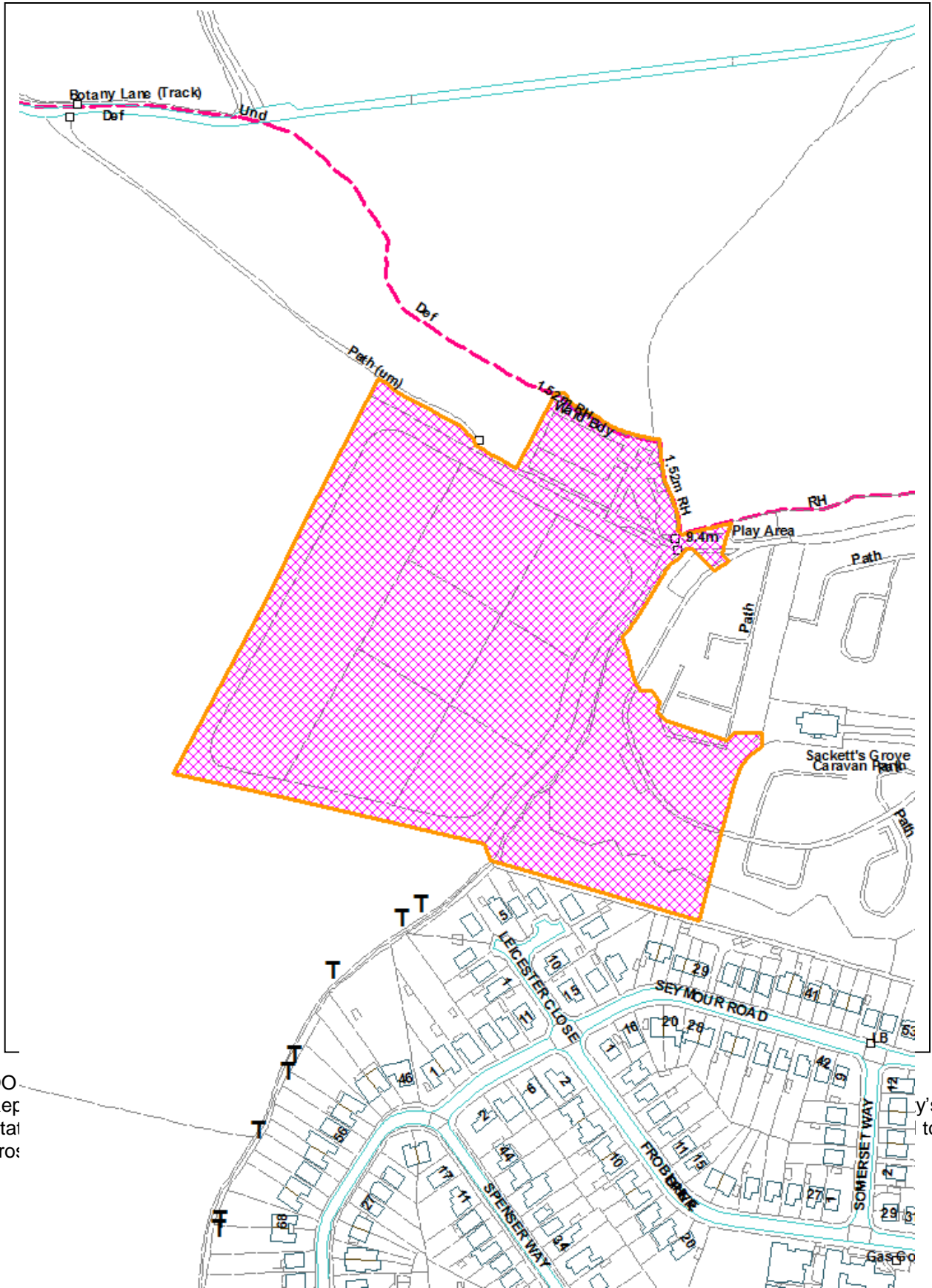


PLANNING COMMITTEE

30 June 2015

REPORT OF THE HEAD OF PLANNING

A.2 PLANNING APPLICATION - 14/01815/FUL - SACKETTS GROVE CARAVAN PARK JAYWICK LANE, CLACTON ON SEA, CO16 7JB



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Application:	14/01815/FUL	Town / Parish: Clacton Non Parished
Applicant:	Tingdene Parks Limited	
Address:	Sacketts Grove Caravan Park Jaywick Lane Clacton On Sea CO16 7JB	
Development:	Proposed siting of 135 static holiday caravan on the western element of Sacketts Grove Holiday Park in lieu of an approved development of 40 static holiday caravans and 40 touring caravans, together with landscape planting.	

