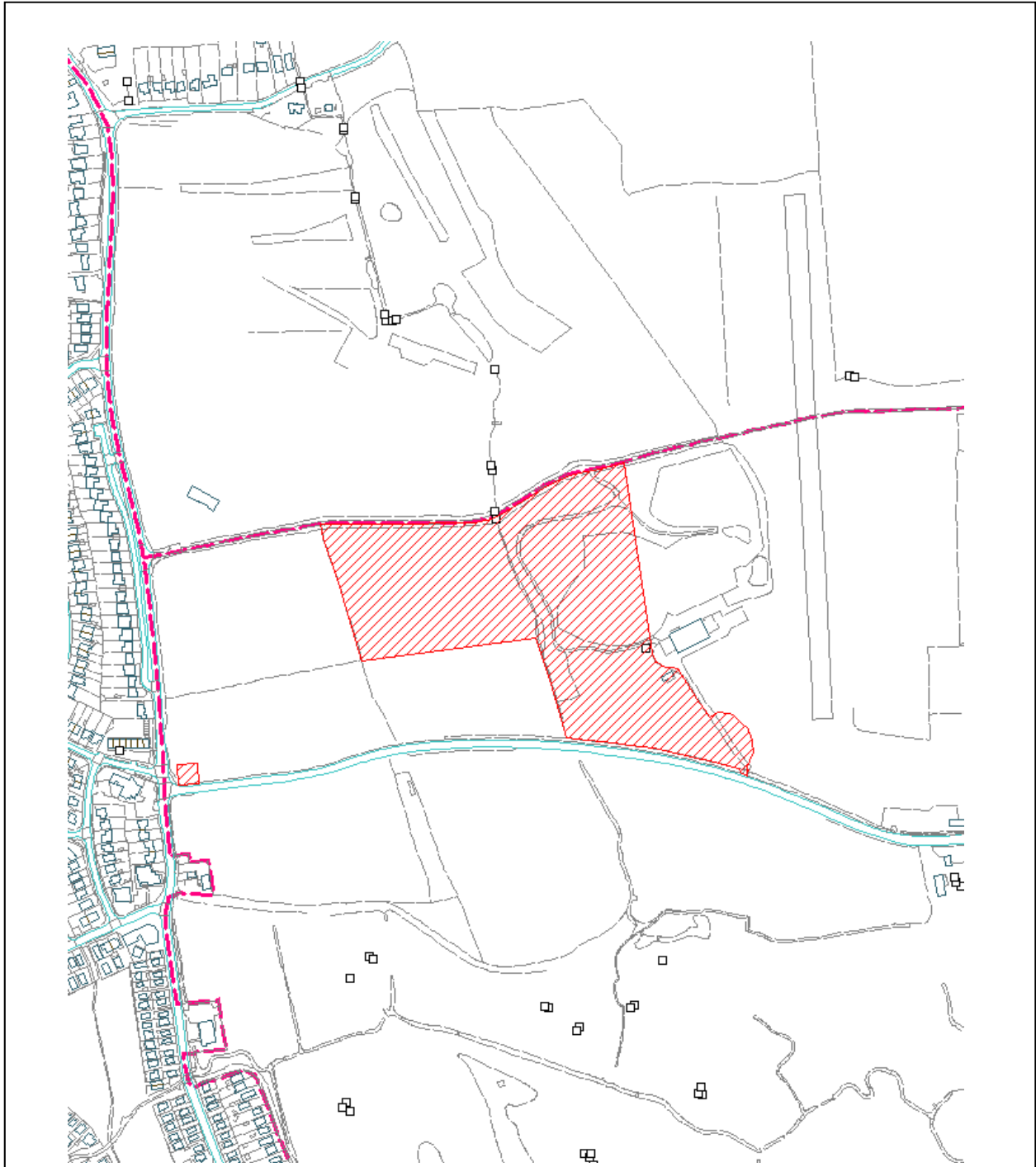


PLANNING COMMITTEE

28 APRIL 2015

REPORT OF THE HEAD OF PLANNING

A.6 PLANNING APPLICATION - 14/01904/FUL – LAND AT WEST ROAD, CLACTON-ON-SEA, ESSEX CO16 1AG



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Application:	14/01904/FUL	Town / Parish: N/A
Applicant:	Mrs P Smith	
Address:	Land at West Road, Clacton-on-Sea CO16 1AG	
Development:	Change of use of land to form Hasty's Adventure Park and erection of buildings.	

