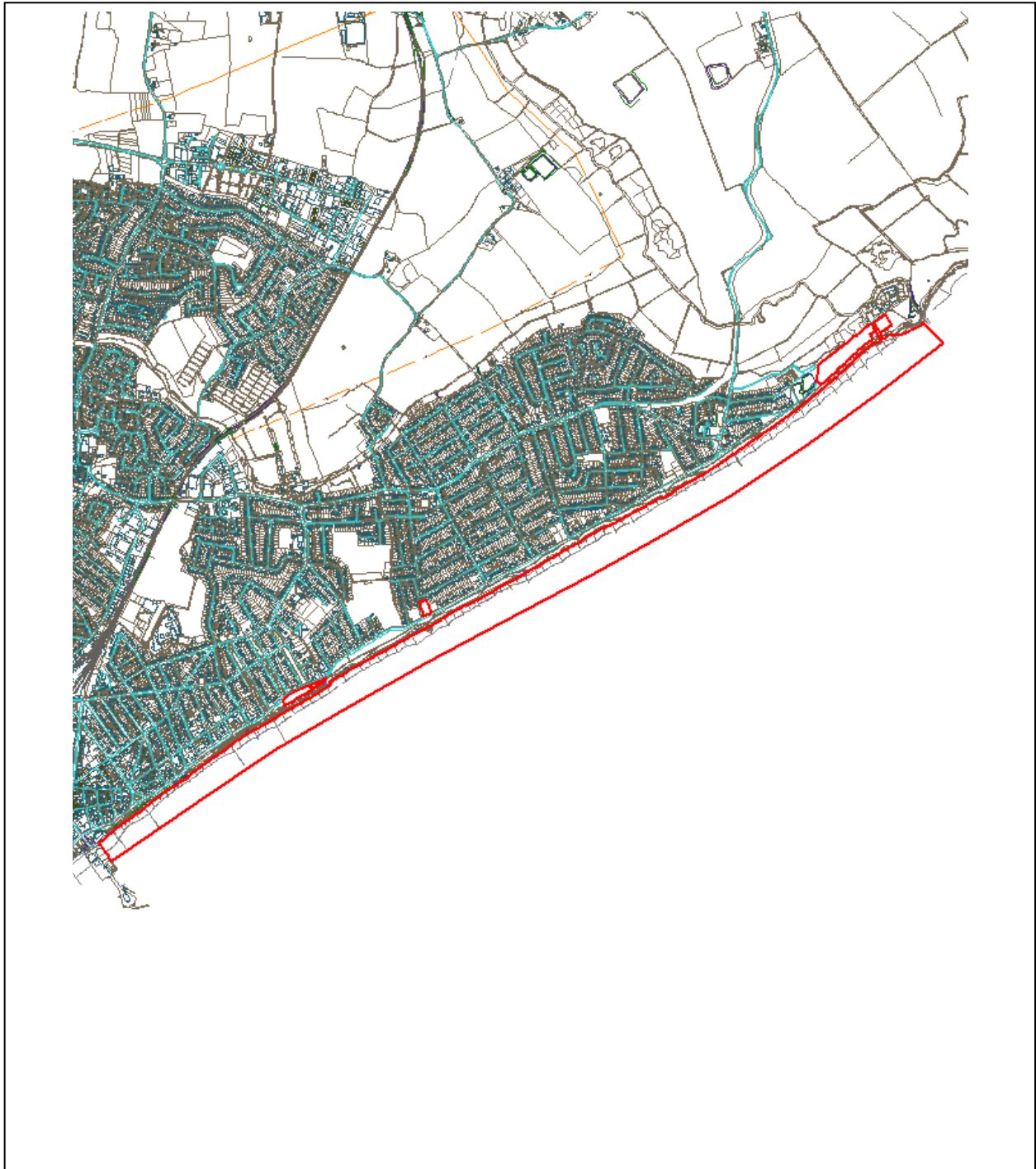


PLANNING COMMITTEE

7 JANUARY 2014

REPORT OF THE HEAD OF PLANNING

A.5 PLANNING APPLICATION - 13/01195/FUL – SEA DEFENCES, MARINE PARADE EAST, CLACTON ON SEA, CO15 5AG



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Application: 13/01195/FUL

Town / Parish: Clacton on Sea

Applicant: Tendring District Council

Address: Sea Defences, Marine Parade East, Clacton On Sea, CO15 5AG

Development: Demolition of existing timber and concrete groynes along the frontage and construction of 23 fishtail groynes and approximately 900,000 cubic metres of sand/shingle beach material.

