

PLANNING COMMITTEE

11 NOVEMBER 2014

REPORT OF THE HEAD OF PLANNING

A.1 CLACTON PIER TO HOLLAND HAVEN LOCAL DEVELOPMENT ORDER

1.0 Purpose of the report

- 1.1 This report considers the responses to the consultation exercise on the proposed introduction of the Clacton Pier to Holland Haven Local Development Order (LDO). The Planning Committee are requested to consider and endorse the proposed amendments made by Officers to the draft Local Development Order (LDO) which seek to overcome the concerns of local residents and other interested parties and formally adopt the amended Local Development Order (LDO).

2.0 Recommendations

2.1 **That:**

- a) **The Planning Committee endorse the proposed amendments to the draft LDO;**
- b) **The Planning Committee formally adopt the amended Local Development Order; and**
- c) **The Planning Committee authorise the Head of Planning to make any necessary minor amendments to the draft Local Development Order and notify the Secretary of State, via the National Planning Casework Unit, as soon as practicable after adoption.**

3.0 Background

- 3.1 On the 4th March 2014, Planning Committee resolved to endorse the principle of preparing 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. The draft LDO was subject to an eight week consultation period from 18th July 2014 until 12th September 2014 to seek local residents and other interested parties views and comments.

Local Development Orders (LDO's)

- 3.2 Local Development Orders (LDO's) were introduced through the Planning and Compulsory Purchase Act 2004. 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 which must be followed are set out.

3.3 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.

3.4 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.

Justification for implementing the draft LDO

3.5 The justification for implementing the Local Development Order is summarised below:

- 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.
- Some parts of the seafront have, in recent years, become dilapidated and run-down with a lack of sandy beaches. Parts of the cliff and promenade have had to be closed at various stages for safety reasons.
- Some of the privately owned beach huts are in a 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 in turn lead to job opportunities for local people.
- 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.

What are the procedures for making a Local Development Order?

3.6 The procedures for making a Local Development Order are set out in sections 61A to 61D and Schedule 4A of the Town and Country Planning Act 1990, as amended and articles 34 and 37 of the Town and Country Planning (Development Management Procedure) Order 2010, as amended.

4.0 Clacton Pier to Holland Haven Local Development Order (LDO) – first draft (July 2014)

4.1 The first draft of the LDO (published for consultation in July 2014) extends from the north east boundary of Clacton Pier to the Gunfleet Boating Club at Holland Haven.

4.2 Key features of the first draft LDO:

- The first draft of Local Development Order proposes permitting the erection of new Beach Huts (and alterations to existing), signage, shelters, kiosks, toilets and other similar associated facilities at Clacton Seafront without the need for planning permission subject to a number of restrictions on the size, height, design and location of the new development within the LDO area;
- Within the areas known as the 'Greensward' and 'Holland Haven' extending from north east of The Pavilion to, and including, Holland Haven: the construction and/or alteration of buildings up to 6.5metres in height and 400 cubic metres in volume would be permitted;
- Along the promenades and beaches which includes the land extending from the north east boundary of Clacton Pier to, and including, Holland Haven: the construction and/or alteration of buildings up to 4 metres in height or up to 4 metres high above the level of the greensward at that location, whichever is greater, and no more than 10 metres by 20 metres in floor area would be permitted;
- The first draft of the LDO requires that any new buildings should use a materials selection that reflects the human scale and the diversity of the seafront; and
- Development will not be permitted in the SSSI zone which is annotated in blue on the LDO plan.

5.0 Public Consultation Arrangements

5.1 The draft LDO was subject to an eight week consultation period from Friday 18th July 2014 - 5pm on Friday 12th September 2014 to seek local residents' and other interested parties' views and comments.

