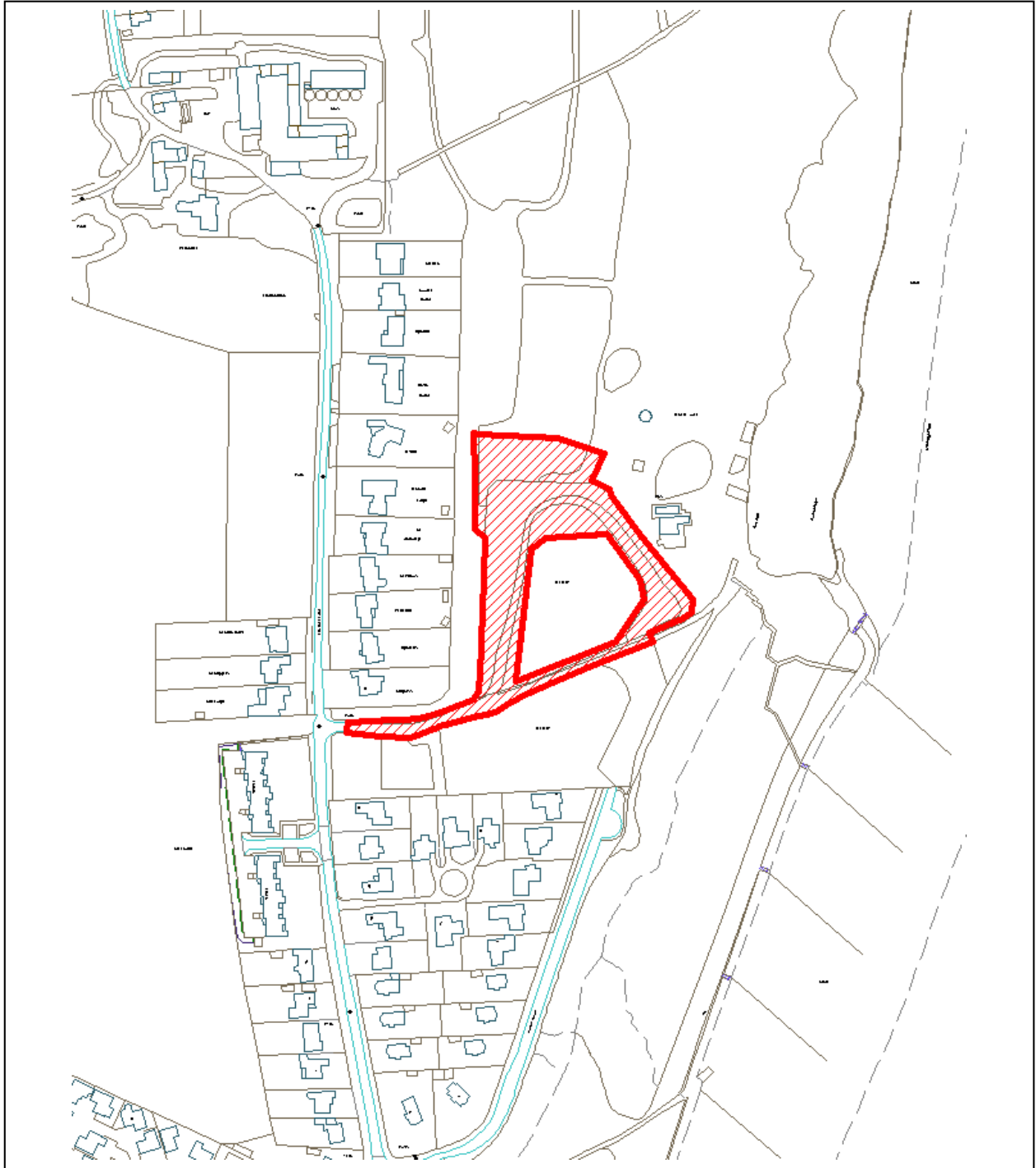


PLANNING COMMITTEE

5th NOVEMBER 2013

REPORT OF THE HEAD OF PLANNING

A.2 PLANNING APPLICATION 13/00515/FUL – LAND AT THE NAZE, OLD HALL LANE, WALTON ON THE NAZE, CO14 8LF



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Application: 13/00515/FUL

Town / Parish: Frinton and Walton

Applicant: Essex Wildlife Trust

Address: Land at The Naze, Old Hall Lane, Walton On The Naze, CO14 8LF

Development: Construction of single storey building for use as the Naze Education and Visitor Centre with associated hard and soft landscaping, and upgrading of existing statutory services.

1. Executive Summary

- 1.1 The application is referred to Planning Committee by the Head of Planning in accordance with the Council's constitution. It is considered that the application in question raises issues where there are significant areas of judgement to be made having taken into account the written representations received, the relevant development plan policies and Government guidance and all other material planning considerations. The application site is also owned by Tendring District Council, although the application is made by The Essex Wildlife Trust.
- 1.2 The application has been assessed in relation to a number of national and local planning policy considerations and other material considerations. It is concluded that the development will not have an adverse material impact on:
- Highway safety
 - The Coastal Protection Belt and public open space provision
 - Residential amenity
 - Ecology and biodiversity issues
 - The setting of the listed tower and heritage assets (including archaeology)
- 1.3 Having taken in to account all the above issues, it is considered that whilst the proposal could be interpreted as partially conflicting from some development plan policies (such as those that seek to protect public open space and the Coastal Protection Belt (PEO19 and PLA2) save in exceptional circumstances); it complies with the majority of the NPPF and development plan policies (as well as the Council's Corporate priorities; Regeneration Strategy and Tourism Strategy) that seek to achieve sustainable development that secures good design; meets the challenge of coastal change; conserves the natural environment and landscape qualities (including important skyline views); conserves the historic environment; protects highway safety; protects designated areas and protected species; protects residential amenity; regenerates deprived areas; and creates an all year round tourism destination including the provision of educational field centres that promote nature conservation, the use of heritage assets, coast protection and the enjoyment of the countryside and coast (Policies SD9; PRO7 and PLA5) . It is considered that any harm arising from the development will be limited and that it is outweighed by public and wider sustainability benefits. Members will need to consider all the issues and determine the weight that can be attached to each of them in turn when making their decision and whether any adverse impacts are significant and whether the wider sustainability and public benefits outweigh these.
- 1.4 Officers recommend that the application is approved subject to the conditions as outlined below.

