



PLANNING COMMITTEE

DATE:	Wednesday, 6 September 2017
TIME:	6.00 pm
VENUE:	Council Chamber, Council Offices, Thorpe Road, Weeley, CO16 9AJ

MEMBERSHIP:

Councillor White
Councillor Heaney
Councillor Alexander
Councillor Baker
Councillor Bennison
Councillor Cawthron

Councillor Everett
Councillor Fairley
Councillor Fowler
Councillor Hones
Councillor McWilliams

Most Council meetings are open to the public and press.

Agendas and Minutes are published on the Council's website www.tendringdc.gov.uk. Agendas are available to view five working days prior to the meeting date and the Council aims to publish Minutes within five working days of the meeting.

Meeting papers can be provided, on request, in large print, in Braille, or on disc, tape, or in other languages.

For further details and general enquiries about this meeting, contact Katie Sullivan on

DATE OF PUBLICATION: Monday, 28 August 2017

AGENDA

1 Apologies for Absence and Substitutions

The Committee is asked to note any apologies for absence and substitutions received from Members.

2 Minutes of the Last Meeting (Pages 1 - 12)

To confirm and sign as a correct record, the minutes of the meeting of the Committee, held on Tuesday 8 August 2017.

3 Declarations of Interest

Councillors are invited to declare any Disclosable Pecuniary Interests or other interest, and nature of it, in relation to any item on the agenda.

4 A.1 - Planning Application - 17-00948-FUL - West Country House Cherry Tree Avenue Clacton (Pages 13 - 22)

Proposed new access road onto Cherry Tree Avenue.

5 A.2 - Planning Application - 17-00976-FUL - Land adjoining Ipswich Road and Wick Lane Ardleigh (Pages 23 - 34)

Erection of 2 No. new workshop buildings and 7 No. office cabins with associated surfacing works including formation of new site access off Wick Lane create new depot for the fitting/repairing of hire container units.

6 A.3 - Planning Application - 17-01191-FUL - 16 Pallister Road Clacton on Sea (Pages 35 - 40)

Change of use from A1 (Shops) to D1 (Non-residential institutions).

7 A.4 - Planning Application - 17-1030-FUL - Land adj Lotus Way Tamarisk Way Jaywick (Pages 41 - 72)

Proposed redevelopment of vacant site for 4 No. two bed starter homes and the erection/installation of an electricity substation and service access.

8 A.5 - Planning Application - 17-1032-FUL - Land Adj Lotus Way Tamarisk Way Jaywick (Pages 73 - 102)

Proposed redevelopment of vacant site for 6 No. two bed starter homes and the erection/installation of an electricity substation and service access.

9 A.6 - Planning Application - 17-01199-FUL - Bath House Meadow Hall Lane Walton (Pages 103 - 108)

Refurbishment and addition of play equipment on existing play area.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Planning Committee is to be held in the Council Chamber, Council Offices, Thorpe Road, Weeley, CO16 9AJ at 6.00 pm on Tuesday, 3 October 2017.

INFORMATION FOR VISITORS

PRINCES THEATRE FIRE EVACUATION PROCEDURE

There is no alarm test scheduled for this meeting. In the event of an alarm sounding, please calmly make your way out of any of the four fire exits in the auditorium and follow the exit signs out of the building.

Please follow the instructions given by any member of staff and they will assist in leaving the building.

Please do not re-enter the building until you are advised it is safe to do so by the relevant member of staff.

The assembly point for the Princes Theatre is in the car park to the left of the front of the building as you are facing it. Your calmness and assistance is greatly appreciated.

PUBLIC ATTENDANCE AT PLANNING COMMITTEE MEETINGS

Welcome to this evening's meeting of Tendring District Council's Planning Committee.

This is an open meeting which members of the public can attend to see Councillors debating and transacting the business of the Council. However, please be aware that, unless you have registered to speak under the Public Speaking Scheme, members of the public are not entitled to make any comment or take part in the meeting. You are also asked to behave in a respectful manner at all times during these meetings.

Members of the public do have the right to film or record Committee meetings subject to the provisions set out below:-

Rights of members of the public to film and record meetings

Under The Openness of Local Government Bodies Regulations 2014, which came into effect on 6 August 2014, any person is permitted to film or record any meeting of the Council, a Committee, Sub-Committee or the Cabinet, unless the public have been excluded from the meeting for the consideration of exempt or confidential business.

Members of the public also have the right to report meetings using social media (including blogging or tweeting).

The Council will provide reasonable facilities to facilitate reporting.

Public Behaviour

Any person exercising the rights set out above must not disrupt proceedings. Examples of what will be regarded as disruptive, include, but are not limited to:

- (1) Moving outside the area designated for the public;
- (2) Making excessive noise;
- (3) Intrusive lighting/flash; or
- (4) Asking a Councillor to repeat a statement.

In addition, members of the public or the public gallery should **not** be filmed as this could infringe on an individual's right to privacy, if their prior permission has not been obtained.

Any person considered being disruptive or filming the public will be requested to cease doing so by the Chairman of the meeting and may be asked to leave the meeting. A refusal by the member of the public concerned will lead to the Police being called to intervene.

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY, 8TH AUGUST, 2017 AT 6.05 PM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY,
CO16 9AJ**

Present:	Councillors White (Chairman), Heaney (Vice-Chairman), Alexander, Baker (except item 35), Bennison, Cawthron, Everett, Fowler, V E Guglielmi, Hones and McWilliams (except item 41)
Also Present:	Councillors Bray (except items 37 – 43), M Brown (except items 37 – 43), Bush (except items 40 – 43), Chapman (except items 38 – 43), G V Guglielmi (Items 33 to 35 only), Newton, Nicholls (except items 38 – 43), Pemberton (except item 43) and Whitmore (except item 43)
In Attendance:	Cath Bicknell (Head of Planning), Ian Ford (Committee Services Manager), Charlotte Parker (Solicitor (Property, Planning and Governance)), Susanne Ennos (Planning Team Leader) and Nigel Brown (Communications and Public Relations Manager)(except items 41 – 43)

29. CHAIRMAN'S OPENING REMARKS

The Chairman announced that items A.1 (Planning Application 15/01787/FUL), A.7 (Planning Application 16/01985/FUL) and A.8 (Planning Application 16/02107/FUL) were deferred items from previous meetings of the Committee and that therefore there would be no public speaking on those items.

He also announced that item A.7 would be the first planning application to be considered at this meeting.

30. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor Fairley (with Councillor V E Guglielmi substituting).

31. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee, held on 11 July 2017, were approved as a correct record and signed by the Chairman.

32. DECLARATIONS OF INTEREST

Councillor V E Guglielmi declared an interest in relation to Planning Application 17/00955/FUL insofar as she was associated with the applicant through the Lawford Housing Trust.

Councillor Baker declared an interest in relation to Planning Application 17/00534/OUT insofar as he was predetermined. He informed the Committee that he would withdraw from the meeting whilst the application was being considered.

Councillor McWilliams declared an interest in relation to Planning Application 17/00456/FUL insofar as she was the local Ward Member. She informed the Committee that she would withdraw from the meeting whilst the application was being considered.

Councillor Fowler declared an interest in Planning Application 17/01009/FUL insofar as she was a local Ward Member.

33. A.7 - PLANNING APPLICATION - 16/01985/FUL - 138 COLNE WAY, POINT CLEAR BAY, ST OSYTH, CO16 8LU

The Committee recalled that at its meeting held on 13 June 2017 it had considered the original plans and had requested that the application be deferred in order to enable Officers to negotiate a building of less bulk in order to improve its appearance within the street scene and to reduce the impact upon neighbours. Consequently, amended plans had been received which showed a building of much reduced bulk incorporating the significant inset of the second floor element. The amended plans ensured that the building would be less prominent in street scene views and would lessen the impact upon neighbours in terms of loss of outlook and light. The amended plans were therefore considered by Officers to have overcome Members previous concerns.

Members were reminded that this application had been referred to the Committee as the applicant was an elected Councillor of Tendring District Council.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Team Leader (SE) in respect of the application.

Councillors Baker and V E Guglielmi took no part in the discussion of this item or the voting thereon as they had not been present when the application had first been considered by the Committee on 13 June 2017.

Following discussion by the Committee, it was moved by Councillor Hones, seconded by Councillor Everett and **RESOLVED** (a) that, contrary to the Officer's recommendation of approval, the Head of Planning (or equivalent authorised officer) be authorised to refuse planning permission for the development due to the following reasons:-

- Design/bulk and massing out of character.
- Overdevelopment lack of useable amenity space.

(b) that an informative be sent to the applicant to inform them that the principle of a replacement dwelling that provides flood risk betterment is acceptable.

34. A.1 – PLANNING APPLICATION - 15/01787/FUL - SITE TO THE SOUTH OF POUND CORNER, HARWICH ROAD, MISTLEY, CO11 2DA

The Committee recalled that, on 7 September 2016, it had resolved to grant planning permission subject to the completion of a Section 106 legal agreement within six months of the date of the Committee's resolution to approve (the latest date was 7 March 2017)

and subject to conditions; otherwise the Head of Planning had the delegated authority to refuse the application if necessary.

The Committee was informed that since the date of the previous resolution discussions regarding the completion of the Section 106 legal agreement had been ongoing. The agreement was now agreed with the applicant. The Head of Planning therefore sought the Committee's agreement to an extension of time until 30 September 2017 in order to complete that legal agreement. The agreement should be completed before this date but an extension until 30 September 2017 was being sought to ensure that the deadline could be met on this occasion. The original Officer's report and the update presented at the 7 September 2016 Planning Committee was reproduced for information only with the revisions to the recommendation in both sections highlighted in bold text and underlined in order to reflect the requested extension of time for the completion of the legal agreement.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Head of Planning (CB) in respect of the application.

Following discussion by the Committee, it was moved by Councillor Heaney, seconded by Councillor Alexander and **RESOLVED** that the Head of Planning be authorised to grant planning permission for the development subject to Officers checking whether the ecology studies need to be updated and further subject to –

a) By no later than 30 September 2017 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 relevant):

- On-site Council Housing/Affordable Housing;
- Transfer of land for allotments and extension to playing fields
- New bus stop (westbound) in the vicinity of the junction with Harwich Road
- New bus stop (eastbound) in the vicinity of the junction with Harwich Road

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 in their discretion considers appropriate) –

(i) Conditions:

1. Standard time limit
2. Development in accordance with submitted plans
3. Retention of existing hedges and trees
4. External facing and roofing materials
5. Works to be carried out outside bird breeding season
6. Screen walls/fences.
7. Full method statement for approval by Pollution and Environmental Control.
8. Hard and soft landscaping
9. Landscape planting period
10. Landscape management plan

11. Existing and proposed site levels
12. Construction of carriageway of estate roads
13. All off-street parking provided in accordance with adopted standards
14. Residential Travel Plans
15. Removal of Permitted Development Rights for dormer windows and rooflights.
16. Driveways and parking areas constructed of porous materials, or provision made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellings
17. Highways conditions (as recommended by the Highway Authority);
18. SUDS conditions as requested by Essex County Council;
19. Ecological mitigation as set out in Bat Activity and Reptile Survey by Geosphere Environmental dated 2nd September 2015
20. Tree protection measures;
21. Environmental Health conditions;

- c) that the Head of Planning be authorised to refuse planning permission in the event that such legal agreement has not been completed by no later than 30 September 2017, as the requirements necessary to make the development acceptable in planning terms had not been secured through a Section 106 planning obligation.

35. A.2 – PLANNING APPLICATION - 17/00534/OUT – LAND TO THE SOUTH OF LONG ROAD AND TO THE WEST OF CLACTON ROAD, MISTLEY, CO11 2HN

Councillor Baker had earlier declared an interest in relation to this Planning Application insofar as he was predetermined. He therefore withdrew from the meeting whilst the application was being considered and determined.

Members were reminded that this land off Long Road and Clacton Road, Mistley already had outline planning permission for 300 homes and 2 hectares of employment land. That planning permission had been granted subject to a number of planning conditions including that any detailed plans for the site needed to be in general conformity with the submitted parameter plans which identified, broadly, the location of housing, commercial development and open space as well as the proposed height of development.

The Committee was informed that the planning application now before it sought to vary the parameter plans in order to allow the development to take place in a different way to that originally envisaged. The revised plans sought to:

- Reduce the overall amount of open space;
- Enlarge the area of land on which homes will be built;
- Apply a height limit across the whole site of 2.5 storeys or 13 metres;
- Change the position of the proposed employment land; and
- Move the proposed access point onto Clacton Road further north.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Head of Planning (CB) in respect of the application.

Parish Councillor Frances Fairhall, representing Mistley Parish Council, spoke against the application.

Councillor G V Guglielmi, a local Ward Member, spoke against the application.

Sam Bampton, on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Hones, seconded by Councillor Heaney and **RESOLVED** that, contrary to the Officer's recommendation of approval, the Head of Planning (or equivalent authorised officer) be authorised to refuse planning permission for the development due to the following reasons:-

- Impact on rural setting/landscape due to inadequate landscaping and potential for 2 ½ storey/13m buildings anywhere on site.

36. A.3 - PLANNING APPLICATION - 17/00507/FUL - LAND TO THE SOUTH OF GUTTERIDGE HALL LANE, WEELEY, CO16 9AS

It was reported that this application had been referred to the Planning Committee at the request of Councillor M Brown, a local Ward Member.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Head of Planning (CB) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of eleven letters of support from local businesses and individuals submitted by the applicant's agent.

Carol Bannister, a local resident, spoke against the application.

Parish Councillor Christine Hamilton, representing Weeley Parish Council, spoke against the application.

Councillor M Brown, a local Ward Member, spoke against the application.

Dr Simon Ruston, the agent on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Baker and seconded by Councillor McWilliams that the application be approved, subject to planning conditions, which motion on being put to the vote was declared **LOST**.

Councillor Hones then moved and Councillor Alexander seconded that the application be refused on the grounds of sufficient existing local provision for gypsies/travellers; concerns about the supply of utility services and the loss of agricultural land. However,

having received and considered the advice of Officers, Councillor Hones then **WITHDREW** his motion.

