aforementioned policy.

Comments on objections raised

- 16.24 The comments made by the parish council and residents refer to the 12 month occupancy of the caravans and refer to possible breaches of the site license in respect of residential rather than holiday use. The occupancy on the Coopers Beach site is controlled by the site license only. Planning permission was granted at appeal in the 1960's and the Planning Inspector decided it was not necessary to impose a planning condition restricting the occupancy period as this would be secured under the site license. The Council's Licensing Team and Enforcement Team investigate the site on a bi-annual basis in order to ensure the site is operating in line with the license. Should breaches occur, then these are dealt with. If any additional information comes to light that should be investigated, these can be reported to the Enforcement and Licensing Team for further investigation. The current application does not propose 12 month occupancy and a new planning application would be required to vary any of the conditions.
- 16.25 It is understood new bases are proposed within the authorised caravan site area and the total number will not exceed the maximum number imposed on the license.
- 16.26 This application has to be determined on planning policy, its planning merits and the earlier permissions for an identical development are a material consideration.
- 16.27 A number of objections raised an application 162442 as a concern. This application sought planning permission for 67 static holiday caravans at Cosways Holiday Park. This application was refused by the Council and dismissed at appeal. The reasons for dismissal are based on the impact upon the landscape character and coastline. In this instance, the application at hand does not create a harmful impact upon the landscape character and or wider area. Further to this, all applications should be determined on their own planning merits.
- 16.28 A significant number of representations also included concerns in relation to the perceived inadequacy of the local highway network around the application site to deal with the impacts of the proposed development. These concerns are fully acknowledged by the Council. However, it is the case that Essex County Council, as highway authority, did not raise an objection to the proposals, subject to the imposition of conditions on a grant of planning permission.

17.0 Conclusion

- 17.1 The site is allocated for holiday use and is therefore acceptable in principle and in accordance with policy. The development is also considered to be acceptable in terms of the design and layout and in terms of the landscape impact. A condition is proposed to restrict the period that the accommodation can be occupied.

18.0 Recommendation to the Committee

18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to 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. ZAM - *Development to Accord With Approved Plans*

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 3147-215 Revision B, 3147-216 Revision B, 3147-217 Revision C, 3147-227 Revision A, 3147-228 Revision A, 3147-210 Revision E, 3147-225 Revision B and 3147-226 Revision B

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

3. Non Standard Condition - Holiday occupation

The new accommodation hereby permitted shall only be used to provide holiday accommodation as an extension to the existing Coopers Beach Holiday Park and shall not be occupied other than as follows:-

- (i) Between 1 March to 31 October; and then
- (ii) At weekends from 1 November to 14 January in the subsequent year (weekends being defined as mid-day Friday to mid-day Monday) both dates inclusive together with
- (iii) A period of 14 consecutive days from 23 December to 5 January, both dates inclusive.

Reason: The site is within an area where it is the policy of the Local Planning Authority to prevent permanent residential use. Planning permission is given in this instance for holiday use only as an extension to the existing Holiday Park.

4. Non Standard Condition - Parking

The development shall not be occupied until such time as the car parking and turning area, has been provided in accord with the details shown in Drawing Numbered 3147-210-REV E. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.

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

5. Non Standard Condition - Cycle parking

Cycle parking facilities, together with cycle hire facilities, shall be provided in accordance with the submitted Travel Plan, or as agreed in writing by the Local Planning Authority in consultation with Essex County Council Highway Authority in the form of any amendments to the Travel Plan. These facilities shall be maintained thereafter to serve the development.

Reason: In order to provide adequate cycle facilities and to encourage the use of alternative modes of travel.

6. Z00 – Travel packs

Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of Travel Information Packs for sustainable transport sufficient for the occupants of each unit on site approved by the Local Planning Authority.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport

7. Non Standard Condition – DDA Compliant

Notwithstanding the details shown on the approved drawings, the accommodation to be provided by the conversion of the existing outbuildings and the new holiday cottages shall be compliant with the Disability Discrimination Act.

Reason: For the avoidance of doubt and to ensure that the development is DDA compliant.

8. ZGX - Contaminated Land Part 1 of 4 (Site Characterisation)

No works shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval, in writing, of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination,

CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9. ZGY - Contaminated Land Part 2 of 4 (Submission of Remediation Scheme)

No works shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared and then submitted to and agreed, in writing, by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

10. ZGZ - Contaminated Land Part 3 of 4 (Implementation of Approved Remediation Scheme)

No works shall take place other than that required to carry out remediation, the approved remediation scheme must be carried out in accordance with the details approved. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification/validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11. ZG0 - Contaminated Land Part 4 of 4 (Reporting of Unexpected Contamination)

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 8, and where remediation is necessary a remediation scheme must be prepared in accordance

with the requirements of condition 9, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 10.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

12. ZG3 - *Validation Certificate*

Prior to the first use of the development, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 9.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

13. Non Standard Condition – Materials

Samples of the materials to be used on the external finishes shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The development shall only be carried out using the approved materials.

Reason: To ensure the use of appropriate materials and finishes within this site which lies within the open countryside and in close proximity to Listed Buildings.

14. ZFE – Landscape Management Plan

Prior to the first occupation of the development, a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas other than small, privately owned, domestic gardens shall be submitted to and agreed, in writing, by the Local Planning Authority. The landscape management plan shall thereafter be carried out as approved at all times.

Reason: To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area.

15. Non Standard Condition – Landscaping

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.).
- Earthworks (including the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform)
- 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.
- Implementation timetables.

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.

16. ZGT - No External Light Fixtures

No external lighting fixtures shall be constructed, installed or illuminated at any time.

Reason: To ensure that there are no undesirable effects of light pollution.

17. Non Standard Condition – Ecology

No works shall take place until details of a programme of biodiversity enhancements, including implementation timetable, has been submitted to and agreed, in writing, by the Local Planning Authority. The programme shall be in line with the recommendations provided in the submitted Ecological Appraisal referenced HDA 742.1 dated November 2018. The development shall thereafter be carried out in accordance with such agreed details.

Reason: In the interests of the amenity of the area.

18. Z00 - Heritage Assessment

Prior to the commencement of any works, a programme of building recording and analysis shall have been undertaken and a detailed record of the building shall have been made by a person or body approved by the Local Planning Authority and in accordance with a written scheme which first shall have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To secure provision for recording and analysis of matters of historical importance associated with the site, which may be lost in the course of works.

19. 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).

20. Non Standard Condition – Trees

The development hereby approved shall be carried out in strict accordance with the submitted Tree Protection Plan (ref:742.6/02 HAD T2) for the lifetime of the construction works:

Reason: In order to safeguard the amenity of the trees.

21. Non Standard Condition – Travel Plan

The development hereby approval shall be carried out in strict accordance with the submitted Travel Plan Framework Version 1.0 dated 18/05/11.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

19.0 Informatives

19.1 The following informatives are also recommended:

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. 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 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 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. ZTB - Informative on Any Application With a Site Notice

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

4. Non Standard Informative – 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>

5. Non Standard Informative - Highways

The public's rights and ease of passage over Public Footpath No.5 (East Mersea) shall be maintained free and unobstructed at all times.

6. Non Standard Informative – Highways

The Highway Authority observes that only one off street parking space per unit is proposed although some units may accommodate more than the occupants of one car and no overflow or additional parking is being shown.

7. Non Standard Informative – 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).'

8. Non Standard Informative – 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 or by post to:

SMO1 – Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