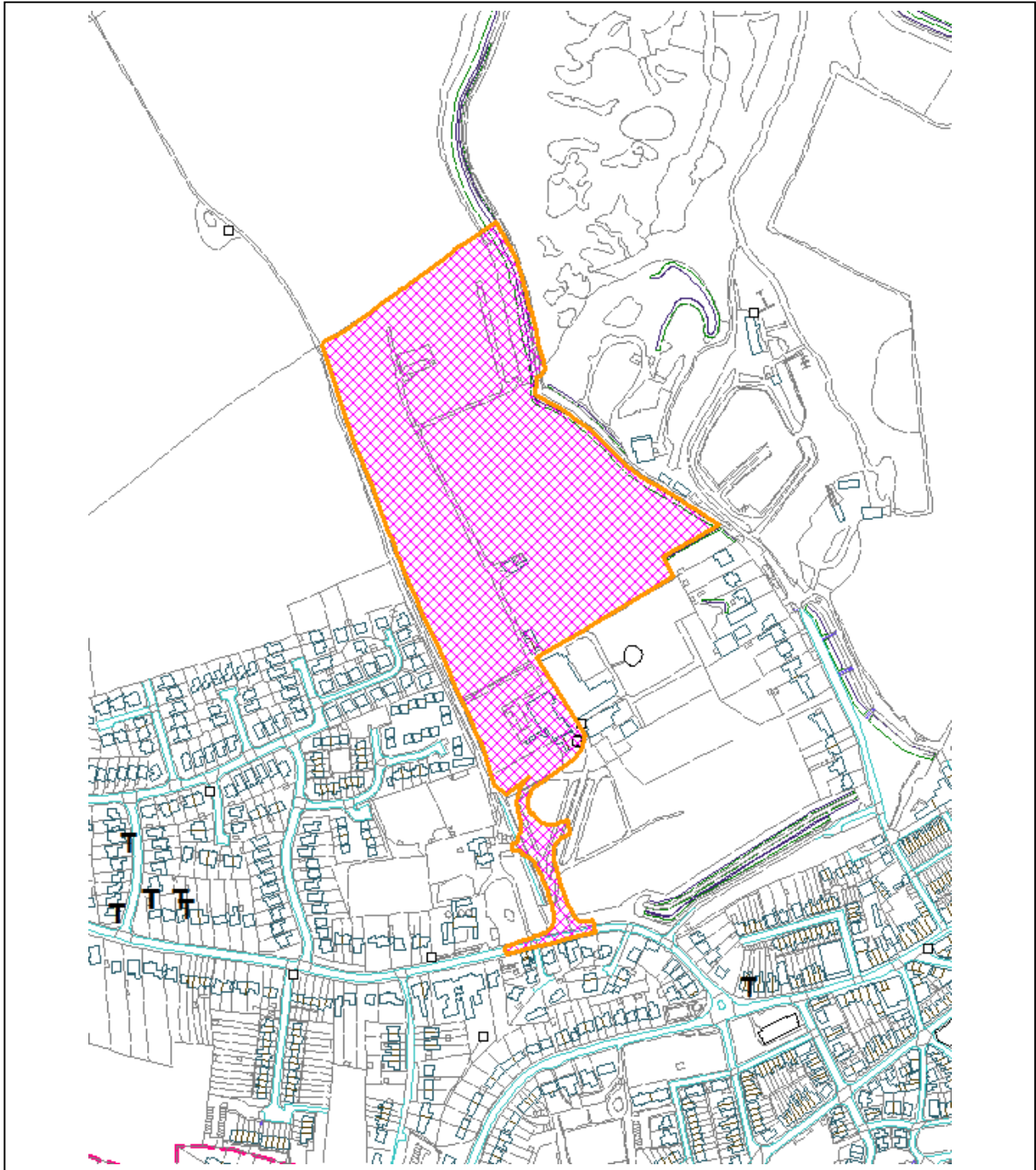


PLANNING COMMITTEE

2<sup>ND</sup> FEBRUARY 2016

REPORT OF THE HEAD OF PLANNING

**A.2 PLANNING APPLICATION - 15/01714/FUL - MARTELLO CARAVAN PARK  
KIRBY ROAD, WALTON ON THE NAZE, CO14 8QP**



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<b>Application:</b>	15/01714/FUL	<b>Town / Parish:</b> Frinton & Walton Town Council
<b>Applicant:</b>	Taylor Wimpey East London - Mr C Allison	
<b>Address:</b>	Martello Caravan Park Kirby Road Walton On The Naze CO14 8QP	
<b>Development:</b>	Demolition of existing buildings, re-profiling of ground levels and erection of 216 residential dwellings together with associated access, car parking, landscaping and related works.	

