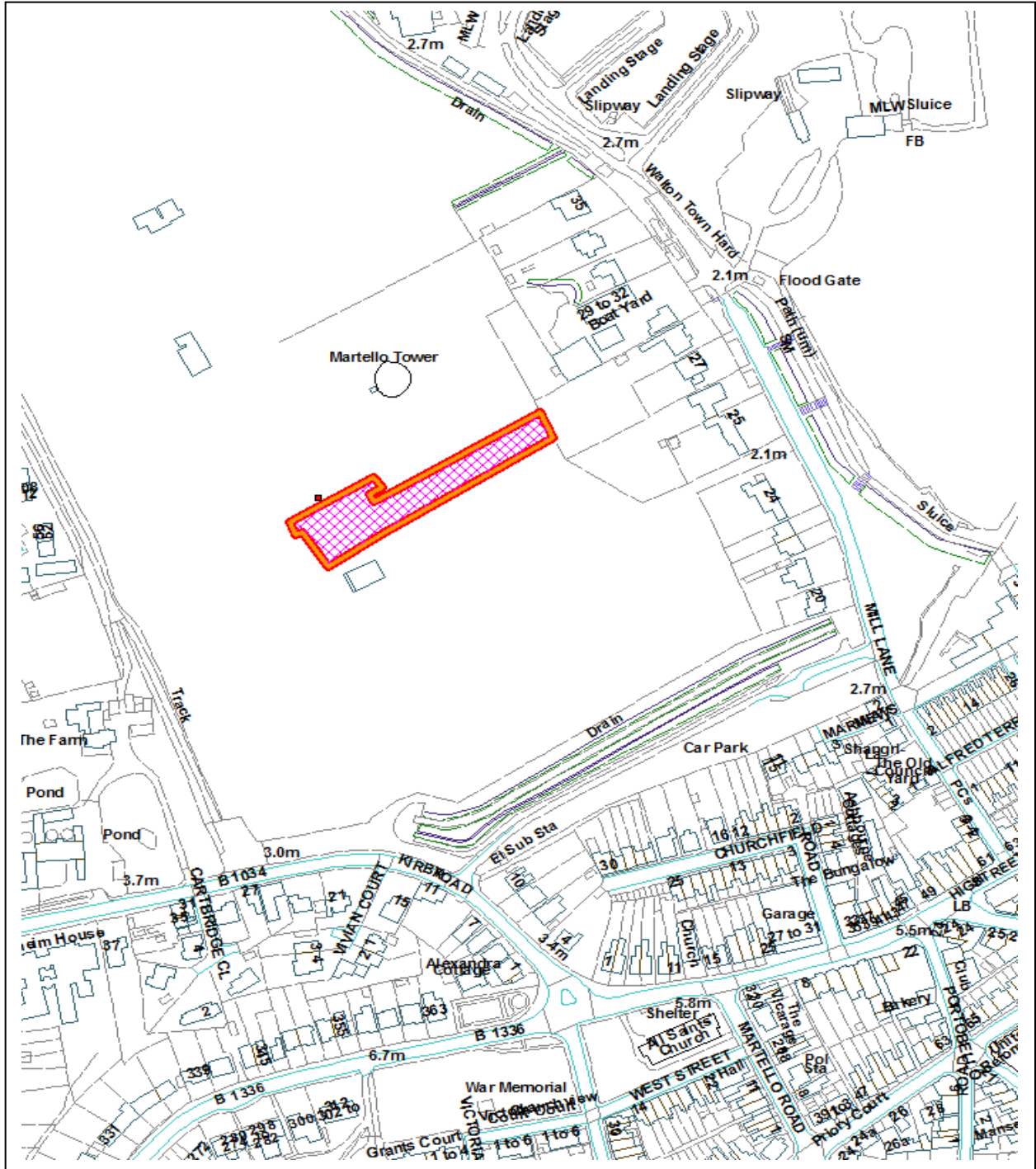


PLANNING COMMITTEE

12th JULY 2016

REPORT OF THE HEAD OF PLANNING

A.5 PLANNING APPLICATIONS - 16/00369/FUL - FORMER MARTELLO CARAVAN PARK KIRBY ROAD, WALTON ON THE NAZE, CO14 8QP



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Application:	16/00369/FUL	Town / Parish: Frinton & Walton Town Council
Applicant:	Linzi Knights - Ashley House Plc	
Address:	Former Martello Caravan Park Kirby Road, Walton On The Naze, CO14 8QP	
Development:	A two storey enabled living facility providing 16 apartments for profoundly disabled adults with staff accommodation in the roof space.	

