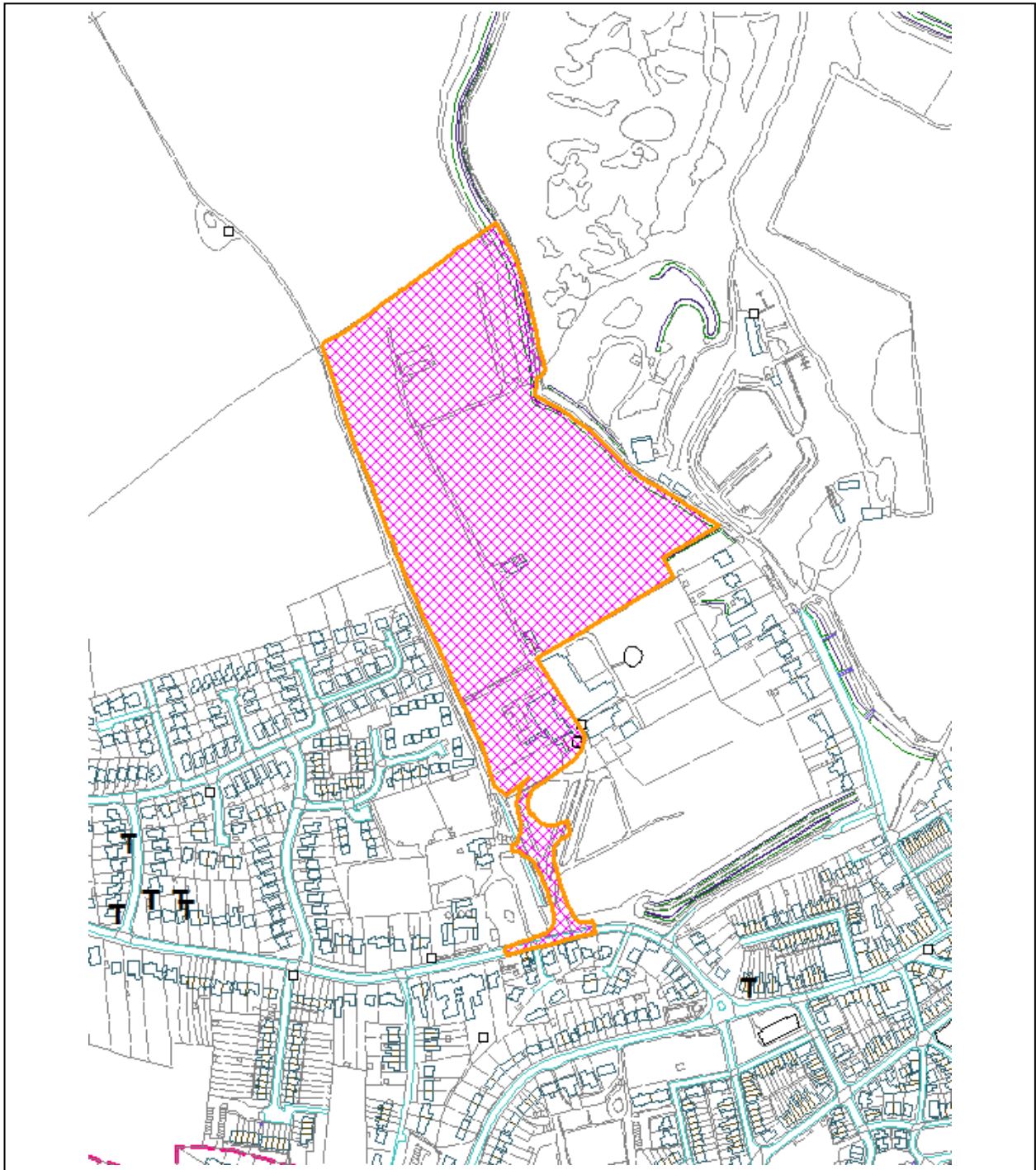


PLANNING COMMITTEE

22 September 2015

REPORT OF THE HEAD OF PLANNING

**A.3 PLANNING APPLICATION - 15/00630/FUL - MARTELLO CARAVAN PARK
KIRBY ROAD, WALTON ON THE NAZE, CO14 8QP**



DO NOT SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Application:	15/00630/FUL	Town / Parish: Frinton & Walton Town Council
Applicant:	Taylor Wimpey East London - Mr C Allison	
Address:	Martello Caravan Park Kirby Road Walton On The Naze CO14 8QP	
Development:	Demolition of existing buildings and erection of 250 residential dwellings together with associated access, car parking, landscaping and related works.	

1. Executive Summary

- 1.1 The Application Site falls outside of the development boundary for Walton-on-the Naze and has been identified for safeguarding as a caravan park in the adopted local plan. The site is not allocated for residential development in the adopted Local Plan. However, the application site forms part of a wider regeneration of the Martello Caravan Park, which is being promoted for mixed use regeneration under Policy FWK6 of the Tendring District Local Plan Proposed Submission Draft (2012) as amended by the Pre Submission Focussed Changes 2014. This policy seeks a mix of retail, residential development, visitor accommodation, community facilities and public open space. The current scheme seeks to deliver the residential part of the mixed use allocation.
- 1.2 Members are also advised that the site has been identified within the Walton-on-the-Naze Regeneration Framework 2010 as playing a critical role in the regeneration of Walton and to aid long term prosperity for the local community.
- 1.3 It is accepted that the Council cannot demonstrate a deliverable 5 year housing land supply. The National Planning Policy Framework (NPPF) sets out that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 1.4 The NPPF states that applications for planning permission which are contrary to an Adopted Local Plan should be refused unless material considerations indicate otherwise.
- 1.5 Given the above, the current application should therefore be considered under the presumption in favour of “sustainable development”. The NPPF requires the decision maker to grant planning permission, unless there are (a) adverse impacts and (b) such impacts would ‘significantly and demonstrably’ outweigh the benefits of the proposal.
- 1.6 Officers are of the view that current scheme would deliver significant benefits to Walton-on-the –Naze, facilitating the wider mixed use redevelopment of the site as well as investment and regeneration in the area.
- 1.7 Notwithstanding the benefits of the scheme the balanced approach promoted by the NPPF also requires consideration of any potential harm as a result of development proposals. In this instance officers consider that the extent of potential harm would be limited to the impacts on the setting of the Martello Tower, flood risk and impacts on the character of the area, visual harm to the open views across to the east of the site and harm to the character of the wider countryside to the north of the site. However in officer’s opinion the applicant has provided compelling evidence as part of their submission which indicates that the proposal would not result in any adverse impacts to the receptors identified above that cannot adequately be mitigated against.

- 1.8 This report concludes that there are no material conflicts with planning policy and since no material objections have been raised that outweigh the benefits of the proposed development the application is recommended for approval.

Recommendation: Approve Full

That the Head of Planning 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 completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where required)
- Affordable housing;
 - Education;
 - Community Facilities; and
 - Health.
- 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).