- A public notice was placed in the Clacton Daily Gazette on Friday 18th July 2014.
- Site notices were displayed from Friday 18th July 2014 until Monday 15th September 2014:
 - on every 5th lamp post along Kings Parade and Marine Parade East;
 - on the fence at the junction of Haven Avenue and The Esplanade;
 - near the steps at Pier Gap;
 - near the fence at Gunfleet Boating Club;

- at public conveniences the on lower promenade between Kings Avenue and Queensway;
 - Kiosks 6, 8 and 9; and
 - the redundant public toilets opposite Beach Road.
- 575 Letters were delivered by hand (or by Royal Mail where access was difficult) to every residence and business along Marine Parade East, Kings Parade, The Esplanade, Manor Road, and Haven Avenue.
- Letters were sent to the owners of the beach huts along Eastern Promenade.
- Emails were sent to:
 - Statutory consultees;
 - Parishes in the Tendring District;
 - TDC Members; and
 - Boating & Sailing Clubs and other associated leisure activity providers in the area.
 - Documents were available to view at the following sites:
 - all Local Public Libraries in the Tendring District;
 - Tourist Information Centre, Town Hall, Clacton;
 - Weeley Council Offices; and
 - the document and supporting information was made available on the Tendring District Council Website.

6.0 Statutory Consultee responses

6.1 None received.

7.0 Key messages from the public consultation

7.1 To date 85 individual consultation responses and two petitions (one with 181 signatures and one with 14 signatures) have been received. The key messages have been summarised below with your officer's response:

7.2 **Local residents suggest that all development proposals should require planning permission to ensure that residents have the opportunity to comment and object.**

Officer response

The Council already has permitted development rights (given by The General Permitted Development Order 1995 Schedule 2 Part 12) to erect or construct any small ancillary building, works or equipment on any land belonging to or maintained by it required for the purposes of any function exercised by it on that land as well as lamp standards, information kiosks and public shelters. The development must not exceed 4 metres in height or 200 cubic metres in capacity. The purpose of extending these rights through a local development order is to allow greater scope for development associated with improving the facilities along Clacton sea front. Requiring all devel-

opment proposals to submit a planning application would undermine the purpose of an LDO to speed up local planning. Also it is important to consider that the land included in the LDO area is owned by the Council and it is not the intention of this Authority to permit unacceptable forms of development that will impact negatively upon local residents, rather to modernise and improve the sea-front area with updated facilities and beach huts.

7.3 Residents are concerned that development without planning permission could result in poorly designed structures not in keeping with the surrounding area.

Officer response

There is a desire by the Council to encourage good design and the appropriate use of materials, therefore, the LDO imposes a number of conditions that restrict the height and location of development; however, it would be possible to amend to the LDO to further limit the level of permitted development to a level that gives the public confidence in the Council's intentions and avoiding the possibility of unacceptable development.

7.4 Local residents are concerned that development on the 'Greensward' would obstruct the sea views and open character of the seafront and should be retained to allow residents and visitors to enjoy a peaceful open space.

Officer response

It is not the Council's intention to build structures that would undermine the current open character of the Greensward. However, the 'Greensward' could be removed from the proposed LDO boundary limiting permitted development to existing levels.

7.5 Local residents are concerned that development in the Holland Haven would be inappropriate detracting from its status as a country park, local nature reserve and SSSI status.

Officer response

It is not the Council's intention to allow development at Holland Haven that would damage the nature conservation value of the area. However, to reduce concerns over inappropriate development in this area, the Holland Haven could be removed from the proposed LDO boundary.

7.6 Local residents are concerned that new development along the seafront area will negatively affect property values.

Officer response

The loss of property values is not a material planning consideration and the intention would be to enhance rather than reduce the attractiveness of the area by any

development. However, to address these concerns, the 'Greensward' could be removed from the amended draft LDO.

7.7 Residents are concerned that additional noise and litter would be created.

Officer response

Whilst the concerns of the local residents are acknowledged, the seafront is a leisure and tourism destination and contributes significantly to the Tendring economy. The Council will work with local businesses to ensure that any new development permitted does not impact negatively upon local residents. The Council will review its work schedule for frequency of promenade sweeping and litter removal on a regular basis. The Council will seek to resolve any noise complaint as quickly as possible. This will be subject to noise being monitored/evidence produced.