1. Executive Summary

- 1.1 The application was referred to the Planning Committee by Cllr N Brown (Ward Member for Golf Green at the time of the referral), to enable Members to consider the local impact of additional caravans.
- 1.2 The application scheme will support the District Council's economic development and tourism objectives in accordance with its adopted and proposed local planning policies. The proposal represents a sustainable form of development having regard to its economic, social and environmental effects and therefore accords with national planning policy. There are no objections raised by statutory consultees. The local concerns over the impact of development do not outweigh the benefits of the development and there would be no convincing and sustainable grounds on which to refuse planning permission.

Recommendation: Approve

Conditions:

No time limit included, as concrete bases to the eastern section have already been laid and therefore the application is 'part-retrospective' - to include retention of concrete bases.

1. Approved plans
2. No more than 135 single caravan units to be sited on the application site
3. Holiday occupation only
4. Register of occupation to be maintained for inspection
5. Hard and soft landscaping scheme details
6. Implementation of landscaping scheme
7. Details of fences and walls
8. Retain open space for amenity
9. Car parking provision/surfacing
10. Bus stop improvements
11. Surface water drainage scheme
12. Flood risk scheme
13. SuDS management/maintenance plan
14. Submission of annual SuDS maintenance log
15. Foul water strategy

2. **Planning Policy**

National Policy:

National Planning Policy Framework (2012)

Local Plan Policy:

Tendring District Local Plan 2007

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 Uses

ER18 Caravan and Chalet Parks

ER19 Extensions to Static Caravans and Holiday Parks

ER20 Occupancy Timescales

EN1 Landscape Character

EN6 Biodiversity

EN6A Protected Species

TR1A Development Affecting Highways

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

SD5 Managing Growth

SD8 Transport and Accessibility

SD9 Design of New Development

PRO7 Tourism

PRO9 Holiday Parks

PLA1 Development and Flood Risk

PLA3 Water Conservation, Drainage and Sewerage

PLA4 Nature Conservation and Geo-Diversity

PLA5 The Countryside Landscape

Other guidance:

Essex County Council Parking Standards (2009)

3. Relevant Planning History

- 3.1 01/01604/FUL - Change part of layout from six residential mobile homes to seven (variation to scheme and condition 2 imposed upon planning permission TEN/2201/88) – Approved - 08.11.2001
- 3.2 98/01520/FUL - Extension to existing car park – Approved - 22.01.1999
- 3.3 04/01699/FUL -Siting of 41 static holiday caravans on part of the existing touring area – Approved - 26.10.2004
- 3.4 04/02222/FUL - Variation of Condition No. 2 on planning consent ref. TEN/2200/88 dated 26th August 1989 to provide for an operating season namely 1st March in any one year to 15th January in the following year - Approved - 05.01.2005
- 3.5 07/00434/FUL - Block of 9 new pre-fabricated garages to car park. (Part retrospective) – Approved - 29.05.2007
- 3.6 08/00572/FUL - Relocation of outside swimming pool – Approved - 18.06.2008
- 3.7 11/00254/FUL - Proposed upgrade and extension of existing caravan park to allow for the siting of 21 additional static holiday caravans, 40 relocated touring pitches and pitch and putt area together with the siting of 19 additional static holiday caravans within the existing park and overall environmental improvements including significant landscaping at Sacketts Grove Caravan Park.- Approved - 07.06.2011
- 3.8 11/00256/OUT - Proposed indoor swimming pool as part of the upgrade and redevelopment at Sacketts Grove Caravan Park. – Approved - 16.05.2011
- 3.9 14/00568/DISCON - Discharge of condition 02 (Landscaping details) of planning permission 11/00254/FUL. – Approved - 27.05.2014
- 3.10 14/00577/DETAIL - Approval of reserved matters of outline approval 11/00256/OUT, in relation to the appearance of the proposed indoor swimming pool. – Approved - 02.07.2014