It was then again moved by Councillor Baker, seconded by Councillor McWilliams and **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following conditions –

1. Temporary permission for 2 years, and after that period all structures etc. to be removed and site re-instated to paddock
2. Personal to the applicant
3. Occupation only by persons meeting Gypsy Definition
4. Development in accordance with plans
5. No more than 1 pitch, and no more than 2 caravans one of which can be a Mobile Home complying with Caravan Sites Act
6. No occupation until following details approved:-

Landscaping scheme and timetable for implementation
 Hardstanding/parking provided
 Foul and surface water drainage installed in accordance with details
 Refuse storage details agreed

7. No businesses to be carried out from the site
8. No vehicles to be stored at the site in excess of 3.5tonnes unladen weight
9. No external lighting

37. A.4 - PLANNING APPLICATION - 17/00306/FUL - 2 SPRING ROAD, BRIGHTLINGSEA, CO7 0PJ

It was reported that this application had been referred to the Planning Committee at the request of Councillor Chapman, a local Ward Member.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Head of Planning (CB) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of:

- (1) Additional comments received from Essex County Council Highways Authority; and
- (2) One further letter of objection received in response to the amended scheme

John Pearce, agent acting on behalf of a neighbour, spoke against the application.

Parish Councillor Jayne Chapman, representing Brightlingsea Town Council, spoke against the application.

Simon Redfearn, the agent on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Everett, seconded by Councillor V E Guglielmi and **RESOLVED** that the Head of Planning (or equivalent

authorised officer) be authorised to grant planning permission for the development, subject to the following planning conditions –

1. Time Limit
2. Approved Plans
3. Removal of permitted development rights for extensions, additions or alterations to the roof, outbuildings and walls / fencing / enclosures
4. Removal of permitted development rights for the conversion of the garage.
5. Restriction of construction working hours
6. Hard and soft landscaping scheme
7. Details of boundary walls and enclosures
8. Materials
9. Any block paving / hardstanding to be permeable or porous
10. Visibility Splays provided prior to occupation and retained
11. Pedestrian visibility splays provided prior to occupation and retained
12. Parking provided prior to occupation and retained
13. No unbound materials
14. No vehicular access gates
15. Slab level to be as low as possible
16. Velux window to be obscure glazed

38. A.5 – PLANNING APPLICATION - 17/01009/FUL - CHURCHILL COURT, PARKESTON ROAD, DOVERCOURT, CO12 4NU

Councillor Fowler had earlier declared an interest in this Application insofar as she was a local Ward Member.

It was reported that this application had been referred to the Planning Committee as Tendring District Council was the owner and the applicant.

Members were informed that this application was an amendment to a previous application under reference 16/01946/FUL which had been approved by the Committee on 31 January 2017.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Head of Planning (CB) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of amended plans submitted by the Agent on 28 July 2017.

Following discussion by the Committee, it was moved by Councillor Baker, seconded by Councillor McWilliams and **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to planning conditions as set out below –

1. Time Limit
2. Approved Plans
3. Opening Hours of Community Liaison Office

4. Restrict Construction Working Hours

39. A.6 - PLANNING APPLICATION - 17/00587/FUL - GREAT OAKLEY LODGE, HARWICH ROAD, GREAT OAKLEY, CO12 5AE

It was reported that this application had been referred to the Planning Committee at the request of Councillor Bush, the local Ward Member.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Team Leader (SE) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of:

- (1) Additional comments received from Great Oakley Parish Council; and
- (2) Two additional letters of objection.

David Munro, a local resident, spoke against the application.

Councillor Bush, the local Ward Member, spoke against the application.

Malcolm Barnett, Operations Manager for Galloper Windfarm, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor V E Guglielmi, seconded by Councillor Bennison and **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following planning conditions –

1. Temporary Permission for 2 years only or until relocated commencing 1st November 2017 after which the site shall be reinstated to its former condition.
2. Accordance with approved plans.
3. Accordance with Flight Avoidance Plan (version dated 12th June 2017). A copy of the Flight Avoidance Plan shall be installed prominently in the cabin/office/club house and in Pilot's Handbook.
4. Use of Helicopters to accord with protocol in the Great Oakley Airfield Pilot Handbook, (2012).
5. No more than 310 Galloper Offshore Wind Limited helicopter movements per month (1st Aug – 31st May) with the daily maximum being 20 movements.
6. No more than 45 Galloper Offshore Wind Limited helicopter movements per month (1st June – 31st July) with the daily maximum being 20 movements.
7. Times of flight operations being in accordance with the table included at section 1.2.4 of the submitted Planning Application Supporting Statement (updated June 2017).
8. No additional lighting installed other than that stipulated on approved plans.
9. No helicopter with a higher noise rating than a Bell 206 Long Ranger shall be used at any time.
10. Other than for necessary routine/servicing and maintenance the site shall not be used as a base for serving, maintenance or repair of helicopters.

11. Records of take-offs/landings of helicopters shall be kept and made available to LPA upon request.
12. Permitted use shall not include helicopter/gyroplane flying training.
13. Programme of monitoring helicopter flight impacts on SPAs in liaison with RSPB.
14. Signage/fence between public right of way and the helipad.

40. **A.8 - PLANNING APPLICATION - 16/02107/FUL – BRAMCOTE, THORPE ROAD, CLACTON-ON-SEA, CO16 9SA**

The Committee recalled that this application had been deferred at its meeting held on 13 June 2017 in order to enable the applicant to undertake an up-to-date habitat assessment and to consider the provision of footpaths within the development.

It was reported that the habitat assessment had been carried out on 22 June 2017 and had found the site to still be of low ecological value with no requirement for species specific surveys. The applicant had declined to amend the layout to provide additional footpaths within the site as this would result in a loss of units and there was no objection from the Highway Authority to the current level of footpath provision.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Team Leader (SE) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of:

- (1) Amended plans;
- (2) A letter from the Applicant's Agent;
- (3) An email received from the County Highways Authority (Adam Garland); and
- (4) A letter received from the Applicant's Chartered Civil Engineer.

Councillors Baker and V E Guglielmi took no part in the discussion of this item or the voting thereon as they had not been present when the application had first been considered by the Committee on 13 June 2017.

Following discussion by the Committee, it was moved by Councillor McWilliams, seconded by Councillor Alexander and **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to:

a) Within 6 (six) 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 relevant):

- Education contribution of £93,116.
- Three gifted dwellings for affordable housing.
- Provision of shared use cycleway/footway on eastern side of Thorpe Road
- between the existing facilities located at the two roundabouts to the north and
- south.
- On site public open space provision to LAP standard and maintenance.

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. Standard 3 year time limit for commencement
2. Accordance with approved plans
3. Details of construction materials
4. Highways conditions (as recommended by the Highway Authority)
5. Hard and soft landscaping plan/implementation
6. Details of public open space equipment
7. Construction method statement
8. Details of boundary treatments
9. Tree protection as detailed in tree report
10. Erection of bird and bat nest boxes and hedgehog friendly fencing and homes as detailed within Ecological Scoping Survey
11. Four conditions as required by ECC Suds
12. Raised Pavers

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 (six) months, as the requirements necessary to make the development acceptable in planning terms had not been secured through a Section 106 planning obligation.

41. A.9 - PLANNING APPLICATION - 17/00456/FUL - STURRICKS FARM, STURRICK LANE, GREAT BENTLEY, CO7 8PT

Councillor McWilliams had earlier declared an interest in relation to this Application insofar as she was the local Ward Member. Councillor McWilliams withdrew from the meeting whilst the application was being considered and determined.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Team Leader (SE) in respect of the application.

Following discussion by the Committee, it was moved by Councillor Baker, seconded by Councillor Heaney and **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following planning conditions –

1. Standard 3 year time limit for commencement
2. Accordance with approved plans
3. Details of construction materials
4. Vehicular parking and turning as shown to be provided prior to occupation
5. No unbound materials to be used within 6 metres of highway boundary
6. Hard and soft landscaping plan/implementation

7. Construction method statement
8. Details of boundary treatments
9. Retained buildings to be made good as shown prior to occupation of dwellings
10. Tree protection as detailed in tree report
11. Submission of Arboricultural Method Statement
12. Phase 2 contamination assessment
13. Demolition and construction restricted to 08:00 - 18.00hrs Monday to Friday, 08.00 - 13.00hrs Saturdays and no permitted works on Sundays and Bank Holidays.
14. Signage regarding the Bridleway

42. A.10 - PLANNING APPLICATION - 17/01081/OUT - 96 JAYWICK LANE, CLACTON-ON-SEA, CO16 8BB

It was reported that this application had been referred to the Planning Committee at the request of Councillor Whitmore, a local Ward Members.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Team Leader (SE) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of comments received from the County Highways Authority.

Councillor Whitmore, a local Ward Member, spoke against the application.

Peter Le Grys, the agent on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor McWilliams, seconded by Councillor Everett and **RESOLVED** (a) that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following planning conditions –

- 1 Submission of Reserved Matters
- 2 Timescale For Submission of Reserved Matters
- 3 Timescale for Commencement of Development
- 4 Single-storey only
- 5 Archaeology
- 6 SUD's drainage
- 7 Broadband
- 8 Highway Conditions as advised by Highway Authority

(b) that any Reserved Matters Application for this site be submitted to the Committee for its determination.

43. A.11 - PLANNING APPLICATION - 17/00955/FUL - LAND ADJACENT CARBRIA, TENDRING ROAD, LITTLE BENTLEY, CO7 8SH

Councillor V E Guglielmi had earlier declared an interest in relation to this Application insofar as she was associated with the applicant through the Lawford Housing Trust.

It was reported that outline planning permission for 3 dwellings had been refused on 7 June 2016 (16/00532/OUT), and a later application for the outline erection of 2 dwellings – all matters reserved - had been approved by the Committee on 2 November 2016 (Ref 16/01373/OUT). The current application before Members was a full application [rather than a reserved matters submission], however it was clear that the Committee had wanted to review the detailed application following the approval of the outline application.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Team Leader (SE) in respect of the application.

Will Vote, on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor McWilliams, seconded by Councillor Baker and **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following planning conditions –

1. 3 Year Time limit
2. Approved plans
3. Visibility splays
4. Vehicular parking and turning facility
5. No unbound materials in first 6m of access
6. Private drive constructed to a width of 5.5 metres
7. Soft landscaping scheme
8. Vegetation clearance to be undertaken outside of the bird nesting season
9. Continued grazing or regular cuts to grassland undertaken at a low sward height
10. Replacement of any lost hedgerows within the development

The meeting was declared closed at 10.32 pm

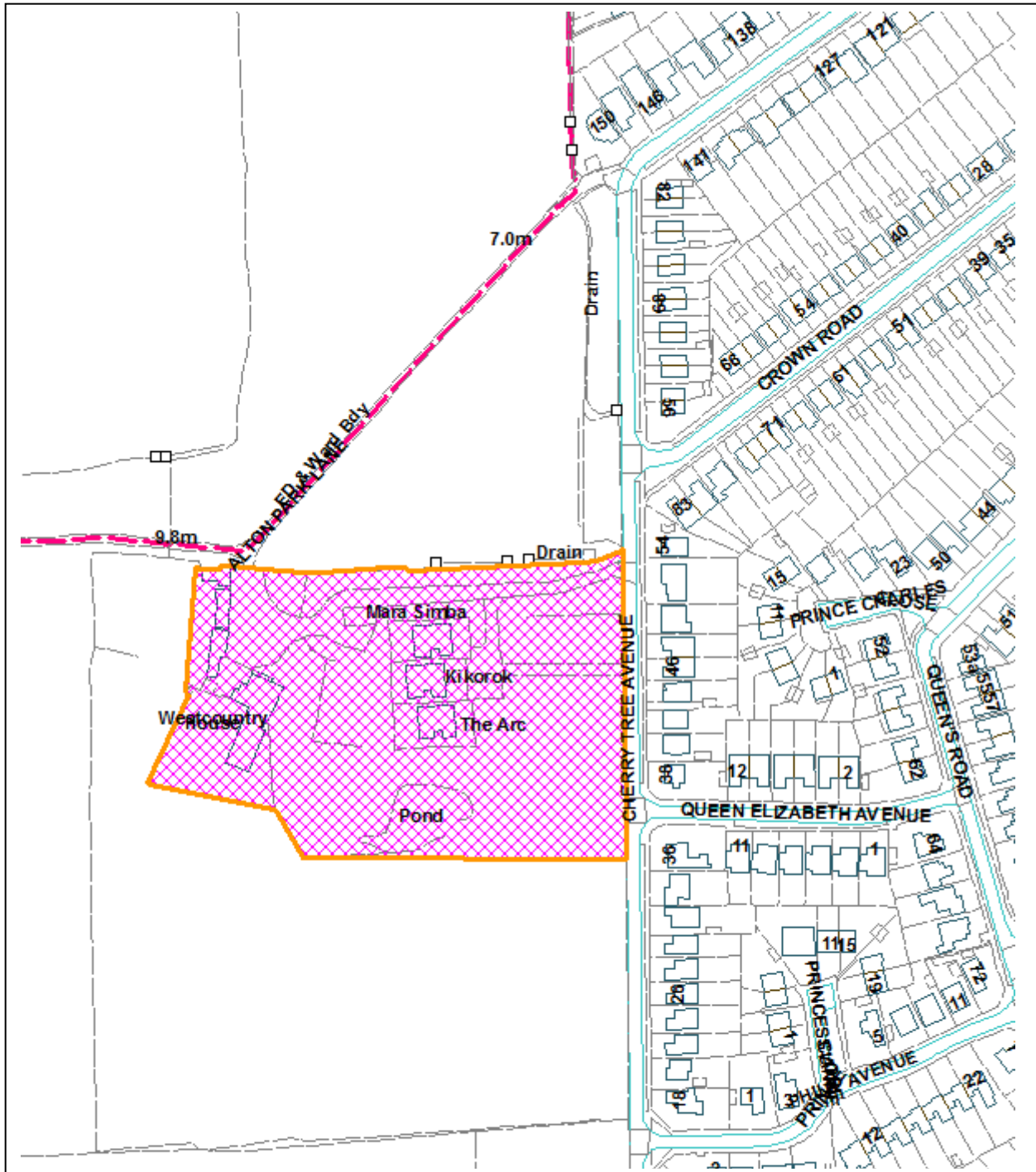
Chairman

PLANNING COMMITTEE

6th September 2017

REPORT OF THE HEAD OF PLANNING

A.1 PLANNING APPLICATION - 17/00948/FUL - WEST COUNTRY HOUSE CHERRY TREE AVENUE CLACTON ON SEA CO15 1AR



DO NOT SCALE

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

Application:	17/00948/FUL	Town / Parish: Clacton Non Parished
Applicant:	Mr R Shah - Tiku Homes Ltd	
Address:	West Country House Cherry Tree Avenue Clacton On Sea CO15 1AR	
Development:	Proposed new access road onto Cherry Tree Avenue.	