7.8 Residents are concerned that additional leisure and tourism development could spoil the peaceful village feel of Holland-on-Sea.

Officer response

In response to concerns expressed by local residents of Holland-on-Sea, it is not considered that new development along the promenade will impact negatively on the character or spoil the feel of Holland-on-Sea. An amendment to the LDO to define the uses permitted could help address these concerns.

7.9 Residents are concerned that new development would create additional traffic movements and access problems.

Officer response

There is a good network of adopted public highways serving Holland on Sea. A low level of development on the promenade frontage is unlikely to create traffic access problems given the widths of the existing roads and available capacity. Historically the Council is not aware of traffic problems at any time in this area.

There will be an increase in traffic during the summer season when favourable weather conditions are forecast, particularly at week-ends and in the school summer holiday period. This is normal in any seaside town. The provision of new beaches which can be used at all states of the tide will certainly attract more residents and visitors to this area. The Council would consider the impact of individual proposals before proceeding with development.

7.10 Residents are concerned that commercial, play and leisure facilities are better suited to the tourist areas close to the pier and Clacton town centre.

Officer response

In response to concerns regarding the location of new commercial, play and leisure facilities, the LDO could be amended to restrict new development to the promenade and beach areas. In addition, it is recommended that the uses that will be permitted will be defined.

- 7.11 **Local Residents are concerned that commercial buildings erected on the 'Greensward' could stand unused for the better part of the year and become targets for vandalism.**

Officer response

The recommendation to remove the Greensward from the Local Development Order will address these concerns.

- 7.12 **The dimensions stated in the LDO would allow for the creation of large and obtrusive structures.**

Officer response

The dimensions proposed were designed to give scope to respond to development opportunities. Their design would be carefully considered to ensure they made positive contributions to the area. However, the LDO could be amended to ensure that development is restricted to the promenade area and the height of new development is kept below the level of the 'Greensward'.

- 7.13 **No provision has been made under the Order for biodiversity issues.**

Officer response

The LDO relates to built development rather than habitats. The Council will have regard to biodiversity issues in considering development proposals and management of the area.

- 7.14 **Residents were concerned that there is insufficient information in the public notice for members of the public and there was not any public exhibition.**

Officer response

Section 5.1 sets out public consultation arrangements for the LDO. The site notice contained all the relevant information to inform interested parties and included the following details:

- A description of the proposed LDO (including the development permitted and boundary);
- Where a copy of the LDO could be viewed (at the Council Offices across the district or on the Council's website);

- Details of the public consultation period;
- How to make representation;
- Who to contact for further information; and
- Following completion of the public consultation period, the representations received on the Draft Local Development Order would be considered and reported to Planning Committee along with Officers' proposed amendments to the Order arising from these representations.

In hindsight and given the level of interest, Officers could have held a public exhibition to encourage greater public involvement and allow the opportunity for members of the public to speak directly to Officers, but we would not have had anything to show them in terms of development.

7.15 Residents were concerned that there will not be any opportunity to review or comment on any proposals / plans for the 'Greensward' if the LDO is adopted.

Officer response

In response to concerns that residents would not have the opportunity to comment on development proposals, the 'Greensward' could be removed from the amended Local Development Order. Development's greater than those currently allowed by existing permitted development would then be the subject of a planning application.

8.0 Options considered

8.1 There could be in theory dozens of options for implementing an LDO along the Clacton sea front, however, in generating 'reasonable alternatives' which seek to address the concerns of local residents whilst promoting sustainable development, three options were shortlisted for assessment:

Option 1 - Do Nothing:

8.2 The Council could take a cautious approach and drop the proposal for the Local Development Order and revert to the default position that all proposals that are not currently permitted development will continue to require planning permission. However this option would not deliver the streamlined process, efficiencies would not be achieved and would not assist in achieving investor confidence.

Option 2 – Adopt the LDO in its current format:

8.3 The Council could resolve to adopt the first draft LDO (attached as Appendix 1) in its current format which would permit certain types of development along the promenade, Greensward and Holland Haven. The majority of local residents who responded to the public consultation mainly expressed concern about new development in the Greensward and Holland Haven area. Therefore adopting the LDO in its current format will not have the support of the local community and may lead to local residents feeling that their concerns have not been taken into consideration.