1. Executive Summary

- 1.1 Councillor D. Miles requested that this application is referred to Planning Committee as there is inadequate infrastructure and a serious issue with accessing local GP services. The proposal would have a negative impact on the already approved housing development for this site. Existing sheltered accommodation in Walton is operating under capacity and therefore this type of facility is not required.
- 1.2 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. Within the application site the principle of its development has already been established through an extant permission for the erection of a two-storey medical centre and pharmacy. Within the wider area permission has been granted for the erection of a three storey 60 bed extra care unit, a supermarket, and 216 residential dwellings (subject to a S106 agreement).
- 1.3 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.
- 1.4 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 and that these would relate to the impacts on the setting of the Martello Tower and impacts on the character of the area you're your 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.
- 1.5 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

That the Head of Planning be authorised to grant planning permission for the development subject to:-

(i) Conditions:

1. Standard 3 year time limit
2. In accordance with submitted details
3. Archaeology

4. Hard and soft landscaping plan/implementation
5. CCTV / Lighting
6. Surface water drainage scheme.
7. Foul water strategy.
8. Highways conditions (as recommended by the Highway Authority).
9. Contamination
10. Car park implementation
11. Restriction to C2 use

2. **Planning Policy**

National Planning Policy Framework (NPPF)

- 2.1 The National Planning Policy Framework (March 2012) sets out the Government's planning policies and how these are expected to be applied at the local level.
- 2.2 Planning law requires that applications for planning permission be determined in accordance with the 'development plan' unless material considerations indicate otherwise. The NPPF doesn't change the statutory status of the development plan as the starting point for decision taking. Where proposed development accords with an up to date Local Plan it should be approved and where it does not it should be refused – unless other material considerations indicate otherwise. An important material consideration is the NPPF's 'presumption in favour of sustainable development'. The NPPF defines 'sustainable development' as having three dimensions:
 - an economic role;
 - a social role, and;
 - an environmental role.
- 2.3 These dimensions have to be considered together and not in isolation. The NPPF requires Local Planning Authorities to positively seek opportunities to meet the development needs of their area whilst allowing sufficient flexibility to adapt to change. Where relevant policies in Local Plans are either absent or out of date, there is an expectation for Councils to approve planning applications, without delay, unless the adverse impacts would significantly and demonstrably outweigh the benefits.
- 2.4 Section 6 of the NPPF relates to delivering a wide choice of quality new homes. It requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years worth of deliverable housing land against their projected housing requirements (plus a 5% or 20% buffer to ensure choice and competition in the market for land). If this is not possible, housing policies are to be considered out of date and the presumption in favour of sustainable development is engaged with applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.
- 2.5 Paragraph 187 of the NPPF states "*Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area*".
- 2.6 Paragraph 134 of the NPPF seeks to ensure that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm

should be weighed against the public benefits of the proposal, including securing its optimum viable use.

- 2.7 Paragraph 109 of the NPPF states that *“The planning system should contribute to and enhance the natural and local environment by conserving and enhancing the natural environment and minimising impacts on biodiversity.”*

National Planning Policy Guidance

Local Plan

- 2.8 Section 38(6) of the Planning Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the ‘development plan’ unless material considerations indicate otherwise. In the case of Tendring the development plan consist of the following:

Tendring District Local Plan (Adopted November 2007) – as ‘saved’ through a Direction from the Secretary of State. Relevant policies include:

- 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 Use
- Q12 Planning Obligations
- COM1 Access for All
- COM2 Community Safety
- COM5 Residential Institutional Uses
- EN6 Biodiversity
- EN13 Sustainable Drainage Systems
- EN23 Development Within the Proximity of a Listed Building
- EN29 Archaeology
- ER18 Caravan and Chalet Parks
- TR1a Development Affecting Highways
- TR1 Transport Assessment
- TR7 Vehicle Parking at New Development

Tendring District Local Plan Proposed Submission Draft (November 2012), as amended by the Tendring District Local Plan Pre-Submission Focussed Changes (January 2014).