1. Executive Summary

- 1.1 The application site occupies an area of land measuring 5.32ha and is situated to the north of West Road. The site was used in the early 1980's for gravel extraction and is now used as a fishing lake. The adjacent fields and land on the western boundary are currently used for agricultural purposes and the application site is bordered to the north by Millers Barn Golf Club. Clacton Airstrip is located to the east of the site.
- 1.2 Access is achieved via an entrance off West Road and there is also a secondary access to the site to the north via Alton Park Lane, consisting of an unmade track running between the site and Golf Course to the north.
- 1.3 The site comprises cultivated agricultural land as well as areas of rough grass, brambles, dense scrub, native species hedgerows, scattered trees and tall vegetation and areas of grassland. There is also large areas of bare ground with a tilled field, mounds of earth and areas of unvegetated sand. Part of the application site is occupied by a lake that is being used by anglers.
- 1.4 The site lies within the centre of the 'West Clacton and Jaywick' Strategic Green Gap and the Colne Estuary (Mid-Essex Coast Phase 2) SPA lies approximately 3.2km to the west and the Essex Estuaries SAC lies approximately 1.5km to the south west of the site boundary.
- 1.5 This application seeks full planning permission for the change of use of land to form Hasty's Adventure Park and the erection of associated buildings to create a destination attraction that will bring people into the area as well as a unique place for locals to go.

Recommendation: Approve

That the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development subject to:-

- a) Within 6 months of the date of the Committee's resolution to approve the application subject to submission of an acceptable Flood Risk Assessment;

- b) Planning conditions in accordance with those set out in (i) below (but with such amendments and additions, if any, to the detailed wording thereof as the Head of Planning (or the equivalent authorised officer) in their discretion considers appropriate).

Conditions:

1. The development hereby permitted shall begin no later than three years from the date of the permission;
2. Limit the use to an Adventure Park;
3. No motorised activities;
4. Samples of the materials;
5. Hard and Soft landscaping details including tree protection measures;
6. Landscaping - Five year clause;
7. As requested by the Highway Authority;
8. Details of Refuse storage/collection areas;
9. Biodiversity enhancement provision and mitigation measures;
10. As requested by the Environment Agency;
11. SuDS Conditions; and
12. Opening times.

2. Planning Policy

National Policy:

NPPF National Planning Policy Framework (2012)

Local Plan Policy:

Tendring District Local Plan 2007

QL1	Spatial Strategy
QL2	Promoting Transport Choice
QL3	Minimising and Managing Flood Risk
QL9	Design of New Development
QL10	Designing New Development to Meet Functional Needs
QL11	Environmental Impacts and Compatibility of Uses
ER16	Tourism and Leisure
COM11	Formal Recreational Facilities in the Countryside

EN1	Landscape Character
EN6	Biodiversity
EN6a	Protected Species
EN6b	Habitat Creation
EN23	Development within the proximity of a Listed Building
EN29	Archaeology
TR1	Transport Assessments
TR1A	Development Affecting Highways
TR7	Vehicle Parking at New Development

Tendring District Local Plan: Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014)

SD1	Presumption in Favour of Sustainable Development
SD5	Managing Growth
SD6	Strategic Green Gap
SD7	Securing Facilities and Infrastructure
SD8	Transport and Accessibility
SD9	Design of New Development
PRO3	Improving Education and Skills
PRO7	Tourism
PLA5	The Countryside Landscape
COU7	Farm Diversification
PLA1	Development and Flood Risk
PLA4	Nature Conservation and Geo-Diversity

Other guidance

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

3. Relevant Planning History

None

4. Consultations

4.1	Anglian Water Services Ltd	No consultation response received.
4.2	Department for Environment Food and Rural Affairs	No consultations response received.
4.3	Essex Wildlife Trust	No consultation response has been received.
4.4	Natural England	No objection.
4.5	Essex County Council SuDS Team	The FRA submitted with this application does not comply with the requirements set out in Paragraph: 030 Reference ID: 7-030-20140306 of the Planning Guidance to the National Planning Policy Framework. The submitted FRA does not therefore; provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted FRA fails to:

- Conduct infiltration testing
- Measure groundwater
- Provide sufficient treatment stages
- Have suitable half drain times for some of the soakaways proposed.
- Show where exceedance flows go.
- Include a maintenance regime.