4. Consultations

- 4.1 TDC Environmental Service – No comments received
- 4.2 ECC Highways 23/04/15 – From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:
 - 1. Prior to their occupation, each pitch shall be provided with car parking facilities in accord with current Parking Standards.
Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.
 - 2. Prior to the occupation of any of the proposed static caravans, the northbound bus stop adjacent to the sites vehicular access shall be improved by the provision of level entry kerbing, new post and flag, (the precise location to be agreed with the Highway

Authority) any adjustments in levels, surfacing and any accommodation works to the footway and carriageway channel being provided entirely at the applicant/Developer's expense.

Reason: To make adequate provision for the additional bus passenger traffic generated as a result of the proposed development in accord with Policy DM 9 of the Highway Authority's Development Management Policies February 2011.

- 4.3 ECC Lead Local Flood Authority – 11/06/15 – Further to the FRA Addendum dated 01 June 2015, the drainage scheme proposed demonstrates that surface water management is achievable in principle, without causing flooding on-site or elsewhere.

Holding objection is withdrawn and full planning permission is supported, subject to conditions and implementation of FRA measures as detailed.

- 4.4 Environment Agency – Advises no longer providing planning advice for developments over 1 hectare in size, and need to consult ECC as the Lead Local Flood Authority.

- 4.5 Anglian Water Services – Provides advisory comments, and suggested planning condition.

- 4.6 Essex Bridleways Association - A 106 agreement could be used to upgrade the nearby footpaths to bridleways which would enable the holiday makers and locals gain unmotorised access to St Osyth and the surrounding countryside. The proposed Tendring Way Route could be accessed by cyclists, horse riders and walkers.

- 4.7 The Ramblers Association - Have no objection, providing the PROW is a minimum of 3 metres wide, where there is to be shrubs planted on both sides of the path, and 2.5 metres wide between the boundary and the shrub planting. This is to allow for side growth from the shrubs.

5. Representations

- 5.1 17 letters of objection have been received, and 2 letters making observations. These are summarised below:

- Concern over the notification of previous application 11/00254/FUL and current application.
- Flood risk concerns
- Sewage system unable to cope – existing dreadful smells from sewage works
- Sewage contamination concerns
- Reduction in existing property values
- Lack of current infrastructure on site to meet increased demands
- Concern over noise levels, light pollution and litter
- Concern over trespass and arson to neighbouring properties from the site
- Highway safety concerns
- Site access in close proximity to school
- Infrastructure such as doctors, hospitals, schools, jobs etc already under pressure
- Concern over impact on wildlife
- Impact on countryside views from existing properties
- No need for more caravan sites
- Concern over caravans being used all year round as a main residence – not holiday accommodation
- Concern over an unacceptable landscape maintenance programme
- Need for a surface water drainage strategy and detention basin
- Concern over existing landscaping already removed
- Concern over loss of touring caravan site – less diversification of our tourist offer

- Visual amenity impact
- Proposal contrary to policy EN2 (local green gaps)
- Proposal overdevelopment of the overall site
- Concern over further future development
- Concern over impact on land drain and planting/habitat along its edge

5.2 A petition has also been received from local residents with 67 signatures. This petition is a joint complaint with regards to the granting of planning permission 11/00254/FUL without any notification to the public; and to oppose the current application without public notification and demand a letter to be sent to each household in the area with a date for an open meeting where residents can air their views; with concerns raised as being a reduced value on properties and trouble selling them; no extra infrastructure in place so extra pollution, sewage, flooding, light, noise, doctors, hospitals and extra traffic.