Relevant policies include:

SD1 Presumption in Favour of Sustainable Development

SD2 Urban Settlements

SD5 Managing Growth

SD8 Transport and Accessibility

SD9 Design and New Development

PEO16 Residential Institutions and Care

PLA1 Development and Flood Risk

PLA4 Nature Conservation and Geo-Diversity

PLA6 The Historic Environment

PLA8 Listed Buildings

FKW1 Regeneration in Walton on the Naze

FKW6 The Martello Development

Other Guidance

Parking Standards Design and Good Practice Guide (2009)

Essex Design Guide (2005)

Urban Place Supplement (2007)

Walton-on-the-Naze Regeneration Framework (2010)

3. Relevant Planning History

95/00730/FUL	Internal alterations plus external staircase to Martello Tower Monument No. 123	Approved	08.09.1995
04/01485/FUL	Erection of new reception building.	Approved	23.09.2004
11/00244/FUL	Erection of Class A1 retail supermarket and petrol filling station with associated access, car parking, servicing, landscaping and pedestrian footbridge.	Approved	19.10.2012
11/00903/OUT	Proposed redevelopment of the Martello Caravan Park for a new residential neighbourhood with ancillary mixed-use commercial zone. Phase 1 comprising a site	Withdrawn	12.08.2011

area of fifteen acres and providing 150 dwellings including sheltered housing and ancillary commercial zone to include a food superstore, retirement home and doctors group practice/health centre.

12/00410/FUL	Proposed major engineering works to raise the level of the front 3.2 hectares of the site above the flood plain and the provision of the base course for new service roads, roundabout and car park.	Approved	
12/01147/DEMCON	Demolish the Wellington Suite Complex; Amusement arcades and associated stores, supermarket, offices & stores, former camp offices, new camp offices and stores, former cinema building, garage / workshop buildings, sewerage pumping station and swimming pool, enclosure and associated buildings.	Withdrawn	26.09.2013
13/01412/OUT	Hybrid application for proposed development consisting of: <ul style="list-style-type: none"> - a 60 unit extra care apartment block: 48 single bed apartments, 12 two bed apartments (full planning permission sought) - a medical centre and pharmacy (outline planning permission sought). 	Withdrawn	19.03.2014
14/30189/PREAPP	EIA Screening Opinion for proposed residential development for up to 275 homes.		15.05.2014
14/01085/FUL	The implementation of a new access road and associated highway infrastructure to support the redevelopment of the later development of the Martello site.	Approved	26.01.2015
14/01303/FUL	Three storey, 60 unit extra care unit, comprising of 46 single bed apartments & 14 two bed apartments.	Approved	30.03.2015
14/01320/OUT	Two storey medical centre and pharmacy.	Approved	04.12.2015
14/01837/FUL	The re-profiling of ground levels in the south west section of Martello site to facilitate future development.	Withdrawn	05.06.2015

15/30010/PREAPP	Erection of 250 dwellings and associated development.	Refused	10.04.2015
15/30022/PREAPP	Proposed ALDI food store.		04.08.2015
15/00630/FUL	Demolition of existing buildings and erection of 237 residential dwellings together with associated access, car parking, landscaping and related works.	Refused	13.11.2015
15/01714/FUL	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.	Current	Committee resolution to approve on 02/02/2016 subject to completion of S106
15/01731/DISCON	Discharge of condition 7 (site levels) of planning permission 14/01303/FUL.	Approved	12.02.2016
16/00171/FUL	Construction of a temporary access.	Approved	01.04.2016
16/00369/FUL	A two storey enabled living facility providing 16 apartments for profoundly disabled adults with staff accommodation in the roof space.	Current	
16/00568/DISCON	Discharge of condition 3 (materials), 4 (landscaping), 6 (boundary treatments), 10 (surface water management strategy), 11-13 (archaeology), 16 (construction method statement) and 20 (mitigation for protected species and birds) of planning permission 14/01303/FUL.	Current	

4. Consultations

Building Control and Access Officer

No comments received

Environmental Health

Request condition of working times in line with TDC guidance to protect local amenity.

0700-1900 Mon-Fri, 0800-1300 Sat, no Sunday or bank holiday working.

