

CABINET22 AUGUST 2012Present:-

Councillor Stock (Chairman)
 Councillor Candy
 Councillor G V Guglielmi
 Councillor Halliday
 Councillor P B Honeywood
 Councillor S S Mayzes
 Councillor McWilliams
 Councillor Sambridge
 Councillor Turner

Portfolio:-

Leader of the Council
 Regeneration
 Planning
 Finance and Asset Management
 Housing
 Tourism and Community Life
 Customer and Central Services
 Technical Services
 Environment

Group Leaders present by Invitation:- Councillors Shearing and Talbot.

Also Present:- Councillors Broderick, Challinor (except items 14 and 15), De-Vaux Balbirnie (item 18 (part) only), G L Mitchell, Tracey, White.

In Attendance:- Chief Executive, Strategic Director, Head of Resource Management, Legal Services Manager, Democratic Services Manager, Planning Policy Manager, Senior Democratic Services Officer.

(Noon – 1.23 p.m.)

14. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Watling.

15. MINUTES

The minutes of the meeting of the Cabinet held on 18 July 2012 were approved as a correct record and signed by the Chairman, subject to, in minute 11, in paragraph (1) the word “accuracies” being amended to read “inaccuracies” and also in the first bullet point under the heading 3. Help children & adults achieve their full potential the word “Elderly” being deleted and replaced by the word “Adults”.

16. ANNOUNCEMENTS BY LEADER OF THE COUNCIL

The Leader of the Council (Councillor Stock) paid tribute to the wonderful spectacle that had been the London 2012 Olympic Games and, in particular, the achievements of the athletes. He hoped that a Tendring resident would be a medal winner at the Rio de Janeiro 2016 Olympic Games and he was optimistic and hopeful that this year’s Olympics and Paralympics would increase participation in sports and raise personal aspirations and increase awareness of the wide range of different sports that were available. It was suggested that the Leader write to the Prime Minister to urge him to take measures to increase children’s access to a wider range of sports on television and, in particular, on channels other than Sky Sports channels.

Having discussed the points raised in the Leader’s announcement, it was moved by Councillor Candy, seconded by Councillor McWilliams and:-

RESOLVED that following the Olympics and Paralympics, Officers are requested to look at the opportunities to develop and promote sports and sports facilities for Tendring. This will include looking at engaging with role models and significant funding opportunities.

The work is to include and be supported by our existing sporting need, health and local accessibility.

17. ANNOUNCEMENTS BY CABINET MEMBERS

There were none on this occasion.

18. THE TENDRING DISTRICT LOCAL PLAN: PROPOSED SUBMISSION DRAFT

Further to minute 13 (18.7.12) Cabinet gave consideration to the Community Leadership and Partnerships Committee's comments on the proposed contents of 'The Tendring District Local Plan: Proposed Submission Draft (2012)' and 'Draft Indicative Policies Maps' with a view to agreeing any necessary changes in the light of those comments and to then recommending those documents (with any amendments) for consideration and approval by Council for public consultation.

The Community Leadership and Partnerships Committee's comments (minute 18 - 13.8.12 referred) together with the Planning Portfolio Holder's responses thereto were reported as follows:-

Comments on the Draft Local Plan

| COMMENT FROM THE COMMUNITY LEADERSHIP AND PARTNERSHIP COMMITTEE | PLANNING PORTFOLIO HOLDER RESPONSE |
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| <p>The Draft Local Plan does not acknowledge the fact that part of the Clacton settlement as shown on the relevant Draft Proposals Map (incorporating the Holiday Parks at Seawick and St. Osyth Beach) actually falls within the Parish of St. Osyth.</p> | <p>Response: The continuous built up area referred to as Clacton-on-Sea does, in parts, cross over into the adjoining parish. In reality this does not affect the way in which the policies will be implemented, particularly as all of the area in question is to be protected as safeguarded Holiday Park in accordance with Policy PRO9.</p> <p>However, in the interest of correctness, I would propose that the Local Plan simply acknowledge this anomaly rather than omit these areas from the Settlement Development Boundaries (which would undermine the consistent approach taken elsewhere in the district where settlements transcend administrative lines).</p> <p>Recommended change(s): In Chapter 6: 'Clacton-on-Sea' I would propose that the following paragraph be inserted into the plan after paragraph 6.4:</p> <p><i>"The Policies Map Inset for Clacton-on-Sea shows the safeguarded caravan parks at Seawick and St. Osyth Beach within the Settlement Development Boundary of the urban settlement because they immediately abut the main built up area. However, for information, these actually fall within the rural parish of St. Osyth."</i></p> <p>On the Proposals Map Inset for Clacton-on-Sea, I would propose that the parish boundary of St. Osyth affecting the area in question is shown.</p> |