5.3 Officer comment – This planning application has been publicised in accordance the Council's written procedures, which includes the display of a site notice on or near to the application site, and in this instance as a public right of way traverses the site, the application was publicised in the Evening Gazette on 9 January 2015. The site notice was displayed at the sites entrance on Jaywick Lane. With regards to neighbour notifications these are non-statutory and done on a discretionary basis. They are a secondary means of publicity, with the primary method of publicity being the site notice. Neighbour notifications are normally only limited to those properties sharing a common boundary with the application site, but given the scale of the development neighbour notification letters were also sent to properties in close proximity of the site in Leicester Close. As a result, the planning application has been publicised in accordance with the Council's written procedures, and on that basis Officers conclude the application was publicised correctly.

5.4 With regard to planning application 11/00254/FUL, again the application was publicised in accordance the Council's written procedures, which included the display of a site notice, and was publicised in the Evening Gazette. Neighbour notification letters were sent to those same properties that have received a letter regarding the current application. No replies were received by the Council.

6. **Assessment**

6.1 The main planning considerations are:

- Site Context;
- Proposal;
- Planning History;
- Policy Considerations;
- Impact on the character and appearance of the area;
- Impact on Residential Amenity;
- Highways and Access;
- Ecology;
- Drainage Issues; and,
- Other Issues.

Site Context

6.2 The existing Sacketts Grove Holiday Park is a mixed residential (park home) and holiday caravan park situated in the Jaywick area of Clacton on Sea.

6.3 The eastern element of the site is developed to accommodate 110 residential caravans in total with the western element of the site developed to accommodate 121 static holiday

caravans and 40 touring caravans. The current holiday park element operates on a ten and a half month season.

- 6.4 The Park site is accessed from Jaywick Lane.
- 6.5 A public footpath runs along the northern boundary of the site from Jaywick Lane and continues west to countryside beyond.
- 6.6 The red-lined application site comprises the western holiday caravan element of the Park and amounts to approximately 4.9 hectares in total.
- 6.7 The red-lined application site is effectively divided into two separate parts (east and west) by an existing ditch (with running water at the time of the officer's site visit) which runs in a north to south direction. An established hedgerow follows this ditch line.
- 6.8 The eastern part of the red-lined site has been developed out already with concrete bases ready to take the static caravans. A wide landscape belt exists on the southern boundary with this eastern part of the site which acts as a vegetation screen to existing residential properties to the south of the site on Seymour Road and Leicester Close, although it was noted some of the vegetation has recently been removed/managed.
- 6.9 The western part of the red-lined application site is mainly a single grassed paddock field, with a post and rail fence along its north, west and south boundaries. This land is relatively level with a slight fall west to east, and south to north. The northern element of this western part of the site part contains remains of previous development with a concrete base (from the former riding school). The ditch follows the line of the northern boundary.
- 6.10 The public footpath travels through part of the western portion of the site in this location to countryside beyond to the west. Agricultural land is located to the north, west and south of the red-lined western part of the application site. The southern boundary of the western part of the site does not share a boundary with the ditch or those properties along Seymour Road, Leicester Close or Spencer Way.
- 6.11 Within the Tendring District Local Plan (2007), the eastern part of the red-lined application site is located within the defined safeguarded caravan parks designation (Policy ER18), although the western part of the red-lined application site is not located within this safeguarded designation. The majority of the western part of the site is located within the Coastal Protection Belt designation (Policy EN3) in the 2007 Local Plan.
- 6.12 Within the draft Tendring District Local Plan Proposed Submission Draft (Nov 2012), as amended by the Pre-Submission Focussed Changes Report (January 2014), the eastern part of the application site, and approximately half of the western part of the application site has been included within the defined safeguarded caravan parks designation (Policy PRO9), although the other half of the western part of the site has not been included within this designation. However the Coastal Protection Belt designation has been removed from this part of Jaywick, so the application site and its immediate surroundings are not located within the Coastal Protection Belt.
- 6.13 The whole of the red-lined application is located outside of the defined Settlement Development Boundary of Jaywick in both Local Plans.
- 6.14 The site is within Flood Zone 1 on the Environment Agency flood maps. This means that from the main tidal and fluvial sources of flooding, the site is considered to be at a low probability of flooding.