(i) Conditions:

1. The development hereby permitted shall begin no later than three years from the date of the permission.
2. Development to be carried out in accordance with approved plans
3. Samples of the materials.
4. Hard and soft landscaping details
5. Implementations of all hard and soft landscaping.
6. Landscaping - Five year clause for any replacement planting.
7. As requested by the Highway Authority.
8. Boundary treatments
9. Details of refuse storage/collection areas.
10. Permeable surfacing.
11. Scheme to provide renewable energy and energy and water efficiency technologies to be used.
12. Archaeology investigative and report works.
13. Biodiversity enhancement provision and mitigation measures.
14. Existing and proposed site and finished floor levels
15. Development Brief, incorporating Design Codes
16. Design Code contents
17. Layout plan and phasing programme
18. Construction Method Statement
19. Residential travel plan
20. Phasing, for the provision of mains foul water drainage on and off site
21. Details of a surface water drainage scheme, including surface water swales
22. No dwellings to be occupied until the surface water drainage strategy is carried out
23. Details of a foul water strategy
24. Scheme to provide recycling facilities
25. Landscape/Public open space management plan
26. Details of the estate road(s) and footways
27. Construction of carriageway(s) of the proposed estate road(s)
28. Internal estate road junction visibility splays

29. Vehicular turning facility for service and delivery vehicles

30. Details of new driveways and parking areas

- c) That the Head of Planning (or the equivalent authorised officer) be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of 6 months, as the requirements necessary to make the development acceptable in planning terms had not been secured through S106 planning obligation.

2. **Planning Policy**

National Policy:

National Planning Policy Framework (2012)

National Planning Practice Guidance (2014)

Local Policy:

Tendring District Local Plan 2007

QL1 Spatial Strategy

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

QL12 Planning Obligations

ER18 Caravan and Chalet Parks

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG4 Affordable Housing in New Developments

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

COM1 Access for All

COM6 Provision of Recreational Open Space for New Residential Development

COM26 Contributions to Education Provision

COM31A Sewerage and Sewage Disposal

EN1 Landscape Character

EN6 Biodiversity

EN6A Protected Species

EN6B Habitat Creation

EN13 Sustainable Drainage Systems

EN23 Development Within the Proximity of a Listed Building

EN29 Archaeology

TR1A Development Affecting Highways

TR1 Transport Assessment

TR3A Provision for Walking

TR5 Provision for Cycling

TR6 Provision for Public Transport Use

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

SD2 Urban Settlements

SD7 Securing Facilities and Infrastructure

SD8 Transport and Accessibility

SD9 Design of New Development

SD10 Sustainable Construction

PRO2 Improving the Telecommunications Network

PRO3 Improving Education and Skills

PEO1 Housing Supply

PEO2 Housing Trajectory

PEO3 Housing Density

PEO4 Standards for New Housing

PEO5 Housing Layout in Tendring

PEO7 Housing Choice

PEO8 Aspirational Housing

PEO9 Family Housing

PEO10 Council Housing

PEO22 Green Infrastructure in New Residential Development

PLA1 Development and Flood Risk

PLA3 Water Conservation, Drainage and Sewerage

PLA4 Nature Conservation and Geo-Diversity

PLA5 The Countryside Landscape

PLA6 The Historic Environment

PLA8 Listed Buildings

FWK1 Regeneration in Walton on the Naze

FWK6 The Martello Development

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Economic Development Strategy 2013

Essex Design Guide

3. Relevant Planning History

- 3.1 An initial application for redevelopment of the Martello Caravan site was submitted to the Council for residential development of up to 150 dwellings under planning reference 11/00903/OUT. This proposal was withdrawn as it was considered to be premature in advance of the Draft Local Plan (2014), which identifies a site specific policy for the Martello Caravan Park (FWK6).
- 3.2 An Environmental Impact Assessment (EIA) Screening Opinion has been completed by the council and confirmed that proposals for up to 275 dwellings are not EIA development requiring an Environmental Statement.
- 3.3 A pre-application submission, was made to the Council for the erection of 250 dwellings and associated development.
- 3.4 There is an extant planning permission until 2017 for a Tesco retails store to the south of the site. An extant planning permission for a 60 bed extra care facility, adjacent to the Martello Tower. There are two undetermined applications for a Doctors Surgery and an Aldi Store.

- 3.5 Other relevant planning history within the district
- 3.6 The Council cannot identify a five year housing land supply to meet its objectively assessed housing need as required by the National Planning Policy Framework (NPPF). Consequently the Council has been determining favourably proposals for housing that are within the Proposed Submission Draft Local Plan (as amended) as proposed allocations for housing and satisfy the 3 dimensions of 'sustainable development' as set out within the NPPF.
- 3.7 The most recent example is land at Oakwood Park, (12/01262/OUT). In this instance the Council resolved to grant planning permission for residential development of up to 250 dwellings, B1c floorspace and open space subject to completion of a S.106 agreement.
- 3.8 Elsewhere within the district proposals for residential development have also been permitted in accordance with the above stated principles.
- 3.9 Each application is to be considered on its individual merits.

4. Consultations

- 4.1 TDC Housing – Affordable housing provision would be required as part of the scheme. The final composition is still a matter of negotiation between the Council and the applicant whilst also being the subject of a Viability Assessment.
- 4.2 Essex County Council Education Services – Request Section 106 contributions to address the shortfall across all education sectors (see the Assessment section of this report)
- 4.3 ECC Highways Dept - The Highway Authority raises no objection subject to a number of pre-commencement conditions. These are currently being finalised and will be reported to Members as an update to the Committee Report.
- 4.4 ECC Archaeological Services – Expressed concern with regard to impacts on the Martello Tower and possible damage to archaeology. However no objection was raised and this department only requested a full archaeology condition due to the potential for surviving below ground archaeology on the site.
- 4.5 Natural England – No objection and confirmed that the proposal will not have an impact on nearby European Protected sites. Recommend securing measures to enhance biodiversity of the site.
- 4.6 Essex Wildlife Trust – No comments received.
- 4.7 Environment Agency – No objection and confirm that the proposed finished floor levels and remodelling of land is acceptable, the site is not at risk from flooding and will not pass the risk of flooding elsewhere.
- 4.8 ECC SuDS Approval Board – Raised a holding objection to the scheme suggesting that the Flood Risk Assessment (FRA) fails to provide enough information about flow rates and the outfall ditch. The applicants have through their engineers, in consultation with ECC SUD'S prepared additional drawings and information which officers understand has addressed ECC SUDS's concerns. Any update will be reported to members as an update to the Committee Report.
- 4.9 NHS England – No objection and has requested a financial contribution to be secured through a S.106 Legal Agreement

- 4.10 National Grid – Adequate apparatus locally.
- 4.11 Historic England – The proposal would still cause harm to the significance of the designated heritage asset which should be weighed against any public benefits arising from the development.
- 4.12 RSPB - Object due to lack of ecological information to demonstrate no adverse effect on the integrity of the Hamford Water Special Protection Area (SPA), Candidate Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI).
- 4.13 RSPB are however not a statutory consultee. Officers note that Natural England's consultation response dated 04/06/2015 confirms that this statutory consultee has no objection to the proposed development.