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| <p>The Draft Local Plan defines 'Row Heath' as a smaller rural settlement in Policy SD4 but this is, in fact, one part of a wider settlement known locally as 'Chisbon Heath', the centre of which is actually located further south at the junctions of Highbirch Road, Frowick Lane, Heath Road and Clay Lane. This central part of Chisbon Heath should be included as the defined settlement in the Local Plan, not Row Heath.</p> | <p>Response: In choosing to include a greater range of smaller rural settlements in the Local Plan, our officers have attempted, as far as practical, to draw Settlement Development Boundaries in a logical way to:</p> <ul style="list-style-type: none"> a) define the main clusters of properties within those areas; b) allow reasonable opportunities for sensible infill (and thus fulfil the 6% growth requirement); and c) avoid the inclusion of large areas of sparsely developed or even undeveloped land which, strictly speaking, should be considered as countryside and which may lead to unsustainable patterns of growth. <p>Because the central part of Chisbon Heath comprises very few dwellings, it was difficult to define within a logically drawn boundary. The area describes as Row Heath however provided more scope for a logical boundary around the built up area to be drawn.</p> <p>Recommended change(s): As it is the strong view of the local representative (who has considerable knowledge of the area) to make this change, I propose that 'Chisbon Heath' be included as a 'smaller rural settlement' in Policy SD4, that 'Row Heath' be deleted from the policy and that the Draft Policies Map showing Row Heath defined within a development boundary be replaced with one showing Chisbon Heath.</p> |
| <p>The Draft Proposals Maps do not show the range of policy notations that provide protection for the area between the defined settlements of St. Osyth and Point Clear (comprising Mill Street, Mill Dam Lake and St. Osyth Creek). This area must continue to be afforded strong protection in the Local Plan.</p> | <p>Response: The indicative maps that have been prepared for member consideration at this stage only show the proposed Settlement Development Boundaries and main proposals for housing, employment and mixed-use development.</p> <p>Other designations such as nature conservation areas, protected green spaces, coastal protection belt and flood zones still exist, will be shown on the final published maps, and will ensure the strong level of protection afforded to this area will continue into the future.</p> <p>Recommended change(s): None.</p> |
| <p>The Draft Proposals Maps only show proposed Settlement Development Boundaries, Town Centre Boundaries and the location of the main housing, employment and mixed use sites.</p> | <p>Response: The reason why only the main proposals and development boundaries are shown on these indicative maps is simply a practical one. The drafting and subsequent printing of the more exhaustive maps is a highly resource intensive and expensive exercise and one that could be abortive</p> |

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| <p>There are many other designations that have not been shown on these maps that, it is stated in the report to Cabinet on 18th July 2012, will be shown on the final maps to be published for consultation. Without information on these other designations, it will be difficult for Councillors to give proper consideration to, and thereafter approve, the Local Plan.</p> | <p>if or when changes to the document are made by either committee, Cabinet or Council.</p> <p>In general terms, the designations that are not shown on the indicative maps are not expected to vary significantly from those on the Proposals Maps accompanying the 2007 Adopted Local Plan, but there are some exceptions where new evidence has become available.</p> <p>With this in mind, I fully understand the comments of the committee and agree that members should be given a better indication of how some of the other designations will affect different parts of the district.</p> <p>It will not however be possible to have a full set of comprehensive plans by the September Full Council meeting.</p> <p>Recommended change(s): I propose that the report to Full Council is accompanied by a statement which will include:</p> <ul style="list-style-type: none"> a) a comprehensive list of sites to be protected as safeguarded 'Holiday Parks' in accordance with Policy PRO9; b) a comprehensive list of sites to be protected as 'Employment Sites' in accordance with Policy PRO14; c) a comprehensive list of areas of land to be protected as green infrastructure in accordance with Policy PEO19; d) A3 maps of the whole Tendring District showing the extent of the flood risk areas, nature conservation areas and other relevant designations. |
| <p>A 6% increase in housing stock at Point Clear would represent 51 new dwellings for that area. Firstly, any additional development at Point Clear would result in further traffic passing through the crossroads between Colchester Road, The Bury, Spring Road and Clacton Road. With limited visibility, this is a dangerous junction and St. Osyth Parish Council will object to any proposals that will increase traffic flows through it. Secondly, from looking at the Draft Proposals Map for Point Clear, there are no obvious areas of land within the proposed Settlement Development Boundary that could practically accommodate</p> | <p>Response: Given the constraints affecting Point Clear, the relatively few obvious development opportunities and the local concern about additional traffic flows through the centre of St. Osyth village, it is fair to say in retrospect that the 6% growth strategy is unlikely to be deliverable in Point Clear.</p> <p>Recommended change(s): To resolve this issue without undermining the sound principle of having a fair distribution of growth across all settlements, I propose that St. Osyth and Point Clear are redefined as one 'Key Rural Service Centre' in Policy SD3 named St. Osyth/Point Clear.</p> <p>By doing this, the full 6% dwelling increase can be achieved by allocating additional land at the eastern part of St. Osyth village, in the vicinity of the two sites already allocated off Clacton Road</p> |