Proposal

- 6.15 The proposal is for the provision of 135 static holiday caravans in lieu of the approved 40 static holiday caravans and 40 touring caravans (approved under planning permission 11/00254/FUL – see Planning History below).
- 6.16 This would include 19 static holiday caravans within the eastern part of the application site, and 116 static holiday caravans within the western part of the application site.
- 6.17 The development would therefore result in the siting of 55 additional static holiday caravans above the 80 caravan pitches already approved in this location, creating a total of 256 static holiday caravans on the holiday element of the park.
- 6.18 The applicant proposes to operate the extension to the caravan park on a ten and a half month occupancy period.
- 6.19 The proposal also includes structural landscape planting on the boundaries of the site, and an area of open space within the western part of the application site for recreational purposes.
- 6.20 In addition, the proposal includes the creation of an adventure golf course, in lieu of a previously approved (but not built) indoor swimming pool building (ref. 14/00577/DETAIL).
- 6.21 The application site would be accessed via the existing access off Jaywick Lane, with the public footpath unaffected.
- 6.22 During the course of the application officers have visited the site. It was evident that concrete bases had already been laid out within the eastern part of the application site, which did not correspond to the submitted drawings. Officers were advised that the applicant had started to construct the concrete bases granted planning permission under 11/00254/FUL, which was extant at the time given that all pre-commencement conditions had been discharged. On further investigation officers were not convinced that this was the case. As a result, amended drawings have been received which indicates the concrete bases as built within the eastern part of the application site. Amended landscape proposal drawings have also been submitted. To be clear, the western part of the application site remains as per the original layout proposal.

Planning History

- 6.23 The park is subject to a number of previous planning permissions. The most recent planning permission refers to 11/00254/FUL, which was for the upgrade and extension of the existing caravan park to allow for the siting of 21 additional static holiday caravans, 40 relocated touring pitches, and pitch and putt area, together with the siting of 19 additional static holiday caravans within the existing park. This was approved on 7 June 2011.
- 6.24 This planning permission was granted with occupancy allowed between the start of March to the 15th January the following year, for holiday purposes only.
- 6.25 This permission would explain the extension of the safeguarded designation of the park between the 2007 and 2012 Local Plans noted above.

Policy Considerations

- 6.26 The National Planning Policy Framework (2012) states at paragraph 28 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 (amongst other things):

- 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.

- 6.27 It is considered that paragraph 28 is directly relevant to this application as the proposal would improve the variety of holiday accommodation at Sacketts Grove Holiday park to meet demand, and to secure the economic sustainability of the holiday park as an existing tourism business.
- 6.28 The Council has previously published the Tendring Holiday Park Sector Review (2009), which stated demand for holiday home ownership and rental is increasing and generally exceeds supply, and concluded that there was a strong consumer demand for static holiday caravan pitches in the area, and that provision should be made to accommodate this demand through, for example, positive development plan policies for both new caravan sites and extension to existing holiday sites.
- 6.29 The main policies for consideration in assessing this application would be ER19 (Extensions to Static Caravan and Holiday Parks) and ER16 (Tourism and Leisure Uses) of the 2007 Local Plan, and policy PRO9 (Holiday Parks) of the draft 2012 Local Plan.
- 6.30 Policy ER19 supports the extension to such sites providing;
- a. material improvements to the overall layout, amenity and appearance of the site will be secured;
 - b. a landscaping scheme designed to minimise the impact of the extended site on the surrounding landscape to a satisfactory standard is provided;
 - c. an effective natural boundary to the extended site such as a tree belt is provided; and
 - d. the site is not in an area of high flood risk.
- 6.31 Policy ER16 supports such tourism uses provided that;
- a. the development is accessible to all potential visitors and users;
 - b. there is suitable vehicular and public transport access to the site and parking provision, especially where the proposal is likely to generate large traffic volumes. Proposals should be located close to the main road network and link to other public rights of way wherever possible;
 - c. the type of use proposed would not cause undue disturbance by reason of noise. Uses creating high levels of noise should be located well away from residential property and sensitive wildlife areas;
 - d. there will not be an adverse effect on agricultural holdings and the proposal would not result in an
 - e. irreversible loss of high quality agricultural land; and
 - f. where appropriate opportunities are taken to improve damaged and despoiled landscapes and enhance the landscape character of the area.