4.6 You can overcome our objection by submitting additional details outlined above and demonstrate that the development will not increase flood risk elsewhere and where possible reduces flood risk overall. Once the additional information has been provided to our satisfaction, we will be in a position to recommend removal of our holding objection and seek to condition the application. If this cannot be achieved we are likely to maintain our objection to the application. Production of an FRA will not in itself result in the removal of an objection. We also have the following advisory comments:

- More information should be provided on the go-kart track so that it can be properly assessed from a water quality perspective.
- In section 4.9 it is stated that surface water from car parking areas could be drained via appropriately designed porous surfaces and then discharged into the existing watercourse. Whilst this option doesn't seem to have been chosen, it must be noted that we would want to see the surface water discharged into the watercourse at the 1 in 1 greenfield rate for that particular area rather than at 5l/s. This is because whilst historically 5l/s was applied to an outlet where the desired runoff rate was lower than 5l/s, as most devices would require an outlet orifice size smaller than 50mm, which would increase the susceptibility of blockage and failure, this is now not necessary. There are now vortex flow control devices which can be designed to a discharge at 1.0l/s, with 600mm shallow design head and still provide a more than 50mm orifice diameter.
- It is best practice to include 10% for urban creep when calculating how much storage is needed on site. As the document 'BS 8582:2013 Code of practice for surface water management for development sites' states:

"To allow for future urban expansion within the development (urban creep), an increase in paved surface area of 10% should be used, unless this would produce a percentage impermeability greater than 100%, or unless specified differently by the drainage approval body or planning authority" (page 32).

4.7 TDC Public Experience (Environmental Services)_-Pollution and Environmental control have the following comments to make regarding this application.

1. Effluent originating from the stables floor must be considered foul water and thus conveyed and disposed of in the same manner as domestic foul water.
2. A waste management plan for storage and removal of horse manure is to be confirmed with this authority. This should be agreed in writing and implemented prior to the use commencing.
3. No burning of horse manure should be carried out on site.

4.8 The acoustic report submitted meets the requirement of this Service and therefore we have no further comments to make regarding noise issues

4.9 TDC Regeneration Team No comments received.

4.10 ECC Highways Department - The Highway Authority raises no objection subject to the following requirements:-Prior to commencement of the development details of a wheel cleaning facility within the site and adjacent to the egress onto the highway shall be submitted to and approved in writing by the Local Planning Authority.

1. The wheel cleaning facility shall be provided prior to commencement and during construction of the development

Reason: To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

2. No occupation of the development shall take place until the following have been provided or completed:

- 4.11 a) Improvements to the existing proposal site access off West Road. Improvements to include 2no. minimum 10 metre kerbed radii both with a minimum 2 metre wide footway (with dropped kerb/tactile paving crossing points), a minimum 6.75 metre wide access road between West Road and the car park and a minimum 120 x 2.4 x 120 metre visibility splay*
- b) Subject to agreement with the relevant bus service operator(s), two new bus stops adjacent the proposal site access off West Road OR upgrading of existing bus stops with the highest frequency of services which would serve the proposal site. For either option, stops shall be provided or upgraded to current Essex County Council specification to include but not limited to real time passenger information
- c) Upgrading of the footpath immediately north of the proposal site to a bridleway between Jaywick Lane and Alton Park Lane (details shall be agreed with the Local Planning Authority prior to commencement of the development)
- d) A travel plan to include but not limited to provision of a Travel Plan Co-ordinator and £3,000 contribution to cover the Highway Authority's costs to approve, review and monitor the Travel Plan

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM1, DM9 and DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

3. With the exception of those vehicles currently permitted to use the unmade track (Public Right Of Way (PROW)) immediately north of the proposal site, all other vehicular traffic associated with the proposal shall use the proposal site access off West Road only

Reason: To prevent intensification in use by vehicular traffic of the footpath (PROW) in accordance with policy DM11 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

4. No unbound material shall be used in the surface treatment of the proposal site access off West Road within 30 metres of the highway boundary

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

- 4.12 ECC Archaeological Services -No comments received.
- 4.13 Anglia Water -No comments received.
- 4.14 Essex Wildlife Trust -No comments received.
- 4.15 Environment Agency -We have reviewed the information submitted and are able to remove our previous objections relating to land contamination and foul water disposal. However we request the conditions below are appended to any permission granted. Please see our comments below.
- 4.16 We have reviewed the Phase One Desk Study Report, produced by Richard Jackson, dated March 2015. We agree with the conclusions of the report that intrusive investigation and associated risk assessment is required. It should be noted that a robust assessment of groundwater and surface water quality should be undertaken as part of this assessment, and should include all sources identified. Most notable is the on-site landfill. The applicant should be aware of the scale of potential works associated with any remediation, should it be required.
- 4.17 We ask to be consulted on the details submitted for approval to your Authority to discharge these conditions and on any subsequent amendments/alterations.
- 4.18 We consider that planning permission could be granted to the proposed development as submitted if the following planning condition is included as set out below. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

Condition 1

- 4.19 Prior to each phase of development approved by this planning permission no development / No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
- 4.20 1) A preliminary risk assessment which has identified all previous uses potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
- 4.21 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 4.22 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

- 4.23 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- 4.24 Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Advice to Local Council

- 4.25 This condition has been recommended as we are satisfied that there are generic remedial options available to deal with the risks to controlled waters posed by contamination at this site. However, further details will be required in order to ensure that risks are appropriately addressed prior to development commencing.
- 4.26 The Local Planning Authority must decide whether to obtain such information prior to determining the application or as a condition of the permission. Should the Local Planning Authority decide to obtain the necessary information under condition we would request that this condition is applied.