1. Executive Summary

- 1.1 This application is brought before Planning Committee at the request of Cllr. C. Griffiths who objects to the application as it will have a damaging impact on privacy; considers it will not enhance the character of area or maintain or enhance the existing features of the landscape or Green Gap and change the character, distinctiveness and unique quality of the location.
- 1.2 West Country House is situated to the west of Cherry Tree Avenue; it is set to the rear of three detached bungalows which are set back from the road. The site comprises of a large detached dwelling and outbuildings and is accessed via a long driveway which also serves the three bungalows. There are also 4 further bungalows which are currently under construction to the south of the existing bungalows.
- 1.3 This application seeks planning permission for a proposed new access onto Cherry Tree Avenue. The proposed new section of road measures 6 metres in width and provides a link between the new access granted permission under application 17/00725/FUL and Cherry Tree Avenue. It is also proposed to extend the section of the access road approved under application 16/00731/FUL further towards West Country House to provide a turning head for fire appliances.
- 1.4 The large area of space in front of the dwelling is one of the main characteristics of the site and as this is retained it is considered that the open character of the area is kept and there would be no significant adverse impact on the character and appearance of the Green Gap.
- 1.5 The proposed access road will not result in an increase in the level of traffic accessing the site; therefore it is considered that the proposal would not result in any adverse impact on the amenities of the neighbouring residents.
- 1.6 The proposal would not generate any increase in traffic accessing the site. The Highway Authority have raised concern that the proposed access exceeds their policy requirements and state that the existing access road is perfectly adequate for the number of units on this site. This may be case however, in planning terms there is no reason for them to provide justification for the proposal. Furthermore, whilst the proposal may be larger than required, it does not make it unsafe and therefore a reason on highway safety reasons cannot be justified.

Recommendation: Approve

Conditions:

Standard Time Limit

In accordance with Approved Plans

No loose or unbound material within 6m of the highway boundary

Informative

All works which affect the existing highway to be arranged in agreement with Essex County Council Highways.

2. Planning Policy

National Planning Policy Framework (NPPF)
National Planning Policy Guidance

Tendring District Local Plan 2007

QL9 Design of New Development
QL10 Designing New Development to Meet Functional Needs
QL11 Environmental Impacts and Compatibility of Uses
EN1 Landscape Character
EN2 Local Green Gaps
EN3 Coastal Protection Belt
TR1A Development Affecting Highways

Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017

SPL3 Sustainable Design
LP4 Housing Layout
PPL3 The Rural Landscape
PPL6 Strategic Green Gaps

Supplementary Planning Guidance

Parking Standards Design and Good Practice Guide (2009)
Essex Design Guide (2005)

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. As this plan is yet to be examined, its policies cannot carry the full weight of adopted policy. However, because the plan has reached publication stage its policies can carry some weight in the determination of planning applications. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

3. Relevant Planning History

93/01450/OUT	Proposed demolition of 3 dwellings, re-siting and replacement of same with 2 bungalows	Refused	22.02.1994
--------------	--	---------	------------

96/00317/FUL	Proposed demolition and replacement of three bungalows together with garages	Approved	23.04.1996
97/00176/FUL	Proposed demolition and replacement of three bungalows and garages at variance to approval TEN/96/317	Approved	11.03.1997
99/01470/FUL	3 bungalows	Refused	24.11.1999
95/00005/TEL COM	Erection of 15 metre telecommunications mast and associated equipment cabins	Determination	10.03.1995
00/02094/FUL	Proposed dwellings	Approved	09.02.2001
11/01003/OUT	Demolition of existing house and outbuildings and the construction of eight single storey houses in a courtyard setting.	Refused – Dismissed at Appeal	25.10.2011
13/00598/OUT	Outline planning application for eight dwellings.	Refused – Dismissed at Appeal	25.07.2013
13/00956/OUT	Outline planning permission for 7 aspirational type dwellings.	Refused – Dismissed at Appeal	17.10.2013
14/01500/OUT	Erection of 5 new dwellings.	Refused – Dismissed at Appeal	22.12.2014
16/00731/FUL	Proposed 4 No. detached bungalows and garages.	Approved	09.09.2016
16/01605/DISCON	Discharge of conditions 3 (Access roads), 4 (Materials) and 5 (Hard and Soft Landscaping) of approved planning application 16/00731/FUL.	Approved	28.11.2016
17/00725/FUL	Proposed new access road to serve new development approved under 16/00731/FUL.	Approved	21.07.2017
17/00948/FUL	Proposed new access road onto Cherry Tree Avenue.	Current	

4. Consultations

ECC Highways Dept

In principle does not objection to a new access in this location to

serve the 8 units on site. However, Cherry Tree Avenue forms the edge of the residential estate and the Green Gap, it is a quiet estate road and the existing access is perfectly adequate for the number of units on this site.

The proposed 6m wide route with a 2m footway does not accord with current standards and is therefore against policy DM1, point iii, which states; new access points will be designed and constructed in accordance with the current standards.

The site currently hosts 8 residential units and as such a 6 metre wide shared use route would be the maximum this Authority will accept as highway.

As proposed, an access road of these dimensions is detailed in the current Essex Design Guide as catering for 700 residential properties for a through-route, 400 on a loop, or 200 on a cul-de-sac. This size of access road proposed is therefore hugely excessive and over-urbanisation.

The proposal is therefore contrary to the relevant policies contained within the County Highway Authority's Development Management Policies.

If a new access route is being proposed to cater for a future far larger residential development of the sizes suggested above, then this application is premature as larger proposals would need to be supported with a full Transport Assessment. This assessment would detail i) The level of traffic increase associated with the site, ii) Whether the surrounding road network was able to accommodate this increase in traffic, and therefore iii) The size of access road necessary to cater for the new estate roads.

Notwithstanding the above, however, if the Local Planning Authority is minded to grant permission for this new access, this Authority would request the new road provide the following;

- 1) No loose or unbound material within 6m of the highway boundary
- 2) The road being no less than 6m in width
- 3) The footway measuring no less than 2m in width
- 4) All turning facilities in accordance with current policy standards
- 5) All works which affect the existing highway to be arranged in agreement with this Authority.

5. Representations

5.1 The application was requested to be determined at Planning Committee by Cllr. C. Griffiths who objects to the amended plans submitted as part of this application for the following reasons:

- It is difficult to understand why a replacement road is needed.
- The drawings do not show West Country House.
- The proposal will have a damaging impact on privacy of existing residents.
- The application will not enhance the local character of distinctiveness of the location it will change the character, distinctiveness and unique quality of the location.

- The creation of an access road in a strategic green gap will not relate well to existing surroundings, it is difficult to see how it will enhance the existing street scene pattern or the open space at the front of the development.
- The proposal will not maintain or enhance the existing features of landscape.
- The proposal will have a materially damaging impact on the privacy of nearby properties.
- The policy approach to conserve Green Gaps forms an important part of the Council's Spatial Strategy approach to restrict development, in the main, to settlements and site identified through the development plan. This is consistent with the framework which states in paragraph seven that part of the environmental role is to protect and enhance the natural environment. This proposal will not protect or enhance the natural environment.

5.2 3 letters of objection were received in relation to the original plans submitted, which raised the following concerns:

- The proposal disregards and opens up the strategic green gap.
- This proposal appears to be part of a plan to get planning approval by a piecemeal approach for future building in the green gap.
- Would change the character of a rural area into an estate.
- Lose the physical separation between settlements.
- Applicant has been forced by the council to remove a road previously in this area.

5.3 In response to the amended plans, a further 3 letters of objection were received which raise the following concerns (in addition to those above):

- Noise, disturbance and dust caused by construction works.
- Construction in the Coastal Protection Belt is not permitted.
- Proposed new road will give access to both the new approved development and to numerous other bungalows (subject to planning) and will destroy the whole frontage of the existing bungalows.
- Create a risk to children and adults.
- Proposed new road has a material damaging impact on the privacy of the occupiers of the existing bungalows.
- Screening of the areas of the 3 existing bungalows has been greatly reduced by the development and will be further reduced by the removal of bushes and trees on the site of this proposed access road.

6. **Assessment**

Site Location

- 6.1 West Country House is situated to the west of Cherry Tree Avenue; it is set to the rear of three detached bungalows which are set back from the road. The site comprises of a large detached dwelling and outbuildings and is accessed via a long driveway which also serves the three bungalows. There are also 4 further bungalows which are currently under construction to the south of the existing bungalows.
- 6.2 The area to the east of Cherry Tree Avenue has been comprehensively developed with housing. However, the area to the west is largely undeveloped and rural in character. The site and adjoining bungalows represent an isolated exception to this rural character.

Planning Background

- 6.3 The site has been subject to a number of previous applications in recent years. Application 11/01003/OUT sought outline planning permission, with all matters reserved for the demolition of the existing house and outbuilding and the construction of 8 dwellings. This indicative layout showed 8 dwellings in a horse shoe shape to the rear of the site. This

application was refused and dismissed at appeal in April 2012. The Inspector concluded that the proposal would not comply with the development plan policies on the location of development (within a Green Gap and Coastal Protection Belt) and would have a harmful effect on the character and appearance of the area.

- 6.4 Application 13/00598/OUT was a resubmission of the above application and sought outline planning permission with all matters reserved for 8 dwellings; this was refused in July 2013. Shortly after this, in October 2013 outline planning permission was refused for 7 no. detached dwellings to the rear of the site behind the existing bungalows (13/00956/OUT), which also involved the demolition of the existing dwelling (West Country House). Both of these decisions were appealed and in the decision dated February 2014 the Inspector dismissed both appeals. In the decision the Inspector found the evidence before him inconclusive regarding the housing supply. However, nonetheless, he considered that even if there is not such a supply, harm from both proposals would significantly and demonstrably outweigh the provision of an additional 7 or 8 dwellings. It was also considered that 'the policy approach to conserve Green Gaps forms an important part of the Council's spatial strategy to restrict development in the main to settlements and sites identified through the Development Plan. This is consistent with the Framework which states in paragraph 7 that part of the environmental role is to protect and enhance the natural, built and historic environment'. Within this appeal the appellant argued that Policy EN2 of the Local Plan allows for minor development within the Local Green Gap if it does not harm its open character and that the proposals would be single storey only, would be well screened by boundary tree and hedge planting and would not be prominent in public views. However, the Inspector considered that 'both sites are clearly visible from several public vantage points. These include travelling north along Cherry Tree Avenue, from West Road to the south in views across open land and across similar open land from Clacton Airfield which is to the south of the site. Additionally a public footpath passes in close proximity to the north, and extending to the west across the airfield. Both sites would be clearly visible in both directions from users of the footpath. Both proposals would involve a significant increase in built development which would be apparent from the public vantage points referred to despite the single storey nature of the proposed dwellings. The cumulative effect of that together with other domestic paraphernalia associated with residential development would create an urbanising effect which would be out of character with the surrounding open landscape and cause harm to the area. Such harm would be the same for both proposals'.
- 6.5 Following the appeal decision a further application was submitted 14/01500/OUT. This sought planning permission for the erection of 5 new dwellings on land surrounding West Country House and the existing bungalows. The application was in outline form with only access being considered as part of the application. The indicative layout showed two dwellings to the front of the existing bungalows and two dwellings to the rear of the existing bungalows and to the front of West Country House and one dwelling to the side of West Country House. This application was refused and dismissed at appeal. This appeal decision dated July 2015 referred to the fact that the Council could not demonstrate a 5 year housing supply. It also stated that because Policy EN2 'aims to keep the Green Gap open and related to development generally it is not specifically a policy for housing supply and is not out of date on the basis of the lack of a five year housing land supply'. In dismissing the appeal the Inspector stated 'the frontage of the site is more open and the existing bungalows are set back from the road. Additional planting could be provided but it is nevertheless likely that parts of the development would be visible across the landscape, including the upper parts of any two storey houses. The development would also be visible from Cherry Tree Avenue including through the access point. The character of the site itself would be altered to a more intensive and urban form of development that currently exists. The character of the proposed development would be at odds with the open quality of the landscape. This has an important role in separating the settlements and thereby maintaining their separate character'.

- 6.6 A more recent determined application is 16/00731/FUL which sought planning permission for the erection of 4 detached bungalows and garages to the south of the three existing bungalows. This application was granted on the basis that the Council could not demonstrate a 5 year housing supply and that the proposal unlike the previous appeal decisions would not undermine the function of the Local Green Gap. A further application, 17/00725/FUL, was granted at Planning Committee to amend the access approved by 16/00731/FUL so that it went to the front of the existing bungalows and not the rear as previously proposed.

Proposal

- 6.7 This application seeks planning permission for a proposed new access onto Cherry Tree Avenue. The proposed new section of road measures 6 metres in width and provides a link between the new access granted permission under application 17/00725/FUL and Cherry Tree Avenue. It is also proposed to extend the section of the access road approved under application 16/00731/FUL further towards West Country House to provide a turning head for fire appliances.
- 6.8 The plans originally submitted as part of this application did not propose a turning head and also showed the existing access onto Cherry Tree Avenue being removed. The plans were amended to include a turning head and retain the existing access onto Cherry Tree Avenue.

Planning Considerations

- 6.9 The main planning considerations are:
- Principle of Development
 - Impact on Green Gap and Character of the Area (including Coastal Protection Belt)
 - Impact on Neighbours
 - Highway Safety

Principle of Development

- 6.10 The proposed access is to provide an alternative access to existing dwelling and those granted planning permission, currently under construction. There is no planning policy which restricts the principle of dwellings having two forms of access and there is no need to provide justification for such proposals. Therefore there can be no principle objection to the provision of an additional access subject to the detailed considerations discussed below.