Recommendation: Approve

Conditions:

- **In accordance with the submitted drawings**
- **Materials (including details of the green roof)**
- **Contamination investigation and any necessary remediation measures**
- **Details of any external lighting**
- **Details of drainage**
- **Details of hard and soft landscaping (including the earth mound)**
- **Opening hours**
- **Provision of parking and drop off areas**
- **Highways conditions as listed in the report**
- **Archaeological programme of work**

2. Planning Policy

National Planning Policy Framework:

- 2.1 The NPPF sets out the Governments approach to securing sustainable development through the planning system. It defines sustainable development as having three key aspects. These are economic; social and environmental sustainability.
- 2.2 The most relevant parts of the NPPF to this application are as follows:
- 2.3 Section 4 Promoting Sustainable Methods of Transport : Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 2.4 Section 7 Requiring Good Design : the NPPF states that all planning decisions should ensure that developments function well and add to the overall quality of the area over their lifetime. Developments should make connections between places and people and should integrate with the natural and historic environment.
- 2.5 Section 8 Promoting Healthy Communities : To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared space and community facilities and guard against the loss of valued facilities and services. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless, amongst other things, the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.
- 2.6 Section 10 Meeting the challenge of climate change, flooding, and coastal change : new developments should be designed to take account of climate change and be designed to take account of landform; layout; orientation; massing and landscaping to minimise energy consumption. Paragraphs 105 -107 specifically relate to developments in coastal areas and state that developments should be shown to be safe over their lifetime and that they do not compromise the character of designated areas, and should provide wider sustainability benefits.
- 2.7 Section 11 Conserving and enhancing the natural environment : developments should contribute and enhance the natural and local environment. Planning decisions should protect and enhance valued landscapes and geological conservation assets. The overall decline of biodiversity should be addressed.

- 2.8 Section 12 Conserving and enhancing the historic environment : the NPPF requires applicants to assess the affect of proposed development on heritage assets. It also states that the viable use of heritage assets is an important material consideration.

Local Plan Policy:

Tendring District Local Plan Adopted 2007 :

QL2 - Promoting Transport Choice : development proposals should seek to avoid the reliance on the use of the private car and should promote different types of transportation.

QL9 – Design of New Development : all new development should make a positive contribution to the quality of the local environment.

QL10 – Designing Development to meet Functional Needs : all development should meet functional requirements including access via the highway network; circulation within the site; accessibility for all; energy efficiency; and utilities.

QL11 – Environmental Impacts and Compatibility of Uses : all development must be compatible with surrounding land uses and minimise environmental impacts.

ER16 – Tourism and Leisure Uses : developments will be granted planning permission where they are designed to be accessible to all users; have suitable vehicular access and public transport access to the site; would not cause disturbance by virtue of noise; and would not harm landscapes or the character of the area.

COM1 - Access for All : developments should be designed to ensure safe and convenient access for people of all abilities.

COM7 - Protection of Existing Recreational Open Space : developments will not be granted planning permission where they would prejudice the use or involve the loss of public open space.

COM19 – Contaminated Land.

COM21 – Light Pollution.

EN1 – Landscape Character : the quality of the District's landscape and its distinctive character will be protected.

EN3 – Coastal Protection Belt : the development must have a functional need to be located within the Coastal Protection Belt and must not harm the landscape character and quality of the undeveloped coastline.

EN6 – Biodiversity : local biodiversity and geodiversity must be protected and enhanced.

EN6a – Protected Species : planning permission will not be granted for development which would have an adverse impact on protected species.

EN11a – Protection of International Sites : development that may affect an internationally designated site will be subject of special scrutiny.

EN11b - Protection of National Sites : development in or likely to affect SSSI's will be subject to special scrutiny.

EN11c – Protection of Local Sites : development that would have an adverse impact will not be permitted unless there are reasons for the proposal that outweigh the harm.

EN23 – Development within the Proximity of a Listed Building : proposals for development that would adversely affect the setting of listed buildings will not be permitted.

EN29 – Archaeology : development will not be permitted where it will adversely affect nationally important archaeological sites and their setting.

Policy TR1a – Development Affecting Highways – proposals will be judged, amongst other things, on the transport system including the physical and environmental capacity to accommodate the traffic generated.

Tendring District Local Plan Proposed Submission Draft 2012

2.9 The policies of the adopted local plan listed above are reflected in the Proposed Submission Draft of the local plan as follows :

SD5 – Managing Growth – the policy requires that development proposed in areas outside of the built up area boundary should meet all of the following criteria :

- The development should be necessary with a genuine prospect of being delivered;
- It can't for practical reasons be located on land within the defined built up area boundary;
- It would not conflict with the definition of sustainable development;
- It wouldn't cause adverse impacts that would outweigh the benefits of the development.

SD8 – Transport and Accessibility : development must provide the necessary site access and service arrangements. They should maximise the opportunities for sustainable transport and will only be acceptable if the additional traffic movements can be accommodated within the capacity of the highway network.

SD9 – Design of New Development : development must make a positive contribution to the quality of the local environment.; must provide all functional requirements; and be compatible with surrounding uses.

SD10 – Sustainable Construction.

PRO7 – Tourism : amongst other initiatives the Council will favourably consider the provision of educational field centres that promote nature conservation, heritage, coast protection and the enjoyment of the countryside and coast.

PEO19 – Green Infrastructure : the existing network of green infrastructure and local green spaces will be maintained, enhanced and protected against redevelopment.

PLA2 – Coastal Protection : the Council will assist the Environment Agency in implementing the Shoreline Management Plan (SMP). Within the Coastal Protection Belt the Council will seek to protect the open character of the undeveloped coastline and avoid development in vulnerable coastal areas by refusing planning permission for developments that do not have a compelling functional or critical operational need to be located there. If an applicant can demonstrate a compelling functional or critical operational need the Council will have regard to the latest SMP to ensure that :

- The development will be safe for its lifetime;
- The character of the coast will not be compromised;
- The development provides wider sustainability benefits such as facilities for residents and visitors to enjoy the coast or funding for coastal defences;
- The development would not hinder the creation of a continuous signed and managed route around the coast.

PLA4 – Nature Conservation and Geodiversity : internationally, nationally, and locally designated sites will be protected.

PLA5 – The Countryside Landscape : amongst other things the tourism potential of the countryside will be promoted with opportunities to improve public access and provide appropriate tourist facilities and visitor centres. The Council will seek to protect the open character of the coastline by refusing planning permission for developments that do not have a compelling functional or critical operational need to be located there. The quality of the landscape and its distinctive local character will be protected including important skylines.

PLA6 – The Historic Environment : the Council will work with its partners to ensure, amongst other things, that proposals for development :

- describe the significance of any heritage assets and their settings and the impact that the proposal might have;
- take account of the desirability of enhancing the significance of the District's heritage assets to secure their long term conservation and utilising their positive contribution to place making;
- encourage proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the heritage asset.

PLA8 – Listed Buildings : developments affecting a listed building or its setting will only be permitted where it is justified through an assessment; does not have an unacceptable affect; is of an appropriate scale and design; and would contribute towards ensuring the continued use of the building.