Condition 2

- 4.27 No occupation <of any part of the permitted development / of each phase of development> shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Condition 3

- 4.28 No development should take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Condition 4

- 4.29 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons

- 4.30 To protect and prevent the pollution of controlled waters (particularly the Secondary A aquifer, nearby groundwater abstractions, EU Water Framework Directive Drinking Water Protected Area, surface watercourse and lake) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection: Principles and Practice (GP3 v.1.1, 2013) position statements A4 – A6, J1 – J7 and N7.

Condition

- 4.31 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reasons

- 4.32 To protect and prevent the pollution of controlled waters (particularly the Secondary A aquifer, nearby groundwater abstractions, EU Water Framework Directive Drinking Water Protected Area, surface watercourse and lake) in line with National Planning Policy Framework (NPPF; paragraphs 109, 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection (GP3 v.1.1, 2013) position statements G1, G9 to G13, N7 and N10. The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration sustainable drainage systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins.

Condition 5

- 4.33 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reasons

- 4.34 Piling or other penetrative ground improvement methods can increase the risk to the water environment by introducing preferential pathways for the movement of contamination into the underlying aquifer and/or impacting surface water quality.
- 4.35 For development involving piling or other penetrative ground improvement methods on a site potentially affected by contamination or where groundwater is present at a shallow depth, a suitable Foundation Works Risk Assessment based on the results of the site investigation and any remediation should be undertaken. This assessment should underpin the choice of founding technique and any mitigation measures employed, to ensure the process does not cause, or create preferential pathways for, the movement of contamination into the underlying aquifer, or impacting surface water quality.

Sustainable Drainage Systems (SuDS) informative

- 4.36
1. Infiltration sustainable drainage systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins shall only be used where it can be demonstrated that they will not pose a risk to the water environment.
 2. Infiltration SuDS have the potential to provide a pathway for pollutants and must not be constructed in contaminated ground. They would only be acceptable if a phased site investigation showed the presence of no significant contamination.
 3. Only clean water from roofs can be directly discharged to any soakaway or watercourse. Systems for the discharge of surface water from associated hard-standing, roads and impermeable vehicle parking areas shall incorporate appropriate pollution prevention measures and a suitable number of SuDS treatment train components appropriate to the environmental sensitivity of the receiving waters.
 4. The maximum acceptable depth for infiltration SuDS is 2.0 m below ground level, with a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels. Deep bore and other deep soakaway systems are not appropriate in areas where groundwater constitutes a significant resource (that is where aquifer yield may support or already supports abstraction). SuDS should be constructed in line with good practice and guidance documents which include the SuDS Manual (CIRIA C697, 2007), the Susdrain website (<http://www.susdrain.org/>) and draft National Standards for SuDS (Defra, 2011).

Foul Water Disposal

- 4.37 Our previous objection related to the use of non-mains foul drainage in a publicly sewered area without justification. The submitted information demonstrates that Anglian Water has been consulted regarding a mains connection, and that the proposed drainage strategy has been changed to a connection to the mains foul sewer. We are therefore able to remove our previous objection.

- 4.38 Essex Police Service - No comments received.
- 4.39 Ramblers Association - No comments received
- 4.40 Tree and Landscape Officer -The site comprises of cultivated agricultural land as well as areas of rough grass and brambles. Part of the application site is occupied by a lake that is being used by anglers.
- 4.41 The site has a strong hedgerow on the boundary with West Road and on its northern boundary. The western boundary is marked by a weak hedgerow contain primary Elm that has survived because of its 'suckering' nature. The elm should be retained and this boundary and the hedgerow strengthened by new planting. There are several large tree situated on the land that make a positive contribution to the appearance of the area.
- 4.42 The applicant has submitted a detailed tree report and survey that has been carried out in accordance with the recommendations contained in BS5837: 2012 Trees in relation to design, demolition and construction. The tree report contains a Tree Protection Plan (TPP) that shows how the most significant trees on the land will be protected for the duration of any consent that may be granted.
- 4.43 If the measures set out in the tree report are adhered to then it appears that the development of the land could take place without harm being caused to the hedgerow and trees. At the present time it is not considered expedient to protect the trees by way of a Tree Preservation Order.
- 4.44 The applicant has also submitted a Landscape and Visual Impact Assessment (LVIA) which accurately describes the impact of the development on the landscape character of the area. Whilst the development proposal would introduce built structures into the land the proposal would not be wholly out of keeping with the character of the area.
- 4.45 The site layout plan shows proposed soft landscaping for which additional details are set out in Fig 9 of the LVIA. Should consent be likely to be granted then a soft landscaping condition should be attached to secure a detailed specification for the soft landscaping of the application site.