5. **Representations**

5.1 The Parish Council has objected to the application for the following reasons:

- Proposed dwellings of poor design out of character with the area
- Good design is a key aspect of sustainable development
- View from backwaters will be spoilt
- Degeneration of the area
- No frontage and lack of space between houses detract from amenity
- Concern with regard to volume of development in Walton
- Lack of infrastructure
- Primary school oversubscribed
- Doctor surgery under pressure
- Concern with regard to sewage
- Lack of employment
- Concern with regard increased traffic generated

5.2 Cllr G Watling (Portfolio Holder for Regeneration and Inward Investment) has commented upon the application. His comments are summarised below:

- Broadly in favour of development as it would benefit Walton High Street
- Development will not deliver regeneration that is required
- Need for aspirational housing and some affordable housing for local residents
- Overdevelopment of the site that would devalue proposed development
- Housing that overlooks backwaters and the Yacht Club should be in harmony with this outlook
- Regeneration will only follow if we develop thoughtfully
- Scale of proposed development would overpower an ancient site
- Concerns with regard sewage, flood plain issues, light pollution

5.3 Cllr R Bucke also commented on the application and his comments can be summarised as follows:

- Lack of bungalows fails to recognise the demographic of current and future occupiers
- Design of dwellings is insufficiently aspirational
- Site should offer better spatial planning with improved views to the north and
- Unknown quantity of affordable housing
- Views from Hamford Water into the site should not be spoilt by parking
- What impact would re-profiling have on the existing seawall?

- How will re-profiling affect surface water drainage?
- Can existing sewage infrastructure cope with proposed development?
- Access to the site would become congested should various schemes in and around the site be delivered
- Schools and surgeries are overstretched
- What provision to be made for additional school places?
- Footpaths should link the site with Walton town centre
- Additional traffic generated by the proposed scheme could result in congestion and highway safety issues
- Development does not contribute to improvement in community amenity or sustainability
- Refusal is recommended

5.4 Walton and Frinton Yacht Club commented on the application as a local interest group. Their comments can be summarised as follows:

- Welcomes in principle the redevelopment of the site.
- Concern with regard to overall height and design of properties on eastern boundary in proximity to the Yacht Club.
- Design of properties would detract from sensitive views toward the east out of the site and from the west into the site when approaching from the Mere
- Current scheme does not do justice to the prominent position of the application site.
- Concern with likely impacts of any future surface and foul drainage systems that might be installed.
- Potential for pollution of areas used by the public from inadequate drainage and foul water systems.

5.5 Walton Community Project – Welcome the redevelopment of the site but has the following concerns:

- Poor quality;
- Too high density;
- No effective plans for supporting infrastructure;
- No consideration of impact on the environment for existing residents; and
- Proposal should reflect surroundings.
- Kirby Le-Soken Village Preservation Society – Objects due to the impacts of traffic generation.

5.6 A total of 37 representations have been received for this application.

5.7 34 representations have been received objecting to the development. The issues raised are summarised below:

- Visual harm to sensitive wetland area
- Wider spectrum of housing
- Lack of aspirational housing
- Site is in close proximity to sensitive wetland areas
- Views from the Mere would not be enhanced by the development
- Effects on surface water drainage due to re-profiling of the site
- Contributions should be sought to improve access links into and out of the site
- Cycling routes should be improved to promote this mode of transport
- Prevention of effluent into sensitive areas should be secured
- Suitable surface water drainage should be secured

- House designs are unimaginative and do not contribute to views from across the backwater
- Increase in land levels is a ploy to create additional space for residential development
- Open space confined to the north of the site
- Openness of the area would be lost due to density of the development
- Increased traffic around Walton
- Lack of services would increase pressure on existing
- Overdevelopment
- Pressure on school due to lack of capacity
- Important wildlife habitat to the western boundary of the site
- Open space could be better utilised
- Encourage new business before new residential development
- Lack of employment opportunities locally
- Foul drainage currently below par
- Development would dominate skyline due to increase in land levels
- Development could increase flooding in areas adjacent to the site
- Layout does not consider sustainability issues
- Houses do not show energy efficiency measures
- Development would detract from the character of the area
- Highway safety and access concerns.
- Drainage and sewerage concerns.

5.8 3 representations from members of the public were received supporting the development, which is summarised below:

- Need for extra housing and regeneration in Walton
- Development would deliver public benefits
- Overall design and layout of scheme is good

6. **Assessment**

The main planning considerations are:

- Site Description
- Proposal
- Planning Policy Position
- Layout and Design
- Sustainability
- Sustainable Location
- Community involvement
- Housing
- Highway and Parking Issues
- Biodiversity
- Landscape/Arboricultural Issues
- Impact on Heritage Assets
- Drainage and Flood Risk
- Education
- Affordable Housing
- Health

Site Description

- 6.1 The application site forms only one part of the former Martello Caravan Park, hereafter referred to as the “Application Site”, and is located within Walton-on-the-Naze to the north west of the town centre. Walton-on-the –Naze is a seaside town with a range of local convenience shopping and leisure facilities predominantly relying on tourism for its local economy. A Site Location Plan and illustrative Site Masterplan are included within the submitted application documents and identify the land the subject of this application along with nearby existing built and existing natural landscape features including the Martello Tower.
- 6.2 The Application Site is located on the north side of Kirby Road, which is one of two main primary routes into the town centre. Kirby Road continues past the Martello Caravan Park in a south easterly direction leading to its junction with the High Street and town centre. Kirby Road leads west to Kirby-le-Soken. The B1032 provides connections south from Kirby-le-Soken to Clacton-on-Sea. Over 15 miles to the west is Colchester, around 6 miles due north is the port of Harwich. The town is on the North Sea coast, with the Naze peninsula to the north.
- 6.3 There are existing footways on either side of Kirby Road linking the Application Site with the nearby town centre. These footways are currently in a good condition and around 2 metres wide. There are also existing footways on Mill Lane, providing another pedestrian link between the application site and the town centre.
- 6.4 The Application Site has good public transport links with 7 bus services operating in Walton-on- the-Naze connecting the site to Clacton and London. The site is within short walking distance (400m) of the towns train station.

Proposal

- 6.5 The site measures 8.26 hectares and is defined by irregular boundaries that follow the form of the Mere to the east and established field boundaries to the north and west.
- 6.6 The current scheme seeks full planning permission for the redevelopment of the site to provide 242 residential dwellings at 30 dwellings per hectare reflecting local character and minimum policy expectations to make the most efficient use of available land.
- 6.7 The proposed layout illustrates the principles identified during the design development process and demonstrates clearly the design rationale as expressed through building typology, massing, layout, landscaping, character, parking strategies, private spaces and integration of public open space.
- 6.8 The scheme would provide a range of dwellings that would include 2 to 2.5 storey detached, and semi-detached, terraced houses and flats above car ports. The mix of housing choice would further include 2 bed, 3 bed and 4 bed properties.
- 6.9 It is stated that the proposed dwellings would respond to the local vernacular and include a palette of materials that reflect those used locally within the district. These include brick, render and weatherboarding, with painted timber and plain and pantile roof tiles.
- 6.10 With regard to access the applicants have indicated that the scheme would form connections with the vehicular/pedestrian access arrangements that have already been granted planning permission to serve the wider Martello site.
- 6.11 Vehicular access from the junction with Kirby Road would remain as a priority junction while there would be an internal mini-roundabout junction to provide access to the individual elements of the wider development site.