## 1. Executive Summary

- 1.1 This item was **removed from the agenda** for the Planning Committee on the 5<sup>th</sup> January 2016. This followed comments received from Natural England.
- 1.2 This proposal follows planning application 15/00630/FUL which proposed 237 dwellings and was determined at the Planning Committee Meeting held on the 20<sup>th</sup> October 2015. Members resolved to refuse planning permission for the following reasons:
- Density and compatibility with the character of the area.
- 1.3 Following this refusal the applicants have engaged with the Council in an attempt to satisfactorily resolve the matters of concern raised by Committee Members. These in the main related to:
- (i) The design of the dwellings (especially with regard to eastern and northern elevations;
  - (ii) Shared Surfaces and
  - iii) Lack of Garage provision.
- 1.4 The Applicant has also held a further meeting with Frinton and Walton Town Council and other interested District Councillors and has produced amended proposals addressing concerns (i)-(iii).
- 1.5 The current scheme includes the following changes from the previous application:
- (i) Eastern elevation has been amended to reflect the local aspiration to deliver larger detached houses of Essex vernacular style along the water's edge. It is believed that this will improve the setting of the area with particular reference to the approach from the Walton Channel. Each property follows the Essex vernacular form, scale, detailing and materials and each property is bespoke using different colours or materials.
- The revised layout illustrates that both the east and northern edges of the housing layout presents large detached houses of Essex vernacular style. These amendments result in a reduction in the total number of dwellings from 237 to 216.
- (ii) Shared surfaces have been removed completely from the layout.
  - (iii) Garages and car ports have been provided within the principal elevations 5 and 7 on the east and northern edge of the development and in other areas to the south and west of the layout as illustrated within the amended plans.
- 1.6 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.

- 1.7 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.
- 1.8 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.
- 1.9 The NPPF states that applications for planning permission which are contrary to an Adopted Local Plan should be refused unless material considerations indicate otherwise.
- 1.10 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.
- 1.11 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.
- 1.12 Officers are of the view that the scheme, as amended, marks a significant improvement to the original submission and addresses the Committee’s reasons for refusal.
- 1.13 Officers remain of the view that the 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.
- 1.14 The applicant has provided evidence as part of their re-submission which indicates that the proposal would not result in any adverse impacts that cannot adequately be mitigated against. The report provided by the applicant 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, as amended, 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 to achieve finished floor levels at least 5.10m above Ordinance Datum
  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
  22. Maintenance Plan for surface water drainage system
  23. Recording of surfaces water drainage system maintenance
  24. No dwellings to be occupied until the surface water drainage strategy is carried out
  25. Details of a foul water strategy
  26. Scheme to provide recycling facilities
  27. Landscape/Public open space management plan
  28. Details of the estate road(s) and footways
  29. Construction of carriageway(s) of the proposed estate road(s)
  30. Internal estate road junction visibility splays
  31. Vehicular turning facility for service and delivery vehicles
  32. Details of new driveways and parking areas
  33. Measures as detailed in the Flood Risk Assessment
  34. Flood Warning Evacuation Plan
- 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. The two planning applications for a Doctors Surgery and an Aldi Store have both now been approved.
- 3.5 The current proposal follows planning application 15/00630/FUL which proposed 237 dwellings and was determined at the Planning Committee Meeting held on the 20<sup>th</sup> October 2015. Members resolved to refuse planning permission for the following reasons:
  - Density and compatibility with the character of the area.
- 3.6 Other relevant planning history within the district

- 3.7 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 some 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.
- 3.8 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 and pre-occupation conditions. These include:

##### Pre-Commencement

- a) Details of all junction visibility splays
- b) A straight section for the first 15 metres of a minor arm at junctions
- c) A minimum 6 metres clear of any obstruction between a parking space abutting highway and the opposite edge of a carriageway
- d) The turning head for the substation enlarged to enable its use by the largest vehicle likely to need access to the substation
- e) Details of the visibility splays at a private drive where it meets highway
- f) Details of the shared footway/cycleway between the road which serves plots 18 & 20 and the site access road located north of the roundabout which forms part of planning permission reference 14/01085/FUL
- g) Details of the shared footpath/cycleway between the turning head adjacent plot 167 and the road in front of plot 42

##### Pre-occupation

- a) All highway works which form part of planning permission reference 14/01085/FUL.
  - b) If a bus service commences use of the spine road and roundabout off Kirby Road which form part of planning permission reference 14/01085/FUL within 5 years from first occupation of the development, a new bus stop to current Essex County Council specification on the spine road south of the roundabout. If no service within 5 years, upgrade two existing stops which would best serve the proposal site.
  - c) Residential Travel Information Packs
- 4.4 ECC Archaeological Services – Whilst it is acknowledged that the proposed development would result in harm to the significance of the Martello Tower, and in line with NPPF policies for the historic environment, Tendring District Council should weigh the level of harm to the significance of the designated heritage asset against any public benefits arising from the proposed development.

If approval is granted and given that evidence of prehistoric activity was identified within the larger site then a condition should be attached to secure a Programme of Trial Trenching followed by Open Area Excavation.

- 4.5 Natural England – Despite raising no objections to previous development proposals for the site, Natural England's initial letter raised a number of concerns mainly relating to the



potential impact of the development on Hamford Water that might arise following the creation of a newly proposed coastal footpath that will extend around the coastline of Great Britain. Natural England's interim advice suggested that a Habitat Regulations Assessment might be required and that the application should be deferred to allow Natural England to issue further advice to the Council.

It was suggested at the time that until the position with regard to Habitat Regulation Assessment is confirmed, the Council was not in a position to be able to determine the application as the Council has a legal duty, under European directions, to ensure impacts on internationally designated wildlife sites are properly considered.

Since this interim response Natural England have issued their formal response in a letter dated the 15<sup>th</sup> January 2016. In this it is stated that, **Natural England does not object to the proposed development. Notwithstanding our concerns regarding how the occupancy data is handled in the Ecological Report, we advise that either alone, or in-combination with other plans and projects, the application is not likely to significantly affect the Hamford Water Special Protection Area (SPA), Special Area of Conservation (SAC), or internationally important wetland listed under the Ramsar convention.**

- 4.5 Essex Wildlife Trust – No comments received.
- 4.6 Environment Agency – No objection subject to the Council being satisfied that the development would be safe for its lifetime. A condition ensuring that finished floor levels are no lower than 5.1m above the Ordnance Datum has also been suggested should permission be granted.
- 4.7 ECC SuDS Approval Board – Raised no objection to the proposal subject to a number of planning conditions to secure:
- Detailed surface water drainage scheme for the site
  - Surface Water Drainage Maintenance Plan
  - Maintenance of the surface water drainage system record
- 4.8 NHS England – No objection and has requested a financial contribution to be secured through a S.106 Legal Agreement
- 4.9 National Grid – No objection but has identified that it has apparatus in the vicinity of the site that could be affected by the development. It is suggested that the contractor should contact National Grid before any works are carried out.
- 4.10 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.
- 4.11 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).
- RSPB are however not a statutory consultee. Officers will be lead by the consolation feedback that has been received from Natural England, the statutory consultee in this regard.
- 4.12 Environmental Health – Raised no objection subject to a condition for Construction and Demolition works.

4.13 Anglian Water – Raised no objection and commented that:

- Assets affected – No assets owned by Anglian Water are located within the development site.
- Wastewater Treatment – Foul drainage is in the catchment of Walton on Naze Water Recycling Centre that will have available capacity for proposed flows.
- Foul sewage network – The sewerage system at present has available capacity to accommodate the proposed flows.
- Surface Water Disposal – Method of surface water disposal does not relate to Anglian Water operated assets and the Local Planning Authority is advised to seek the advise of the Lead Local Flood Authority.