Other guidance:

Walton-on-the-Naze Regeneration Framework January 2010

(forms part of the technical evidence in respect of the emerging local plan)

- 2.10 Walton-on-the-Naze is identified in the Local Plan as an 'Urban Regeneration Area' owing to its socio-economic problems, physical degradation and its weak and highly seasonal economy, typical of declining seaside towns nationwide. These circumstances are particularly acute in Walton due to its unique circumstances and geography.
- 2.11 The Walton Regeneration Framework was published in 2010. It seeks to outline the key strategic objectives for regeneration in Walton-on-the-Naze and provides an assessment of Walton, drawing on key issues that should be addressed in the regeneration strategy and potential areas of improvement within the town. It also sets out the key strategic objectives for Walton, which will be incorporated into the draft Local Plan, to ensure appropriate development occurs within Walton, encouraging regeneration and securing a prosperous future for the town.
- 2.12 The core objectives of the Regeneration Framework are to:
- Build a strong all year round economy - diversifying and extending the local economy to create new business and employment opportunities;
 - Create a unique destination which maximises its environmental and heritage assets - realising the largely untapped potential of Walton, presented by its natural environment and heritage, to create a destination unlike any other in the region;
 - Make Walton a place where people will choose to live and realise their potential - a town with a good range of housing, retail, community and leisure facilities which will attract people of all ages and encourage them to stay; and
 - Ensure a sustainable future for Walton - maintaining a balance between economic growth and environmental management.

- 2.13 The document proposes a series of key projects that will help to deliver these objectives in Walton including proposals for tourist attractions, new housing, new commercial development, new leisure facilities, improvements to sea defences, new parking and opportunities for environmental enhancements and better pedestrian and cycle networks.
- 2.14 The framework supports the delivery of the Crag Walk Project (that has since been successfully delivered) and the creation of a visitor centre to explore the nature and heritage of the Naze.

Essex Car Parking Standards 2009

- 2.15 In addition, the following documents are not planning policy or guidance documents but they should be given some weight as material planning considerations in so far as they are relevant to the application and they set out the Council's aspirations for our District.

Corporate Objectives 2010 -2016

- 2.16 The Corporate Plan was adopted by the Council in February 2010. Its purpose is to focus the full resources of the Council on the most important economic, social and environmental improvements needed to make the District an attractive place in which to live, work, and visit.
- 2.17 There are nine Corporate priorities in total but there are two that are particularly relevant to the current proposal. These are:

- To build a thriving local tourism industry : The Plan aims to achieve a thriving sustainable tourism industry that uses the opportunities of our coast and recognising the qualities and attractions of the area. This priority is to be achieved by stimulating attractions in our resorts and improving our open spaces to provide attractive places for people to visit.
- To protect and enhance our environment, countryside and coast : The Plan aims to achieve a high quality built and natural environment with quality open spaces that enhance the natural assets of the coast and countryside. This priority is to be achieved through effective planning policy to ensure appropriate development to protect, restore and promote built heritage and enhance the natural environment.

Tendring Life, Transforming Tourism – “Our Tourism Strategy 2010-2016”

- 2.18 This recognises that tourism is an essential part of life in Tendring that provides over 6000 jobs and that tourism led regeneration can improve the quality of life for our residents; communities and create more jobs and wealth. It also recognises that this needs to be balanced against the protection and enhancement of our built and natural heritage. The Strategy has four core objectives. Two of these are of particular relevance to the current proposal.
- 2.19 *Thematic Product Development* : this groups tourism products into themed groups based on areas of particular strengths. History and Heritage and Countryside and Nature are two of these themed groups. **The vision for the Naze is that by 2016 the Crag Walk project will have received funding to be completed and that further European funding will become available to develop an Environmental and Educational Centre on the site.**
- 2.20 *Responsible Tourism* : this objective recognises that whilst much of Tendring's 36 miles of fragile and changing coastline is threatened by erosion and flooding, there are also opportunities for coastal activities to be encouraged. **The vision for the Naze is that it will be designated as a centre for excellence for wildlife protection.**

Regeneration Strategy 2010 - 2016

- 2.21 The strategy has a vision to make Tendring a major leisure and tourism destination. It includes a range of initiatives to provide the springboard for growth and the renaissance of Tendring's coastline many of which relate to the strengthening of a year round visitor experience.

Shoreline Management Plan

- 2.22 The Shoreline Management Plan (SMP) was the subject of a consultation exercise in 2010. The SMP is currently under consideration by the Secretary of State for to check on compliance with national and international law. The draft SMP places the Naze cliffs within Management Unit B (Hamford) and advises that :
- 2.23 "The cliffs at the Naze are the only frontage in this Unit that presently has No Active Intervention policy. The intent of management is to continue this approach as much as possible, to sustain the geographical interest of the fresh cliff face and the supply of sediment along the shoreline. However, at the southern extent of the cliffs the intent is to slow down the erosion process which will extend the life of the Naze Tower and its historic interest while sustaining and supporting the geological interest. This is in line with Tendring District Council's Naze Coastal Protection Scheme – Crag Walk."
- 2.24 Thus the draft SMP proposes a limited intervention approach i.e. that the cliffs to the north of Crag Walk will be allowed to erode and develop naturally whilst at the southern end the erosion process will be slowed down and managed.

The Naze Public Open Space Management Plan

- 2.25 The Management Plan was agreed by Natural England on 18 February 2010 and approved by the Council on 25 March 2010. The main aims of the Management Plan are to :
- Maintain the geological and ecological interest of the cliffs within the framework of the Crag Walk project
 - Enhance the stabilized section of the cliffs as an ecological resource
 - Maintain the grassland and scrubland habitat below the scarp
 - Maintain the natural processes around the lagoons
 - Maintain the amenity areas to facilitate public access
 - Improve interpretation features on the site
- 2.26 The Management Plan divides the Naze into a number of sub areas and considers their existing status; their potential and a proposed vision for their future. The site of the current application falls within the sub area called "Amenity Areas". It is recognised that this area is already occupied by a number of buildings in an area of regularly mowed grass that is of relatively low ecological value. The short term vision and management action is to maintain the status quo. The longer term vision for this area is to create an educational and visitor centre that will complement the existing educational and leisure visits that occur.

3. Relevant Planning History

- 3.1 On 24 August 2010 members of the Planning Committee granted full planning permission for the construction of Crag Walk. The Walk is a 110m long rock revetment which in addition to providing an educational, public access and viewing platform at the southern

end of the Naze cliffs also provides defences from coastal erosion to the properties at Old Hall Lane, the existing facilities including the kiosk and public conveniences), and the listed Naze tower for a minimum of fifty years. When Crag Walk was constructed the cliffs were receding by around 1 -2 metres per annum. (Application 10/00785/FUL refers).