- 6.12 Existing boundary hedgerows and trees will be retained, and enhanced with new planting to further soften the appearance of the development and to screen the development from wider views.
- 6.13 In addition to the retention of the existing vegetation the proposal also includes areas of hard and soft landscaping within the site. This comprises of private and defensible spaces and hard landscaped linked areas. This is discussed further within the applicants Landscape Strategy. More detail on the scheme can be found within the applicant's Design and Access Statement and Landscape Design Statement, although elements of the scheme will be assessed against relevant policies and standards in section 6 of this report.
- 6.14 As part of policy requirements, the current scheme makes provision within its layout for 1.7 hectares of public open space alongside central and linear green infrastructure throughout the development comprising soft landscaped areas and communal amenity space. This level of open space provision is in excess of 20% of the total site area and is 10% of the wider Martello Regeneration Site.
- 6.15 The application is supported by:
- Design and Access Statement (DAS)
 - Planning Statement
 - Statement of Community Involvement
 - Transport Assessment (including Travel Plan and Construction Management Plan)
 - Flood Risk Assessment
 - Foul and Surface Water Drainage Strategy
 - Ecological Assessment
 - Arboricultural Impact Assessment
 - Landscape Statement and Plans
 - Heritage Statement
 - Archaeological Assessment
 - Contamination Desk Top Assessment
 - Energy and Sustainability Report
 - Viability Assessment

Planning Policy Position

- 6.16 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that, Determination of planning applications must be made in accordance with the development plan, unless material considerations indicate otherwise, such a Government Policy or emerging Local Policy.
- 6.17 The adopted Walton-on-the-Naze Regeneration Framework identified the Martello Caravan Park site as a key development opportunity that could assist in the wider rejuvenation of Walton. The site's existing use as a Caravan Park is no longer economically viable and therefore a mixed development including housing, retail and community facilities will be of greater benefit to Walton's economy in the long run.
- 6.18 In the Council's Adopted Local Plan (2007) this site is shown for safeguarding as an existing caravan park and is not allocated for residential development.
- 6.19 This site forms part of a larger area of land allocated for a residential-led mixed-use development in the Tendring District Local Plan: Proposed Submission Draft (2012), as amended by the Pre-Tendring District Local Plan: Pre-Submission Focussed Changes (2014), and is covered by a specific Policy FWK6.

6.20 Whilst the Draft Local Plan has yet to be fully adopted and the Council knows that further changes will be needed, paragraph 216 of the National Planning Policy Framework does allow Councils to give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the National Planning Policy Framework (the greater the consistency, the greater the weight that may be given).

6.21 Policy FWK6 sets out specific requirements which collectively seek to deliver the aims and objectives of the Walton Regeneration Framework, Land at the Martello Site, Kirby Road, Walton-on-the-Naze (as defined on Policies Map Inset) is allocated for a mix of retail, residential development, visitor accommodation, community facilities and public open space. Consequently the Policy sets out the following specific requirements for new development proposals (officer's comments in bold):

- a) a new medical centre with associated parking will be developed on 1 hectare of land within the southern part of the site – the specification to be agreed with the relevant primary health care provider – **A planning application for a medical centre and pharmacy on adjoining land is currently waiting determination (14/01320/OUT). The applicants have indicated that the current application will not prejudice delivery of the medical centre;**
- b) the construction of new homes will not commence until the new medical centre has been constructed and is operational, or an equivalent facility providing the necessary level of primary healthcare to serve the growing population has been delivered elsewhere within 1,600 metres of the development site – **As above;**
- c) the development should deliver strong cycle/pedestrian links within its surroundings, in particular between the new food store and Walton Primary Shopping Area, via Mill Lane - **The transport infrastructure to support the comprehensive redevelopment of the entire Martello site (ref 14/01085/FUL) was approved in January 2015 and is currently under construction;**
- d) the principle point of vehicular access will be from Kirby Road with a single spine road providing subsequent accesses to the various different uses within the site - **See C above;**
- e) an area of public open space shall be laid out around the Martello Tower, its extent to be determined following a thorough assessment of this heritage asset and key vistas shall be protected from incursion by new buildings - **The application proposal makes provision for an open space buffer to the northern edge of the Martello Tower within the southern area of the Application Site;**
- f) open space will be provided in the northern part of the development site to provide an attractive outlook for new residential properties and minimise landscape impacts on the wider countryside and will be transferred to either Tendring District Council or Frinton and Walton Town Council for future management, or suitable alternative management arrangements put in place to ensure long-term maintenance - **An area of 1.7 hectares of public open space is proposed to be located within the northern part of the site to the north of the housing proposals;**
- g) proposals to restore or enhance the Martello Tower and its setting will be considered favourably – **Historic England met with the applicants and subsequent amendments**

were made to the current scheme to have regard to the Martello Tower. Whilst Historic England are still of the view that the scheme would cause harm to the significance of the Martello Tower this would need to be weighed against the benefits arising from the development.

- h) a new hotel with a minimum of 20 rooms will be provided as part of the development – **The current scheme would not prejudice such a development** ;
- i) flood risk issues should be addressed through the design of development including applying the National Planning Policy Framework's sequential approach - **Proposals address flood risk and decrease the risk of flooding elsewhere. Environment Agency raise no objection**;
- j) the development should deliver streetscape improvements to Mill Lane – **Applicant has indicated willingness to make a financial contribution in this regard**;
- k) a full archaeological evaluation will be expected to be carried out prior to any development due to the potential existence of heritage assets on the site, in the form of archaeological remains – **ECC Archaeology raised no objection**; and
- l) issues regarding the provision of school places in Walton and the wider Frinton, Walton and Kirby Cross area must be resolved before residential development can be occupied – **Applicant is willing to make financial contributions in this regard subject to a Viability Assessment**.

6.22 Notwithstanding the above members should note that due to the limited weight that can be ascribed to the 2012 Draft Local Plan, and the status of policy FWK6, assessment of the principle of development falls to be considered under the National Planning Policy Framework (NPPF), with Policy FWK6 as a material consideration.

6.23 Chapter 6 of the NPPF encourages the delivery of a wide choice of high quality homes. In order to facilitate this objective paragraph 49 of the NPPF sets out that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

6.24 It is accepted that the Council cannot demonstrate a deliverable 5 year housing land supply and as a result officers consider that Tendring District Local Plan (2007) Policy QL1, cannot be considered up-to-date as set out in paragraph 49 of the NPPF.

6.25 This view has also been supported by the Planning Inspectorate in a number of recent appeal decisions for similar outline schemes.

6.26 The Council has published the Tendring District Local Plan Proposed Submission Draft (2012), but the document is yet to be submitted to the Secretary of State. Formal adoption cannot take place before it has been examined and consulted on and found to be sound and until that time the relevant emerging policies may be subject to change. When considered in relation to paragraph 216 of the Framework they may be afforded only limited weight.

6.27 Based on the above it is considered that, in the absence of up-to-date policies, development proposals cannot be refused solely on the basis that a site is outside the development boundary or safeguarded for an alternative land use. Paragraph 14 of the NPPF supports this view when it sets out that where relevant policies are out-of-date planning permission should be granted unless any adverse effects of doing so would

significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

6.28 On this basis and having regard to paragraphs 14 and 49 of the NPPF, the presumption in favour of sustainable development carries significant weight. As a result the current scheme falls to be considered against the 3 dimensions of 'sustainable development',

- economic,
- social; and,
- environmental roles.

6.29 The sustainability of the application site is therefore of particular importance. In assessing sustainability, it is not necessary for the applicant to show why the proposed development could not be located within the development boundary.

Economic

6.30 Officers consider that the proposal would contribute economically to the area, for example by providing employment during the construction of the development and from future occupants utilising local services. In addition it is considered that the scheme would result in an improvement of local infrastructure through financial contributions associated with the scheme which would support investment in Walton-on-the-Naze in accordance with the Walton-on-the-Naze Regeneration Framework 2010. On this basis it is considered that the current scheme meets the economic arm of sustainable development.

Social

6.31 In terms of the social role, the site would deliver a range of housing of different types and tenures to meet local housing needs, improved infrastructure and regeneration of the area.