5. Representations

- 5.51 1 letter of representation has been received from a local resident objecting on the grounds that part of the application proposes an outdoor go cart track which will cause noise infringements on the enjoyment and relaxation of neighboring properties.

6. Assessment

- 6.1 The main planning considerations are:

- Site Context;
- Proposal;
- Principle of Development;
- Layout, Scale and Design;

- Residential Amenity;
- Highways Issues;
- Biodiversity;
- Arboriculture/Landscaping;
- Drainage and Flood Risk;
- Site Contamination and foul water disposal; and

Site Context

- 6.2 The application site occupies an area of land measuring 5.32ha and is situated to the north of West Road. The site was used in the early 1980's for gravel extraction and is now used as a fishing lake. The adjacent fields and land on the western boundary are currently used for agricultural purposes and the application site is bordered to the north by Millers Barn Golf Club. Clacton Airstrip is located to the east of the site.
- 6.3 Access is achieved via an entrance off West Road and there is also a secondary access to the site to the north via Alton Park Lane, consisting of an unmade track running between the site and Golf Course to the north.
- 6.4 The site comprises cultivated agricultural land as well as areas of rough grass, brambles, dense scrub, native species hedgerows, scattered trees and tall vegetation and areas of grassland. There are also large areas of bare ground with a tilled field, mounds of earth and areas of unvegetated sand. Part of the application site is occupied by a lake that is being used by anglers.
- 6.5 The site lies within the centre of the 'West Clacton and Jaywick' Strategic Green Gap and the Colne Estuary (Mid-Essex Coast Phase 2) SPA lies approximately 3.2km to the west and the Essex Estuaries SAC lies approximately 1.5km to the south west of the site boundary.

Proposal

- 6.6 This application seeks full planning permission for the change of use of land to form Hasty's Adventure Park (which falls within use class D2 'Assembly and Leisure) and the erection of associated buildings to create a destination attraction that will bring people into the area as well as a unique place for locals to visit.
- 6.7 The supporting information submitted with this planning application states that:
- The farm area will offer clear examples of seasonal change and the life cycle. Areas of land will be designated for hands on experience of growing food from seed through to harvesting and tasting. The surrounding fields will be visible to witness the practical commercial growing of cereal crops. Traditional farm animals will be present such as cows, Sheep, Pigs, Goats and Chickens in accessible paddocks where families can learn about the pathway of food from 'farm to fork'.

- Wildlife areas will be planted to encourage native species and there will be programmes to educate how this can be transferred to everyone's own home, with such activities as bird box building and sowing flower seeds to take home to encourage Bees and Butterflies.
 - Undercover outdoor play area which will use the weather elements of the day to encourage active and imaginative play. This area will be designed to accommodate toddlers to young teenagers with inspirational active play. A substantial sandpit and a small go cart (pedal power) track for children are also proposed.
- 6.8 The site will have a main operating season (9.30am-6pm) from March to October which will be the peak season. In low season it is proposed that the attraction will be open from 9.30am until 3pm.

6.9 The following buildings are proposed:

Information centre

6.10 This is a round building with a pontoon on the lakeside measuring approx. 9 metres in height. The building will be constructed with white rendered walls with glazing and a metal roof. This building will incorporate toilets, kitchen, café and display information.

Stable Building

6.11 This building is L-shaped timber boarded building with pitched pantile roof and has a floor area of 204m² and a height of approximately 3.5 metres.

Kiosk

6.12 This building is rectangular with timber boarding with a pitched pantile roof and measures 5.5 metres in height.

Toilet building

6.13 This building is constructed with horizontal boarding and a pantile pitched roof and measures approximately 5 metres in height.

Open fronted barn

6.14 This building is constructed in vertical timber boarding over block work with a corrugated metal roof and measure approximately 7 metres in height.

Roundhouse building 1

6.15 This building is constructed with metal posts and a canvas roof and measures 30 metres in diameter with a height of 6 metres.

Roundhouse building 2

- 6.16 This building is constructed with metal posts and a canvas roof and measures 22 metres in diameter with a height of 6 metres.