Noisy operations or any works of a percussive nature limited to 0800-1700 Mon-Fri only

Regeneration	No comments received
Housing Services	No comments received
Anglian Water Services Ltd	No comments received
Essex County Council Archaeology	The proposed development lies within an area of low archaeological interest. Recommend imposition of conditions pertaining to a programme of trial trenching followed by open area excavation.
ECC Highways Dept	<p>From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following requirements:</p> <ol style="list-style-type: none"> 1. Prior to commencement of the development a construction management plan, to include but shall not be limited to details of wheel cleaning facilities within the site and adjacent to the egress onto the highway, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed plan <p>Reason: To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011</p> <ol style="list-style-type: none"> 2. No occupation of the development shall take place until the following have been provided or completed: <ol style="list-style-type: none"> a) The highway works attached to planning permission reference 11/00244/FUL and as amended and added to by planning permission reference 14/01085/FUL b) The site access arrangements attached to planning permission reference 14/01303/FUL c) If 50 or more employees, a travel plan to include but shall not be limited to a £3,000 contribution to cover the Highway Authority's costs to approve, review and monitor the Travel Plan <p>Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM1, DM9 and DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011</p> 3. The proposal site shall be accessed via the site access arrangements attached to planning permission reference 14/01303/FUL only. <p>Reason: To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011</p>

Essex County Fire Officer

No comments received

Historic England

The layout and form of the proposed development accords with the general form of development agreed during pre-application discussions. As with previous development proposals, the cumulative impact on the historic setting of the scheduled monument, in which its clear open, strategic views to and from the tower were maintained, will be further eroded on the landward side. Recognising the planning history on this site, Historic England has agreed the principal objective of securing the immediate setting of the tower as open space, with the maintenance of key seaward views, together with the repair and beneficial use of the martello tower. The NPPF states that any harm to designated heritage assets should require clear and convincing justification. The proposed development would cause a degree of cumulative harm to the significance of the scheduled monument and we therefore advise, in line with the Framework (para 134) that your council weigh this harm against any public benefits in the proposed development.

Environment Agency

No comments received

Principal Tree & Landscape Officer

On or close to the southern boundary of the application site there is a dense bank of vegetation comprising primarily of bramble but containing small Hawthorn and Blackthorn trees as well as several conifers.

None of the trees make such a contribution to the appearance of the area that they merit retention or protection by means of a Tree Preservation Order.

The site layout plan shows indicative tree planting around the eastern end of the building. If planning permission is likely to be granted then a soft landscaping condition should be attached to secure this and other planting to enhance the appearance of the development.

Essex Wildlife Trust

No comments received

Natural England

Have no comments to make on this application

ECC SuDS Consultee

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we object to the granting of planning permission based on the following:

The Drainage Strategy submitted with this application does not comply with the requirements set out Essex County Council's Detailed Drainage Checklist.

Therefore the submitted drainage strategy does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted strategy fails to:

- Specifically address the development that is being applied for. The FRA that has been submitted addresses the wider site but does not provide information relating to the drainage information relating

to the development that is being applied for.

- Sufficiently limit the discharge rate. The site wide strategy does not meet Essex County Council's requirement of limiting runoff to the greenfield 1 in 1 year rate or alternatively providing long term storage to mitigate the increased volumes of water leaving the site post development. It should be noted that restricting runoff to 51/s/ha would not be an acceptable strategy. Historically 51/s was applied to an outlet where Qbar was lower than 51/s, as most devices would require an outlet orifice size smaller than 50mm, which would increase the susceptibility of blockage and failure. There are now vortex flow control devices which can be designed to a discharge at 1.0l/s, with 600mm shallow design head and still provide a more than 50mm orifice diameter. Furthermore the risk of blockage should be designed out by sufficient levels of treatment before the flow control device.
- Provide sufficient storage to manage the rainfall from 1 in 100 year event plus climate change on site. Based on the above comments the proposed storage would not be sufficient.
- Demonstrate sufficient treatment for the application area. - It is not clear what if any treatment is being proposed for the application area or how this links with the site wide drainage strategy.
- Provide information about exceedance routes. At this stage of the application process site layout should be fixed therefore it would be possible to provide information about how water in excess of the design event or in case of blockage will be managed.

NHS Property Services Ltd

Due to current priorities and the size of this development, there is not an intention to seek Primary Health care contributions on this occasion. NHS England would therefore not raise an objection to the proposed development.

Adult Social Care

No comments received

5. Representations

5.1 Councillor D. Miles requested that this application is referred to Planning Committee as there is inadequate infrastructure and a serious issue with accessing local GP services. The proposal would have a negative impact on the already approved housing development for this site. Existing sheltered accommodation in Walton is operating under capacity and therefore this type of facility is not required.

5.2 Frinton and Walton Town Council have recommended refusal on the following grounds:

- The need for such a development for the community and within the community has not been demonstrated.
- Is not conducive to the communities needs.
- Condition 18 of planning application 14/01303/FUL was referred to and for good reason should be used when determining this application.