- 6.32 Policy PRO9 states the Council will support proposals for the extension of safeguarded sites onto adjoining land provided that the development would result in improvements to the overall layout, amenity, appearance and quality of accommodation over the whole site.
- 6.33 These issues will be addressed below. With regards to an overall improvement to the whole site, the applicant has identified opportunities to provide planting to the parking areas within the existing site to enhance the appearance of these otherwise bland areas. In addition, the exchange of touring caravan pitches with static caravan pitches will create a highway safety improvement to the whole site. It is appreciated that it would be unviable to make improvements to the overall layout, amenity, appearance and quality of accommodation over the whole site in one phased improvement plan, and that on a site of this size, these improvements are required to be incremental. As such, the proposal is considered to be acceptable in this instance.
- 6.34 Policy PRO9 (as amended by the 2014 Focused Changes Report) also states caravans are not to be used as permanent residential dwellings, and they will be subject to holiday occupancy conditions. Such conditions will be imposed upon the planning permission.
- 6.35 The proposal is to operate the site on a ten and a half month occupancy period. This is in line with that granted on the previous planning permission 11/00254/FUL, which was from the start of March to mid-January the following year.
- 6.36 On this basis, the proposal satisfies this policy criterion of PRO9.

Impact on Character and Appearance of the Area

- 6.37 With regards to impact on the character and appearance of the area, the applicant has submitted with the application a Landscape Visual Impact Assessment (LVIA) produced by Andrew Davies Partnership LLP, and a Landscape Masterplan and detailed Landscape Proposals for the application site, which includes native structural planting along the northern, western and southern boundaries, as well as internal landscape planting.
- 6.38 The Councils Tree and Landscape Officer has assessed the proposals and confirms the development proposal does not threaten the removal of any existing trees or other vegetation. The application site to the west is set to grass and is open to views from the public right of way and from the countryside beyond. It was noted that as the topography of the site is relatively flat, the proposed soft landscaping, over time, of the site boundary will provide a good level of screening. The landscape masterplan shows new planting to be carried out, and this will adequately address the need to enhance and screen the appearance of the proposed development. The LVIA is considered to accurately describe the potential impact of the development proposal on the local landscape character and the proposed landscaping is considered to adequately mitigate the adverse impact of the development on the land.
- 6.39 The applicant has advised that ultimately all the caravans will be behind mature belts of native trees and the introduction of conservation colours/environmentally sensitive greens and browns rather than white will ensure a softer edge.
- 6.40 It is noted that any landscaping will take time to establish, however given the topography of the land being relatively level, and the low rise nature of the development (static caravans being no more than 3 metres in height), the detailed landscape proposals which includes new tree planting within a landscaping belt of approximately 17m in depth in places on a bund of approximately 1.5m in height, are considered to be acceptable, and can be conditioned to ensure the landscaping is carried out as per the submitted drawings. The requirement by condition of a landscape management plan will also assist in ensuring the

proposed landscaping will be managed in an acceptable manner to provide a sufficient landscape mitigation belt.

- 6.41 The proposal also includes the creation of an adventure golf course, in lieu of the approved indoor swimming pool building. The approved building has a maximum height of 6.26m above ground level, with an eaves height of 2.38m, measuring 25m in length by 15m in depth. The proposal for an adventure golf course in lieu of this building is considered to have less of an impact on the character and appearance of the area, and therefore is acceptable. Native structural planting is also proposed along the golf course.
- 6.42 As a result, it is considered the proposal will not have an adverse impact on the character and appearance of the area, and the planting of native species would assist in assimilating the development into the wider landscape.
- 6.43 With regards to the Coastal Protection Belt designation in the 2007 Local Plan, the application site has been removed from the CPB within the draft 2012 Local Plan. There is no intention to re-issue this designation in any future draft Local Plan. As a result, the proposal to extend the existing park is not contrary to policy PLA2 of the draft 2012 Local Plan.