Advertising

- 6.17 A separate application has been submitted for advertisement consent 14/01905/ADV for the following signage:
- Entrance sign with the Hasty's Logo x 2 – this sign will be ground mounted and will be 2440mm wide and 1220mm high;
 - Directional sign to be located on West Road – this sign will have the Hasty's logo and will advise that the attraction is 200m on the left. The sign will be ground mounted and be 1220mm wide and 610mm wide; and
 - Directional sign to be located along Jaywick Lane – this sign will have the Hasty's log. The sign will be ground mounted and will be 1220mm wide and 610mm tall.

Phasing

- 6.18 The scheme will be developed in phases which will allow for investment to be spread over a period of time. It is intended that in terms of buildings, the payment kiosk, animal barns and toilets and coffee kiosk will be constructed first. The information centre with café will be part of a later phase as these require significant financial investment.

Lighting

- 6.19 Lighting will be kept to a minimum for security and safety purposes and will not operate after dark.

Principle of Development

- 6.20 Policy 'SD1: Sustainable Development' states that when considering development proposals the Council take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The proposal will contribute to the economic, social and environmental conditions of the area. The proposal will create jobs both in its creation and ongoing management and will have a positive impact on local tourism, improve accessibility to the countryside and will have environmental benefits through the landscaping proposals and habitat creation in the wildlife areas.
- 6.21 In addition, paragraph 28 of the NPPF states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings;
- promote the development and diversification of agricultural and other land-based rural businesses;
- support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and
- promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

6.22 The site is located outside the town development boundary as defined within the Tendring District Local Plan, 2007 and the draft Local Plan (2012), therefore policy SD5 seeks to ensure that growth is carefully managed so as not to lead to unsustainable developments in remote and poorly accessible locations. In general terms, development outside of defined Settlement Development Boundaries will be the subject of strict control to protect and enhance the character and openness of the countryside. However, there are certain forms of development that can and sometimes need to take place in these areas, some of which can bring about positive outcomes for the rural economy. The applicant must be able to demonstrate that the proposed development meets all of the following criteria:

- a) The development is necessary, with a genuine prospect of being delivered;
- b) The development cannot, for practical or economic reasons, be located of land within defined Settlement Development Boundaries;
- c) The development would not conflict with the Council's definition of sustainable development; and
- d) The development would not cause any adverse impacts that would outweigh the benefits of the development, when assessed against other policies in the Local Plan.

6.23 Given the agriculture nature of the proposed buildings and use of the site as an adventure farm park, the proposed development is considered an appropriate use outside the defined settlement boundary and would not cause any adverse impacts upon the surrounding character of the area or local community and is therefore consistent with policy SD5. The site is located in an area designated as a 'strategic green gap' in the draft Local Plan and policy SD6 seeks to resist all development proposals unless there is a genuine functional reason why a particular development must take place in that specific location and cannot be located on an alternative piece of land outside of the designated gap. The Council will encourage and seek to secure opportunities to strengthen the long-term protection of these gaps through the introduction of green infrastructure, including informal or recreational open spaces, wildlife areas or country parks.

- 6.24 The proposed development is located in an area that is characterised by both agricultural land and recreational activities including a golf course. The proposal combines these two aspects and will enable local people and visitors to have access to the countryside. The site is considered to be appropriate for the development and compatible with the surrounding land uses and the proposed buildings have been sensitively designed to be rural in character.
- 6.25 The Council's Employment Study suggests that a significant proportion of new jobs in our district could come from tourism, the proposal is also consistent with the provisions of Policy 'PRO7: Tourism' which states that the Council will support proposals for educational field centres associated with nature conservation and the provision of leisure and tourism facilities as part of farm diversification schemes.
- 6.26 To help agricultural businesses remain viable and continue functioning in Tendring and to help sustain the rural economy, proposals for farm diversification schemes will be generally supported. The proposal is ancillary to the main farming activity which will continue on the surrounding landholdings and will create alternative employment as the Adventure Park is established and managed. A minimal number of buildings are proposed in order to enable the Adventure Park to be functional and the location, scale, materials have been considered carefully to minimise any visual impact. The accompanying Transport Assessment demonstrates that the local road system and existing access can accommodate the traffic that will be generated and therefore the proposed development complies with the requirements of Policy COU7.
- 6.27 Policy 'PRO3' states that the Council will support proposals that will result in new, expanded or improved education facilities. The proposal will offer the opportunity for local schools to visit the site for field trips as the site will act as an outdoor classroom.