1. Executive Summary

- 1.1 The application is referred to Planning Committee by the Head of Planning in accordance with the Council's constitution as it is made by the Council.
- 1.2 The application site area stretches along the sea front from Clacton Pier to Holland Haven and , in summary, proposes the following : the removal of the existing concrete and timber groynes; their replacement with rock fishtail groynes; and the recharge of the whole beach frontage with a sand and shingle mix.
- 1.3 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
 - Residential amenity
 - Ecology and biodiversity issues
 - The setting of the heritage assets
- 1.4 Having taken in to account all the above issues, it is considered that the proposal accords with development plan policies as well as the Council's Corporate priorities; Regeneration Strategy and Tourism Strategy that seek to achieve sustainable development and that meets the challenge of coastal change; conserves the natural environment and landscape qualities; conserves the historic environment; protects highway safety; protects designated areas and protected species; protects residential amenity; and creates an all year round tourism destination. It is considered that any harm arising from the development will be limited and temporary and that these will be outweighed by public and wider sustainability benefits.
- 1.5 Officers recommend that the application is approved subject to the conditions as outlined below.

Recommendation: Approve

Conditions:

- 1 Standard time limit of three years
- 2 In accordance with the submitted drawings

3. Highways conditions requiring a construction management plan and retention of footway clear of obstruction
4. Construction Environmental Management Plan/Traffic Management Plan to be agreed : including details of compound areas; lighting; waste management; emission control; noise and vibration; and construction traffic routing (where relevant)

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 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.
- 2.4 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.
- 2.5 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.
- 2.6 Section 12 Conserving and enhancing the historic environment : the NPPF requires applicants to assess the affect of proposed development on heritage assets.

Local Plan Policy:

Tendring District Local Plan Adopted 2007 :

- 2.7 QL11 – Environmental Impacts and Compatibility of Uses : all development must be compatible with surrounding land uses and minimise environmental impacts.
- 2.8 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.
- 2.9 EN6 – Biodiversity : local biodiversity and geodiversity must be protected and enhanced.
- 2.10 EN6a – Protected Species : planning permission will not be granted for development which would have an adverse impact on protected species.

- 2.11 EN11b - Protection of National Sites : development in or likely to affect SSSI's will be subject to special scrutiny.
- 2.12 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.
- 2.13 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.
- 2.14 EN29 – Archaeology : development will not be permitted where it will adversely affect nationally important archaeological sites and their setting.
- 2.15 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

- 2.16 The policies of the adopted local plan listed above are reflected in the Proposed Submission Draft of the local plan as follows :
- 2.17 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.
- 2.18 SD10 – Sustainable Construction.
- 2.19 PRO4 - identifies Clacton Town Centre and Sea Front (amongst other areas) as a priority area for regeneration where the Council will maximise its resources to provide social, economic, and physical infrastructure to improve vitality, environmental quality, social inclusion, economic prospects, education, health, community safety and accessibility.
- 2.20 PRO7 – Tourism : amongst other initiatives the Council will favourably consider the provision of facilities that promote nature conservation, heritage, coast protection and the enjoyment of the countryside and coast.
- 2.21 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.
- 2.22 PLA4 – Nature Conservation and Geodiversity : internationally, nationally, and locally designated sites will be protected.
- 2.23 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.

- 2.24 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.
- 2.25 PLA7 – Conservation Areas : developments will preserve and enhance the Conservation Area.
- 2.26 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.
- 2.27 COS1 – deals with specific sites and projects that together will deliver improvements to the priority regeneration area of the town centre and the sea front.

Other guidance:

Corporate Objectives 2010 -2016

- 2.28 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.
- 2.29 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”

- 2.30 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. One of these is : *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.

Regeneration Strategy 2010 - 2016

- 2.31 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.

3. Relevant Planning History

- 3.1 The sea front in this location has been defended since the 1890's. It has been the subject of a number of applications in recent years that have sought to strengthen and repair existing failing sea defences. The most recent were in 2010 and 2012. These recent works have, for the most part, involved rock placements at the toe of the defences or installing rock revetments.