6.32 The site benefits from a high level of accessibility, due to its access to a wide range of destinations by all forms of public transport (bus, train, cycle and walking). It is considered that these services would benefit from the infrastructure proposals that are being implemented. These would improve walking and cycling connections from the site to the town centre. In addition the new road infrastructure to the south of the site makes provision for an extension to the existing bus services into the site increasing public transport accessibility.

6.33 Overall officers consider that the application site performs well in terms of the social role within the definition of sustainability.

Environmental

6.34 It is acknowledged that, in terms of settlement shape and form, development in this location is unlikely to have a significantly detrimental impact (subject to consideration against other Local Plan policies). Officers are of the opinion that the scale and form of the development will be reflective of that which can be comfortably absorbed within the existing and proposed landscape structure without harm. Natural England have advised that the scheme is unlikely to have significant adverse impacts on the protected areas.

6.35 In addition it is considered that the site layout with significant areas of Public Open Space to the northern and southern boundaries would aid in blending new built form into the existing local landscape.

- 6.36 It is further considered that open space to the south of the site would serve to create physical and visual separation from the location of the Martello Tower which would buffer proposed built form around the setting of the Tower.
- 6.37 On this basis, officers consider that the development of this site can be achieved in keeping with the aims and objectives of National Planning Policy Framework.

Layout and Design

- 6.38 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.
- 6.39 With regard to decision taking this means:
- approving development proposals that accord with the development plan without delay; and
 - where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.
- 6.40 The NPPF in Chapter 6 sets out its commitment in terms of the provision of delivering a wide choice of high quality homes.
- 6.41 In support of the overarching aims and objectives of the NPPF the Tendring District Local Plan Proposed Submission Draft sets out the Councils commitment to sustainable development in Policies SD1, SD2 and SD5 while the requirements for good quality design are set out in Policy SD9.
- 6.42 The submitted details show that the development site covers an area of approximately 8.26 hectares. The development would therefore result in an average housing density of 30 dwellings per hectare, which is considered to be acceptable in this location.
- 6.43 Dwellings would range from 2 to 2.5 storey detached, semi-detached and terraced houses and flats above car ports and would incorporate 2 bed, 3 bed and 4 bed variations. In terms of its appearance officers have had some input into the palette of materials to be utilised and consider that the scheme would follow a local vernacular style, comprising traditional forms constructed from materials that reflect those used locally within the district.
- 6.44 The properties to the south and west of the site represent a mixture of dwelling types of differing size and heights. Although the scheme needs to be in keeping in terms of scale and massing in relation to the neighbouring properties and local context, it also requires different height zones to ensure an appropriate rhythm and variety in roof forms to add interest throughout the development, and break up the rhythm of building heights along the street frontage. It is considered that the natural change in levels on the site would assist with a variety of building heights across the site assisting with the creation of visual interest.
- 6.45 With regards to design, the building form of the proposed dwellings have been designed in accordance with The Essex Design Guide, whereby the traditional buildings of Essex are normally made up of rectangular (not square) plan forms, with pitched roofs spanning the narrower plan dimension. The properties within the surrounding context also appear to have narrow rectangular building forms, and the building form of the proposed dwellings have been sympathetically designed in order to continue this local pattern.

- 6.46 It is noted that some concern has been expressed with regard to the prominent eastern boundary of the site overlooking the Mere. The applicants have had meetings with local interest groups in this regard and have subsequently amended the size and mix of the properties proposed to this end of the site. The properties would now consist of larger 4 bedroom detached dwellings which would be finished in a material palette that would differ from those used in the remainder of the scheme and would give these properties a more nautical appearance commensurate with their location. It is officers opinion that these dwellings would appear as individual 'exclusive, aspirational' properties that would contribute to the character of this eastern end of the site.
- 6.47 In terms of provision of private amenity space, Policy HG9 of the Tendring District Local Plan 2007 states that private amenity space for houses with three or more bedrooms shall have a minimum of 100 sqm whilst houses with two bedrooms shall have a minimum of 75 sqm. Policy PEO4 of the draft Local Plan requires development proposals for 2, 3 and 4 bedrooms houses to have private amenity space to be at least equal to the total internal floor area of the dwelling.
- 6.48 In this instance, the majority of units would meet the policy requirements of policy HG9. However some units would fail the garden space requirements under policy PEO4. It is considered that given the status of the draft Local Plan, that limited weight can be applied to the policies contained within it, on balance the gardens sizes proposed are deemed to be acceptable, and the proposal creates an acceptable form of development to future users.
- 6.49 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. With regards to this application, the site benefits from a high level of accessibility, to a wide range of destinations by all forms of public transport (bus, train, cycle and walking). These would be improved by the infrastructure proposals that are being implemented. These would strengthen walking and cycling connections from the site to the town centre.
- 6.50 The applicant has submitted a Strategic Landscape Proposal and Landscape Strategy which sets out the hard and soft landscaping strategy for the development site. This includes new tree and hedgerow planting as well as retained trees and hedgerows to help assimilate the development into its wider setting. These submitted details would be secured by condition.
- 6.51 Based on the land available for development and having regards to localised constraints (setting of listed building scheduled ancient monument at the Martello Tower, it is considered that developing this site for 242 residential dwellings with associated parking and private amenity spaces could be successfully achieved.

Sustainable location

- 6.52 As highlighted above the site benefits from a high level of accessibility, due to its access to a wide range of destinations by all forms of public transport (bus, train, cycle and walking). It is considered that these services would benefit from the infrastructure proposals that are being implemented. These would improve walking and cycling connections from the site to the town centre. In addition the new road infrastructure to the south of the site makes provision for an extension to the existing bus services into the site increasing public transport accessibility.

Community Involvement

- 6.53 The Government's Localism Act advocates 'early stage' public consultation on proposals of the scale and nature proposed. The Act requires consultation to be carried out in such a way that local people who may be affected by the proposal are informed of the proposal and are given an appropriate period of time to express their views.
- 6.54 The applicants have indicated through their Statement of Community Involvement (SCI) that they entered into prior engagement with key stakeholders before the current application was submitted to the Council.
- 6.55 As part of this process a public consultation event was held by the applicant in Walton-on-the-Naze on Thursday 5th March 2015. The public exhibition was held at Walton and Frinton Yacht Club (immediately adjacent to the application site), between 3pm and 8pm on Thursday 5th March, with the preview session for local stakeholders taking place between 2pm and 3pm.
- 6.56 The exhibition served to inform interested parties of the intention to submit a planning application for residential development on the site and also to provide an opportunity to give feedback on the scheme.
- 6.57 The applicants state that a total of 307 people attended the public exhibition and private preview session which lead to comments from 109 people, which represents 36% of the total number who attended the consultation event.
- 6.58 It is noted that the SCI summarises all responses received in relation to the proposed scheme whilst also setting out the applicant's responses to the comments and indicating how the scheme has been amended to accommodate the feedback received.
- 6.59 Officers are satisfied that the approach to stakeholder engagement that the applicant has taken has met expected requirements and has embraced the spirit of the Localism Act.