Option 3 - Amend the Local Development Order to address the concerns of local residents:

8.4 Option 3 is to permit the erection of new Beach Huts (and alterations to existing), shelters, kiosks, toilets and other similar associated facilities at Clacton Seafront but exclude the Greensward and Holland Haven. The LDO will not permit new amusement arcades.

- the proposed Local Development Order will cover the area comprising the cliff slope, lower promenade and 20m of beach, measured from the seaward face of the promenade, along the 5kms of frontage from the north east boundaries of Clacton Pier and Clacton Pavilion towards Holland on Sea, ending at the Gunfleet Boating Club (map showing the amended LDO boundary is attached as Appendix 1);
- the 'Greensward' and 'Holland Haven' would be excluded from the amended draft LDO; and
- within the reduced boundary described above, the construction and/or alteration of buildings or other structures will be permitted up to 6 metres in height or up to the level of the Greensward at that location, whichever is greater, and no more than 10 metres by 20 metres in floor area. This approach would allow for buildings and other structures including the construction of play equipment to be built on the lower promenade without impacting negatively on the Greensward.

9.0 Recommendation

9.1 It is recommended that amending the draft LDO as set out above in line with option 3 provides an appropriate balance between increasing the level of permitted development to maximise the benefits described in section 3.4 and limiting the permitted development to a level that gives the public confidence in the Council's intentions and avoids the possibility of unacceptable development being permitted along the 'Greensward' and at 'Holland Haven'. The amended LDO and amended Statement of Reasons are attached as Appendices 2 & 3.