## 5. **Representations**

5.1 Frinton and Walton Town Council indicated their support for the scheme and recommend approval.

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

- Design of individual garages and positioning in relation to houses.
- Density at 33 dwellings per hectare (dph) to high.

5.3 A total of 6 representations have been received objecting to the development. The issues raised are summarised below:

- No bungalows to address local demographic
- Poor design of house types A and B
- Inappropriate bin storage
- Parking allocation poor which will lead to disputes
- Density still to high
- Not compliant with the National Planning Policy Framework, Adopted Local Plan (2007) or the Draft Local Plan (2012).
- Alternative development options have not been fully explored.
- Garage designs dated.
- Increase in traffic will result in highway safety issues
- Insufficient education facilities
- Insufficient health facilities
- Limited local employment opportunities

5.4 Four letters of support has also been received. These all refer to the fact that the development of the site would result in significant benefits to the regeneration of Walton-on-the-Naze.

## 6. **Assessment**

6.1 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; and,
- Health.

### **Site Description**

- 6.2 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.
- 6.3 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.
- 6.4 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.
- 6.5 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**

- 6.6 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.

The current scheme seeks full planning permission for the redevelopment of the site to provide 216 residential dwellings. The overall density of the proposal has been reduced in an attempt to address previous concerns raised in this regard. The proposed density is 25.8 dph (including POS) or 31.9 dph (excluding POS) and is 21 fewer dwellings than the refused application.

- 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
  - Aboricultural 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 has now been approved (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 addresses flood risk and decreases 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 current scheme seeks full planning permission for the redevelopment of the site to provide 216 residential dwellings. The overall density of the proposal has been reduced in an attempt to address previous concerns raised in this regard.



The proposed density is 25.8 dph (including POS) or 31.9 dph (excluding POS) and is 21 fewer dwellings than the refused application.

- 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 had been expressed with regard to the prominent eastern and northern boundaries 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 these elevations. The properties would now consist of larger detached dwellings which would be finished in a material palette that gives these properties a more nautical appearance commensurate with their location. It is officer's 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 A similar treatment has also been extended to the external finishes of a number of the properties within the centrally located sections of the development as well as those dwellings that are located at important focal points within the scheme.
- 6.48 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.
- 6.49 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.
- 6.50 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.

- 6.51 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.
- 6.52 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**

- 6.53 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**

- 6.54 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.
- 6.55 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.
- 6.56 Before the submission of the earlier planning application 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.
- 6.57 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.
- 6.58 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.
- 6.59 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.

- 6.60 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**

- 6.61 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.
- 6.62 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.
- 6.63 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.
- 6.64 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.
- 6.66 Saved Policy HG4 requires up to 40% of dwellings to be affordable housing on sites of 15 or more dwellings in urban settlements (with a population of 3,000 or more) and on sites of 5 or more dwellings in rural settlements (with a population less than 3,000). The National Planning Policy Framework requires Councils to consider economic viability when it applies its policies and the Council's own 2013 viability evidence in support of the Local Plan demonstrates that 40% affordable housing is unlikely to be viable in Tendring and that between 10% and 25% (as contained within emerging Policy PEO10) is more realistic. The thresholds under Saved Policy HG4 will therefore be applied but the percentage will be between 10% and 25% as detailed under emerging Policy PEO10.
- 6.67 Officers consider that the scheme would be compliant with the requirements of National and Local Plan Policies with regard to the need to promote a wide choice of high quality housing.

## **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 an addendum to the original Transport Assessment (TA) produced by The Highway Traffic & Transport Consultancy Ltd. This again 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 has been amended to provide parking that is integrated within building plots and for the majority of plots would be in the form of garages, some of the remainder would be served by car ports while small parking courtyards would also be utilised. Landscaped areas would be provided 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, this body is not a statutory consultee and the Council will be lead by the comments received from Natural England, the statutory consultee in this regard, in their letter dated 15<sup>th</sup> January 2016.
- 6.87 In their final response Natural England indicate that they do not object to the proposed development. This is notwithstanding concerns they raised regarding how the occupancy data is handled in the Ecological Report submitted in support of the application.
- 6.88 Natural England advise that either alone, or in-combination with other plans and projects, the application is not likely to significantly affect the Hamford Water Special Protection Area (SPA), Special Area of Conservation (SAC), or internationally important wetland listed under the Ramsar convention and can therefore be screened out from any requirement for further assessment under the Habitats Regulations.
- 6.89 In addition, 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**

- 6.90 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.
- 6.91 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.
- 6.92 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.
- 6.93 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.
- 6.94 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.