Impact on Green Gap and Character of the Area (including Coastal Protection Belt)

- 6.11 The proposed development is located within an area designated as a 'Local Green Gap' within the Tendring District Local Plan 2007 and as a 'Strategic Green Gap' in the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.
- 6.12 Policy EN2 of the Saved Local Plan states that Local Green Gaps will be kept open, and essentially free of development. 'This is to prevent the coalescence of settlements, and to protect their rural settings. Minor development proposals may be permitted if they do no harm, individually or collectively, to the purposes of a Local Green Gap or to its open character'.
- 6.13 Policy PPL6 of the Emerging Plan states that within Strategic Green Gaps 'the Council will not permit any development which would result in the joining of settlements or neighbourhoods, or which would erode their separate identities by virtue of their closer proximity. Planning permission may be granted where:

- a. The applicant can demonstrate that there is a functional need for the development to be in that specific location and that it cannot be delivered on an alternative piece of land outside of the Strategic Green Gap;
 - b. The development would not compromise the opening setting between settlements or neighbourhoods; and
 - c. The development would involve the creation of Green Infrastructure which would support the continuing function of the Strategic Green Gap.
- 6.14 The proposed access will have some impact on the character of the area; however, it is not considered that it will significantly erode the character of the area as the majority of the large area of space in front of the dwellings is retained. The large area of space in front of the dwelling is one of the main characteristics of the site and as this is retained it is considered that the open character of the area is kept and there would be no significant adverse impact on the character and appearance of the Green Gap.
- 6.15 The site also lies within the designated Coastal Protection Belt in the Saved Local Plan, but not in the Emerging Local Plan. Policy EN3 of the Saved Plan states that 'new development which does not have a compelling functional need to be located in the Coastal Protection Belt will not be permitted'. The purpose of this policy is to protect the unique and irreplaceable character of the Essex Coastline from inappropriate forms of development. In this case it is not considered that the proposed access would harm the character of the Essex Coastline and furthermore, weight should be given to the Emerging Plan which removes this site from the Coastal Protection Belt. On this basis it is considered that in regards to the Coastal Protection Belt the proposal is acceptable.

Impact on Neighbours

- 6.16 The NPPF, at paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. Policy SPL3 of the Emerging Plan states that amongst other criteria 'the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'.
- 6.17 The proposed access road will not result in an increase in the level of traffic accessing the site; therefore it is considered that the proposal would not result in any adverse impact on the amenities of the neighbouring residents. In fact it would provide an alternative more direct access to the 4 dwellings under construction, rather than the granted access which runs in front of the existing bungalows.

Highway Safety

- 6.18 The proposal would not generate any increase in traffic accessing the site as the number of dwellings it serves is not increasing. The Highway Authority have raised concern that the proposed access exceeds their policy requirements and state that the existing access road is perfectly adequate for the number of units on this site. This may be case however, in planning terms there is no reason for them to provide justification for the proposal. Furthermore, whilst the proposal may be larger than required, it does not make it unsafe and therefore a reason on highway safety reasons cannot be justified.
- 6.19 The Highway Authority is also of the view that the access is premature as it is designed for a larger development than it serves. The granting of an access does not indicate that the site is suitable for further development. Given the planning history of the site; the designation of Green Gap and the fact the Council now has a 5 year housing supply it is Officers view that at present there is are strong reasons to resist development of the site.

- 6.20 Furthermore, Essex County Council Highways have recommended conditions to cover the turning facility and the width of the road and footway, these conditions are not necessary as they are shown as being complied with on the approved plans.

Other Issues

- 6.21 There was an Enforcement Notice issued in 2006 which required an access in a similar location to that proposed to be removed and the notice was complied with. The reason for the notice being served was that at the time it was considered that such an access would cause serious harm to the rural character and introduce an incongruous urban feature that detracts from the countryside appearance and character of the locality set on the edge of the urban area. Since this time the character of the area has changed with permission for 4 further bungalows being given. It is therefore considered that the change to the character of the area which would result for the proposed access would not be significant to maintain this view.

Background Papers

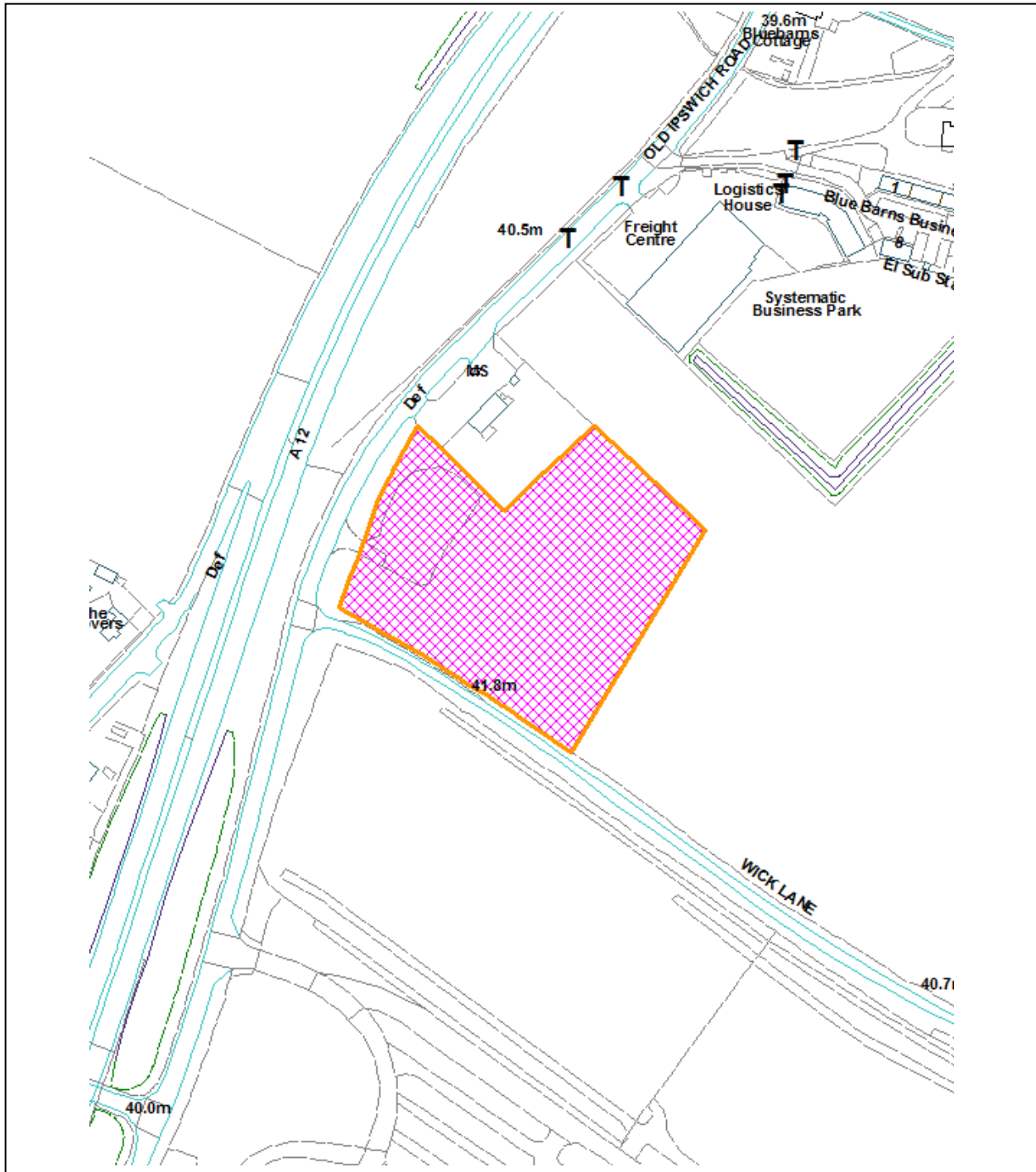
None

PLANNING COMMITTEE

6th September 2017

REPORT OF THE HEAD OF PLANNING

A.2 PLANNING APPLICATIONS - 17/00976/FUL - LAND ADJOINING IPSWICH ROAD AND WICK LANE ARDLEIGH CO7 7QL



DO NOT SCALE

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

Application:	17/00976/FUL	Town / Parish: Ardleigh Parish Council
Applicant:	Mr Chris Morgan - Mobile Mini (UK) Ltd	
Address:	Land adjoining Ipswich Road and Wick Lane Ardleigh CO7 7QL	
Development:	Erection of 2 No. new workshop buildings and 7 No. office cabins with associated surfacing works including formation of new site access off Wick Lane create new depot for the fitting/repairing of hire container units.	

1. Executive Summary

- 1.1 The application is before Members as it has been called-in by Councillor Neil Stock.
- 1.2 This application proposes the use of the land for the storage of containers including the erection of 2 no. workshop buildings and 7 no. office cabins with associated hardsurfacing works to create a depot for the fitting and repairing of hire container units. The application also includes the closing up of the Old Ipswich Road access and the construction of a new vehicular access from the Wick Lane frontage.
- 1.3 Mobile Mini currently operate from a site in nearby Manningtree which due to the increase in Mobile Mini's business has become inadequate for their needs. Mobile Mini's business is the hire and sale of steel portable cabins/containers. The proposed use of the site is a continuation of their current operation which means that the site will be used for the repair/refurbishment of cabins and the storage of cabins awaiting hire/repair.
- 1.4 In January 2017 planning permission (ref - 16/01036/FUL) was granted for Mobile Mini. The permission related to the construction of the same development as now proposed aside from the access point being from Old Ipswich Road.
- 1.5 The previous application was approved with a condition requiring the existing Old Ipswich Road access to be served by 120m by 4.5m by 120m visibility splays. However since the approval the applicant has discovered that they do not own enough land to achieve the required visibility splays contrary to the requirements of Essex County Council Highways.
- 1.6 Essex County Council Highways have therefore recommended that the access be relocated to the Wick Lane frontage and improvements to the first 30m of the lane are undertaken including increasing its width and the provision of an extended kerbed radius on the junction bend. As a result a significant improvement in highway safety terms can be achieved due to much better visibility.
- 1.7 In view of Essex County Council Highways recommending the relocation of the access and as all other aspects of the proposal remaining as previously approved there are no objections in respect of; the impact upon the character and appearance of the locality, residential amenity, highway safety and drainage.

Recommendation: Approve

Conditions:

- 1) Time limit for commencement – 3 yrs.
- 2) Submission of landscaping scheme.
- 3) Implementation of landscaping scheme.
- 4) Details of any additional lighting.
- 5) Operational hours – 6am to 7pm.
- 6) Maximum height of containers in accord submitted block plan (2 high and 3 high).
- 7) Ipswich Road frontage vegetation shall be cut back to create a clear to ground visibility splay with dimensions of 2.4 metres by 120 metres to the north.
- 8) Vehicular parking and turning facilities shown on block plan to provided prior to first use and retained thereafter.
- 9) No unbound material shall be used in the surface treatment of the vehicular access within 20 metres.
- 10) The Wick Lane vehicular access shall be constructed at right angles to the highway boundary and in full accordance with the details as shown on drawing number 3435/L(25)05 rev B, including changes to the Wick Lane/Old Ipswich Road junction.
- 11) Any gates set back 20m from edge of highway.
- 12) Old Ipswich Road access being suitably closed off.
- 13) Construction method statement.
- 14) Details of directional signage for HGV drivers stipulating no movements along Wick Lane to the east.
- 15) Detailed drainage strategy.
- 16) Scheme to minimise offsite flooding.
- 17) Suds maintenance scheme including the keeping of yearly maintenance logs.
- 18) Details of oil/pollutant filters to the drainage system.
- 19) Submission of a local employment strategy.
- 20) Approved plans.**

2. Planning Policy

Tendring District Local Plan 2007

QL3 Minimising and Managing Flood Risk
QL7 Rural Regeneration
QL9 Design of New Development
QL10 Designing New Development to Meet Functional Needs
QL11 Environmental Impacts and Compatibility of Uses
ER7 Business, Industrial and Warehouse Proposals
COM21 Light Pollution
COM23 General Pollution
EN1 Landscape Character
EN13 Sustainable Drainage Systems
TR1A Development Affecting Highways
TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SPL1 Managing Growth
SPL3 Sustainable Design
PP6 Employment Sites
PP13 The Rural Economy

PPL1 Development and Flood Risk
 PPL3 The Rural Landscape
 PPL5 Water, Conservation, Drainage and Sewerage
 CP1 Sustainable Transport and Accessibility
 CP2 Improving the Transport Network

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice
 Essex County Council - Tendring District Protected Lanes Assessment

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. As this plan is yet to be examined, its policies cannot carry the full weight of adopted policy. However, because the plan has reached publication stage its policies can carry some weight in the determination of planning applications. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

3. Relevant Planning History

93/00729/FUL	(Land adjoining Wick Lane and Old Ipswich Road, Ardleigh) Change of use to airfield for group 1 purposes [light aircraft] including part regrading of land with buildings and associated facilities	Refused	19.07.1994
95/00042/FUL	Construction of a building for the sale, repairs, maintenance of agricultural and horticultural machinery together with ancillary access road, car parking, storage and servicing (Variation of Condition No. 1 to extend the time limit for commencement for further 5 years)	Refused	14.03.1995
96/00885/FUL	Variation of the design of a building previously approved and partly implemented to be used for the sale, repair and maintenance of agricultural and horticultural machinery together with ancillary access road, car park, storage and servicing facilities	Approved	14.12.1998

11/00289/FUL	Use of land as car dealership:- Erection of building for use as car show room, workshop and ancillary offices with associated car parking and landscaping, and construction of new access and upgrading of existing access.	Approved	13.06.2011
16/01036/FUL	Erection of 2 No. new workshop buildings and 7 No. office cabins with associated surfacing works to create new depot for the fitting/repairing of hire container units.	Approved	27.01.2017
17/00976/FUL	Erection of 2 No. new workshop buildings and 7 No. office cabins with associated surfacing works including formation of new site access off Wick Lane create new depot for the fitting/repairing of hire container units.	Current	

4. Consultations

Building Control and Access Officer	All these buildings will require Building Regulations consent.
Environmental Protection	Pollution and Environmental control have no comments to make in regard to this application.
Regeneration	Regeneration Supports this application, however would want a clause specifying employment from the local area.
Tree & Landscape Officer	There a no trees or other significant vegetation in the main body of the application site. Currently the site boundaries contain some gappy vegetation that partially screens the site. This will need to be strengthened if the proposed planning application were to be approved. The best tree on the application site is the mature Oak situated on boundary with Wick Lane. The retention or viability of the tree is not compromised by the development proposal as it would be situated in the proposed landscape buffer zone. With regard to the description of the 5m wide grassed area on the Proposed Soft Landscaping Plan this should be amended to provide a 5m wide block of indigenous planting to screen the development from view from the open country side and adjacent highway. In terms of the impact of the development proposal on the local landscape character it is clear that, by its very nature, it would cause harm to the appearance of the area. However if robust perimeter planting is carried out on the site boundaries then potential harm will

be minimised. The application site is reasonably well associated with the adjacent land to the north currently being used for commercial purposes.