10.0 Delivering Priorities

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

11.0 Resources and Risk

Financial

11.1 No significant financial implications.

Legal

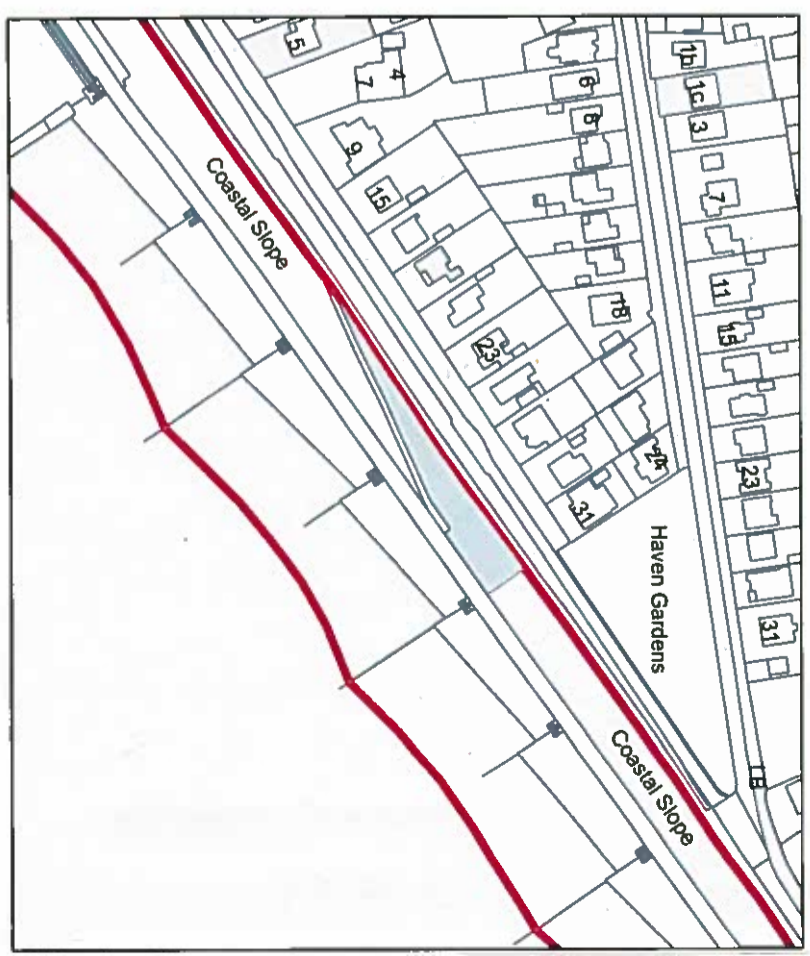
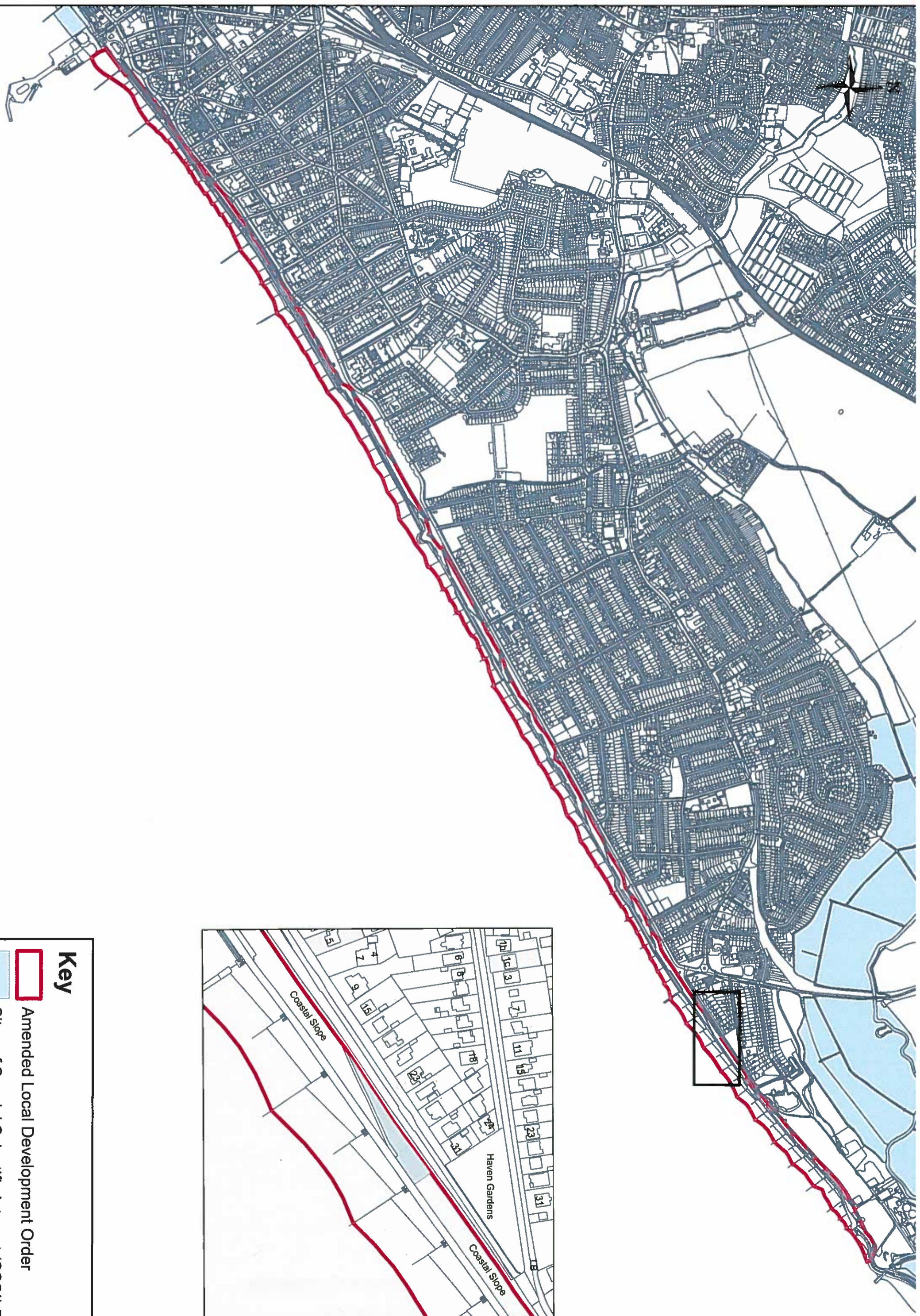
- 11.2 The Council has the necessary powers to proceed with the preparation of an LDO as recommended.