5.3 One letter of objection was received in relation to this planning application. Issues are summarised below:

- Low level of medical facilities in the Walton area
- Current surgery is stretched beyond limits
- Already an Extra Care Home under construction on the site and permission granted for 216 dwellings
- Medical centre was proposed for this site but it is now proposed to use this area to put more strain on infrastructure

6. Assessment

The Site

- 6.1 The site is within the grounds and setting of the Martello Tower, which is a grade II listed building and a Scheduled Monument. The land is covered in a mix of grass and hardstanding, used for the siting of caravans in connection with the operating caravan site. It is defined as a brownfield site in accordance with the NPPF.
- 6.2 Beyond the application site to the north is open fields that are contained by mature field boundaries and further north The Twizzle and a marina. To the east is a mere used by the Walton-on-the-Naze yacht club with its marina. Mill Lane is located to the east and serves residential properties that back onto the land outside of the application site. South of the Martello Caravan Park are residential properties on the southern side of Kirby Road that front towards the Martello site entrance and residential development located off the High Street (Churchfield Road) that back towards a public car park providing a buffer to the southern edge of the Martello site. West of the Site are the residential cul-de-sacs of Warde Chase and Brian Bishop Close which are separated from the sites boundaries by the width of the farm track that runs parallel with the sites western boundary.

The Proposal

- 6.3 This planning application seeks permission for the erection of a two storey building, with accommodation provided within the pitched roof. The building would provide approximately 1240 square metres of floor space to be used as an enabling living facility providing 16 apartments for profoundly disabled adults. Staff accommodation will be provided within the pitched roof space.
- 6.4 The proposal consists of 4 individual apartments which incorporate four en-suite bedrooms. Each apartment includes a communal lounge, dining and kitchen area with staff office. The 2 apartments at ground floor include laundries for use by support staff. Space is also provided for plant rooms.
- 6.5 The proposed vehicular access will use that approved within application 14/01303/FUL. This access leads to a parking area in addition to that already approved. The proposed parking provides 23 spaces, 3 of which are designated disabled bays. The already approved parking serving 14/01303/FUL provides 31 spaces, 3 of which are designated disabled bays.

Architectural Drawings

- 130824-96/RevE – Martello Site Masterplan;
- 15628se-01 – Topographical Survey;
- 0005-P1 – Location Plan;
- 0111-P1 – Site Plan as Proposed;
- 0120-P1 – Proposed Ground Floor Plan;
- 0121-P1 – Proposed First Floor Plan;
- 0122-P1 – Proposed Second Floor Plan, and;
- 0130-P1 – Proposed Elevations.

Reports and Technical Information

- Design & Access Statement
- Heritage Assessment
- Flood Risk Assessment

- Archaeological Evaluation and Trench Report
- Ecological Assessment
- N475-RG-ID-001 – Sketch Landscape Proposals

Main Planning Considerations

6.6 Councillor D. Miles requested that this application is referred to Planning Committee as there is inadequate infrastructure and a serious issue with accessing local GP services. The proposal would have a negative impact on the already approved housing development for this site. Existing sheltered accommodation in Walton is operating under capacity and therefore this type of facility is not required.

- The principle of development
- Clustering
- Public Safety
- External Amenity Space
- Heritage
- Impact on Character and Visual Amenity
- Highways and Parking
- Infrastructure
- Drainage
- Biodiversity

Principle of Development

- 6.7 Policy COM5 and Policy PEO16 - Planning permission (ref: 14/01303/FUL) has been granted for the erection of a three storey, 60 unit extra care unit, comprising of 46 single bed apartments and 14 two bed apartments on part of the Martello Caravan Park. This planning application seeks the erection of an additional two storey pitched roof building to provide 16 apartments. Staff accommodation will be provided in the roofspace.
- 6.8 The development proposal seeks to provide additional C2 (Residential Institution) use on the site. Although the basic principle of such use has been established, consideration must be given to policy COM5 (Residential Institutional Uses) of the Tendring District Local Plan 2007.
- 6.9 The policy sets out criteria for new residential institutional uses outside of the Clacton and Frinton areas of control. Applications for change of use, new residential institutions and extensions to existing residential institutions will be considered on their own merits subject to meeting other relevant local plan policies; that the site should not be located away from existing settlement development boundaries; that the development would not create or give rise to a significant material adverse impact on public safety; that there would be sufficient external space to serve the proposal without impacting on highway safety or residential amenity, and that the proposal would not result in an overdevelopment of the site or a clustering of similar uses in the locality.
- 6.10 Policy COM5 is clear in so far that when assessing proposals for new residential institutions, such proposals are considered on their own merits subject to meeting other local plan policies and the criteria in a) to e) of Policy COM5. Importantly, criterion a) states that the site should not be located away from existing settlement development boundaries apart from in exceptional circumstances. The aim of this criterion is to ensure that residential institutions are located in areas close to support services, facilities and public transport routes.