If planning permission is likely to be granted then details of soft landscaping to strengthen the existing screening should be secured by condition.

Anglian Water Services
Ltd

No comments received.

ECC Highways Dept

This Authority has assessed the highway and transportation impact of the proposal and does not wish to raise an objection to the above application subject to the following:

Please note the following comments are provided having regard to submitted drawing 3435/L(25)05 rev B.

- Prior to occupation of the development, the Ipswich Road frontage vegetation shall be cut back to create a clear to ground visibility splay with dimensions of 2.4 metres by 120 metres to the north, as measured from and along the nearside edge of the carriageway. This vehicular visibility splay shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety.

- Prior to occupation of the development the vehicular parking and turning facilities, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

- No unbound material shall be used in the surface treatment of the vehicular access within 20 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

- The vehicular access shall be constructed at right angles to the highway boundary and in full accordance with the details as shown on drawing number 3435/L(25)05 rev B including the amendments to the existing highway.

Reason: For the avoidance of doubt and to ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

- Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 20 metres from the back edge of the highway.

Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the highway in the interest of highway safety.

- The existing access on Ipswich Road shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the reinstatement to full height of the highway verge to the satisfaction the Highway Authority immediately the proposed new access is brought into use.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety.

Environment Agency

We have reviewed the application and supporting documents, as submitted, and advise the Council that we have no objection to the development proposal.

We recommend that the following condition be appended to any planning permission granted.

- Surface water drainage from areas of hardstanding shall be passed through an oil separator or series of oil separators, prior to being discharged into any watercourse, soakaway or surface water sewer.

ECC SuDS Consultee

See documents dated 27th July 2017.

5. Representations

5.1 Ardleigh Parish Council are concerned that this application would put entry and exit to the development on Wick Lane and this is what the Council object to. Wick Lane, even with improvement at the Ipswich Rd end would be dangerous and entry and exit can easily be achieved onto the Ipswich Road.

If improvement is made (30 metres of Wick Lane as suggested) it would indicate that the lane is more appropriate for traffic than it and traffic would start on the lane increasing traffic along a known hazardous route.

If the entry/exit point to the development was straight onto the Ipswich road then the Parish Council would support the application.

5.2 5 letters of objection received covering the following points;

- Junction of Wick Lane and Old Ipswich Road is unsuitable for HGVs and improvements to junction and widening may encourage larger vehicles to use Wick Lane.
- Already unregulated parking along Old Ipswich Road by HGVs and this proposal will add to the problem.
- Wick Lane is a protected lane and should be used by HGVs.
- Essex County Council Highways should request no vehicles leaving or entering the site from an easterly direction from Wick Lane.

- Wick Lane has a number of dangerous bends and minimal passing places and is therefore completely unsuitable to cater for large vehicles.
- Existing access to Old Ipswich Road should be utilised.
 - This application represents an attempted urban/industrial creep of businesses.

6. **Assessment**

The main planning considerations are:

- Site Context
- Proposal
- Planning History
- Principle of Development
- Visual Impact
- Residential Amenities
- Highway Considerations
- Drainage Matters

Site Context

- 6.1 The application site is located on the corner of Wick Lane to the south and Old Ipswich Road to the west within the parish of Ardleigh. Beyond Old Ipswich Road to the west runs the A12. To the north of the site are areas in commercial use including Systematic (which has planning permission for a large extension to the rear), Blue Barns Business Park and directly to the north a garage. To the south are agricultural fields beyond which is a highway depot.
- 6.2 The site itself is currently vacant and is surrounded by a mixture of fencing to the northern and eastern boundaries and hedgerow to the south and west. There is an existing access to the site and a pair of mesh gates to the site entrance onto Old Ipswich Road.

Proposal

- 6.3 This application proposes the use of the land for the storage of containers including the erection of 2 no. workshop buildings and 7 no. office cabins with associated hardsurfacing works to create a depot for the fitting and repairing of hire container units. The application also includes the closing up of the Old Ipswich Road access and the construction of a new vehicular access from the Wick Lane frontage.
- 6.4 The applicants Mobile Mini currently occupy a site in nearby Manningtree which due to the increase in Mobile Mini's business has become inadequate for their needs. Mobile Mini has identified the application site as a suitable location for their expanding business to operate from. Mobile Mini's business is the hire and sale of steel portable cabins/containers. The proposed use of the site is a continuation of their current operation which means that the site will be used for the repair/refurbishment of cabins and the storage of cabins awaiting hire/repair.
- 6.5 The site office cabins would consist of 7 no. containers joined together and finished in the applicant's corporate Buttermilk colour. The 2 no. workshop buildings will be used for the repair refurbishment of cabins when returned from hire and for preparing them ready for re-hire. These buildings would measure 18m x 16.4m and 8.7m to ridge.
- 6.6 The rest of the site would be laid to hardsurfacing and comprise of container storage stacked 3 high within the northern element of the site and 2 high within a 25m strip along

the frontage to Wick Lane. To the Old Ipswich Road site frontage two attenuation basins are proposed to cater for surface water drainage.

- 6.7 The existing site entrance from Old Ipswich Road is to be closed off due to the limited visibility splays that can be achieved and a new site entrance is to be created from Wick Lane. All staff and any visitors will access the site through this new entrance and will use the on-site parking area opposite to this entrance. Cabins will be transported to and from site via this same access on Mobile Mini's own crane arm delivery lorries for which an onsite parking area is to be created adjacent to the access. Initially the number of lorry movements per week would be 40 but this will increase to the region of 60-70 per week as the business grows.
- 6.8 To improve access and visibility at the Wick Lane/Old Ipswich Road junction it is intended to widen the first 30m of Wick Lane to 6.75m and adjust the kerb line at the junction accordingly. As part of the site entrance alterations a new pair of weldmesh gates is to be erected these are to be located approx 20m within the site boundary to ensure all vehicles can pull clear of the carriageway when the gates are closed and not obstruct Wick Lane.
- 6.9 The existing boundary is a mixture of fencing and landscaping all of which is to be retained. The existing fence (which has sections of palisade and paladin fencing will be repaired as necessary) is situated on the North and East boundaries. Also along the North and East boundaries are areas of Hedgerow and a number of small trees all of which are to be retained. A 5m wide landscaping strip is proposed to the inside of all perimeters of the site.

Planning History

- 6.10 The site is the subject of an implemented planning permission for an agricultural equipment retail unit dating back to 1990 (reference number TEN/1157/89). This permission was implemented in 1995 with the construction of the present access to the site.
- 6.11 In 2011 (Ref - 11/00289/FUL) a further planning application relating to the 'Use of land as car dealership:- Erection of building for use as car show room, workshop and ancillary offices with associated car parking and landscaping, and construction of new access and upgrading of existing access' was approved. This permission was never implemented and has since expired.
- 6.12 In January 2017 planning permission (ref - 16/01036/FUL) was granted for the current applicants Mobile Mini. The permission related to the construction of the same development as now proposed aside from the access point being from Old Ipswich Road.

Principle

- 6.13 The proposed development, for the most part, accords with the NPPF which, amongst other things, says that Councils should positively seek opportunities to meet the development needs of their area whilst allowing sufficient flexibility to adapt to change. It also presumes in favour of sustainable development that is defined in terms of social; environmental; and economic benefits arising from development. At paragraph 28 of the NPPF it states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. The NPPF goes on to add that to promote a strong rural economy, local and neighbourhood plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings.
- 6.14 Local Plan policy ER7 states, inter alia, that in considering proposals for the expansion of business, industrial or warehousing sites;

- a) the scale and nature should be appropriate to the locality, including its relationship with adjacent uses;
- b) there is no unacceptable impact on amenity in terms of appearance; and in rural locations permission may exceptionally be granted for extensions to existing businesses where new employment opportunities would be generated provided the proposals can be accommodated without an adverse impact on the landscape character of the countryside.

6.15 The site has extant planning permissions dating from 1990 and 2017 for commercial uses and is located in an area which comprises of a number of existing commercial enterprises. The site is also located in close proximity to the A12 and urban area of Colchester. Against this context and in view of the NPPF encouraging the sustainable growth and expansion of rural businesses the development of the site for the purposes proposed is considered to be acceptable in principle. Matters therefore turn to the detail design of the proposals and the impact upon visual amenity, highway safety, drainage, neighbouring amenity and regeneration objectives.

Visual Impact

- 6.16 The proposed development would be visible in views from Wick Lane to the south and from Old Ipswich Road to the west. However, with the provision of a 5m wide landscaping belt to supplement the existing boundary hedging ensures that views of the development would be acceptably softened. As stated above the site has extant planning permissions for commercial uses. The size of the building granted in 1990 relating to agricultural sales would be substantially larger than the buildings proposed as part of this proposal. In addition the use and buildings now proposed has recently been granted planning permission. This application relates solely to the relocation of the access to Wick Lane.
- 6.17 Notwithstanding this point, the containers would drop down to 2 high along the Wick Lane frontage, which combined with the landscaping belt would reduce their visual prominence. The frontage of the site to Old Ipswich Road would be enhanced by the provision of two attenuation basins and further soft landscaping incorporating the closure of the existing access. The provision of a detailed landscaping belt will be secured through a condition as will the maximum height the containers can be stacked.
- 6.18 It is acknowledged that the relocation of the site access to the Wick Lane frontage and the alterations to the Wick Lane/Old Ipswich Road junction will alter the appearance of the entrance into Wick Lane. However, the changes relate only to the first 30m of Wick Lane where the existing vegetation is gappy in nature. The removal of a section of vegetation and the cutting back of existing hedging to achieve visibility is not considered to adversely impact upon the rural character of the lane. The remainder of the Wick Lane frontage would be the subject of a 5m wide landscaping belt which will assist in retaining the rural appearance of Wick Lane in views from the east.
- 6.19 Several objectors have stated that Wick Lane is a protected rural lane. Indeed the 2007 Tendring District Local Plan shows Wick Lane as a designated protected lane. In 2015 Essex County Council published a document called the 'Tendring District Protected Lanes Assessment'. This document involved an assessment of each of the protected lanes in the Tendring District and concluded that Wick Lane did not meet the stated criteria to warrant retaining its protected lane status. As such Wick Lane is no longer a protected lane and this is carried through into the emerging local plan which removes the designation.
- 6.20 Overall against the backdrop of existing commercial uses to the north, including the large expansion of the Systematic site, commercial uses to the south and the A12 to the west, the development of the site for the use proposed and the new access point to Wick Lane would not adversely impact upon the character and appearance of the locality.

Residential Amenities

- 6.21 It is not considered that the development would adversely impact upon residential amenities in the locality. The nearest residential property is located approximately 120m away on the opposite side of the A12. Given the significant noise created by the A12 and the degree of separation to the nearest property, the development proposal and associated activities are not considered to significantly affect the resident's amenity. In view of this conclusion the proposed operational hours of 6am to 7pm is considered acceptable.

Highway Considerations

- 6.22 The supporting statement provided confirms that the number of lorry movements will initially be 40 per week but could reach 60-70 per week once the business expands. The previously approved Mobile Mini application showed the development utilising the existing access onto Old Ipswich Road. The application was approved with a condition requiring the access to be served by 120m by 4.5m by 120m visibility splays. However since the approval the applicant has discovered that they do not own enough land to achieve the required visibility splays contrary to highway safety.
- 6.23 As a consequence the applicant has been in discussions with Essex County Council Highways with a view of overcoming the lack of visibility to the Old Ipswich Road access. As a direct result of these discussions Essex County Council Highways recommended that the access be relocated to the Wick Lane frontage and improvements to the first 30m of the lane are undertaken including increasing its width and the provision of an extended kerbed radius on the junction bend. As a result a significant improvement in highway safety terms can be achieved due to much better visibility.
- 6.24 Essex County Council Highways have reviewed the plans and has no objections subject to the following requirements;
- Prior to occupation of the development, the Old Ipswich Road frontage vegetation shall be cut back to create a clear to ground visibility splay with dimensions of 2.4 metres by 120 metres to the north, as measured from and along the nearside edge of the carriageway. This vehicular visibility splay shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
 - Prior to occupation of the development the vehicular parking and turning facilities, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.
 - No unbound material shall be used in the surface treatment of the vehicular access within 20 metres of the highway boundary.
 - The vehicular access shall be constructed at right angles to the highway boundary and in full accordance with the details as shown on drawing number 3435/L(25)05 rev B including the amendments to the existing highway.
 - Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 20 metres from the back edge of the highway.
 - The existing access on Old Ipswich Road shall be suitably and permanently closed to the satisfaction of the Local Planning Authority.
 - The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays.
- 6.25 The majority of these requirements are reflected on the submitted plans and will be secured via conditions. The parking provision states 25 spaces for staff/visitors and 5 HGV/Truck parking spaces. The application forms state that the development will provide for 25 full time jobs. The parking provision is therefore considered to be acceptable and accords with the Council's current parking standards

Drainage/SUDs

- 6.26 Whilst the site does contain areas of hardstanding the development proposes the majority of the site would be hard surface for parking and storage uses. In view of this a Flood Risk Assessment/drainage strategy has been provided. The document confirms the following;
- 6.27 In order to restrict the runoff leaving the site to as close to greenfield runoff as practicable, a 672 m³ attenuation basin will be incorporated in the northern part of the site. The attenuation is made up of two basins with 1:3 side slopes excavated to a depth of 1.45 m. The hardstanding area of the site will be profiled towards a series of gully drains that will connect to the manhole linked to the offline attenuation basins. It is proposed that a bypass interceptor will also be included in the system. The surface water collected will need to be discharged to roadside ditch along the eastern edge of Old Ipswich Road. Site survey revealed that the existing ditch has become overgrown and would require clearing and excavation to formalise and reinstate this ditch (land own by the local highway authority).
- 6.28 The road side ditch is shown to drain towards Salary Brook. The topographical survey also shows that the levels in the ditch (approximately 42.1mAOD) would be above the base of the attenuation pond (approximately 40.25mAOD) and hence, the discharge to the ditch will need to be pumped.
- 6.29 Essex County Council SUDs Team has reviewed the document and has confirmed no objections subject to conditions relating to;
- the submission of a fully detailed surface water drainage system;
 - details to minimise risk of offsite flooding and pollution caused by construction;
 - a maintenance plan; and
 - yearly maintenance logs being carried out.
- 6.30 The Environment Agency has confirmed that they have no objection subject to the installation of oil separator filters to ensure the surface water leaving the site does not contain contaminates. Details of this will be secured via a suitably worded condition.