4. Consultations

- 4.1 Marine Management Organisation – no comments received at time of writing the report.
- 4.2 Environment Agency – (in summary) no objections to the proposal. The old timber groynes are being replaced by rock groynes which are spaced on detailed design and data obtained from hydrologic and physical modelling not necessarily in the same number or location. The design is such that it will maximise the protection of the coast without detrimental impact to the environment. The fish tail design option has been selected for maximum retention of beach materials to retain beach profiles and limit the need for frequent beach nourishment. The original source of sediment material has already been obstructed by the original coastal defences combined with the lack of maintenance of the timber groynes that has partly contributed to the need for this scheme. The scheme has a letter of support from Natural England. The project has gone through high level scrutiny with environmental, economic and technical experts considering all aspects of the scheme through our large projects review group. The scheme has met all the necessary approvals and has now been recommended for sign off with our Directors and Chief Executive.
- 4.3 English Heritage Do not wish to offer any comments on this occasion. The application should be determined in accordance with national and local policy guidance.
- 4.4 Maritime and Coastguard Agency – no comments received at time of writing the report.
- 4.5 The Crown Estate – no comments received at time of writing the report.
- 4.6 Natural England – (in summary) no objection. The proposal is unlikely to affect any statutory protected sites or landscapes.
- 4.7 Essex Wildlife Trust – no comments received at time of writing the report.
- 4.8 Environmental Health – no comments received at time of writing this report.
- 4.9 Essex County Council Highway Authority - The Highway Authority raises no objection subject to:-

1. No development shall take place, including any ground works or demolition, 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 and underbody washing facilities
- v. an HGV construction traffic routing plan

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.

2 The public's rights and ease of passage over Public Footpath No29 (Great Clacton) shall be maintained free and unobstructed at all times.

Reason: To ensure the continued safe passage of pedestrians on the definitive right of way in accordance with Policy DM 1 and 11 of the Highway Authority's Development Management Policies February 2011.

5. Representations

- 5.1 The application has been advertised by way of 20 site notices; an advert in the local press and neighbour notification letters to those properties closest to the proposed compound areas. No comments have been received from members of the public or local residents as a result of the consultation exercise.

6. Assessment

- 6.1 The main planning considerations are:

- Highway safety
- Residential amenity
- Ecology and biodiversity issues
- The setting of heritage assets
- Other issues

The Site

- 6.2 The site includes the entire sea front from Clacton Pier to Holland Haven.
- 6.3 Holland Haven is in close proximity to the application site and is a protected public open space; in the coastal gap; a Local Nature Reserve; and a SSSI.
- 6.4 The green sward at the upper promenade level is designated in the local plan as protected open space.
- 6.5 Clacton Pier and the surrounding area are designated as a Conservation Area. The town centre and the sea front area around the Pier are designated as a priority area for regeneration.

Proposal

- 6.6 The application seeks full planning permission for the construction of 23 fish tail and 3 straight groyne and four areas that may be used for construction compounds (the final number of these compounds that will be needed will not be known until the contract has been let). The main compound is to be located on part of the TDC owned public car park at

Hazlemere Road. A second compound is proposed on an area of the green sward opposite Connaught Gardens. A third compound is proposed on TDC land at Holland Haven as is the fourth compound which is mostly likely to be used for the storage of any timber removed from site. The contractor will be required to provide a full Construction Environment Management Plan on appointment to manage all relevant aspects of the development from demolition to construction. This Plan will also need to be agreed as part of the discharge of the relevant planning conditions.

- 6.7 The spacing of the groynes differs between approximately 190 metres to 270 metres and where the spacing is in excess of 250 metres a straight groin is proposed. The maximum length of the groynes is around 90 metres (an access gap will be retained for beach users at the landward end of each groyne). The groynes are to be constructed of granite rocks sourced from either Norway or France. The beach recharge material is to consist of a sand and shingle mix amounting to around 9000,000 cubic metres which will be obtained from existing dredging sites around the East Anglian Coast. A total of 8 navigational markers will be positioned at points along the frontage.
- 6.8 The works will be undertaken in three phases with a final completion in three to six years time. Phase 1 is to the northern eastern extent at Holland Haven; Phase 2 is the south western end near to Clacton Pier; and the 3rd and final phase will link the two together.
- 6.9 The current scheme has been submitted following a number of option reviews and after extensive modelling work. It has been selected for a number of reasons but not least because it provides the most opportunities for the enhancement and regeneration of the sea front and the maximum coastal protection.
- 6.10 Due to the nature of the works the hours of construction will be dependent on the tide and could be up to 24 hours per day in exceptional circumstances, but it is aimed, as far as possible, to keep the noisiest operations to within the hours of 7am and 10pm. As the works will also be dictated by weather conditions most activity will also occur during the summer months when waves are generally calmer. Measures are to be put in place to secure air and dust management and waste materials (e.g. from the demolition of the existing concrete and timber groynes) will be reused on site wherever possible. A Traffic Management Plan will also be put in place to minimise disruption although it is anticipated that the majority of construction materials will be delivered to the site from the water in the form of barges.
- 6.11 The application is accompanied by the following drawings and documents:
- 6.12 Drawings :
- Site location plan
 - Site boundary and location of site compound plans
 - Section drawings
- 6.13 Documents :
- Supplementary Planning Report
 - Planning Environmental Report
- 6.14 The application was screened in accordance with the Town and Country Planning Environmental Impact Assessment Regulations 2011. The proposal was considered not to require Environmental Impact Assessment.