Layout, Scale and Design

- 6.28 The submitted details show that the development site covers an area of approximately 5.3 hectares and proposes various buildings including an information centre, stable building, kiosk, toilet building, open fronted barn and two roundhouses.
- 6.29 The principle of this development is considered to be acceptable. However, it is considered necessary to limit the development to this specific proposal as other activities within the D2 use class may not be appropriate.
- 6.30 Paragraph 61 of the NPPF states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations and therefore planning decisions should address the connections between people and the places and the integration of new development into the built environment.
- 6.31 The information centre, stable building, kiosk and toilet building have been sympathetically designed using appropriate materials such as timber boarding, pantiles and corrugated metal to mirror existing agricultural buildings and to respect its countryside setting. Whilst the roundhouse buildings are large structures it is considered that the existing vegetation, trees and proposed landscaping scheme will reduce the visual impact. The proposal is

consistent with the requirements of policies SD9 and QL9 which seek to ensure that all new development is well designed and relates well to its surroundings.

Residential Amenity

- 6.32 Policy QL11 of the Tendring District Local Plan (2007) and Policy SD9 of the Tendring District Local Plan Proposed Submission Draft (November 2012) states that new development will only be permitted if, amongst other things, the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.
- 6.33 The main issues to be addressed are the effects of the proposed development upon the residential amenity to occupiers of nearby properties. Objection has been raised by a local resident who is concerned that the proposed go-cart track will result in an unacceptable level of noise which will impact negatively on the enjoyment of their garden. The agent has confirmed that the proposed go-carts will be pedal carts for small children and will not create any noise. Environmental Health does not raise any objections to the proposed development and it is therefore considered that the development would not result in any adverse impact upon existing residential amenity by way of noise. Controlling conditions will limit the use and control the opening hours.

Highway Issues

- 6.34 Paragraph 4 of the NPPF sets out the criteria for promoting sustainable transport and in this regard stipulates in Paragraphs 34 to 36 how this should be approached. The overall aims and objectives of the NPPF are supported by Policies contained within Chapter 7 of the Tendring District Local Plan (2007) as well as by Policies SD8 and PEO4 of the draft Local Plan.
- 6.35 Paragraph 34 indicates that decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Paragraph 35 further requires that plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to:
- accommodate the efficient delivery of goods and supplies;
 - give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
 - create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;
 - incorporate facilities for charging plug-in and other ultra-low emission vehicles; and
 - consider the needs of people with disabilities by all modes of transport.
- 6.36 Paragraph 37 stipulates that there should be a balance of land uses within the area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

6.37 A Transport Assessment has been undertaken which considers the traffic impact of the proposed development on the wider highway network. The Transport Assessment states that the site is considered to have very good levels of accessibility in line with the aims and objectives of the National Planning Policy Guidance. The site is accessible via bus with a number of bus stops within 400 metres of the site and the proposed modified access arrangements are considered suitable. Essex County Council as the Highway Authority does not raise any objection to the proposal subject to controlling conditions and recommends that nearby bus stops are improved.

Biodiversity

6.38 Policies within Chapter 6 of the Tendring District Local Plan (2007) and Policy PLA 4 of the Tendring District Draft Local Plan (2014) seek to ensure that where development is likely to harm nature conservation or geo-diversity interests, planning permission will only be granted in exceptional circumstances, where the benefits of the development clearly outweigh the harm caused and where appropriate mitigation measures must be incorporated into the development to the satisfaction of Natural England and other appropriate authorities.

6.39 An extended Phase 1 Habitat Survey accompanies this planning application which seeks to establish the likely presence of wildlife identifies states that the trees, scrub and tall ruderal habitats onsite provide suitable roosting or nesting habitat for bats, birds and dormice, and foraging habitat for amphibians, reptiles, birds, bats, dormice, badgers and invertebrates. The following recommendations are made:

- Any hedgerow or trees with ecological value to foraging bats and nesting birds that are being retained will require protection during site development. To ensure this protection is achieved, it is recommended that '*BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations*' is followed;
- It is recommended that a check for signs of badgers and their setts onsite or within 30m of the site boundary should take place prior to any scrub clearance and development activity taking place;
- Subject to completion of other protected species surveys, scrub and ruderal vegetation removal should be undertaken during the period October to February (inclusive) to avoid the bird nesting season. If this is not possible, prior to commencement on site a check for nesting birds should be undertaken by a suitably experienced ecologist. Any active nests will need to be left *in situ* until the birds have stopped using them;
- It is recommended that a reptile management plan is put together to ensure that reptiles are protected during site works and to optimise post construction habitats for basking and foraging reptiles onsite;
- Any external lighting features around bat foraging habitat throughout the site should be minimal and bat sensitive i.e. direct light towards the ground using shields, hoods or cowls, and/or be motion sensitive to reduce light pollution;