4. Consultations

4.1 Frinton and Walton Town Council

APPROVAL - on the condition that Essex Wildlife Trust will be subjected to areas they are leasing and that current constraints and protections be as they are now.

4.2 ECC Highways Dept

The Highway Authority raises no objection subject to:-

- 4.3 1. Prior to commencement of the proposed development, car parking facilities for drivers with disabilities, in accordance with a scheme to be approved in writing by the Local Planning Authority, shall be provided and maintained for that sole purpose.

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.

2. Prior to commencement of the proposed development, details of the provision for parking of powered two wheelers and bicycles, of a design which shall be approved in writing with the Local Planning Authority, shall be provided within the site and shall be maintained free from obstruction at all times for that sole purpose.

Reason: To promote the use of sustainable means of transport in accordance with Policy DM 1 and 9 of the Highway Authority's Development Management Policies February 2011.

- 3 No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel washing facilities

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

- 4 Prior to the first use of the proposed development the applicants shall provide a scheme of appropriate signage within the site, indicating directions to the car parking facilities, the disability parking facilities, bicycle parking facilities and way out which shall be approved in writing by the Local Planning Authority.

Reason: To prevent congestion and queuing at the junction of the access with the highway and to avoid vehicle conflict within the site in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

- 5 Prior to the first use of the proposed development the applicants shall provide and maintain a scheme of up to date and full details of public transport facilities including timetable information and bus stops located in the immediacy of the site which shall

remain and be available for public use at all times, which shall be approved in writing 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.

English Heritage

- 4.4 (Summary) The application is relevant to English Heritage due to its proximity to the Naze tower, an important 18th century sea mark, the proposed development would detract slightly from the setting and significance of the tower but it might also enhance the tower's future viability and visitor's appreciation of it and would provide other public benefits. On balance English Heritage endorses the proposed scheme.

4.5 Natural England

(Summary) Advises the Council that the proposal, if undertaken in strict accordance with the submitted details, is not likely to have a significant affect on the interest features for which Hamford Water SPA has been classified. The Council is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives. The proposal is not likely to damage the Naze SSSI or Hamford Water SSSI.

4.6 Environment Agency

(Summary) We have reviewed the submitted information and have no objection to the proposal. The application lies within Flood Zone 1 at least risk of flooding from tidal or river sources the development site is less than 1 hectare and the lead local flood authority ECC will advise on surface water management.

4.7 ECC SuDS Consultee

No response received to date.

4.8 ECC Regeneration

Essex County Council's Economic Growth and Regeneration Team supports the application for a visitor centre at the Naze, as we believe it will encourage visitors to the area, as well as improve local and visitor knowledge of the ecological and geological aspects of the site.

The construction of a visitor centre will ensure additional teaching is provided to school groups visiting the area and appropriate facilities will be available to support such visits.

This is a very positive project which we believe will provide benefits to Walton and support the wider regeneration programme which is currently underway, providing improved attractions for visitors.

4.9 ECC Historic Environment

The application has been identified as having potential archaeological implications. Development could lead to damage or destruction of below ground archaeological remains and therefore a condition is recommended that would require the implementation of a programme of archaeological works before development commences on site.

4.10 Principal Tree & Landscape Officer

The development proposal will not affect any significant trees or shrubs. It may result in the loss of one or two small areas of bramble and gorse however this is relatively insignificant and any harm caused can be mitigated by new landscaping.

Should consent be likely to be granted then a condition should be attached to secure details of soft landscaping to both enhance the appearance of and partially screen the new development.

4.11 Environmental Health

Due to the past use of the surrounding area during the second world war, a contaminated land survey should be carried out

5 Representations

5.1 The application has attracted a large volume of representations both objecting to and supporting the proposed development. The following represents a summary of those comments but full copies are available for members' inspection on request.

Objections

5.2 A petition has been received that has been signed by 119 people. The petition states that the signatories object to the development as the public land was donated as public open space to be enjoyed by local residents.

5.3 47 circular letters have been received that read : "I wish to object to the above planning application on planning grounds." (*Officer's comment :There is no indication of the nature of these planning grounds*).

5.4 13 circular letters have been received that read : " I wish to object to the planning application for the following reasons :

- Traffic concerns
- Modern design and close position to the Naze tower
- Within a coastal protection zone that restricts new buildings
- It is public open space for the people of Walton to enjoy."

5.5 24 individual letters of objection have been received (including a number from the group called Action Against Naze Development), the main points of which are as summarised:

- There will be an increase in traffic.
- There will be an increase in the number of parking spaces required.
- Old Hall Lane is privately owned and not a public highway.
- Loss of amenity in terms of noise, light and disturbance due to the proximity of the development to residential buildings.
- Adverse impact on the listed tower.
- There is no justification for the development.
- The scheme is badly thought out and should be refused.
- The development will only be seasonal and will not bring any further money into the town.
- It will not encourage visits to the town.
- There is a covenant on the Naze to keep the land in public ownership.
- The car park and new road will be used inappropriately at unsociable hours.
- Motor homes and caravans may park overnight leaving rubbish behind.
- Queries whether council tax will be reduced for local residents due to the inconvenience caused.
- Traffic congestion.
- Holland Haven would be a better location or the Columbine Centre.
- It will have an adverse impact on Walton Carnival and the practice area for the helicopter crew.
- The highway network leading up to the site is often subject to speeding traffic and numerous accidents have occurred and it is unsuitable to cater for additional flows.
- There are no traffic calming measures proposed.
- School coaches will terminate at Sunny Point and there is concern for the safety of the school children.

- Many residents have not been notified of the proposal and this is not open or transparent.
- The Naze tower itself provides a sufficient visitor attraction.
- Parking is already a problem and extra space will be required.
- Long traffic queues often occur.
- Object to a charge for use of the visitor centre.
- The management of the Naze will affect dog walkers, picnickers, families and the way that the public open space is currently used.
- The car park income should not subsidise the visitors centre.
- During dark winter nights the building will be a target for thieves.
- The building will be an eyesore.
- Visitors to the Naze do not require a further building.
- The previous scheme submitted in 1990 was refused on grounds of access and lack of parking facilities. Two further applications have since been made and all have been refused on the same grounds.
- In terms of wildlife the Naze is insignificant; it is the back waters that are of importance.
- Buses are often unreliable.
- Traffic congestion will also occur in Weeley, Thorpe and Kirby.
- The position selected for the building will cause most distress and worry to householders and local people alike.
- It will be better placed on the site of the Walton Golf Club house.
- The plans have been revived since relaxation of planning controls.
- The objections are not based on a 'NIMBY' reaction but on practical and responsible grounds.
- The development may have implications on the stability of the tower.
- There are adequate facilities at the Naze already.
- Criticises and queries the accuracy of the Essex Wildlife Trust consultation exercise.
- The scheme will have adverse environmental impacts.
- It is in an unsustainable location.
- There is no demonstrable need for the development that would justify a departure from policy.
- There would be no public benefits that outweigh the environmental harm.
- It will have an adverse impact on the designated wildlife conservation areas, and there is insufficient information to assess the impact.
- The development plan did not anticipate such a major redevelopment scheme that is inconsistent with the character of existing built development in the area.
- It would have an adverse impact on the local flood plain.
- It would set an undesirable precedent.
- The application should be accompanied by a full and comprehensive Planning and Environmental Statement.
- The Council's negative screening opinion is considered to be wrong and should be reviewed before the application is determined.
- Due weight must be given to the extent of public opposition.
- Due consideration has not been given to the possibility of the use of alternative sites.
- The application is incomplete and unsatisfactory and should be deferred for further information to be received.
- If the application is approved the decision will be the subject of a judicial review.
- It would introduce development in a vulnerable area and add to the impact of physical changes to the coast.
- Consideration should be given to the use of brownfield land.
- The visitors centre should not sell goods that conflict with the existing Naze kiosk which is a highly valued facility.