Background Papers

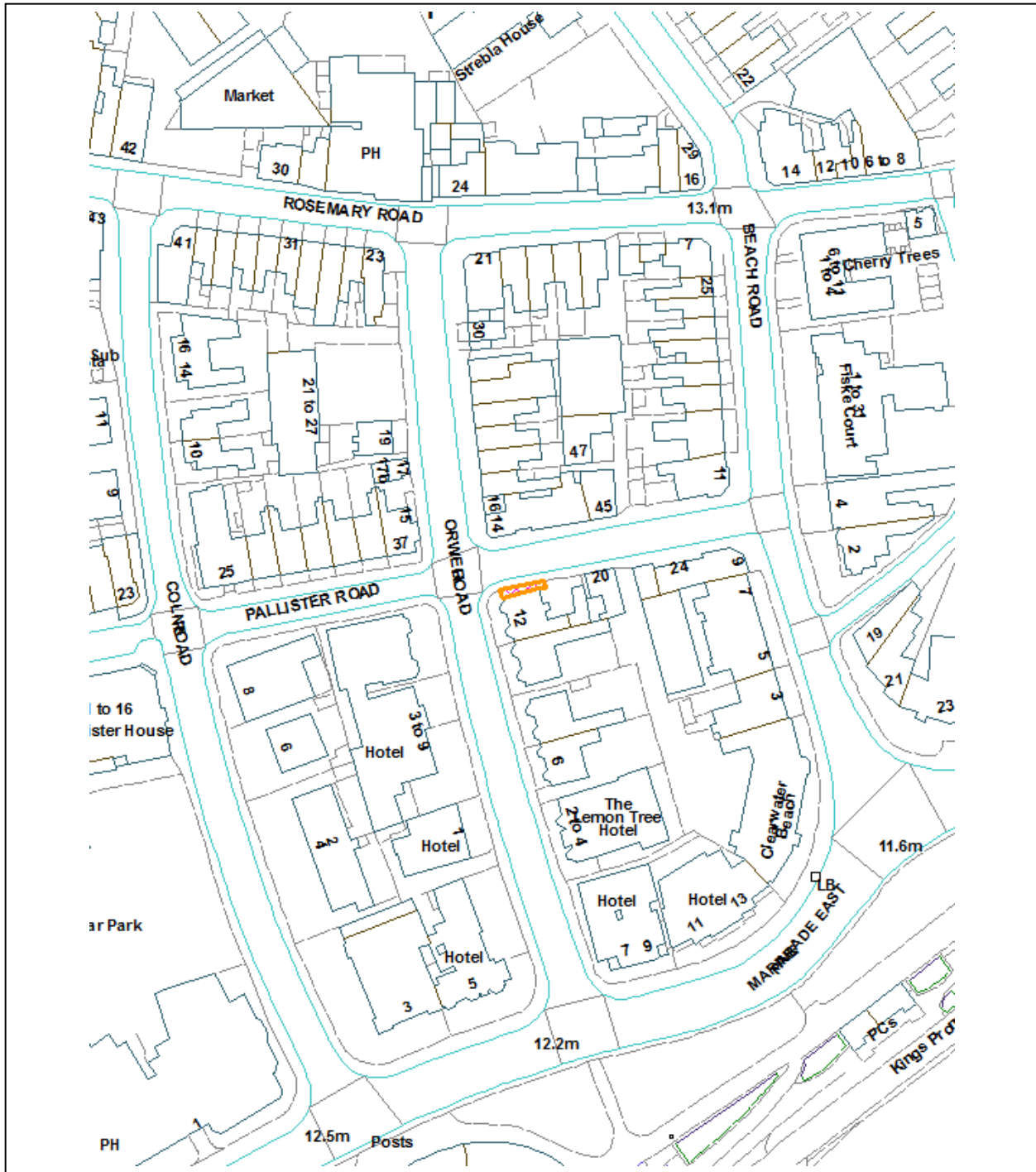
None

PLANNING COMMITTEE

6th September 2017

REPORT OF THE HEAD OF PLANNING

A.3 PLANNING APPLICATION - 17/01191/FUL - 16 PALLISTER ROAD, CLACTON ON SEA, CO15 1PG



DO NOT SCALE

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

Application:	17/01191/FUL	Town / Parish: Clacton Non Parished
Applicant:	Flying Trade Group PLC	
Address:	16 Pallister Road Clacton On Sea CO15 1PG	
Development:	Change of use from A1 (Shops) to D1 (Non-residential institutions).	

1. Executive Summary

- 1.1 The application is before Members as it has been called-in by Councillor Paul Honeywood on the grounds that the change of use will result in a reduction of retail space within the Town Centre resulting in a harmful impact on the vitality and viability of the town.
- 1.2 The application seeks retrospective change of use for this small unit of approximately 20 square metres floor area from an A1 (Retail) use to a D1 (Non-Residential Institutions) use. No alterations to the building are proposed.
- 1.3 The current use, for which this application seeks retrospective consent, is for a professional massage therapist for sports injuries, muscle pain and muscle fatigue treatments. A letter has been received from the Agent dated 8th August 2017 providing further detail on the nature of the use.
- 1.4 Planning records show the most recent use of the unit was a DIY/Hardware shop (around 2009) and the unit then remained vacant following its closure and unsuccessful application to convert the premises into a residential unit.
- 1.5 The unit is located on the corner of Pallister Road and Orwell Road within the Settlement Development Boundary, Urban Regeneration Area and Town Centre Boundary for Clacton and within the Clacton Seafront Conservation Area as defined by both the adopted Tendring District Local Plan 2007 and the emerging Tendring District Local Plan Publication Draft 2017. The site lies outside of the defined Primary Shopping Area or Frontage within both Local Plans and its retention for A1 uses is not safeguarded by Policy.
- 1.6 Given the size and location of the unit Officers are satisfied that the use will not harm to the vitality or viability of the Town Centre, nor will it be harmful to the character and appearance of the Conservation Area or residential amenities. The application is therefore recommended for approval subject to conditions.

Recommendation: Approve

Conditions:

1. Use in accordance with letter dated 8th August 2017.
2. Opening Hours

3. Planning Policy

National Planning Policy Framework
National Planning Practice Guidance

Tendring District Local Plan 2007

- QL6 Urban Regeneration Areas
- QL9 Design of New Development
- QL10 Designing New Development to Meet Functional Needs
- QL11 Environmental Impacts and Compatibility of Uses
- EN17 Conservation Areas
- ER24 Protection of Hotels and Guest Houses
- ER31 Town Centre Hierarchy and Uses

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

- SPL1 Managing Growth
- SPL3 Sustainable Design
- PP5 Town Centre Uses
- PP9 Hotels and Guesthouses
- PP14 Priority Areas for Regeneration
- PPL8 Conservation Areas

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. As this plan is yet to be examined, its policies cannot carry the full weight of adopted policy. However, because the plan has reached publication stage its policies can carry some weight in the determination of planning applications. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

3. Relevant Planning History

- 3.1 No relevant planning history.

4. Consultations

- Environmental Protection No comments received.
- Regeneration The Regeneration Team have no objection to this application.

5. Representations

- 5.1 The site lies within the non parished area of Clacton-on-Sea.
- 5.2 Councillor Honeywood raises an objection to the application on the grounds that the change of use will result in a reduction of retail space within the Town Centre resulting in a harmful impact on the vitality and viability of the town.

This has been addressed in the assessment below.

- 5.3 The Council's Regeneration Team raise no objection to the application.

6. **Assessment**

The main planning considerations are:

- Principle of Development
- Impact on the Character and Appearance of the Conservation Area
- Impact on Residential Amenities

Site Context

- 6.1 The application relates to 16 Pallister Road a small commercial unit located on the corner of Pallister Road and Orwell Road within the Settlement Development Boundary, Urban Regeneration Area and Town Centre Boundary for Clacton and within the Clacton Seafront Conservation Area as defined by both the adopted Tendring District Local Plan 2007 and the emerging Tendring District Local Plan Publication Draft 2017.
- 6.2 The site comprises a single storey, flat roof building fronting Pallister Road and adjoins a block of apartments to the rear fronting Orwell Road. The building is small in size consisting of approximately 20 square metres in floor area with no associated outside space or parking.

Proposal

- 6.3 Planning records show the most recent use of the unit was a DIY/Hardware shop (around 2009) and the unit then remained vacant following its closure and unsuccessful application to convert the premises into a residential unit. The current use as a masseuse has been operating for approximately 4 months.
- 6.4 This application seeks to regularise the use which falls within Class D1 (Non-Residential Institutions) as set out within the Town and Country Planning (Use Classes) Order 1987 (as amended). Other uses falling within Class D1 include places of worship, educational centres and a crèche or day nursery.
- 6.5 Additional information regarding the precise nature of the use has been provided by the Applicant within a letter dated 8th August 2017 describing the service as 'a professional massage therapist for sports injuries, muscle pain and muscle fatigue treatments.'

Principle of Development

- 6.6 The application site is within the Settlement Development Boundary and Town Centre Boundary of Clacton as defined by the Saved Tendring District Local Plan 2007 and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). Saved Policy ER31 of the adopted Local Plan sets out the Town Centre Hierarchy and Uses and states that development proposal which adversely affect the vitality, viability and the urban rural regeneration objectives associated with each centre will not be permitted.
- 6.7 The site lies outside of the defined Primary Shopping Area or Frontage within both the adopted and emerging Local Plans and its retention for A1 uses is therefore not safeguarded by Policy.
- 6.8 Town centres are areas of predominately leisure and business uses and provide a full range of facilities and services. Town centre uses include retail, leisure, offices and uses related to arts, culture and tourism.

- 6.9 The unit does not have a shop frontage or window display areas and is less than 20 square metres in size. The unit is located 80 metres from Rosemary Road to the north and 150 metres from Station Road to the west being the main shopping areas within the town centre.
- 6.10 Having regard to the above site and policy context, the change of use to a D1 use as described within the applicant's letter dated 8th August 2017 as a professional massage therapist for sports injuries, muscle pain and muscle fatigue treatments is considered to be a suitable use for a town centre. Furthermore, the clientele using the facility will likely use the other amenities offered by the town centre contributing positively to the area. As such, the use is not considered to adversely affect the vitality or viability of the town centre.
- 6.11 Given the constraints of the site, including its small size, other uses falling within Class D1 (Non-residential Institutions) such as a day nursery may not be suitable in this location and it is considered necessary to restrict the use by way of condition.
- 6.12 Therefore, there is no objection in principle to the change of use subject to the acceptability of the detailed considerations below.

Impact on the Character and Appearance of the Conservation Area

- 6.13 There are no physical alterations to the building and the suitability of the use in this location as set out above means that no harm to the character and appearance of the Conservation Area results.

Impact on Residential Amenities

- 6.14 The nature of the use as described within the applicant's letter dated 8th August 2017 as a professional massage therapist for sports injuries, muscle pain and muscle fatigue treatments is considered unobtrusive and minor in nature comprising a single room for massage therapy.
- 6.15 No harmful noise or disturbance to the adjacent residential apartments results from the use.
- 6.16 Other more intensive uses falling within Class D1 (Non-residential Institutions) may be harmful being in such close proximity to existing residential units and it is considered necessary to restrict the use by way of condition in the interests of residential amenities.

Background Papers

None.

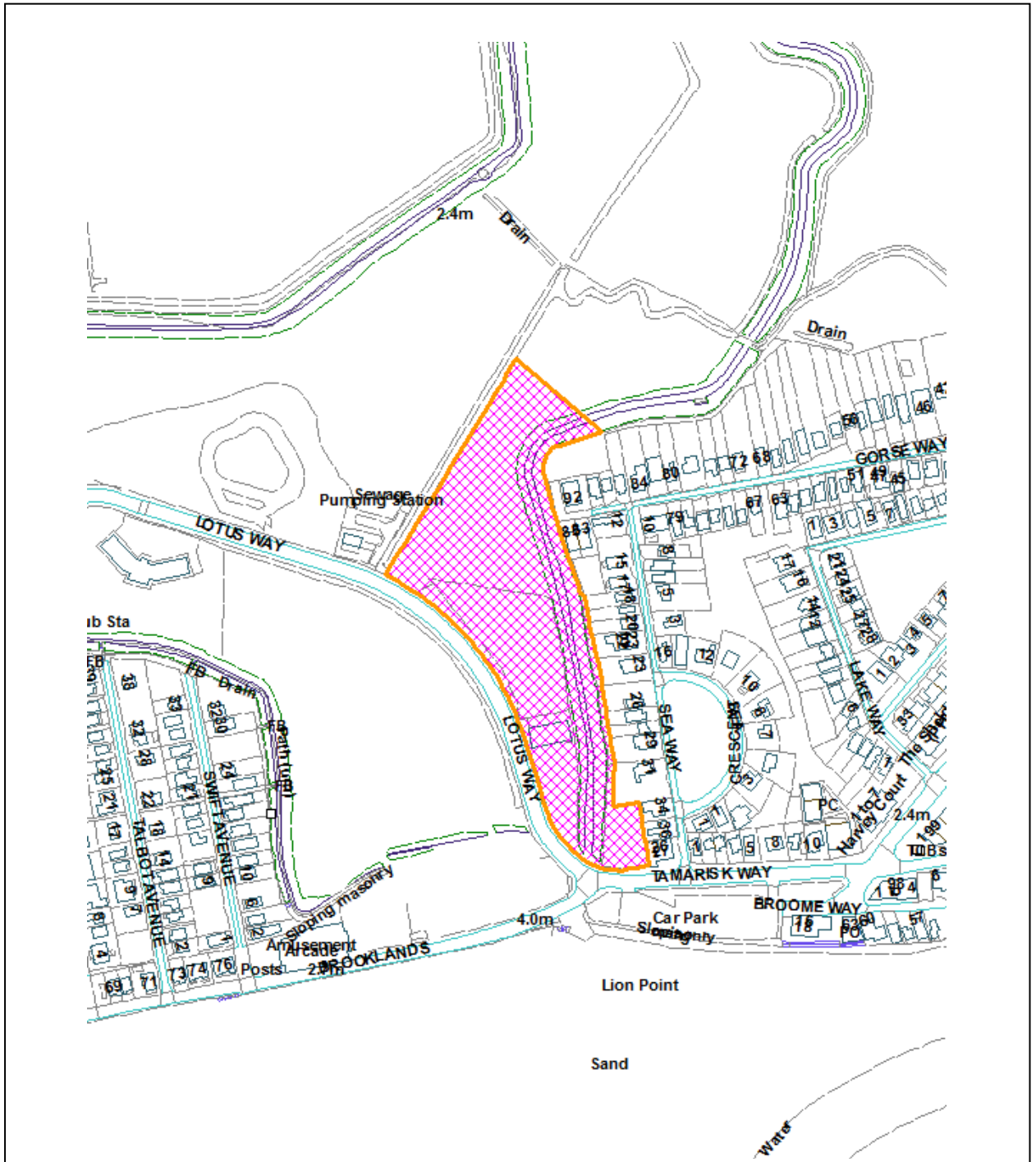
This page is intentionally left blank

PLANNING COMMITTEE

6th September 2017

REPORT OF THE HEAD OF PLANNING

A.4 PLANNING APPLICATIONS - 17/01030/FUL - LAND ADJACENT LOTUS WAY TAMARISK WAY JAYWICK CO15 2HZ



DO NOT SCALE

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

Application:	17/01030/FUL	Town / Parish: Clacton Non Parished
Applicant:	Building Services - Tendring District Council	
Address:	Land adjacent Lotus Way Tamarisk Way Jaywick CO15 2HZ	
Development:	Proposed redevelopment of vacant site for 4 No. two bed starter homes and the erection/installation of an electricity substation and service access.	