Background

- 6.15 The main risk of erosion to the frontage is from approaching waves, particularly large storm waves from the east-southeast across the North Sea. Protection of the cliffs along the frontage limits sediment supply and the lowering beach level provides less and less protection to the foundations of the existing defences. The increasing rate of sea level rise also adds to the rate of coastal erosion.
- 6.16 The aim of the project is to maintain the beach levels in front of the sea wall by introducing fish tail groynes that will hold the material within the bays and provide maximum coastal protection. The proposed scheme has been the subject of extensive modelling work to anticipate the impacts on coastal erosion and coastal processes and the application proposal represents the most effective of the options that have been considered during the project appraisal stage.

Highway safety

- 6.17 The Highway Authority have not objected to the proposed scheme subject to two conditions that require the submission of a Construction management Plan and the retention of the existing public footway free from obstruction. The development will not have an adverse material impact on the capacity of the local highway network. The majority of construction materials (including the beach recharge material) will be delivered to the site via the sea in the form of barges. HGV's will be required to deliver the geotextile material to form the base of the groynes, as well as fuel, protective fencing, lighting, site compound equipment and the navigation markers. These movements are anticipated to be minimal and will be controlled by planning condition where relevant.

Residential amenity

- 6.18 The main impact on residential amenity is likely to occur due to noise and vibration through the construction phase. This is to occur in three phases – starting at Holland Haven and then adjacent to Clacton Pier with the two phases then being linked together. The impact on residential amenity will therefore be dependent on where the construction works are occurring at the time and which of the compounds is being utilised. The detail of the activities will be controlled by the Construction Environmental Management Plan but the application includes information at present that suggests that noise reduction measures will be used to limit noise from plant and machinery and that although working hours will be dictated by tidal and weather conditions it is intended that weekend and any night time working will be restricted to low noise activities wherever possible.
- 6.19 It is inevitable that noise and disruption will occur due to the scale and extent of the construction activities but these will be minimised as far as possible and it is considered that any harm arising from the development will be limited and temporary and that these will be outweighed by public and wider sustainability benefits.

Ecology and biodiversity issues

- 6.10 Natural England does not consider that the scheme will impact adversely on any protected species or designated areas. There are no piling works and the sea front is already heavily used for recreational purposes and so the likely impact on areas of ecological interest will be minimal. Material that is brought on to the site will be uncontaminated in order to ensure that invasive species are not introduced to the site.
- 6.11 Due to the temporary nature of the construction works it is not considered that there will be a long term adverse impact on ecological issues.

The setting of heritage assets

- 6.12 English Heritage does not wish to offer comment on the proposal. The application documents consider the impact of the development on Martello Tower E and F that are Grade II listed buildings; on the geological and archaeological areas of interest designated on the cliffs; a number of listed buildings along the sea front and on the Registered Parks and gardens to the west of the Pier. It is not considered that there will be any long term impacts on these heritage assets but that there will be significant positive impacts on these important assets once the beach is recharged to a metre below the promenade level and that Clacton will regain and maintain its cultural and historic identity as a sea side resort.

Other Issues

- 6.13 Community Involvement: in the preparation of the current application the proposals have been the subject of consultation with statutory and non statutory bodies and the public. The key events included public exhibitions in January 2013 at Clacton Town Hall and the Holland on Sea Village Hall. A further Public Exhibition took place in October after the submission of the current application. Specific consultations have also taken place with beach hut owners and promenade businesses and whilst the works will be planned to ensure minimum disruption it will be inevitable that certain areas will be closed to the public during the construction phase. On-going communication is intended to ensure that this information is available at the earliest opportunity and will enable beach users and commercial operators to forward plan as much as possible.

Background Papers

None