Housing

- 6.60 The NPPF requires Councils to boost, significantly, the supply of housing to address objectively assessed needs and promote a wide choice of high quality housing. Paragraph 49 of the NPPF makes it clear that proposals for housing development should be considered positively in the context of the 'presumption of sustainable development' and Paragraph 47 requires Councils to identify, in any one year, a supply of five years' worth of developable housing land with a degree of flexibility to promote choice and competition in the market for land.
- 6.61 The Council's 2007 Adopted Local Plan was only intended to provide housing land up to 2011 and therefore the housing supply elements of that plan are now out of date and if the Council were to rely solely on that plan, it would not be possible to demonstrate a five year supply of housing land. In applying weight to the emerging 2012 Draft Local Plan however, the Council is demonstrating its intention to comply with this requirement by identifying additional sites for the period up to 2021, of which one is the application site.
- 6.62 In the absence of a five year supply of deliverable housing sites in the 2007 Adopted Local Plan, the Council is expected to comply with NPPF's 'presumption in favour of sustainable development' and, where possible, support proposals for housing development. Because the application site is the subject of an allocation in the 2012 Draft Local Plan that has been approved by Full Council, there is already an acceptance that development in this location could be supported. The fact that the Draft Local Plan has also been published for consultation and the applicant has actively sought to address the comments raised, both during consultation on the Draft Local Plan and through their own consultation efforts adds

further weight to the argument that this application should be approved to ensure compliance with the NPPF and the presumption in favour of sustainable development.

- 6.63 Policy PEO7 of the draft Local Plan (as amended) supports the objectives of the NPPF by promoting a mix of housing size, type and tenure on new development sites of 10 units or more, with a preferred mix being:
- At least 10% of dwellings to be private housing with 4 or more bedrooms;
 - At least 40% of dwellings to be private housing with 3 bedrooms;
 - Between 10% and 25% of dwellings to be Council Housing or Affordable Housing; and
 - Between 25% and 40% to be determined by developers in responding to market demand.
- 6.64 Notwithstanding the above the Council would seek a mix of dwelling size, type and tenure that broadly reflects the housing need identified in the latest Strategic Housing Market Assessment (SHMA). The SHMA (2013) identifies a need for 76% market and 24% affordable homes. The mix of market homes is identified as follows: 10% one bedroom; 32% two bedrooms; 47% three bedrooms and 11% for four or more bedrooms. For affordable housing a mix of: 24% one bedroom; 32% two bedroom; 28% three bedroom and 16% four or more bedrooms.
- 6.65 Having considered the details submitted in support of the application officers are confident that the proposed housing mix would be broadly in accordance with the SHMA. The applicant has however not fixed the housing mix in this proposal as this is currently the subject of viability appraisal. The applicants have indicated that they would continue discussions with officers in order to achieve the required housing mix as far practicable.
- 6.66 Policy PEO10 of the draft Local Plan requires development proposals involving the development of 10 or more dwellings to provide 25% of the new dwellings as affordable units, with a minimum of 10% of new dwellings to be provided on site, and the remainder of the 25% requirement offered as an off-site financial contribution towards the construction of property for use as Council Housing. In this instance the applicant is committed to delivering 10% affordable housing on-site (up to 25 units), and is willing to negotiate an off-site affordable housing contribution on the basis that this can be justified through further evidence on need, and subject to viability assessment (see Section 106 Obligations section).
- 6.67 Officers consider that the scheme would be compliant with the requirements of Policy PEO7 and PEO10 of the Tendring District Local Plan Proposed Submission Draft (2012) (as amended).

Highway and Parking Issues

- 6.68 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 Tendring District Local Plan Proposed Submission Draft (2012).
- 6.69 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.
- 6.70 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.

6.71 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.

6.72 In this regard and in support of the application, the applicants have submitted a Transport Assessment (TA) produced by The Highway Traffic & Transport Consultancy Ltd, which identifies that the site is in a location suitable for development in accordance with national and local planning policy. It is within walking and cycling distance of local bus stops and train services served by routes providing links to surrounding towns.

6.73 The TA concludes that:-

- adequate infrastructure exists to meet the demands of the additional trips from the proposed development
- development proposal complies with the cycling strategy set out by Essex County Council
- development proposals complies with the walking strategy set out by Essex County Council
- there are sufficient facilities within walking and cycling distance of the residents
- site access junction has been designed for the traffic generated by potential future development of the Mere site in line with the 'Regeneration Framework' quantum of development, plus potential future growth in traffic, with significant excess capacity, which will be of benefit to the wider area;

6.74 On this basis, the TA states the proposal complies with national and local transport related policies and can be accommodated without detriment to the capacity of the local transport networks.

6.75 Furthermore, Essex County Council as the Highway Authority has been consulted on the proposed development, and they raise no objection subject to standard conditions.

6.76 With regards to parking, the adopted 2009 parking standards require residential units with one bedroom to be provided with at least one parking space, whilst residential units with 2 bedrooms or more, to be provided with at least two parking spaces. Furthermore, development sites should provide unallocated visitor spaces at 0.25 spaces per residential unit. These standards can be reduced in sustainable locations.

6.77 The current scheme would provide parking that is integrated within building plots as well as making use of small parking courtyards and landscaped areas within the public highway to limit a parking dominated scheme. In this instance, the proposed level of car parking is considered to be appropriate for the intended development mix in this sustainable location.

6.78 Based on the above it is considered that the application site would comply with the aims and objectives of the NPPF as well as Local Plan Policies with regard to highway safety and parking requirements.

Biodiversity

- 6.79 Policies within Chapter 6 of the Tendring District Local Plan (2007) and Policy PLA 4 of the Tendring District Local Plan Proposed Submission Draft (2012) 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.
- 6.80 No part of the development site or any land that it abuts has any type of statutory or non-statutory conservation designations. However, there are statutory conservation designations nearby.
- 6.81 In support of the application an Ecological Assessment prepared by Eco-Planning UK has been submitted. The report concluded that in terms of:

Ecological Designations

- 6.82 The site itself is not subject to any statutory or non-statutory nature conservation designation. The nearest statutory designation to the site is Hamford Water NNR, SSSI, SAC, SPA and Ramsar located approximately 0.75km to the north, whilst the nearest nonstatutory designation, Walton Mere LWS, lies adjacent to the site to the north-east. However, these and all other ecological designations in the local area are separated from the site and will not therefore be encroached upon by the proposals, whilst any potential indirect effects will be minimised through the adoption of appropriate best practice safeguards.

Habitats

- 6.83 The habitats within the site are considered to be of negligible to low ecological value. As such, any loss of these habitats is of minor, if any, ecological significance. In any event, any losses will be compensated for by the provision of new landscaping and specific habitat enhancement/creation initiatives.

Protected Species

- 6.84 The habitats at the site provide limited opportunities for bats, reptiles and common birds. Suitable precautionary measures will therefore be employed to safeguard these species groups, where relevant, such that the conservation status of any local populations will be maintained, if not enhanced.
- 6.85 The majority of the site was previously utilised as a caravan park and the ecological assessment concluded that there are now areas of significant habitat that would be destroyed as part of the redevelopment of the site. In addition no protected species were found to be present on the site.
- 6.86 Whilst it is noted that the RSPB objected to the scheme, Natural England as a statutory consultee raised no objection to the application and considered that the proposed development is unlikely to have a significant effect on the relevant interest features of the nearby Hamford Water Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site and can therefore be screened out from any requirement for further assessment under the Habitats Regulations.
- 6.87 In addition Natural England were also satisfied that the proposed development would not damage or destroy the interest features of Hamford Water Site of Special Scientific Interest

(SSSI) and on this basis the SSSI does not represent a constraint on the basis of which a reason for refusal can be based.