1. Executive Summary

- 1.1 This is a full planning application to build four, two bedroom starter homes. The application is reported to Planning Committee in accordance with the Council's Constitution as the proposal has been submitted by the Council in relation to Council owned land.
- 1.2 This part of Jaywick Sands is one of the most deprived areas in the country and many of the existing properties were originally built as holiday homes but have gradually converted to residential use over the decades. Most properties are substandard by modern day expectations and building standards and are within the tidal flood zone where the risk of flooding is at its highest and which is set to increase with the effects of climate change.
- 1.3 The regeneration of Jaywick Sands is one of the Council's top long-term objectives and the Council has been leading a multi-agency project to explore and deliver improvements in the area to better the quality of life for residents and secure a long-term sustainable future for the community. Part of the strategy for regenerating Jaywick Sands is to actively encourage the development of brownfield sites and the redevelopment of the poorest and most vulnerable properties in the area and, at the same time, introducing a new benchmark for built design that addresses flood risk concerns; improves the quality of accommodation; maximises the enjoyment of Jaywick's assets (particularly the beach) and inspires property owners and developers to redevelop and remodel other parts of the area.
- 1.4 This proposal for 4 starter homes, along with the separate application 17/01032/FUL for 6 starter homes, represents one of the first significant proposals for development on recently acquired Council owned land in line with the Council's aspirations for the area. These dwellings are of high-quality, contemporary design, and are in prime location overlooking Jaywick beach and by including only storage and parking on the ground floor would bring about a net improvement in flood safety. Whilst they are radically different from the single-storey bungalows that currently dominate the area and so may be said to be out of character with prevailing built development, the regeneration of Jaywick Sands requires a bold approach that seeks to secure a long-term future for the area and in weighing up the advantages of the developments against the disadvantages, your Officers consider that the advantages far outweigh the disadvantages.
- 1.5 The recommendation is to grant planning permission subject to controlling conditions. It is intentional that the recommendation does not include a requirement for a legal agreement to secure infrastructure or financial contributions. This is in the interests of economic viability and in ensuring the deliverability of the scheme. This approach is

entirely consistent with the NPPF's approach to viability and it is also in the spirit of the Government policy relating to the erection of starter homes.

Recommendation: Approve

Conditions:

That the Head of Planning be authorised to grant planning permission for the development subject to planning conditions as follows:

1. Standard 3 year time limit for commencement
2. Development to be in accordance with approved plans
3. Highways conditions (as recommended by the Highway Authority)
4. Construction management plan
5. Submission of flood resilience measures
6. Submission of flood evacuation plan
7. Minimum floor levels
8. Removal of permitted development rights to convert garages to living accommodation
9. Removal of permitted development rights for extensions and outbuildings
10. Development to be in accordance with the contaminated land assessment
11. Details of materials (including hard surfacing which must be permeable)
12. Details of surface and foul water drainage arrangements
13. Landscaping details
14. Provision of broadband
15. Development in accordance with Ecology Report recommendations

2. Planning Policy

- 2.1 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:
- 2.2 The NPPF was published in March 2012. It sets out the Government's planning policies and how these are expected to be applied at the local level.
- 2.3 Planning law requires that applications for planning permission must 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.
- 2.4 The NPPF has a strong presumption in favour of sustainable development and seeks to build a strong competitive economy. Sustainable development is defined as having three dimensions:
 - an economic role;
 - a social role; and

- an environmental role.
- 2.5 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.
- 2.6 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”.*
- 2.7 Section 6 relates to delivering a wide choice of quality new homes and 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.
- 2.8 Section 7 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.
- 2.9 Section 8 relates to the promotion of healthy communities – it talks about safe and accessible environments.
- 2.10 Section 10 considers the challenge of climate change. New developments should take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption. Developments should take account of flood risk and where appropriate be accompanied by Flood Risk Assessments. Paragraph 94 states:
- “Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations”.*
- 2.11 Paragraph 103 sets out the approach that Councils should take when considering planning applications for development in areas of flood risk. This requires a ‘sequential approach’ that seeks to direct development away from high risk flood areas and to only allow a contrary approach in exceptional circumstances where there are overriding reasons. In any event, developments need to be appropriately flood resilient, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning.
- 2.12 Section 11 deals with conserving and enhancing the natural environment. New development should take account of air, water, and noise pollution. Opportunities to incorporate biodiversity in and around developments should be encouraged.

- 2.13 Section 12 relates to the conservation and enhancement of the historic environment (including archaeology).

Local Plan

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

QL1: Spatial Strategy

Directs most new development toward the larger urban areas and seeks to concentrate development within settlement development boundaries.

QL2: Promoting Transport Choice

Requires developments to be located and designed to avoid reliance on the use of the private car.

QL3: Minimising and Managing Flood Risk

Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more and for developments in Flood Zones 2 and 3.

QL6: Urban Regeneration Areas

Identifies West Clacton and Jaywick, amongst others, as an Urban Regeneration Area. Planning permission will be granted for development that reinforces and/or enhances the function, character and appearance of the area and contributes towards regeneration and renewal. The Urban Regeneration Areas will be the focus for investment in social, economic and transportation infrastructure and initiatives to improve vitality, environmental quality, social inclusion, economic prospects, education, health, community safety and accessibility.

QL8: Mixed-Uses

Promotes mixed-use developments, in town centre locations and Urban Regeneration areas but also elsewhere where they are not harmful to the amenity, function or character of the local area or vitality and viability of any nearby centre.

QL9: Design of New Development

All new development should make a positive contribution to the quality of the local environment and protect and enhance local character.

QL10: Designing New Development to Meet Functional Needs

Requires development to meet functional requirements relating to access, community safety and infrastructure provision.

QL11: Environmental Impacts

Requires new development to be compatible with its surrounding land uses and to minimise adverse environmental impacts.

QL12: Planning Obligations

States that the Council will use planning obligations to secure infrastructure to make developments acceptable, amongst other things.

HG1: Housing Provision

Provision is made for a net dwelling stock increase of 6250 dwellings in Tendring District in the period 1 April 1996 to 31 March 2011.

HG3: Residential Development within Defined Settlements

Within the defined development boundaries of towns and villages, residential development will be permitted provided it satisfies amenity, design, density, environmental, highway, local housing needs and sustainability criteria and can take place without material harm to the character of the local area.

HG3a: Mixed Communities

New residential development should achieve mixed communities.

HG4: Affordable Housing in New Developments

The Council will expect 40% of new dwellings to be made available in the form of affordable housing – in settlements of over 3000 population: housing developments for 15 or more dwellings or residential sites of 0.5 ha or more.

HG7: Residential Densities

Requires residential developments to achieve an appropriate density. This policy refers to minimum densities from government guidance that have long since been superseded by the NPPF.

HG9: Private Amenity Space

Private amenity space shall be provided to new dwellings in accordance with the following standards:

- three or more bedroom house – a minimum of 100 square
- two bedroom house – a minimum of 75 square metres
- one bedroom house – a minimum of 50 square metres

The standards above are in addition to land required for recreational open space by Policy COM6.

HG14: Side Isolation

Proposals for detached, semi-detached and end terraced dwellings over 4 metres in height will be required to retain appropriate open space between the dwelling and the side boundaries to ensure that new development is appropriate in its setting and does not create a cramped appearance and to safeguard the amenities and aspect of adjoining residents. As a guideline a minimum distance of 1 metre will be sought.

COM2: Community Safety

Requires developments to contribute toward a safe and secure environment and minimise the opportunities for crime and anti-social behaviour.

COM6: Provision of Recreational Open Space for New Residential Development

Proposals for residential development on a site of 1.5 hectares and above are required to provide at least 10% of the gross site area as public open space. For residential development below 1.5 hectares in size, where existing open space facilities are inadequate to meet the projected needs of the future occupiers of the development, a financial contribution shall be made to the provision of new or improved off-site facilities in scale and kind to meet these needs.

COM19: Contaminated Land

Unless appropriate remedial measures are included, planning permission will not be granted for development, which is either proposed to be located on, or is affected by ground that is known to be contaminated. Full investigations will have to be carried out, the contamination assessed and appropriate remedial measures specified.

COM29: Utilities

Seeks to ensure that new development on large sites is or can be supported by the necessary infrastructure.

COM31a: Sewerage and Sewage Disposal

Seeks to ensure that new development is able to deal with waste water and effluent.

EN6: Biodiversity

Requires existing biodiversity and geodiversity to be protected and enhanced with compensation measures put in place where development will cause harm.

EN6a: Protected Species

Ensures protected species are not adversely impacted by new development.

EN6b: Habitat Creation

Encourages the creation of new wildlife habitats in new developments, subject to suitable management arrangements and public access.

EN12: Design and Access Statements

Requires Design and Access Statements to be submitted with most planning applications.

EN13: Sustainable Drainage Systems

Requires developments to incorporate sustainable drainage systems to manage surface water run-off.

EN29: Archaeology

Requires the consideration of archaeological significance and the investigation, protection, incorporation or recording of any important archaeological features.

TR1a: Development Affecting Highways

Requires developments affecting highways to aim to reduce and prevent hazards and inconvenience to traffic.

TR3a: Provision for Walking

Seeks to maximise opportunities to link development with existing footpaths and rights of way and provide convenient, safe attractive and direct routes for walking.

TR7: Vehicle Parking at New Development

Refers to the adopted Essex County Council parking standards which will be applied to all development.

CL15: Residential Development in Jaywick

The Council will encourage the redevelopment of the original Brooklands, Grasslands and Village areas provided that :

- any new residential development should take the form of single dwellings on combined plots (18 metres by 15 metres);
- only three storey development that excludes habitable rooms on the ground floor will be allowed;
- direct road frontage access should be available to each plot;
- a minimum of 5 metres deep rear yard/amenity area shall be provided;
- a minimum one metre space between side boundaries and any detached, semi-detached or end terraced dwelling, or a minimum distance of 2 metres between the flank walls of any two such dwellings will be required;
- any off street parking should be provided within the ground floor of each dwelling;
- the front building line to be 2 metres from the highway;

- subsequent extensions to new dwellings will not be allowed if they contain living accommodation on the ground floor in the form of habitable rooms;
- no development will be allowed within 4 metres of the ditch to the rear of Brooklands and Grasslands to allow for the passage of maintenance plant; and
- development along the Brooklands frontage will need to be set back 2 metres to allow for the expansion of the road and a minimum 1.2 metre wide foot path.

The approval of any new dwelling will be subject to a contribution towards the continued wider regeneration of Jaywick in accordance with Policy CL15a.

CL15a: Jaywick Regeneration

To facilitate the phased redevelopment of the original Brooklands, Grasslands and the Village area of Jaywick the Council will allow residential and mixed use development on the following sites:

1. land at the former Brooklands and Grasslands Social Club (mixed use);
2. land west of Lotus Way and north of Brooklands(mixed use on southern part of site);
3. land east of Lotus Way; and
4. land west of the Guinness Trust development, Lotus Way.

Residential development on these sites will be permitted subject to the securing of Section 106 Agreements. Each new dwelling built both within the existing Brooklands, Grasslands and Village area and on sites 1-4 above will be required to make contributions towards:

- a. the assembly of either vacant or 'open market' plots within the defined area;
- b. securing improvements to the highway network, roads, footpaths and cycle routes; and
- c. securing and providing a range of new facilities including retail and open spaces.

CL16: planning Controls in Jaywick

The Council will continue to control development in accordance with the Article 4 Direction. Other types of development will not be permitted including the stationing of caravans; industrial uses in residential areas; retail sales from residential properties; and the sale of goods from commercial properties unrelated to the normal business being carried out.

Tendring District Local Plan 2013-2033 and Beyond: Publication Draft (Published June 2017)

SP1: Presumption in Favour of Sustainable Development

Follows the Planning Inspectorate's standard wording to ensure compliance with the NPPF.

SP3: Meeting Housing Needs

The Council will identify sufficient deliverable sites for housing and will maintain a sufficient supply of deliverable sites to provide at least five years' worth of housing and will work proactively with applicants to bring forward sites that accord with the overall spatial strategy and relevant policies in the plan.

SP5: Infrastructure and Connectivity

Development must be supported by provision of infrastructure, services and facilities that are identified to serve the needs arising from the new development. The infrastructure relates to transport; education; health and telecommunications (broadband).

The Vision for Jaywick Sands in 2033

Jaywick Sands will have seen, through the provision of a deliverable development framework, a sustainable community with associated economic, community and employment opportunities.

SPL1: Managing Growth

Identifies 'Urban Settlements' (including Clacton and Jaywick Sands) where the majority of the district's economic growth will be achieved through the identification of new housing and employment sites, investment in town centres, tourist attractions and key infrastructure and regeneration of deprived neighbourhoods.

SPL2: Settlement Development Boundaries

Seeks to direct new development to sites within settlement development boundaries.