12.0 Conclusions

- 12.1 The Council already has permitted development rights (given by The General Permitted Development Order 1995 Schedule 2 Part 12) to erect or construct any small ancillary building, works or equipment on any land belonging to or maintained by it required for the purposes of any function exercised by it on that land as well as lamp standards, information kiosks, public shelters etc. The development must not exceed 4 metres in height or 200 cubic metres in capacity.
- 12.2 Extending these rights through a local development order could allow greater scope for development associated with improving the facilities along Clacton sea front to proceed without the need for planning permission.

13.0 Appendices

- Appendix 1 – Map showing the amended LDO boundary.
- Appendix 2 – Amended LDO.
- Appendix 3 – Amended Statement of Reasons.



Key

-  Amended Local Development Order
-  Sites of Special Scientific Interest (SSSI) PLA4



LOCAL DEVELOPMENT ORDER (LDO)

Clacton & Holland on Sea seafront

Background and aims

Many parts of the seafront within the area for the proposed LDO have, in recent years suffered from a lack of investment due to the need to spend limited funds on essential promenade and coastal defence maintenance. Parts of the cliff and promenade have had to be closed at various stages for safety reasons.

Some of the privately owned beach huts appear to have lacked investment to raise the standard of the hut because of a high risk of storm damage and probably because of the lack of local amenities such as good or accessible beaches. The lack of available funds has also meant that other seafront infrastructure in this area has been allowed to deteriorate and there is substantial space along this part of our coast to add new beach huts.

With the major investment of £36m in new coast defences which will provide new beaches along a 5km frontage from Clacton Pier to Holland Haven, there is an opportunity to improve existing infrastructure and develop 1st class 21st century facilities along this stretch of seafront, creating a new vibrant leisure offer of a superior standard for both residents & visitors alike.

In addition, there is a further opportunity to encourage privately owned beach huts to be improved and maintain their facilities and help create development opportunities for local businesses and sustainable business offers, which will in turn lead to job opportunities for local people.

What does the LDO permit?

The Clacton-on-Sea seafront LDO allows the erection of new (and alterations to existing) beach huts, kiosks, shelters and toilet blocks and permits the erection of other structures such as play, sports and leisure equipment and other similar associated facilities.

Area covered by the LDO

The Local Development Order will cover the area comprising the cliff slope, lower promenade and 20m of beach, measured from the seaward face of the promenade, along the 5kms of frontage from the north east boundaries of Clacton Pier and Clacton Pavilion towards Holland on Sea, ending at the Gunfleet Boating Club. No development will be permitted in the area of SSSI which falls within the area of the LDO (hatched in blue on the attached plan).

Conditions

The LDO will allow the following development without the need for planning permission subject to a number of restrictions on the size, height, design and location of the new development within the LDO area:

1. The construction and/or alteration of buildings or other structures up to 6 metres in height or up the level of the greensward at that location, whichever is greater, and no more than 10 metres by 20 metres in floor area.
2. The LDO will not permit amusement arcades (sui generis).
3. Any buildings should use a materials selection that reflects the human scale and the diversity of the seafront. The use of concrete for steps and primary construction elements will be acceptable but should not predominate and should be offset with a choice of complimentary materials.
4. Development will not be permitted in the SSSI zone which is annotated in blue on the LDO plan.

Advisory notes

The following should also be noted:

1. No development within a conservation area or affecting a statutory listed building, Scheduled Monument, locally listed building or building located within a registered park or garden is allowed under the order. If there is any doubt regarding this please contact Tendring Council on 01255 686868.
2. If you wish formal confirmation that planning permission is not required an application for a Certificate of Lawfulness should be submitted to the council. This is not compulsory; however, before starting any works you are obliged to ensure that the works are lawful. Should any unlawful development take place, Tendring District Council may take enforcement action.