- 6.11 Government policy, as set out in the NPPF strongly supports the application of the principles of sustainability in considering applications for development. The principles of sustainability discourage, inter alia, use of the private motor car in favour of public transport and advocate new development being located in accessible locations where there is good access to public transport and local services.
- 6.12 In this instance the site falls within the Martello Caravan site for redevelopment and is situated adjacent to the approved Aldi store to the south. To the north, land has been allocated within the emerging local plan for residential development. This is the subject of an application (15/01714/FUL) for the 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. On 2nd February the Planning Committee resolved to approve on this application subject to completion of a S106 agreement. The development proposal seeks to expand upon an existing permission by providing additional accommodation as appose to introducing a new use within the area. Subsequently, it is considered that the principle of development is acceptable.
- 6.13 One of the objections received from Frinton and Walton Town Council is on grounds that the development proposal should be subject to the same condition (No.18) imposed upon permission 14/01303/FUL. This condition restricted the use of the approved building to those occupied by persons of 55 years of age or older. In this instance it would not be possible to impose such a condition as the development proposal is specifically applying for permission to use the building by adults with profound levels of disability. To impose a condition that occupants must be 55 years of age or older would conflict directly with the nature of the development proposal. However, it is accepted that a condition should be imposed restricting the use of the building to a C2 use specifically for that of providing residential accommodation and care to people in need of care.

Clustering

- 6.14 Policy COM5 seeks to control the clustering of similar uses in the locality, as the concentrating of such accommodation in small areas can lead to various problems, particularly because of the potential noise and disturbance it could create outside normal working hours. In this instance whilst permission has already been granted for a care home facility, this current proposal would operate in conjunction and effectively form one comprehensive facility. Therefore it is considered the proposal is in accordance with criterion b) of the policy.
- 6.15 Furthermore, the proposal will be set against the back drop of the Martello Caravan Park as redeveloped, and Walton-on-the-Naze beyond. Any issues of noise and disturbance therefore have to be considered in relation to the context of the site and the development is considered acceptable bearing in mind the existing site surroundings and uses.

Public Safety

- 6.16 Criterion (c) of Policy COM5 provides that developments that would give rise or create a significant adverse impact on public safety would not normally be permitted. It is considered the proposed development is acceptable and would not cause significant public safety concerns as the development proposal represents a managed residential care facility.

External Amenity Space

- 6.17 The application drawings that have been submitted indicate external amenity space can be provided within the grounds of the site to an acceptable level, providing a secure and safe environment for the recreational needs of the residents. This takes the form of a large area of

open space surrounding the Martello Tower, as previously secured within permission 14/01303/FUL. It is therefore considered that sufficient external space is provided within the site to accommodate the recreational needs of the residents, visitors and employees.