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| <p>51 dwellings.</p> | <p>and Rochford Road.</p> <p>Whilst this means additional development for the main village of St. Osyth, this approach addresses the concerns about the possible traffic impact of further development at Point Clear and ensures that the principle of 6% growth for all settlements is not undermined.</p> |
| <p>The proposed 6% increase in housing stock in all parts of the district does not take historic rates of housing development into account. In the 2010 Core Strategy document, it was proposed that St. Osyth would receive no planned housing development in recognition of the high level of development that had taken place in the parish over the previous decade. Historic rates of development should have a bearing on the future growth proposed for different towns and villages.</p> | <p>Response: The strategy for growth in the 2010 Core Strategy was far more selective in identifying the most sustainable locations for development in the district. This resulted in the majority of development being proposed for two sites on the edge of Clacton with very little development proposed in the rural areas.</p> <p>However, when that document was published for consultation there was an overwhelming level of public objection to this strategy and, during the following consultation exercise in 2011, our residents called for development to be more fairly distributed across all parts of the district and not concentrated in one or two areas.</p> <p>The proposed 6% increase in housing stock in all parts of the district achieves the fairness that residents have asked for. However, a consequence of this approach is that areas that were protected from development in the 2010 Core Strategy (such as St. Osyth) will now have to accommodate a 6% increase like everywhere else, regardless of the rate of development in previous years.</p> <p>Recommended change(s): None.</p> |
| <p>The implementation of criterion a) of Policy COS10 (Regeneration in Brooklands Grasslands and the Village, Jaywick) might be impossible because, in many instances, the replacement of an existing bungalow with a two-storey property with no habitable accommodation on the ground floor will result in cramped accommodation on upper levels that will not be able to achieve the minimum internal standards set out in Policy PEO4 and associated Appendix 2. Consideration should be given to allowing living rooms and dining rooms on the ground floor but still requiring bedrooms to be located on upper floors.</p> | <p>Response: This policy has to strike the right balance between achieving enough flexibility to allow something positive to happen in Jaywick (to address deprivation) and ensuring anything we do allow is safe and minimises the risk of flooding for residents.</p> <p>The committee's comments are understood, but to reword the policy to allow living rooms and dining rooms on the ground floor could affectively undermine the overriding objective of the policy which is to minimise the number of people that could be killed or seriously injured in the event of a flood. There would be no way to enforce the restriction of living rooms or dining rooms to solely that use and the conversion to (or the temporary use for) a ground floor bedroom could not be prevented.</p> |