- 6.95 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.
- 6.96 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.
- 6.97 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.
- 6.98 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.
- 6.99 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.
- 6.100 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**

- 6.101 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.
- 6.102 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.
- 6.103 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.
- 6.104 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.

- 6.105 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 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
- 6.106 The Heritage Statement concludes that there will be no direct impact on the Church of All Saints or the Walton Conservation Area.
- 6.107 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.
- 6.108 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
- 6.109 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.
- 6.110 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.
- 6.111 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.
- 6.112 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.
- 6.113 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.



- 6.114 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.
- 6.115 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.
- 6.116 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**

- 6.117 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.
- 6.118 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.
- 6.119 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.
- 6.120 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.
- 6.121 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.
- 6.122 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.
- 6.123 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:
- 6.124 **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.
- 6.125 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).

- 6.126 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.
- 6.127 **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.
- 6.128 **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.
- 6.129 **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.
- 6.130 With regard to surface water drainage it is noted that Essex County Council SUDS Authority have raised no objection to the proposal subject to a number of planning conditions to secure a detailed surface water drainage scheme for the site. It is also required that a surface water drainage maintenance plan should be drafted and monitored with results recorded.
- 6.131 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.
- 6.133 With regards to the information submitted within the FRA, the Environment Agency has been consulted, and have no objection subject to a condition requiring that finished floor levels are no lower than 5.1m above the Ordnance Datum.
- 6.134 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**

- 6.135 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.
- 6.136 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 as well as the neighbouring Beaumont and Thorpe ward, are limited with only 9 childcare vacancies. Based on the number of dwellings proposed and additional 18.9 early years and childcare places would be required to support the development.

- 6.137 The proposed development is located within reasonable travelling distances of four primary schools that fall within the Frinton and Walton Primary Forecast group. These schools have an overall combined capacity of 926 permanent places, but have been forecast to have an overall deficit by the school year 2019-20. The demand generated by the proposed development would be in addition to this identified demand and would add 63.1 places to one of the four primary schools within the Frinton and Walton Primary Forecast group.
- 6.138 At secondary level Tendring Technology College is forecast to have a surplus of 32 places by the school year 2018-19. This would however be insufficient to accommodate all of the secondary aged pupils that would be generated by this proposed development. It is also noted that other large scale developments might also come forward in the area. Should these be granted permission it would use up the surplus spaces available at Tendring Technology College. In this instance the proposed development would generate a requirement for an additional 42.1 secondary places.
- 6.139 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 - £262 919.
  - Primary School - £768 662.
  - Secondary School – £778 471.

### **Affordable Housing**

- 6.140 Saved Policy HG4 requires up to 40% of dwellings to be affordable housing on sites of 15 or more dwellings in urban settlements (with a population of 3,000 or more) and on sites of 5 or more dwellings in rural settlements (with a population less than 3,000). The National Planning Policy Framework requires Councils to consider economic viability when it applies its policies and the Council's own 2013 viability evidence in support of the Local Plan demonstrates that 40% affordable housing is unlikely to be viable in Tendring and that between 10% and 25% (as contained within emerging Policy PEO10) is more realistic. The thresholds under Saved Policy HG4 will therefore be applied but the percentage will be between 10% and 25% as detailed under emerging Policy PEO10.
- 6.141 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.
- 6.142 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**

- 6.143 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.
- 6.144 The capital cost calculation performed by NHS England indicates that £65 280 would be required to create the additional floor space required to mitigate for the increased capacity that would be generated by the proposed development.
- 6.145 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.

### **Conclusion**

- 6.146 It is considered that the proposal development has successfully addressed previous concerns expressed by members with regard to:
- The number of larger 'aspirational' dwellings
  - Removal of shared surfaces as part of the road hierarchy and
  - An increase in the number of garages.
- 6.147 The current scheme 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.