- 6.18 Policy ER18 - The site is outside the settlement boundary in the adopted local plan and allocated as a safeguarded caravan and chalet park (Policy ER18 refers). It is within the settlement boundary identified for Walton in the emerging local plan. It is allocated for a mixed use redevelopment in the Walton Regeneration Framework and the emerging local plan (Policy FWK6 refers).
- 6.19 Policy ER18 seeks to safeguard caravan and chalet parks from alternative forms of development. When considering whether a proposal is in compliance with a development plan policy, it is necessary to understand the role and objectives behind the policy itself. Whilst compliance with those underlying objectives in whole or part will not make the current proposal fully compliant with Policy ER18, such findings will have significance to the weight that is afforded to the policy in any balancing exercise.
- 6.20 The adopted local plan devotes Chapter 3 to 'Strengthening the Economy and Promoting Regeneration. It focuses on economic activity which includes retailing and tourism (para. 3.3). The local plan recognises that leisure and tourism make a significant contribution to the prosperity of the local economy. Policy ER18 therefore safeguards existing caravan and chalet parks against redevelopment for alternative uses.
- 6.21 In Walton there are three caravan parks (Naze Marine; Willows Caravan Park and the Martello). The supporting text of the policy highlights that their retention is only 'generally supported' and accepts that there will be some circumstances where redevelopment will be appropriate.
- 6.22 There is a need therefore to assess whether the site makes a significant contribution to the local economy and the role that it plays in helping to secure wider regeneration across the town. The contribution that the park makes now to the local economy is irrelevant as it no longer functions as a holiday park. Planning permissions and planning applications for the redevelopment of the park have been considered by the Council over the last four years. The Regeneration Framework states that :
- 6.23 'The economic benefits of the redevelopment of the site in the manner outlined above are, in our opinion, considered to outweigh the loss of the existing caravan park.' Page 104.
- 6.24 Therefore, although the proposal is in conflict with Policy ER18, it is considered that the current retail proposal will deliver a greater economic benefit than its retention as a holiday park.
- 6.25 The basis for any decision on a planning application is required to consider the land use planning policy in the first instance and then alongside any other material considerations. The site is a brownfield site and in a sustainable location (albeit out of town centre) and is accessible by a range of means of transport – including public transport, walking and cycling as well as by car and the Council recognises this service sector employment in the District as being an important employment generator. This is verified within the Council's Economic Development Strategy that has helped to inform the local plan. The Council's assessment of the application takes into account the NPPF presumption in favour of sustainable development and the status of the adopted local plan and the emerging local plan and also has regard to other material considerations. Undue weight has not been given to any one policy but regard has been had to all three arms of the sustainability criteria of the NPPF which cannot be judged in isolation and to the strong material consideration that exists in that

the site no longer operates as a caravan park (Policy ER18 is therefore carries little, if any, weight).

Heritage

- 6.26 A key material consideration in the determination of this application has been its effect on the setting and appearance of the Martello Tower located in close proximity to the site. The Martello Tower is a Scheduled Ancient Monument and Listed Building.
- 6.27 The Planning (Listed Buildings and Conservation Areas) Act 1990 S. 66 imposes a general duty as respects listed buildings (including Scheduled Ancient Monuments) in the exercise of planning functions.
- 6.28 In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.29 Furthermore, the National Planning Policy Framework (NPPF) in paragraph 133 requires local authorities to refuse permission for developments that would substantially harm the significance of such heritage assets, which includes their setting. Paragraph 134 however provides that where harm is considered to be less than substantial, then the harm needs to be weighed against the wider public benefits of the development.
- 6.30 Policy EN23 in the adopted Local Plan seeks to resist development proposals that would adversely affect the setting of listed buildings and Policy resists development that will adversely affect nationally important archaeological sites and their setting. Scheduled Ancient Monuments are referred to in paragraph 6.142 of the supporting text for the latter policy. Policies PLA6 and PLA8 in the emerging Local Plan similarly give protection to the setting of listed buildings and scheduled ancient monuments as heritage assets.
- 6.31 The applicant has submitted a heritage statement to consider the significance of the Martello Tower K and the potential impact of the development on its significance and its setting. Historic England (formerly English Heritage) has commented on this proposal as well as the previous applications for the 60 bed extra care unit and the medical centre and has concluded that the proposed developments offer the opportunity to improve the setting of the Martello Tower, particularly against the context of the current legal (albeit ceased) use of the site as a caravan park which is considered to be more harmful. Historic England has agreed the principal objective of securing the immediate setting of the tower as open space, with the maintenance of key seaward views, together with the repair and beneficial use of the Martello tower. Whilst the erection of a further building will erode views on the landward side, consideration is given to the existing and proposed built form in the surrounding area, as well as the extant permission (14/01320/OUT) for the large two-storey surgery granted approval within the site.
- 6.32 Underground heritage assets will be controlled by condition.
- 6.33 In accordance with the Framework (as contained within paragraph 134), it is considered that the wider benefits of the development proposal outweigh the limited harm that will be caused to the setting of the Martello Tower. With the submitted material and Historic England's advice, Officers consider that the harm to the setting of the Martello Tower has been properly considered and that the development offers the potential, subject to its detailed design, to improve its setting.