5.6 5 letters of support have been received from members of the Naze Heritage Project the main points of which are summarised:

- The visitor centre represents phase 2 of the project.

- The building is of a high quality design and will improve the area to the benefit of wildlife and the public.
- It will benefit Walton in terms of regeneration, community and economic development by providing employment, volunteering and educational opportunities.
- Essex Wildlife Trust showed their expertise and commitment in helping to deliver the Crag Walk Project.
- The presence of Essex Wildlife Trust at the Naze will enhance the experience of the many educational visits that already take place.
- The presence of a visitors centre will significantly increase the cost benefit of the Naze for future protection schemes.
- It will provide a facility throughout the year.
- It will encourage Eco tourism and provide a new opportunity for the town.
- It will be important that the Naze remains as a public open space.
- The future management of the area will secure the freedom of residents and visitors to continue to enjoy the Naze.
- It will compliment the two existing businesses on the Naze.
- It will help to diversify the coastal offer at the Naze and help arrest economic decline.

5.7 9 letters of support have been received from members of the general public, the main points are summarised:

- It will be a valuable resource for families, education and the community.
- Essex Wildlife Trust has supported the Walton Community Project in the creation of the Walton Trails and their involvement has been invaluable.
- It will attract additional revenue to the area, both at the Naze and in the town.
- It will support the rich and diverse wildlife at the Naze
- The building is well designed and sympathetically located.
- It will support an all year round attraction.
- All of the existing recreational activities will remain and there can be no objection to the proposal.
- The visitors centre will be something to be proud of.
- It will also provide local jobs, excellent voluntary opportunities, work experience and training.
- We can not live in the past and hope to have a future.
- Tourism is an essential part of the economic viability of Walton.
- The provision of the visitors centre is essential as a focus to entertain visitors to the area.
- The building would be an improvement to the present buildings on the site.
- A building would greatly enhance visitor's appreciation and understanding of our area.
- We live opposite the access and have never seen a traffic jam outside our flat.
- My family and I live in close proximity to the proposed visitors centre and feel that the renovation of the tower and the construction of Crag Walk have enhanced the local area, the visitors centre will add to the public amenity value of the area.
- According to Essex County Council Old Hall Lane is a public right of way for mechanically propelled vehicles.
- The Council may want to consider increasing the width of the lane.

6 Assessment

The main planning considerations are:

- Coastal protection and public open space
- Traffic
- Impact on residential amenity
- Ecology
- Design
- Impact on the setting of the listed tower and heritage assets

- Other issues

Background

- 6.1 Crag Walk was constructed during the latter part of 2010 and the early part of 2011. It was delivered by the Naze Heritage Project. This is a partnership that was set up in late 2007 between the Council; Essex Wildlife Trust; the Naze Protection Society; the Naze Tower and the owners of Walton Hall Farm and Stone Point. The delivery of Crag Walk was the subject of a Cabinet decision in November 2008 whereby the Council agreed to work in conjunction with the original partners to develop proposals for the Crag Walk project and apply for the necessary external funding for the project.
- 6.2 The original partners were joined by funding partners in late 2009 including Essex County Council; Frinton and Walton Town Council; and the Haven Gateway Partnership. The general aim of the Project is to conserve the unique heritage of the Naze for future generations. The Project includes two main but distinctly separate phases. Phase 1a and Phase 1b included the construction of Crag Walk and some improvements to the management of the Naze (with notice boards etc). Both of these have been successfully delivered. Phase 2 relates to improved educational and visitor facilities and forms the subject of the current application for planning permission.

Site

- 6.3 The application site lies outside of the defined settlement limits for Walton-on-the-Naze. It lies in close proximity to the cliffs that are designated as a Site of Special Scientific Interest (SSSI). The cliffs are designated as an SSSI because of the rich fossils that can be found there. The main interest in the site is the exposure of the earliest (Waltonian) subdivision of the Pleistocene Red Crag. It is within the Coastal Protection Belt (as defined by Local Plan). The cliffs and the Naze peninsula are protected by the Local Plan as Public Open Space and the upper level of the Naze is designated as a County Wildlife site. The application site is also in close proximity to the John Weston Nature Reserve at the northern most tip of the peninsula and extending westwards into Hamford Water. The John Weston Nature Reserve on the Naze is a Special Protection Area and the area of water behind the Naze, called Hamford Water and Walton Backwaters is a National Nature Reserve and is recognised as being an internationally important wetland for birds (RAMSAR site). The John Weston Nature Reserve is owned by the Council and leased to Essex Wildlife Trust (the applicants).
- 6.4 The Grade II* listed Naze tower lies in very close proximity to the application site. It was constructed in 1720 by Trinity House as a navigational aid. It is situated approximately 55 metres from the cliff edge and is approximately 18 metres high. It provides 360 degree views of the Naze and beyond. The tower represents an iconic heritage feature within the landscape. It is privately owned but is open to the public and operates as a café; art gallery; museum and viewing platform.
- 6.5 There is also a public car park, refreshment kiosk, public conveniences, and a small brick built boat store in close proximity (all within the Council's ownership). The site is bounded by Old Hall Lane to the west and Sunny Point to the south east. The majority of properties to the northern end of Old Hall Lane are two storey detached properties. The rear gardens of these share a boundary with the Naze.
- 6.6 The application site area measures approximately 0.7 ha. Access is proposed from the existing route to the Council owned car park via Old Hall Lane. Old Hall Lane (up to and including the access to the Naze car park) is publically maintainable and is subject to a public right of way for 'mechanically propelled vehicles' as far as the entrance to the Naze car park. Public pedestrian rights also exist across the verges.
- 6.7 The seafront, the tower and the Naze currently provide a significant resource for leisure; recreation and educational visits. It is a popular destination for local residents; residents

from the remainder of the District; tourists and students. An estimated 140,000 people every year use the Naze, the tower, the beach and the promenade. It provides an important alternative offer to the other livelier, traditional seaside resort attractions in the town. The Naze tower and refreshment kiosk currently close for the winter period. The public conveniences are available throughout the year (at varying times depending on the season).