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| | <p>It is also important to point out that the policy, as written, has broad support from the Environment Agency – support that we do not want to lose by making the policy too permissive.</p> <p>With all of that said, the key to positive development in Jaywick will not necessarily hinge on what the policy says, but how it is implemented. There are many factors that need to be taken into consideration when dealing with planning applications and, where a proposal is unable to meet all of the policy requirements in the plan for sound practical reasons, but the overall affect of the development would be positive, departures from the policy might be justified.</p> <p>Recommended change(s): None.</p> |
| <p>The Draft Local Plan ought to contain 'indicative dwelling numbers' to give a rough idea of how many new homes are likely to be delivered on each of the allocated housing sites. This will aid members' consideration of the plan and the public understanding of the proposals when they are published for consultation.</p> | <p>Response: The reason for not including indicative dwelling numbers in the Local Plan for individual sites was to prevent them being seen as a 'target' which might focus a developer's mind on trying to achieve or even exceed the number instead of focussing on achieving the best possible layout and housing density for the site, in its location.</p> <p>However, I agree that such figures would be helpful for both members and the public to better understand the possible scale of development of these sites – so long as these are not seen as definitive or treated as a minimum/ maximum target.</p> <p>Recommended change(s): I propose that an additional appendix is added into the Draft Local Plan listing the proposed housing sites and indicative dwelling numbers.</p> <p>However, this list would be accompanied by a statement to clarify that these numbers should not be seen as a definitive 'target' for developers to try and beat and that the actual number of homes proposed in planning applications will be derived from a developer's response to the policy requirements for design, quality, layout, space standards and density in the Local Plan.</p> <p>I would also propose that this list of indicative dwelling numbers is circulated to all members well in advance of the Full Council meeting.</p> |
| <p>Policy COS12 (Development at Rouses Farm, Jaywick Lane) criteria b) and c) require the provision of a purpose-built medical centre either on the</p> | <p>Response: Agreed.</p> <p>Recommended change(s): I propose that policies COS12, FWK6 and FWK9 be amended to specify a 1,600 metre (1-mile) radius within which new</p> |

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| <p>development site or an equivalent facility provided within the wider 'West Clacton sub-area'. This policy would be improved if it required such an equivalent facility in the wider sub-area to be within a certain distance of the site to ensure it is easily accessible to the expanding community. This approach should also apply to other similar policies in the Local Plan that may allow facilities to be provided off site.</p> | <p>medical centres need to be provided. This is consistent with the distances set out in Policy PEO18 on Community Facilities.</p> |
| <p>Land East of Pond Hall Farm (allocated for development through Policy HAD4) is a poor site for development because the northern portion of the land along with land on the other side of the A120 is within the floodplain and is often waterlogged. There is also no suitable access point onto the A120.</p> | <p>Response: This site is a sustainable location for development and was accepted by the Inspector dealing with the last Local Plan. The presence of the flood zone at the northern part of the site is acknowledged and any issues will need to be addressed in detailed proposals for the site.</p> <p>An access onto the A120 will be necessary to access the employment elements of this proposal and, by allowing more of a mixed development through the policies in the new plan, there will be a much greater prospect of this new access being provided and the development being achieved within this new plan period.</p> <p>Recommended change(s): None.</p> |
| <p>The Draft Local Plan should contain a more substantial section on the role of railways in the district to be more in proportion with the amount of commentary relating to roads.</p> | <p>Response: We need to be careful that everything written into the Local Plan is there for a reason and is not simply included for the sake of it. However, the committee are right to point out that Policy PRO1 and its supporting text do refer, predominantly, to road projects.</p> <p>Given the number of railway stations in our district and their importance for local commuters, residents and visitors to the area and, for the important role they will play in the future of freight transport following the development at Bathside Bay, some additional coverage is perhaps justified.</p> <p>Recommended change(s): I propose that a new paragraph be inserted after paragraph 3.10 to read:</p> <p><i>"The district's railways are also critical to the local economy and the quality of life for our residents. Tendring has 14 railway stations providing a range of London main line and local branch line services. As many of our residents commute outside of the</i></p> |

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| | <i>district for work, ensuring rail services are reliable and have sufficient capacity is vitally important. Our railways also provide an important service to bring visitors to the area, particularly in the summer months, to enjoy the experience provided by our coastal towns. In the longer term, rail will also play an increasingly important role in the transportation of freight to and from Harwich International Port and the proposed container port facilities at Bathside Bay.”</i> |
| The Draft Local Plan should ensure that new housing developments are built with transport provision in mind – particularly access to public transport. | Response: I refer to Policy SD8: ‘Transport and Accessibility’ which addresses this issue. Recommended change(s): None. |
| Given the importance of the Local Plan and the time limits to get a new plan in place, the Cabinet should review the schedule to ensure the Council is given sufficient time to consider and debate the document. | Response: I am keen that as many members as possible can support the new Local Plan and the point raised by the committee is duly noted. Recommended change(s): None. |

