

PLANNING COMMITTEE

4 MARCH 2014

REPORT OF THE HEAD OF PLANNING

1.0 Purpose of the report

- 1.1 This report seeks the approval of the Planning Committee to prepare a Local Development Order (LDO) to facilitate the speedy completion and erection of new Beach Huts (and alterations to existing), signage, shelters, kiosks Toilets and other similar associated facilities at Clacton Seafront.

2.0 Recommendations

- 2.1 That:
 - a) The Planning Committee endorses the principle of preparing a Local Development Order;
 - b) The Planning Committee authorise the Head of Planning to make the draft Local Development Order and accompanying documents available for public consultation for a period of eight weeks as soon as is practicable (including any minor drafting changes considered necessary); and
 - c) The results of the public consultation are reported to Planning Committee along with the final version of the Local Development Order which will incorporate consultation issues as appropriate.

3.0 Background

- 3.1 The Clacton-Holland on Sea Coastal project presents a “once in a lifetime” opportunity to revamp and upgrade this part of our “Sunshine Coast”. The key aim is to provide a coastal protection scheme to reduce coastal erosion risk to communities and increase amenity value of the frontage over the next 100 years.
- 3.2 Many parts of the seafront have, in recent years, become dilapidated and run-down and the lack of sandy beaches have added to the misfortunes of this area. Parts of the cliff and promenade have had to be closed at various stages for safety reasons.
- 3.3 Many of the privately owned beach huts are in a very poor state of repair and there is substantial space along this part of our coast to add new beach huts. The Investment of £36m on coastal defences could be complemented by other investments to create a new vibrant leisure offer of superior standard to residents and visitors alike, to help create

development opportunities and sustainable business offers, which will in turn lead to job opportunities for local people.

- 3.4 Modernising and improving the Clacton sea-front area with updated buildings, beach huts and facilities, will help to increase future footfall and usage. These improvements will benefit residents, businesses and tourists.

4.0 Introduction

Local Development Orders (LDO's) and their benefits

- 4.1 Local Development Orders (LDO's) were introduced through the Planning and Compulsory Purchase Act 2004. DCLG Circular 1/2006 'Guidance on Changes to the Development Control System' provides guidance to local planning authorities on the procedural steps for the preparation of LDOs.
- 4.2 The LDO process gives Local Planning Authority's (LPA's) the opportunity to establish permissions for specific classes, types or individual developments within a specific area. Parameters for development are defined and exceptions or specific rules must be followed are set out.
- 4.3 LDO's permit development that would otherwise need planning permission to proceed without the grant of a planning permission. The scope of the development is controlled by the parameters defined in the order. These could relate to the position and size of the development and the materials used.
- 4.4 Key benefits of an LDO on the Clacton-on-Sea and Holland-on-Sea seafront include:
 1. It is a positive statement that the Council wishes to encourage suitable development to this area;
 2. It removes the need for potential investors to navigate the planning system to secure planning permission;
 3. Development could proceed more quickly as time is not needed to prepare planning applications or for them to be determined; and
 4. Construction of additional development such as beach huts and kiosks will lead to greater use of the area.
- 4.5 The main disadvantage of the LDO would be the potential loss of revenue to the Council as a result of the decrease in planning applications and their associated fees.

4.6 Making an order

1. The first stage is to consider carefully the scope and area of the potential LDO;
2. Produce a concise statement justifying why an LDO should be made. This is known as a statement of reasons. The statement must include a description of the development which would be permitted and a plan or statement identifying the land to which the LDO would apply. Conditions should be used to set out clearly what development is and is not allowed. The Local Planning Authority should consider their suitability in the same way as they would for an ordinary planning permission;
3. The Council would be required to publicise and formally consult on a proposed LDO. Consultation would be required with any person who would have been a statutory consultee for an application for planning permission for the development in question. It is proposed to consult for the statutory minimum period of 28 days;
4. Send a copy of the draft LDO and statement of reasons to the Secretary of State. The Secretary of State has 21 days to approve or reject the LDO; and
5. In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, a screening opinion must be issued as the cumulative effect of all the proposed development within the area specified in the LDO could as a whole constitute EIA development under Schedule 2 (urban development project where the area of the development exceeds 0.5 hectare).

4.7 Clacton-Holland Seafront Local Development Order

1. Area and scope

It is proposed that the draft LDO extends from Clacton Pier to Holland Haven (possibly Martello Bay to Holland Haven), promenade to kerbside on the seafront.

2. Justification

The ultimate objective for the LDO is to facilitate the speedy erection of beach huts and associated seafront infrastructure and reduce the number of applications which are received for small development within the seafront area.

The Local Development Order will allow the following development without planning permission subject to a number of restrictions on the size, height, design and location of development within the site:

- The construction of new buildings, structures or enclosures and other associated sea front infrastructure not over 4 metres tall;
- Development of sports facilities and funfair plant and machinery;

These developments will be allowed within the area that is identified by a red/black edge on the map that accompanies this Local Development Order.

3. Publicity and consultation

As required by Article 34 of the Town and Country Planning (Development Management Procedure) (Order) 2010, the following documents will be subject to public consultation:

- The draft LDO;
- A draft of the Statement of Reasons; and
- A plan identifying the land to which the LDO relates.

The draft Clacton Seafront LDO and accompanying documents would be made available for public consultation for a period of eight weeks as soon as is practicable.

Following completion of the public consultation period, the representations received on the draft LDO would be considered and reported to Planning Committee along with Officers proposed amendments to the LDO arising from these representations. If approved by Committee, the Council would be required to refer the final LDO to the Secretary of State to confirm the LDO's adoption.

4. Environmental impact assessment screening

The EIA screening opinion will be undertaken in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

5.0 Other Options for Consideration

- 5.1 All proposals that are not currently permitted development could continue to require planning permission. However this option would not deliver the streamlined process and efficiencies would not be achieved.

6.0 Delivering Priorities

- 6.1 This proposal would support the opportunity that exists to modernise and improve the Clacton sea-front area with updated buildings, beach huts & facilities which will benefit residents, businesses and tourists. All of these considerations are consistent with Council priorities.

7.0 Resources and Risk

7.1 Financial

There are likely to be some cost implications associated with the introduction of LDO's, relating to officer time preparing and monitoring the LDO, as well as the consultation process. There would potentially be some loss of revenue to the Council, as a result of the decrease in planning applications and their associated fees. On the other hand it would free up resources as fewer formal applications would be submitted for consideration.

7.2 Legal

The Council has the necessary powers to proceed with the preparation of an LDO as recommended.

8.0 Conclusions

- 8.1 The LDO will streamline the planning process, facilitating the construction of new beach huts, other buildings, structures, signage, enclosures and other associated sea front infrastructure necessary to assist in the regeneration of Clacton-Holland sea front.

Background Papers

None