Impact on Residential Amenity

- 6.44 Concern has been expressed with regards to impact on residential amenity, especially to those properties along Seymour Road, Leicester Close and Spencer Way. The nearest dwellings which share a common boundary with the site, are those on Seymour Road and Leicester Close, however it is noted that these properties share a common boundary with the eastern part of the site that already had a previous planning permission granted for 19 static caravans.
- 6.45 The current proposal also includes for the provision of 19 static caravans on this portion of the site, and which are effectively no closer to the common boundary. In this location a wide landscape buffer zone is in existence, with the depth of approximately 23 metres. It is noted that some of the existing vegetation has been removed/managed, and as a result additional landscaping is proposed in this location.
- 6.46 Given the relevant low rise nature of static caravans, and the existing and proposed landscaping, no material overlooking of these properties would occur.
- 6.47 Problems of noise and disturbance are also unlikely to be significant, especially as structured landscaping is to be planted including planting on the southern boundary of the western element of the red-lined application site, which is a minimum of 55 metres from the rear boundary of those properties on Seymour Road. It is noted that the southern boundary of the red-lined application site is in close proximity to the rear boundary of some properties in Leicester Close, however in this location the submitted drawings indicates a proposed open space to act as a buffer between the existing dwellings and the static caravans, and therefore the nearest caravan to the rear boundary of these properties in Leicester Close would be approx. 50 metres. The proposed open space can be conditioned to ensure it remains as open space, and free of development, including the siting of static caravans, touring caravans, and tents.
- 6.48 Concerns have been expressed from local residents with regards to this open space within the western part of the application site, and that this could be utilised in the future for the provision of a club house. The open space within the proposal is exactly that, it is an area of open space which is to be grassed. If the applicant wishes to use this open space for the siting of touring caravans, or for the erection of any future club house, these proposals

would be subject to a separation planning application, which would be assessed on its own merits at the time of submission.

- 6.49 Lighting levels can also be controlled by condition and such a condition could ensure that the height of such lighting, the direction and the luminance of it are all controlled so as not to have a material impact on neighbours' amenity.
- 6.50 Subject to conditions, the proposal is not considered to adversely affect neighbouring residential amenity to such an extent as to warrant a refusal of planning permission. It is noted that permission has previously been granted for static caravans and touring caravans on this site, which forms a material planning consideration, were not refused on residential amenity grounds.

Highways and Access

- 6.51 With regards to highway safety, the Highway Authority raises no objections subject to conditions.
- 6.52 These conditions include the requirement for each pitch to be provided with car parking facilities in accord with the current Parking Standards; and that prior to occupation, the northbound bus stop adjacent to the sites vehicular access on Jaywick Lane shall be improved by the provision of level entry kerbing, and new post and flag (the precise location to be agreed with the Highway Authority).
- 6.53 The adopted 2009 Parking Standards requires 1 car parking space per pitch. The submitted drawing indicates that the eastern part of the site, which contains 19 static holiday caravans, has been provided with 19 parking spaces. The western part of the site contains 116 static holiday caravans has been provided with 18 parking spaces. However these parking spaces are for those caravans without direct vehicular access (only footpath access off the new internal road layout). The applicant has confirmed the remaining 98 caravans on the western element of the site will have their own dedicated parking space alongside the caravan, and an amended layout drawing has been received which confirms this.
- 6.54 With regards to the improvements to the northbound bus stop, the reason given for this condition is to make adequate provision for the additional bus passenger traffic generated as a result of the proposed development. The granting of planning permission for 135 static caravans (net increase of 55 caravans) is likely to bring a significant number of additional holiday makers onto the site, who are likely to benefit from the close proximity of the bus stop facilities outside of the sites access on Jaywick Lane. The imposition of this condition is therefore considered to be reasonable and promotes sustainable development.
- 6.55 Whilst the Highway Authority have not commented upon the proximity of the development to the existing public right of way, it is clear from the plans that the public footpath will not be adversely affected, but an informative can be added to the permission to ensure the applicant is aware of their legal responsibilities of ensuring the footpath remains clear at all times.