Proposal

6.8 The application seeks full planning permission for the erection of an education and visitor centre at the Naze, Walton-on-the-Naze. The building is a single storey design incorporating an undulating 'green roof'. The internal floor space amounts to around 394 square metres. The floor plan indicates the following uses:

- Reception and information point
- Interpretation displays and shop
- Multi purpose observation hall
- Education room
- Ancillary office for Essex Wildlife Trust staff and volunteers
- Cloakroom (for the education room)
- Kitchen area
- Stores
- Visitor toilets (including three that are accessed externally)

6.9 The proposal also includes external facilities as follows:

- Forecourt for orientation
- Observation terrace
- Outdoor teaching area
- Wash down area for beach users and dog walkers etc.

6.10 The application is accompanied by the following drawings and documents:

6.11 Drawings

- Location and existing site plans
- Proposed site plan
- Proposed floor plan
- Proposed elevations – sheet 1
- Proposed elevations - sheet 2
- Proposed section AA
- Perspective from north-east
- Perspective from south-east

6.12 Documents

- Planning , Design and Access Statement (including Green Roof Design Considerations)
- Heritage Statement
- Transport Statement
- Statement of Community Involvement
- Preliminary Ecological Assessment
- Survey for Great Crested Newts

6.13 The application has been screened in accordance with the Town and Country Planning Environmental Impact Assessment Regulations 2011 and considered in the light of the Habitat Regulations 2010. The proposal does not require Environmental Impact Assessment or Appropriate Assessment for the following summarised reasons:

- It falls below the threshold for a Schedule 2, Category 12 Tourism and Leisure Projects
- It is not within a “sensitive area” as defined by the Regulations by is in close proximity to such areas
- The characteristics of the development would not result in significant environmental impacts due to its size; there are no cumulative impacts with other developments in the vicinity; there would be no use of natural resources; there would be no production of waste; there would be no pollution or nuisances; and no risk of accidents
- The location of the development is already in use for leisure and recreational purposes; it would not impact on the absorption capacity of the environment (as demonstrated by Natural England’s approval of the Public Open Space Management Plan)
- The characteristics of the potential impacts would not have effects over a wider area and would not be particularly large or unusually complex
- It is not a major development of more than local importance and would not result in significant effects nor would be likely to damage the nearby designated protection areas and the listed building
- The proposal does not conflict or challenge the conservation management objectives of the protected designated areas and Natural England confirms that an Appropriate Assessment is not required.

6.14 The Planning, Design and Access Statement submitted with the application advises that the vision for the Education and Visitor Centre is to be a centre of excellence for environmental education throughout the year that will inspire and encourage people of all ages to understand the unique coastal landscape and its heritage. It will also protect; enhance and create biodiversity and highlight the issues of and provide a better understanding of the Essex coast, its communities and wildlife.

Coastal Protection and public open space

6.15 Many of the objections relate to the location of the proposal within a Coastal Protection Belt and outside of the defined built up area. Policy PLA2 of the emerging local plan identifies a number of coastal protection areas within the District where development will be carefully managed. The policy does not necessarily preclude development within these areas, instead, developments must demonstrate that they have a compelling functional or critical operational need to be located there. If an applicant can demonstrate a compelling functional or critical operational need the Council will have regard to the latest SMP to ensure that :

- The development will be safe for its lifetime;
- The character of the coast will not be compromised;
- The development provides wider sustainability benefits such as facilities for residents and visitors to enjoy the coast or funding for coastal defences;
- The development would not hinder the creation of a continuous signed and managed route around the coast.

6.16 Similarly Policy SD5 seeks to focus development proposals within the defined settlement boundaries but recognises that they may be exceptions where the development is necessary and has a genuine prospect of being delivered and can’t be practically located elsewhere.

6.17 The Naze Visitor Centre is intended to enhance the understanding of the Naze and its Environmental and historic assets as an all year round facility by providing views from the building across the Naze whilst sheltering visitors from bad weather. It would be difficult to understand how this could be achieved at any other location within the town. Some of the objections refer to the Columbine Centre being a better location or further a field at Holland Haven, but these locations cannot offer the same benefits as the presence of a facility actually on the peninsula and could even compromise the viability of the centre in delivering its objectives of nature conservation and education.

- 6.18 Other objections refer to a covenant that prevents the Council from using the land for anything other than public open space. This is not a material planning consideration, as the planning system cannot be used to enforce other areas of legislation. However, the loss of public open space is a material consideration, it should be noted that the small footprint of the building (approximately 400 square metres) has been selected so as not to interfere with those areas of the Naze that are of significant ecological value or where it would encroach on areas of the Naze that are of high recreational value. In overall terms the application site area is exceptionally small when compared to the 40 hectares of public open space. Furthermore, the proposal relates to an alternative recreational, leisure and educational facility that replaces the loss of any public open space. This accords with the NPPF
- 6.19 It is considered that the application proposal delivers wider sustainability and public benefits and therefore accords with the relevant planning policies.

Traffic

- 6.20 One of the main objections to the proposal relates to the potential increase in vehicular traffic that the visitor centre will attract and whether the existing highway network, including Old Hall Lane are capable of accommodating such an increase.
- 6.21 The application is accompanied by a transport statement that considers the highway, traffic and transport issues that may potentially occur as a result of the visitor centre.
- 6.22 The statement advises that the existing public car park is advertised as being able to accommodate 250 cars, although it recognises that due to the informal parking arrangements that currently exist it could feasibly accommodate up to 350 cars. The proposal intends that the new realigned access road will remain open all year round and will be constructed to enable this.
- 6.23 An assessment of the car parking facility and potential increase in traffic has been made based on the figures of ticket sales at the car park over several years. The peak figures show an absolute maximum of 7849 vehicles in August 2001. This equates to an average daily parking figure of 250 per day. Based on this information it is estimated that this peak occurs once in maybe every twelve years. It is estimated that the worst case scenario with the inclusion of the visitor centre will result in a 5% increase to the peak parking usage and that this would not result in an over demand for parking spaces or have an adverse impact on the highway network in terms of the additional vehicles using the highway. In conclusion the statement advises that in terms of both the likely additional car parking numbers and the consequent additional flow of traffic, it is unlikely that they will exceed the August 2001 figures. Even in the worse case projected scenario the average projected number of cars visiting the site will be less than half of the August 2001 figures. It is concluded that there will not be any material increase in vehicle flows when compared to the worst case flows that the site can already produce and can adequately accommodate.
- 6.24 There are no records of personal injury accidents at the site access, along Old Hall Lane or Naze Park Road in the most recent three year record period.
- 6.25 The Trust also intend to encourage the use of public transport to the site through their advertising material and evidence from their existing visitor centres demonstrates that the majority of visitors car share – with an average of 3 visitors sharing a vehicle. A condition is proposed to ensure that sustainable methods of transport are secured to their maximum potential.
- 6.26 In addition, the scheme will improve on the existing position by providing an improved internal access road; parking and turning facilities for cars, cycles and disabled persons as

well as a layby for loading and unloading of goods vehicles and the setting down and picking up of coach passengers.