- 6.88 However, given the site's previous use and proximity to the wider countryside to the north, and in accordance with paragraph 118 of the NPPF, this application provides opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. Such ecological enhancement opportunities will be secured by condition.

Landscape/Arboricultural issues

- 6.89 Policy PLA5 of the Tendring District Local Plan Proposed Submission Draft (2012) sets out that the countryside in the district is one of its key assets both in terms of tourism and the living environment of local residents. The district is diverse in its landscape character and appearance and certain areas are particularly sensitive to development and change.
- 6.90 In this regard, the applicant notes the existing site is bounded by hedgerows to the northern, eastern, and western sides with a number of mature hedgerow trees along the eastern boundary. The southern boundary comprises the hedgerow and trees of Bramcote Wood and the security fence around the retained industrial site.
- 6.91 The applicant has submitted a landscape assessment and design statement, which explores the impact of the development and explain the rationale behind the hard and soft landscape proposals for the site. This document sets out that it is the intention to retain the existing boundary landscaping on the eastern boundary of the site which consists of hedgerows and hedgerow trees while also seeking to retain, where possible, those existing landscape elements along the west and south western sections of the site boundary.
- 6.92 It is also noted that the proposed site layout will provide significant areas of Public Open Space to the northern and southern boundaries which will serve to increase the soft landscaping of the site allowing the scheme to be read as part of the existing landscape.
- 6.93 An open space to the south has been provided after negotiation with Historic England and would serve as physical and visual separation from the Martello Tower creating a green buffer between the proposed residential scheme and the setting of the Tower.
- 6.94 Officers consider that the loss of existing outbuildings, temporary structures and their associated hard standings would make a positive contribution to the landscape in the locality.
- 6.95 With regard to existing trees the submitted Tree Survey, Arboricultural Impact Assessment states that there would be some loss of existing trees to facilitate construction of the proposed site.
- 6.96 With regard to the above the Councils Landscape and Tree Officer was consulted and raised no objection to the proposal. The Officer did comment that the information provided by the applicant makes it clear that soft landscaping will be a key element of the successful integration of the development into the landscape. On this basis the Officer stressed that the applicant will need to provide a detailed soft landscape plan showing, at least, the level of planting indicated on the site layout plan.
- 6.97 Whilst it will be important to carry out new planting on the proposed open spaces and within the gardens on the proposed dwellings consideration should also be given to decreasing the density of the development to allow a higher level of tree planting within the main body of the land. In this regard officers would suggest that the current scheme at 30 dwellings

per hectare represents an efficient use of land that compares with the existing patterns of development in the immediate vicinity of the site.

- 6.98 In accordance with the Principle Tree and Landscape Officer's recommendation a condition will be attached to secure details of the soft landscaping shown on the site layout plan and to secure compliance with the requirements of the tree report.
- 6.99 Based on the above, it is considered the proposals would not have a significant adverse impact on the character and appearance of the area, or any protected trees.

Impact on Heritage Assets

- 6.100 The enduring physical presence of the historic environment contributes significantly to the character and 'sense of place' of rural and urban environments. Some of this resource lies hidden and often unrecognised beneath the ground in the form of archaeological deposits, but other heritage assets are more visible.
- 6.101 Policy PLA6 of the draft Local Plan states that the Council will work with its partners to understand, protect and enhance the district's historic environment by, amongst other things, requiring archaeological evaluation to be undertaken for schemes affecting sites that do or might contain archaeological remains. Furthermore, Policy PLA8 of the draft Local Plan states development affecting a listed building or its setting will only be permitted where it, amongst other things, does not have an unacceptable effect on the special architectural or historic character and appearance of the building or its setting. These sentiments are echoed in policies EN23 and EN29 of the 2007 Local Plan.
- 6.102 The NPPF is clear that when determining applications, Local Planning Authorities (LPA's) should require the applicant to describe the significance of a heritage asset affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 6.103 As a result relevant policies seek to protect or enhance the district's historic assets but also make best use of its rich heritage to help promote the district as a visitor destination and an attractive place to live and work.
- 6.104 In order to comply with National and Local Plan Policies the applicants have submitted a Heritage Statement to support the application. The Heritage Statement identifies:
- **Martello Tower K**, a Scheduled Ancient Monument and also a also a Grade II statutorily listed building
 - **The Church of All Saints a** listed Grade II building
 - **Walton Conservation Area** to the south of the current scheme
- 6.105 The Heritage Statement concludes that there will be no direct impact on the Church of All Saints or the Walton Conservation Area.
- 6.106 With regard to the Martello Tower it is noted that Historic England after negotiations with the applicant still have some concerns with regard to the impact of the proposed development on the setting of the Listed Building. It should be noted that Historic England have not recommended refusal of the scheme but suggest that the harm identified should be weighed against the public benefits of the scheme.
- 6.107 In this regard officers would suggest that it is necessary to establish how the setting of the Martello Tower has been altered over time. Officers consulted the Heritage Assessment submitted by the applicant to come to a conclusion on this matter. It appears that a number

of developments over the years have served to diminish the setting of the Martello Tower to a degree. These include:

- Inter-war year houses and boat yard;
- The LCC holiday camp and its conversion to a large scale caravan park;
- The carpark to the south of the tower;
- The marina, yacht club and boatyard to the east of the tower
- The consented Tesco Store scheme in 2012 and medical centre will have an impact on the setting of the tower with loss of views to it from the carpark to the south.
- The recently consented care home

- 6.108 Officers are of the view that the historic progression of this part of Walton has over time contributed to the gradual demise of the tower's presence within the landscape leaving it largely hidden from view.
- 6.109 Having considered that details submitted it is noted that the proposed houses with regard to their overall heights would be lower than the top of the Tower and as a result would in officer's view not compete with its importance or silhouette on the horizon.
- 6.110 In addition the proposed houses to the west of the Tower would be set back behind a pathway, road and front gardens providing separation from the curtilage of the Tower while the houses to the north will be set back even further being separated from the Tower by a wide green verge and road. These properties will be lower than the recently permitted Care Home and as a result would not be seen in the backdrop of the Tower from the Mere.
- 6.111 The applicants also use landscaping to reduce impacts on the setting of the Tower. In this regard it is considered that the planting along the northern edge of the Tower, will frame the setting of the Tower and separate it from the proposed development. Officers consider that the proposed development would have a limited impact on the setting of the tower in the long views into the site.
- 6.112 Having regard to the above officers consider on balance that the public benefits arising from the proposed residential development as well as the benefits to the setting of the Martello Tower brought about by the opening up of views toward the Tower would outweigh the harm identified to the heritage asset.
- 6.113 Given the historic significance of the area, officers consulted with Essex County Council Archaeology. This department also expressed concern with regard to the impacts of the proposed development on the significance and setting of the Martello Tower and similarly suggested that a weighing exercise should be applied in determining the application.
- 6.114 Essex County Council Archaeology also confirmed that the application site has the potential for having archaeological implications. The County Council did not raise an objection to the application subject to the inclusion of a full Archaeological Condition with any approval.
- 6.115 Based on the above it is considered that the proposed development of the site can be achieved in accordance with the aims and objectives of National and Local Plan Policies.

Drainage and Flood Risk

- 6.116 The National Planning Policy Framework 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 Submission Draft (2012) have been informed by these national policy requirements, the findings of Strategic Flood Risk Assessments (SFRA) and advice from the Environment Agency.