Comments on the statement on maximising regeneration opportunities

| COMMENT FROM THE COMMUNITY LEADERSHIP AND PARTNERSHIP COMMITTEE | PLANNING PORTFOLIO HOLDER RESPONSE |
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| The development of land at Horsley Cross or elsewhere along the A120 corridor for employment purposes should be considered as part of the Local Plan rather than relying predominantly on the current range of ‘preferred’ employment sites that were included in the last Local Plan and which failed to attract developer interest. | Response: The new National Planning Policy Framework is, in principle, supportive of economic growth and a flexible approach to considering proposals that will deliver jobs. However, there is still an expectation for Councils, in their Local Plans, to allocate sites in sustainable locations and promote sustainable patterns of growth. Some key statements in the national framework include: Para. 17 which sets out 12 core principles of the planning system, of which one is “ <i>actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.</i> ” Para. 30 states that “ <i>encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. In preparing Local Plans, local planning authorities should therefore support a pattern of development</i> ” |

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| | <p><i>which, where reasonable to do so, facilitates the use of sustainable modes of transport”.</i></p> <p>Para. 41 states <i>“local planning authorities should identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice”.</i></p> <p>To specifically allocate a site at Horsley Cross or elsewhere in the remote countryside along the A120 would conflict with these principles.</p> <p>There is also a concern that new development along the A120 could jeopardise the future upgrading of that road that will be necessary to accommodate additional vehicle movements from Bathside Bay, when that development happens.</p> <p>Given the importance of the Local Plan to the district, I would be reluctant to jeopardise its smooth progress through the examination process by including a site that is so obviously incompatible with the concepts outlined above. I would also be reluctant to knowingly include a proposal with potential to impact upon the necessary upgrading of the A120 without any evidence to suggest otherwise.</p> <p>However, as explained in the statement considered by the committee, the policies in the new Local Plan are sufficiently flexible to allow proposals to be considered on their merits and to give particular weight to proposals that could result in significant benefits to the local economy. The policies for the development of employment sites are also more flexible to allow a much wider range of employment uses which will make the ‘preferred sites’ more attractive to inward investment.</p> <p>Recommended change(s): None.</p> |
| <p>Councillors should review the reasons why the Planning Inspector and the Secretary of State chose to refuse the 2006 planning application for development at Horsley Cross and consider whether these reasons would still apply today.</p> | <p>Response: This information is publicly available and I propose that this be e-mailed to all members, for information, in advance of the Full Council meeting rather than form part of the report.</p> <p>Recommended change(s): None.</p> |
| <p>Councillors should be provided with details of any sites that have been submitted to the Council for consideration as alternatives to the preferred employment sites in the Draft Local Plan.</p> | <p>Response: This information is in the public domain and can be accessed by all members. However, I will ask officers to prepare a briefing note containing this information to be circulated to all members, for information, before the Full Council meeting.</p> |

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| | Recommended change(s): None. |
| The regeneration statement should acknowledge that it is for the benefit of residents. | Response: Agreed. Recommended change(s): I will ensure that the Foreword to the Local Plan incorporates the key messages from the statement considered by the committee and that it is clear that this approach is for the benefit of residents. |

Comments on the robustness of Policy PEO17

| COMMENT FROM THE COMMUNITY LEADERSHIP AND PARTNERSHIP COMMITTEE | PLANNING PORTFOLIO HOLDER RESPONSE |
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| Policy PEO17 would be improved if it were made clear that as well as preventing an annex from being sold, legally, as a separate dwelling, it would also prevent it being let as a separate dwelling. | Response: Agreed. Recommended change(s): Ensure that Policy PEO17 and its supporting text refers to preventing an annex being 'let' as a separate dwelling. |

The Planning Portfolio Holder (Councillor G V Guglielmi) referred to an email that he had received from Councillor Bucke, in which Councillor Bucke stated his objection to the 6% housing stock growth requirement across the District and argued that 50% of the new development should be in the Clacton area. Councillor G V Guglielmi reminded Cabinet that the proposed 6% growth across the entire District had arisen out of earlier public consultations as the fairest way to proceed in distributing new housing development.

Members placed on record their thanks and appreciation to the Planning Policy Manager and his team for their hard work and commitment over a long period of time to produce the current draft submission document.

In order to enable the draft submission document to be submitted to Council for its consideration:-

It was moved by Councillor G V Guglielmi, seconded by Councillor Turner and:-

RESOLVED that, having considered and noted the comments of the Community Leadership and Partnerships Committee, the Planning Portfolio Holder's responses thereto and recommended changes to 'The Tendring District Local Plan: Proposed Submission Draft 2012' and 'Draft Indicative Policies Maps' be approved.

RECOMMENDED TO COUNCIL that 'The Tendring District Local Plan: Proposed Submission Draft 2012' and 'Draft Indicative Policies Maps', as amended, be approved to allow public consultation in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Chairman