- 6.27 Some objections also refer to previous applications for similar proposals that have been refused on highway grounds over the last twenty years. This may be the case but these applications were intended to create a separate visitor destination in their own right. The current application seeks to complement the existing educational and recreational trips that already occur and so the proposals are materially different. Furthermore, the planning policy landscape has changed significantly in this intervening period of time.
- 6.28 The development is thus considered to be acceptable and complies with the relevant planning policies, bearing in mind that the NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The site can accommodate its functional needs in terms of access, parking, the capacity of the highway network and servicing areas. It should also be noted that ECC Highway Authority has no objection to the application subject to those conditions reproduced in full earlier in this report. It should also be noted that the ECC Highway Authority advises that Old Hall Lane is a public right of way for motor propelled vehicles and is not a private road as suggested by some of the objectors. No improvements are considered necessary to make the development acceptable.

Impact on residential amenity

- 6.29 The nearest residential properties are located at Old Hall Lane and Sunny Point. The main sources of impact from the development will potentially come from noise and disturbance from vehicles and visitors. As explained in the previous sub section of this report, the application proposal is not anticipated to generate materially significant increases in traffic over and above that which already occurs. The site currently accommodates a large car park for visitors to the Naze, the beach and the tower (estimated at around 100,000 per annum). This level of activity will continue regardless of the introduction of a visitor centre. The only difference that could potentially be regarded as material is that the visitor centre will afford the use of the site all year round. Even so, it is not considered that this will be to such an extent that it would be unacceptably noisy and disruptive to residential amenity to warrant a refusal.
- 6.30 Some of the objectors refer to what they consider to be the unacceptable location of the centre to the residential properties on Old Hall Lane and the outside education area and wash down area and that these will result in undue noise and disturbance. Whilst there have been no technical reports submitted with the application, it is not considered that the proposals will result in any adverse material impact on residential amenity when the site and its immediate locality is already occupied by the visitor attraction offered by the tower, the outside recreational and eating areas, the kiosk, the car park and the public conveniences. Furthermore, the Council's Environmental Health Officers have not raised this issue as an area for concern.
- 6.31 It is considered that the development complies with those planning policies that seek to provide visitor facilities without having an adverse impact on residential amenities.

Ecology

- 6.32 The NPPF and the complementing policies of the development plan seek to ensure that development does not have an adverse impact on the habitat of protected species. As previously explained in this report, a number of international, national and local designations affect the site or are in close proximity to it.
- 6.33 The application is accompanied by a Great Crested Newts survey that follows the procedures and guidance offered by natural England's Great Crested newt licence application method statement. Great Crested Newts are fully protected by the Wildlife and

Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010. It is also a UK BAP Priority Species. The survey concludes that there were no Great Crested Newts at the site or in close vicinity to it. There was evidence that a small population of Smooth Newts existed within the ponds of the rear gardens of nearby properties.

- 6.34 Members will note that the application has been screened in accordance with the Environmental Impact Assessment Regulations 2011. The screening opinion is negative. In other words, the impact of the proposal's size; scale; characteristics; and nature are not considered to be significant. This is not a view shared by some of the objectors and it is suggested by them that this may be a reason for a claim for a judicial review of the Council's decision should the application be approved. However, officers are satisfied that the screening opinion has been undertaken with due diligence and in accordance with the requirements of the Regulations for the reasons outlined earlier in this report. Furthermore, Natural England advise that the development does not require an Appropriate Assessment (under the Habitat Regulations) as it does not consider that the development will adversely impact on the internationally designated areas.
- 6.35 It is therefore considered that the sensitive selection of the structure's footprint on the site in the existing area identified by the Management Plan as being of limited ecological value and the implementation of the Naze Public Open Space Management Plan will result in there being no significant effect on the SSSI, Local Wildlife Site or on any species of conservation significance. This view is supported by Natural England in their comments regarding the application proposal and as outlined earlier in this report. The development therefore accords with the planning policies that seek to protect and enhance biodiversity.

Design

- 6.36 The Planning Statement advises that the design concept of the building has been to ensure that the Naze tower remains the dominant feature on the site. In order that the proposed building remains subservient and does not interrupt views of the tower the design utilises shallow earth mounding and a planted roof to maintain a low profile against the skyline. Its modern simple design and use of materials will not challenge the masonry walls of the tower but will sit comfortably alongside a number of existing buildings within the immediate locality including the kiosk and public conveniences.
- 6.37 The location of the building was considered carefully and took into account the protection afforded by Crag Walk; the setting of the tower; local residential amenity; accessibility to the car park, footpaths and beach; the provision of key views of the tower, Naze and sea; and the need to be a good neighbour to properties in Old Hall Lane and Sunny Point. The floor area has been kept to a minimum to what is required for the building to function successfully.
- 6.38 The design and orientation of the building maximise passive environmental control by means of passive solar control; good daylighting; and natural ventilation. Building materials will be sourced from sustainable supplies. Water efficient WC's and taps will be utilised as will LED lighting and provision will be made for the future connection of photovoltaic cells to enable the centre to generate its own electricity.
- 6.39 An earth mound is to be created (from excavated materials) to screen views of the western elevation from the residential properties on Old Hall Lane and the green roof will be curved to minimise the mass of the building and protect the 360 degree aerial views from the top of the tower. The roof will also act as an attenuation measure for water runoff. It will be planted with indigenous species and will not be watered so that the roof will turn brown in colour to mimic the natural vegetation at the Naze.
- 6.40 The proposed raft foundations will also minimise the need for excavation and help to protect below ground archaeological assets.

- 6.41 Some objectors consider that the design of the building is inappropriate and will have an adverse impact on the landscape and the setting of the tower. Design is to a certain extent subjective but officers consider that the design of the building will be of a high quality and will use energy efficiency measures and sustainable materials. It thus accords with the NPPF and policies that seek to ensure a high quality design. It should also be noted that the siting and the design of the tower were the subject of pre application discussions with English Heritage and that whilst it is acknowledged that there will be a minimal adverse impact on the tower this is outweighed by other public benefits.