- 6.117 The applicants have submitted a Flood Risk Assessment as part of the application which highlights the fact that with reference to the Environment Agency Flood Maps indicate that the site is located partially within Flood Zones 2 and 3, with a further section of the site being located in Flood Zone 1.
- 6.118 With regard to the section of the site within Flood Zones 2 and 3 it is shown to be benefitting from the tidal flood defences along the eastern site boundary.
- 6.119 The site is greater than one hectare in size and on this basis a full flood risk assessment, including surface water drainage strategy has been prepared and submitted in support of the application.
- 6.120 The submitted documents show that ground raising would be carried out along the eastern site boundary in order for the properties along this boundary to be above the predicted flood water level of a potential flood event. The FRA has identified the risk of flooding of the dwellings from all other sources as low.
- 6.121 The submitted FRA also indicates that the proposed development could result in a benefit to local flood risk as it will replace the existing caravan park while there is also the potential to remove the risk of flooding due to a breach of this section of flood defence by raising land up to and including the existing flood defence.
- 6.122 The Flood Risk Assessment (FRA) further also considers flooding from other sources as required by Local Plan Policies for development sites exceeding 1 hectare in size. In this regard the following sources were identified:
- 6.123 **Flooding from Rivers and the Sea** – The site lies partially within Flood Zone 1, with areas in the east of the site in Flood Zone 3 (and by default Flood Zone 2). This area is shown to be benefitting from the protection of the tidal flood defences that are located along the eastern site boundary.
- 6.124 The site is not considered to be at risk of from a fluvial flooding event within the watercourses to the south of the site since there is a flood defence wall (FDW).
- 6.125 In addition, ground levels at the location of the FDW are higher than within the channel and it is therefore considered that flood water is unlikely to reach the FDW. The primary risk of flooding to the site is therefore as a result of a breach of the tidal defences and not from rivers.
- 6.126 **Flooding from the Land** – There are shown to be no surface water flowpaths on the site that are outside of the area at risk of flooding from rivers and the sea. There is shown to be a low to medium risk of flooding on the eastern side of the flood defences on the site where surface water runoff from the site is unable to drain through the flood defence. This area is more pronounced at the north of the site where there is an area with a high risk of surface water flooding behind the flood defences.
- 6.127 **Flooding from the Ground** – Due to the nature of the underlying geology, it is considered to be unlikely that groundwater will emerge to the surface from beneath the site in sufficient quantities to constitute a risk of flooding to the buildings. Finished floor levels will be raised above surrounding ground levels to ensure no flooding of internal areas. The risk of flooding from groundwater is therefore considered to be low.
- 6.128 **Flooding from Sewers** – There is a surface water sewer that passes along the eastern site boundary and discharges into the tidal Walton Mere. The site is not currently considered to be at significant risk of sewer flooding.

- 6.129 With regard to surface water drainage it is noted that Essex County Council SUDS Authority have raised a holding objection to the scheme suggesting that the Flood Risk Assessment (FRA) fails to provide enough information about flow rates and the outfall ditch. The applicants have through their engineers in consultation with ECC SUDS prepared additional drawings and information which officers understand has addressed ECC SUDS's concerns.
- 6.130 The foul drainage network that is proposed has been designed to accommodate the flows for the proposed development. A foul sewer network has been designed to accommodate these flows and will connect to Anglian Water's existing foul water Walton Mill Lane pumping station.
- 6.131 With regards to the information submitted within the FRA, the Environment Agency has been consulted, and have no objection subject to a condition requiring a surface water drainage scheme for the site, based on sustainable drainage principles, and an assessment of the hydrological and hydrogeological context of the development.
- 6.132 Based on the details contained within the FRA it is considered that the application site could be developed in the manner proposed without any risk of flooding from or to the proposed development compliant with the aims and objectives of the NPPF as well as Local Plan Policies set out above.

Education

- 6.133 Local Plan Policies QL12 of the Tendring District Local Plan (2007) and SD7 of the Tendring District Local Plan Proposed Submission Draft (2012) sets out that the Council will seek planning obligations wherever they are fairly and reasonably related in scale and kind to the proposed development.
- 6.134 Essex County Council Education Services have confirmed that according to the latest available information the Essex County Council's Early Years and Childcare places in the Walton Ward and surrounding wards are currently operating at over 80% capacity. Based on the number of dwellings proposed and additional 22.5 places would be required to support the development.
- 6.135 The primary schools within Tendring primary forecast planning group 4 would not have the capacity to accommodate all of the pupils that would be produced by the current scheme. Forecast indicate a surplus of only 39 permanent places by the school year 2018-19. Based on the scale of the development it is expected that an additional 75 primary places would be required.
- 6.136 At secondary level Tendring Technology College is forecast to have a surplus of 15 places by the school year 2018-19. In this instance the proposed development would generate a requirement for an additional 50 secondary places.
- 6.137 Based on the above requirements it is concluded that contributions should be secured through a Section 106 agreement for early years and childcare, primary and secondary education to the order of:
- Early Years and childcare - £312 255 for expansion of these services in Clacton and Weeley.
 - Primary School - £912 900 to be used for expansion of Tendring primary forecast planning group 4.
 - Secondary School – 924 550 to be used for the expansion of Tendring Technology College. contributions need for a financial contribution towards education provision.

Affordable Housing

- 6.138 Policy PEO10 of the draft Local Plan requires for developments of 10 or more dwellings, the Council will expect 25% of new dwellings to be made available to Tendring District Council to acquire at a discounted value for use as Council Housing, or as an alternative, the Council will accept a minimum 10% of new dwellings to be made available to the Council alongside a financial contribution toward the construction or acquisition of property for use as Council Housing (either on the site or elsewhere in the district) equivalent to delivering the remainder of the 25% requirement.
- 6.139 In this instance, the applicant has offered to seek to achieve the maximum affordable housing provision possible. This is however still a matter of negotiation between officers and the applicant as officers recognise that affordable housing provision will vary dependent on the viability of the development.
- 6.140 The outcome of the viability appraisal submitted in support of the application would be reported to members on the night should negotiations in this regard be concluded.

Health

- 6.141 NHS England have stated that a recent review of GP services identified capacity issues throughout Essex with one GP practice within Tendring likely to be impacted on by the proposed development. NHS England have therefore requested a financial contribution to be secured through a Section 106 agreement which would go towards increasing capital funding to increase capacity within the GP catchment area.
- 6.142 The capital cost calculation performed by NHS England indicates that £73 500 would be required to create the additional floor space required to mitigate for the increased capacity that would be generated by the proposed development.
- 6.143 The applicant has indicated a willingness to enter into a legal agreement to secure financial contributions required by the development, and these discussions are ongoing. Members are therefore requested that if there is a resolution to grant planning permission, that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development subject to within 6 months of the date of the Committee's resolution, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the above matters.

7. Conclusion

- 6.144 It is considered that the proposal development would deliver significant wide ranging benefits to the area in accordance with adopted Walton-on-the-Naze Regeneration Framework 2010 and whilst concern has been expressed with regard to the impact of the scheme on the setting and historic significance of the Martello Tower it has been shown that the proposed development has had regard to this heritage asset through its layout, design, scale, landscaping and treatment of important open spaces. Consequently members are advised that on balance any harm identified is not considered to be of a degree that would outweigh the identified benefits of the development and accordingly the development of the application site in the manner proposed could be achieved in compliance with the National and Local Plan Policies identified above

Background Papers

None