- If the willow tree with bat roost potential (TN3) highlighted in the Phase 1 plan is scheduled for removal or likely to be illuminated by site lighting, this should be subject to a three visit dusk emergence/dawn re-entry survey between May to September (inclusive) to better determine the likelihood of bat roost presence;
- Should the barn owl box (TN1) be removed or relocated, it is recommended that further surveys should be undertaken and dependent on findings, subsequent mitigation measures should be put in place to protect barn owls.
- A walkover survey to search for signs of water vole and dormice is recommended. The results of the walkover survey will inform the requirement for further survey;
- As Japanese knotweed was found onsite, it is recommended that a Japanese knotweed management plan is developed to control Japanese knotweed; and
- Any soft landscaping should aim to provide ecological value onsite, through the planting of native berry rich and nectar rich species to benefit a range of fauna. It is recommended that this planting should link up to offsite habitats to provide ecological connectivity for a range of species.

6.40 If the recommendations are implemented and taken up in combination with the development proposals, it will ensure species are protected and provide additional benefits to wildlife that would not otherwise be available.

Arboriculture/Landscaping/Character of Area

- 6.41 The applicant has submitted a detailed tree report and survey that has been carried out in accordance with the recommendations contained in BS5837: 2012 Trees in relation to design, demolition and construction. The tree report contains a Tree Protection Plan (TPP) that shows how the most significant trees on the land will be protected for the duration of any consent that may be granted.
- 6.42 If the measures set out in the tree report are adhered to then it appears that the development of the land could take place without harm being caused to the hedgerow and trees. At the present time it is not considered expedient to protect the trees by way of a Tree Preservation Order.
- 6.43 Policies EN1 and PLA5 seek to ensure that the quality of the districts landscape and its distinctive local character will be protected and wherever possible enhanced. The Colne Estuary (Mid-Essex Coast Phase 2) SPA lies approximately 3.2km to the west and the Essex Estuaries SAC lies approximately 1.5km to the south west of the site boundary. The applicant has also submitted a Landscape and Visual Impact Assessment (LVIA) which accurately describes the impact of the development on the landscape character of the area. Whilst the development proposal would introduce built structures into the land the proposal would not be wholly out of keeping with the character of the area.

- 6.44 The site layout plan shows proposed soft landscaping for which additional details are set out in Fig 9 of the LVIA. Should consent be likely to be granted then a soft landscaping condition should be attached to secure a detailed specification for the soft landscaping of the application site.
- 6.45 It is not considered that the proposed development will impact negatively upon its countryside setting and Natural England does not raise any objection.

Drainage and Flood Risk

- 6.46 The NPPF makes it clear that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, it should be made safe without increasing flood risk elsewhere. Accordingly, Policy QL3 of the Tendring District Local Plan (2007) and PLA1 of the Tendring District Local Plan Proposed Draft Local Plan (2014) have been informed by these national policy requirements, the findings of Strategic Flood Risk Assessments (SFRA) and advice from the Environment Agency.
- 6.47 The Essex County Council SUDS Team has issued a holding objection requesting the submission of a satisfactory FRA. As a result, the applicants submitted a Flood Risk Assessment on the 24th March 2015. With regards to the information submitted within the FRA, the ECC SUDS Team maintain their holding objection on the grounds that the proposal does not comply with the requirements set out in Paragraph: 030 of the Planning Guidance to the National Planning Policy Framework which states that “a site-specific flood risk assessment is required for proposals of 1 hectare or greater in Flood Zone 1; all proposals for new development (including minor development and change of use) in Flood Zones 2 and 3, or in an area within Flood Zone 1 which has critical drainage problems (as notified to the local planning authority by the Environment Agency); and where proposed development or a change of use to a more vulnerable class may be subject to other sources of flooding”. The submitted FRA does not therefore; provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.
- 6.48 The ECC SUDS Team state that the applicant can overcome this objection by submitting additional details that demonstrate that the development will not increase flood risk elsewhere and where possible reduce flood risk overall. As per the recommendation in this report, it is proposed to grant planning permission subject to the successful resolution of this issue within six months.

Land contamination and foul water disposal

- 6.49 The Environment Agency had originally issued a holding objection because insufficient information had been submitted regarding land contamination and foul water disposal on site. The applicants submitted a phase one desk survey, Foul Water Strategy and Waste Water Plan produced by Anglia Water and as a result the Environment Agency have withdrawn their holding objection subject to conditions.

Conclusion

- 6.50 It is considered that the development of the application site in the manner proposed for Adventure Park and erection of buildings, in accordance with the details submitted in support of the application would result in a high quality development that could be achieved in compliance with the National and Local Plan Policies identified above and approval of the full application is recommended on this basis.

Background Papers

None.