Impact on the setting of the listed tower and heritage assets

- 6.42 The Historic Environment Characterisation Report 2008 (that forms part of the technical evidence for the emerging local plan) defines this area as 'highly sensitive to change'. The heritage value is derived principally from the listed Naze tower but also from prehistoric archaeological value and a number of non designated World War II features including pillboxes, trenches; anti aircraft ditches and bombing decoys.
- 6.43 The Council, as the local planning authority, is obliged to protect the setting of the listed building. The setting is defined as being the landform; sea; skyline; habitats; built features and all below ground archaeology.
- 6.44 The application is accompanied by a Heritage Statement that assesses all of the above issues. As the tower was originally built for navigation purposes and so is a necessarily tall structure, its setting is extensive. However, the proposed visitor centre is of modest scale and dimensions and as such the impact is restricted to the immediate setting of the tower.
- 6.45 The Statement considers the views of the tower and the other non designated heritage assets from several vantage points both within the site and from several long distance views (including Landguard Fort). It assesses the likely impact of the proposal on the setting of these assets in accordance with the NPPF, the development policies and English Heritage Guidance. It should also be noted (as mentioned elsewhere in this report) that representatives of English Heritage were asked to comment and inform the siting and design of the proposed building during the evolving design process.
- 6.46 The Statement concludes that, despite the modern encroachments of the amenity buildings and residential properties, the tower still retains many aspects of its original setting, sitting in an isolated coastal position with extensive views. It continues to dominate the Naze peninsula and is an iconic landmark over both the town and the sea.
- 6.47 The design of the proposed visitor centre has paid regard to the potentially detrimental impact that new facilities may have on the setting of the tower and people's ability to appreciate the significance of its historic value. The building has been careful to ensure that it does not detract from this setting but instead helps to reveal the significance of the asset (in line with the NPPF and development plan policies) by better revealing the significance through enhanced public access and interpretation. The building's design, careful positioning, use of natural materials and screening result in a development that will not cause substantial harm. This conclusion is also backed up by the comments of English Heritage in relation to the formal application for planning permission as highlighted earlier in the report.
- 6.48 It is concluded that the building will result in a number of enhancements to the setting and the significance of the tower and that these benefits outweigh the harm. The visitor centre will assist in the public enjoyment and appreciation of the tower by improving physical access, improving interpretation of the tower and its associated buildings. This will enhance the economic viability of the tower and thus support its long term conservation. The development also preserves those key views that are fundamental to the significance of the tower and its relationship with the sea.

- 6.49 The proposal is therefore considered to comply with development plan policies that seek to preserve the setting of listed buildings and archaeological features and with the NPPF that ultimately advises that where a development proposal will lead to less than significant harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.50 An important factor in the consideration is that English Heritage (as the statutory body) endorses the scheme and considers that whilst the proposed scheme may detract slightly from the tower and its setting the public benefits outweigh this harm and will secure the viability of the tower into the future.

7 Other Issues

- 7.1 Community Involvement and Alternative Sites : Essex Wildlife Trust undertook a public consultation exercise prior to the submission of the formal application. Some of the objectors say that the consultation was not sufficient and was not transparent. The consultation involved a number of organisations; public bodies; businesses; educational establishments and the general public. There is no reason to believe that the consultation exercise was not robust or advertised appropriately, however, it should be remembered that the Council has also undertaken a statutory consultation during the course of determining the application and the results of this have been summarised earlier in the report.
- 7.2 As a result of the feedback from their consultation, the Trust considered a number of revisions to the proposal including an alternative location for the visitor centre at the Columbine Centre in the town. The alternative location was not considered feasible for either educational or visitor purposes for a number of reasons but most notably because it was too remote from the Naze. In planning terms, the application must be assessed as submitted. The question of alternative locations only becomes a material consideration when the proposal is contrary to policy and there is an available and appropriate site that is less harmful. It is not considered that this is a relevant consideration in the current application as officers are of the view that the proposal does not materially depart from national and local development plan policy. Members will need to make this judgement when coming to their decision.
- 7.3 Case law suggests that the hypothesis that a development should be better carried out somewhere else is a proper planning consideration, but only in exceptional circumstances. Typically these arise where the proposed development is to be sited within a sensitive location such as a green belt, national park or conservation area. The general principle, as established in *Trust House Forte Hotels v SoS 1986*, is that if there are no clear planning objections to a development on a particular site, the fact that more appropriate alternative sites exist is irrelevant. Conversely, where there is a proven need for a proposed development but it would have significant adverse effects, it is appropriate to take into account the availability of more suitable sites elsewhere. In this case officers do not consider that there are clear planning objections to the location or significant adverse impacts and in any event, due to the proposed purpose of the building, there are no feasible or functionally acceptable sites for the Naze visitor centre other than on the peninsula itself. Members will need to come to a decision on the public benefits of the proposal in this particular location.
- 7.4 Contamination : the Council's Environmental Health team have requested that a contaminated land survey is carried out due to the past use of the surrounding area during World War II. The 2013 Growth and Infrastructure Act requires that the information accompanying an application for planning permission must be reasonable having regard to the nature and the scale of the proposed development and that only information material to the decision should be required in advance. In this case, it is not considered that contamination is fundamental to whether planning permission should be granted or not and can be suitably controlled by condition to ensure that any unexpected hazards or

contamination are dealt with properly. This view is based on the fact that the site is extensively used by members of the public already.

- 7.5 Flood Risk : some objectors refer to the site being within the flood plain. The application site is within Flood Zone 1 – at least risk of flooding and the site area is below the threshold where a Flood Risk Assessment would automatically be required. Officers do not consider that flood risk is an issue in this case and this is confirmed by the comment of “no objection” from the Environment Agency. Details of proposed drainage will however be controlled by a condition should the application be approved.
- 7.6 Request for Call-In by the Secretary of State : one of the objectors to the application has advised, via their solicitor, that they have requested that the Secretary of State uses the powers of the Town and Country Planning Act to ‘call-in’ the application for consideration at a public inquiry. At this stage, the Council has been requested by the Department of Communities and Local Government (DCLG) to refer the officer’s report to them when it is available. At the time of writing the report DCLG have not directed the Council not to determine the application, however, members of the Planning Committee will be updated should this position change in the intervening period between publication of the report and the date of the Committee meeting. The objector also advises, via their solicitor, that they are prepared to pursue a legal challenge by way of judicial review in the High Court at the appropriate stage should the application be approved.
- 7.7 The Human Rights Act : Article 8 of the Human Rights Act provides the right to respect for private and family life and for the home. The recommendation of approval has been made having regard to the requirements of the Act and having considered the likely level of impact on residential amenity.

Background Papers

None