Ecology

- 6.56 No part of the development site or any land that it abuts has any type of statutory or non-statutory conservation designations. The site therefore is not a sensitive wildlife site.
- 6.57 Areas of existing hedgerows and ditches/water courses will not be materially affected by this proposal. The proposal will result in improvement to biodiversity, with the planting of a substantial amount of native landscaping along the boundaries of the application site with trees and hedgerows.

- 6.58 The development will only have a material impact on the grassed areas of the site, located within the western part of the red-lined application site. This grassed area appears to be managed (regularly cut) and until recently has been highly grazed. The land around the site is cultivated agricultural land, presumably chemically fertilised, and therefore the site is considered to have a very low potential for protected species. In this context, it is not considered appropriate to require a habitat assessment to be undertaken.
- 6.59 Based on the above it is considered that the development of this site in the manner proposed can be achieved without significant harm to nature conservation or biodiversity interests in keeping with the aims and objectives of National and Local Plan Policies.

Drainage Issues

- 6.60 The site is located outside of any high/medium flood risk areas, as depicted on the Environment Agency maps. However given that the size of the application site is over 1 hectare, a flood risk assessment (FRA) has been submitted which is a statutory requirement.
- 6.61 Concerns have been raised of the water course (land drain) which runs through the site and along the rear of the properties on Leicester Close and Spencer Way.
- 6.62 Essex County Council as the Lead Local Flood Authority (which has taken over responsibility from the Environment Agency for commenting upon surface water issues) has commented upon the FRA. The original concerns which led to a 'holding objection' have now been addressed and the LLFA has now recommended approval, subject to four conditions (which are listed above in this Officer report).
- 6.63 Anglian Water Services have commented upon the proposal. With regards to wastewater treatment, they confirm that the foul drainage from this development is in the catchment of Jaywick Water Recycling Centre, which currently does not have the capacity to treat flows from the development. They state that they are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the application be granted.
- 6.64 With regards to foul sewerage network, they state the development will lead to an unacceptable risk of flooding downstream, and that a drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures. As a result they request a condition to be imposed requiring a drainage strategy to be agreed, before commencement of development. Such a condition can be imposed upon the planning permission.

Other Issues

- 6.65 The western part of the red-lined application site is mainly formed by a grassed paddock area. However it is acknowledged that this part of the site is within the ownership of the park operators, who do not run any form of agricultural business or enterprise. Furthermore, this part of the site has previously been found to be acceptable for tourism development under 11/00254/FUL by way of additional static caravans, touring caravans and a pitch and putt area, all taking the site out of any form of agricultural use.
- 6.66 The proposed development will therefore not result in the loss of high value agricultural land.
- 6.67 The Essex Bridleway Association has requested the use of a Section 106 agreement to upgrade the nearby footpaths to bridleways which would enable the holiday makers and

locals gain unmotorised access to St Osyth, and the surrounding countryside, and that proposed Tendring Way Route could be accessed by cyclists, horse riders and walkers.

- 6.68 With regards to section 106 monies sought by the Essex Bridleways Association, Policy SD7 of the draft Local Plan states planning permission will not be granted for new development unless the individual or cumulative impacts of development on infrastructure can be addressed, at the developer's cost, either on-site or through financial contributions towards off-site improvements.
- 6.69 In this regard the Council will use appropriate legal agreements or apply CIL to secure one or more of the following, which includes increased capacity for schools, green infrastructure and improvements to the transport network including environmental improvements to pedestrian spaces.
- 6.70 However to secure these the tests of CIL have to be applied. The legal tests for a S106 agreement are set out in regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 as amended. The tests are:
1. Necessary to make the development acceptable in planning terms;
 2. Directly related to the development; and
 3. Fairly and reasonably related in scale and kind to the development.
- 6.71 It is considered in this instance a requirement to upgrade existing footpaths to bridleways, would not meet the 3 tests.

Background Papers

None.