Impact on Character and Visual Amenities

- 6.34 Section 7 of the NPPF relates to good design. Whilst the NPPF says that planning decisions should not impose architectural styles or particular tastes that would serve to stifle originality, it is proper to seek to promote local distinctiveness. Design also needs to address the connections between people and places and the integration of new development into the natural, built and historic environment.
- 6.35 The approved three storey extra care unit takes the form of a three storey, flat roofed building. The current proposal seeks permission for a two storey building with a pitched roof. Both the previously approved and current proposal is contemporary in approach and reflect the style adopted in the construction of the community and health centre. A full commentary on the design evolution has been submitted with the Design and Access Statement and it is considered the design is acceptable given the mix of building designs; ages and use of materials that already exist in the immediate locality.
- 6.36 The proposal is not considered to result in an overdevelopment of the site, but shows an efficient way to utilise the site within a sustainable location. The layout plan shows a development which is not cramped within its site, and a development which can accommodate those services required by the extra care and learning disability facility such as parking and turning, and external amenity spaces without being detrimental to the character of the area.
- 6.37 On or close to the southern boundary of the application site there is a dense bank of vegetation comprising primarily of bramble but containing small Hawthorn and Blackthorn trees as well as several conifers. None of the trees make such a contribution to the appearance of the area that they merit retention or protection by means of a Tree Preservation Order.
- 6.38 The site layout plan shows indicative tree planting around the eastern end of the building. A soft landscape condition will be imposed to secure the existing landscape and other planting to enhance the appearance of the development.
- 6.39 It is therefore considered by Officers that the scale and nature of the proposed development would not adversely affect the character and visual amenities of the area.

Highways and Parking

- 6.40 Vehicular access to the site is proposed from that approved within permission 14/01303/FUL. The additional 23 parking spaces proposed (3 of which will be disabled parking bays) will utilise the internal access arrangements approved within permission 14/01303/FUL.
- 6.41 Provision of parking spaces have been assessed in relation to existing and similar extra care units, all of which have required significantly less parking than normal Class C3 residential uses due to the age of the occupants and in this instance, the bespoke nature of the use to provide living facilities to profoundly disabled adults with the very real likelihood of low car ownership. In this instance the proposed 23 spaces is suitable to serve the current proposal.
- 6.42 The Highway Authority have indicated that if development employees 50 or more staff, a travel plan will be required to include, but shall not be limited to, a £3,000 contribution to cover the Highway Authority's costs to approve, review and monitor the Travel Plan. The proposed development would result in 16 full time and 3 part time staff, therefore not triggering such a requirement. As such this condition will not be imposed.

Infrastructure

- 6.43 An objection has been received on grounds of there being a low level of medical facilities in the Walton area, thus putting a strain on infrastructure. NHS Property Services Ltd have been consulted and comment that due to current priorities and the size of this development, there is not an intention to seek Primary Health care contributions on this occasion. NHS England therefore raises no objection to the proposed development.

Drainage

- 6.44 Essex County Council, as Sustainable Drainage consultee, objects to the submitted drainage Flood Risk Assessment on grounds that it does not comply with the requirements set out Essex County Council's Detailed Drainage Checklist.
- 6.45 In addressing this objection consideration is given to the approved scheme within application 14/01303/FUL, which was for a much larger building and extensive areas of hardstanding. Within this permission a condition was imposed requiring the submission of details pertaining to surface water drainage. It is therefore considered to be unreasonable to refuse permission for the current proposal on grounds of insufficient information pertaining to surface water drainage strategy. It is instead considered reasonable to expect the applicant to provide this information as part of a suitable worded condition to address the surface water drainage of both the approved scheme of 14/01303/FUL and the current application.

Biodiversity

- 6.46 The application site area itself is not subject to any statutory or non-statutory nature conservation designation. The nearest statutory designation to the application site is Hamford Water SSSI, SPA and Ramsar located approximately 0.75km to the north, whilst the nearest non-statutory designation Walton Mere LWS lies adjacent to the application site. The application is accompanied by an ecological report that includes the results of a number of surveys for protected species. The report concludes that all the ecological designations (whether statutory or non statutory) will not be encroached on by the proposals, whilst any indirect effects will be minimised through the adoption of appropriate best practice safeguards.
- 6.47 The habitats within the application site were concluded to be of low ecological value. Specific surveys for protected species recorded low populations of common lizard and slow worm. Accordingly a mitigation strategy, centred on a translocation exercise is recommended.
- 6.48 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.
- 6.49 The majority of the site was previously utilised as a caravan park and the ecological assessment concluded that there are no areas of significant habitat that would be destroyed as part of the redevelopment of the site.
- 6.50 In their response Natural England indicate that they do not have any comments on the application. It should be noted that Natural England advised on the application for the residential development of the site to the immediate north 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.

6.51 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.

Background Papers

None.