Compliance and monitoring

Any proposal which conforms to the criteria and conditions set out above can take place without planning permission. Written confirmation or a Certificate of Lawfulness is not required. The LDO will be subject to regular review and monitoring.

Tendring
District Council



Statement of Reasons

Justification for the Local Development Order, development to be permitted and area covered

The Clacton to 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.

Many parts of the seafront have, in recent years, become dilapidated and run-down with a lack of sandy beaches. Parts of the cliff and promenade have been closed at various stages for safety reasons.

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 for residents and visitors alike. This could help create development opportunities and sustainable business offers, which will in turn lead to job opportunities for local people.

The key benefits of implementing an LDO for the Clacton-on-Sea and Holland-on-Sea seafront include:

1. removing the need for potential investors to navigate the planning system to secure planning permission;
2. development could proceed more quickly as potential applicants will not be required to apply for planning permission (subject to conditions); and
3. the construction of additional development such as beach huts and kiosks will lead to new facilities for tourists and residents in this area.

Tendring District Council proposes to introduce a Local Development Order (LDO) which will allow the erection of new and alterations to existing beach huts, kiosks and toilet blocks, play, sports and leisure equipment and other similar associated facilities.

The Local Development Order will cover the area comprising the cliff slope, lower promenade and 20m of beach, measured from the seaward face of the promenade, along the 5kms of frontage from the north east boundaries of Clacton Pier and Clacton Pavilion towards Holland on Sea, ending at the Gunfleet Boating Club. No development will be permitted in the area of SSSI which falls within the area of the LDO (hatched in blue on the attached plan).

Conditions

The LDO will allow the following development without the need for planning permission subject to a number of restrictions on the size, height, design and location of the new development within the LDO area:

1. The construction and/or alteration of buildings or other structures up to 6 metres in height or up the level of the greensward at that location, whichever is greater, and no more than 10 metres by 20 metres in floor area.
2. The LDO will not permit amusement arcades (sui generis).
3. Any buildings should use a materials selection that reflects the human scale and the diversity of the seafront. The use of concrete for steps and primary construction elements will be acceptable but should not predominate and should be offset with a choice of complimentary materials.
4. Development will not be permitted in the SSSI zone which is annotated in blue on the LDO plan.

Policy objectives

The LDO is consistent with and will help deliver a number of policies within the Tendring District Local Plan: Proposed Submission Draft (2012):

- Policy PRO4: Priority Areas for Regeneration;
- Policy PRO7: Tourism; and
- Policy COS1: Regeneration at Clacton Town Centre and seafront.

The LDO will help deliver a number of the priorities in the Tendring District Tourism strategy, in particular:

- Reposition itself as a major tourism destination,
- Reduce seasonality, and
- Grow the local economy through increasing employment in tourism and visitor-spend.

The LDO will facilitate delivery against the strategic objectives of the Council's Economic Development Strategy (EDS), which seeks to transform the district's economic performance by securing sustainable and long-term economic growth.

The relaxation of planning requirements for specified development within the LDO area will foster and encourage economic activity along the stretch of coast from Clacton Pier to towards Holland on Sea, ending at the Gunfleet Boating Club. Specifically the LDO responds to:

- EDS Objective 1: Supporting Tendring's growth locations by intervening in areas where the potential for economic growth is the highest. Clacton is specifically identified in the Strategy as one of the district's key growth locations; and
- EDS Objective 4: Supporting modernisation, diversification and growth within the business base by improving business liaison, innovation and inward investment and creating dynamism in the economy that will make Tendring more competitive and resilient to national and international shock.

The LDO will assist in addressing the following corporate priorities:

- Build a thriving local tourism industry;
- Promote sustainable economic growth;
- Promote healthy and active lifestyles;
- Regenerate the District and improve deprived areas; and
- Protect and enhance our environment, countryside and coast.

The LDO will provide opportunities to assist with development of new businesses and may create employment opportunities.