SPL3: Sustainable Design

Sets out the criteria against which the design of new development will be judged. Of particular relevance to this application are the following:

- all new development should make a positive contribution to the quality of the local environment and to protect and enhance local character
- practical requirements must be met including highway access; steps to minimise opportunities for crime and anti-social behaviour; measures to adapt to climate change and to address flood risk; provision is made for private amenity space; and biodiversity is enhanced where possible
- the impacts of the development should be compatible with the surrounding uses including impacts on privacy and daylight; road traffic; and pollution/nuisance levels

HP5: Open Space, Sports and Recreation Facilities

Requires larger residential developments to provide a minimum 10% of land as open space with financial contributions toward off-site provision required from smaller sites.

LP1: Housing Supply

Sets out how the Council will meet objectively assessed housing needs of 11,000 dwellings over the next 15-20 years and in which parts of the district.

LP2: Housing Choice

Promotes a range of house size, type and tenure on large housing developments to reflect the projected needs of the housing market.

The Council will support the development of bungalows, retirement complexes, extra care housing, independent living, **starter homes**, self-build and other forms of residential accommodation aimed at meeting the future needs of older disabled residents as well as family housing.

LP3: Housing Density and Standards

Policy requires the density of new housing development to reflect accessibility to local services, minimum floor space requirements, the need for a mix of housing, the character of surrounding development and on-site infrastructure requirements.

LP4: Housing Layout

Policy seeks to ensure large housing developments achieve a layout that, amongst other requirements, promotes health and wellbeing; minimises opportunities for crime and anti-social behaviour; ensures safe movement for large vehicles including emergency services and waste collection; and ensures sufficient off-street parking.

LP5: Affordable and Council Housing

Provide new affordable and council housing on sites of 11 or more dwellings the Council will expect 30% of new dwellings to be made available to the Council or its nominated partner to acquire at a proportionate discounted value for use as affordable or council housing.

As an alternative, the Council will accept a minimum of 10% of new dwellings to be made available to the Council or its nominated partner to acquire at a proportionate discounted value for use as affordable or council housing alongside a financial contribution towards the construction or acquisition of property for use as council housing equivalent to delivering the remainder of the 30% requirement.

No single group of council houses will exceed ten dwellings – to avoid an over concentration.

PP14: Priority Areas for Regeneration

Identifies Booklands; Grasslands and the Village areas of Jaywick Sands as a priority area for regeneration that will be a focus for investment in social, economic and physical infrastructure and initiatives to improve vitality, environmental quality, social inclusion, economic prospects, education, health, community safety, accessibility, and green infrastructure.

The Council will support proposals for new development which are consistent with achieving its regeneration aims.

PPL1: Development and Flood Risk

All development proposals should include appropriate measures to respond to flood risk and, where appropriate, be accompanied by a Flood Risk Assessment. New development in areas of high flood risk must be designed to be resilient in the event of a flood and ensure that, in the case of new residential development that there are no bedrooms at ground floor level and that a means of escape is possible from first floor level.

PPL4: Biodiversity and Geodiversity

Requires existing biodiversity and geodiversity to be protected and enhanced with compensation measures put in place where development will cause harm. Proposals for new development should be supported by an appropriate ecological assessment; if protected species are present, a suitable mitigation plan will be required. Proposals should consider the potential for enhanced biodiversity.

PPL5: Water Conservation, Drainage and Sewerage

Requires developments to incorporate sustainable drainage systems to manage surface water run-off and ensure that new development is able to deal with waste water and effluent.

PPL7: Archaeology

Proposals for new development that would affect, or might affect, archaeological remains will only be permitted where accompanied by an appropriate desk based assessment. Where identified as necessary within that desk based assessment, a written scheme of investigation including excavation, recording or protection and deposition of archaeological records in a public archive will be required to be submitted to and approved by the Council.

CP1: Sustainable Transport and Accessibility

Requires developments to include and encourage opportunities for access to sustainable modes of transport, including walking, cycling and public transport.

CP3: Improving the Telecommunications Network

Requires that all new dwellings and non-residential buildings must be served by superfast broadband.

DI1: Infrastructure Delivery and Impact Mitigation

All new development should be supported by, and have good access to, all necessary infrastructure. Permission will only be granted if it can be demonstrated that there is sufficient appropriate infrastructure capacity to support the development or that such capacity will be delivered by the proposal. Where a development proposal requires additional infrastructure capacity, to be deemed acceptable, mitigation measures must be agreed with the Council.

Other Relevant Documents

Essex County Council Parking Standards – Design and Good Practice September 2009

Essex Design Guide for Residential and Mixed-Use Areas

Jaywick Strategic Flood Risk Assessment

Ministerial Statement relating to Starter Homes March 2015 - This statement provided an update on the Government's consultation (from the previous year) seeking views about proposals for planning reform to support the development of 100,000 new high-quality, low-cost starter homes for young first time buyers.

The intention was to ensure young people had the “opportunity to buy their own home, settle down and enjoy the security that home ownership brings.”

The starter home consultation proposed the introduction of a new national exception site planning policy to enable starter homes to be built on under-used or unviable commercial or industrial sites not currently identified for housing, on both public and private land; for these starter homes to be only sold to young first time buyers at a minimum 20% discount below their open market value; that local planning authorities should not seek section 106 affordable housing and tariff-style contributions on starter homes; and they should be exempt from the community infrastructure levy to enable developers to help deliver the discounted sale price.

The Government made the following change to national planning policy:

Local planning authorities should work in a positive and proactive way with landowners and developers to secure a supply of sites suitable for housing for first-time buyers. In particular, they should look for opportunities to create high quality, well designed starter homes through exception sites on commercial and industrial land that is either under used or unviable in its current or former use, and which has not currently been identified for housing.

Where applications for starter homes come forward on such exception sites, they should be approved unless the local planning authority can demonstrate that there are overriding conflicts with the national planning policy framework that cannot be mitigated.

Planning obligations should be attached to permissions for starter homes on starter homes exception sites, requiring that the homes are offered for sale at a minimum of 20% below open market price, to young first-time buyers who want to own and occupy

a home. They should also prevent the re-sale and letting of the properties at open market value for a five year period.

In view of their contribution to meeting housing needs, starter homes exception sites should not be required to make section 106 affordable housing or tariff-style contributions.

Exception sites may include a small proportion of market homes, at the planning authority's discretion, where this is essential to secure the required level of discount for the starter homes on the site.

Starter homes developments are expected to be well-designed and of a high quality, contributing to the creation of sustainable places where people want to live, work and put down roots to become part of the local community. A new design advisory panel set up by the Government, involving leading industry experts, is developing an initial set of exemplar designs for starter homes which we expect to publish shortly for wider comment. While recognising the need for local flexibility, we would expect these designs over time to become the default approach to design to be considered for starter homes developments.

This new national planning policy should be taken into account in plan-making and decision-taking, and should be read alongside other policies in the National Planning Policy Framework.

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. As this plan is yet to be examined, its policies cannot carry the full weight of adopted policy. However, because the plan has reached publication stage its policies can carry some weight in the determination of planning applications. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

3. Relevant Planning History

94/00529/FUL	(Lion Point, entrance to Jaywick Market Site, Tamarisk Way, Jaywick) Continued stationing caravan for use as market office and store	Approved	07.06.1994
04/00873/FUL	Change of use of land and buildings.	Withdrawn	10.05.2004

17/01030/FUL	Proposed redevelopment of vacant site for 4 No. two bed starter homes and the erection/installation of an electricity substation and service access.	Current
17/01032/FUL	Proposed redevelopment of vacant site for 6 No. two bed starter homes and the erection/installation of an electricity substation and service access.	Current

4. Consultations

Essex Wildlife Trust No comments received.

Environment Agency **Flood Risk**

Our flood maps show the site lies within tidal Flood Zone 3a defined by the Planning Policy Guidance : Flood Risk and Coastal Change as having a high probability of flooding. The proposal is for proposed redevelopment of vacant site for 4 no. two bed starter homes which are classified as a 'more vulnerable' development, as defined in Table 2 : Flood Risk Vulnerability Classification of the Planning Practice Guidance. Therefore to comply with national policy the application is required to pass the Sequential and Exception Test (s) and be supported by a site specific Flood Risk Assessment (FRA).

Environment Agency Position

We have no objection to this planning application because the site is currently defended and the Shoreline Management Plan (SMP) policy for this area has an aspiration for hold the line. If the SMP policy is not taken forward the development would be unsafe in the future. Please take note of this and other flood risk considerations which are your responsibility. We have highlighted these below.

To assist you in making an informed decision about the flood risk affecting this site, the key points to note from the submitted FRA, referenced 47547 and dated January 2017, are:

Actual Risk

- The site is currently protected by flood defences with an effective crest level of 4.11m AOD which is above the present-day 0.5% (1 in 200) annual probability flood level. Therefore the site is not at risk of flooding in the present-day 0.5% (1 in 200) annual probability flood event. The defences will continue to offer protection over the lifetime of the development, provided that the hold the line SMP

policy is followed and the defences are raised in line with climate change, which is dependent on future funding.

- At the end of the development lifetime with climate change applied to the design 0.5% annual probability flood event, if the SMP policy is not followed then through the overtopping of the current defences the resulting on-site flood level would be 4.81m AOD. The resulting actual risk depth of flooding on the site using the minimum site level of 1.40m AOD would be 3.40m deep.

Residual Risk

- The FRA does not explore the risk of breach defences. Our defended flood levels show that in a worst case scenario the site could experience breach flood depths of up to 3.84 metres during the 0.5% (1 in 200) annual probability including climate change breach flood event with flood level of 5.24m AOD, and up to 4.19 metres during the 0.1% (1 in 1000) annual probability including climate change breach flood event with flood level of 5.59m AOD. You may wish to ask the applicant to provide a breach assessment for the development site in their FRA so that you can make a more informed decision on flood risk.
- Therefore assuming a velocity of 0.5m/s the flood hazard is danger for all including the emergency services in the 0.5% (1 in 200) annual probability flood event including climate change.
- Finished ground floor levels have not been confirmed within the FRA. However it is stated that all habitable rooms will be on the first floor and above.
- Finished first floor levels have been proposed at 5.675m AOD and therefore there is refuge above the 0.1% (1 in 1000) annual probability breach flood level of 5.59m AOD.
- A Flood Evacuation Plan has been proposed.
- Flood resilience/resistance measures have been proposed.

Regeneration

No comments received.

ECC Strategic
Planner

No comments received.

ECC Archaeology

The application has been identified as having the potential to harm non designated heritage assets with archaeological interest.

The proposed development lies within a region of high potential for both Palaeolithic archaeological remains and early prehistoric archaeological remains. Sediments from a former river channel laid down by the ancestral Thames before it was diverted have yielded internationally significant Palaeolithic remains and Pleistocene faunal remains within the area. In addition find spots from along

the foreshore have yielded Mesolithic and Neolithic remains which suggest early prehistoric settlement and activity in the area. There is the potential for significant Pleistocene sediments to be present below the surface geology which may contain Palaeolithic archaeological remains as well as buried prehistoric land surfaces which may be impacted by the proposed development. The site investigation report also records that peat deposits have been recorded at the site, these deposits hold significant palaeoenvironmental evidence.

The site also contains the historic remains of a former sea wall which is depicted on the first edition map OS and so must predate c. 1870. This was later re-used as a track way carrying passengers from the newly erected residential development along the coast back inland to Jaywick. The embankment that survives is historic in origin and preservation of the feature is recommended.

If the Council is minded to approve this application then the following conditions are recommended:

1. No development or preliminary groundworks can commence until a programme of archaeological and geoarchaeological evaluation has been secured and undertaken in accordance with a Written Scheme of Investigation, which has been submitted by the applicant, and approved by the planning authority. following the completion of this initial phase of archaeological work, a summary report will be prepared and a mitigation strategy detailing the approach to further geoarchaeological investigation and/or preservation in situ through the redesign of the development, shall be submitted to the local planning authority.
2. No development or preliminary groundwork can commence on those areas of the development site containing archaeological deposits, until the satisfactory completion of archaeological and/or geoarchaeological fieldwork, as detailed in the mitigation strategy, which has been signed off by the local planning authority.
3. Following completion of the archaeological and/or geoarchaeological fieldwork, the applicant will submit to the local planning authority a post-excavation assessment (within six months of the completion date, unless otherwise agreed in advance with the planning authority), which will result in the completion of post excavation analysis, preparation of a full-site archive and report ready for deposition at the local museum, and submission of a publication report.

A brief outlining the level of archaeological and/or geoarchaeological investigation will be issued from this office on request.

Tree & Landscape
Officer

There are no trees or other significant vegetation on the application site.

Whilst the site offers few opportunities for new soft landscaping the site layout plan shows indicative new tree planting.

In an area that is not well treed the inclusion of new trees will have a positive impact on the appearance of the area. Should consent be granted then a condition should be attached to secure details of the species and specification of the new trees to be planted.

Taking into account the coastal location special care should be taken to select species that will tolerate the salt laden winds. Decorative Sycamore or hawthorn would be most appropriate.

UU - Open Space
Consultation

There is a current deficit of 41.08 hectares of play in the Clacton/Holland area. This is broken down as follows:

Any additional development will increase demand on already stretched facilities.

The nearest play area to the proposed development is located at the Resource Centre, Brooklands, Jaywick. The play area is classified as a Local Equipped Area of Play, but provides limited provision.

Due to the close proximity to the site it is highly likely that the biggest impact would be felt by this play area. Therefore, to ensure the facilities are adequate and able to cope with the additional usage it would be necessary to increase the level of provision.

A contribution towards additional formal open space is not necessary.

UU Housing
Consultation

This application will provide both affordable housing and starter homes.

Building Control and
Access Officer

No comments at this stage.

Environmental
Protection

A contaminated land survey needs to be carried out and the findings reported to this authority for agreement.

A full construction method statement must be provided. The developer should consider the following advice when preparing such statements.

Noise Control

1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include

the retention of part(s) of the original buildings during the demolition process to act in this capacity.

2) No vehicle connected with the works to arrive on site before 06:30 or leave after 19:30 (except in the case of emergency). Working hours to be restricted between 07:00 and 19:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.

3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:1984.

4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).

5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.

6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

Emission Control

1) All waste arising from the demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

2) No materials produced as a result of the site development or clearance shall be burned on site. All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.

Waste Management

No comments.

ECC Highways Dept

This Authority has assessed the highway and transportation impact of the proposal and does not wish to raise an objection to the above application subject to the following:

Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between

vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Prior to occupation of the development the vehicular parking and turning facilities, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

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

Prior to the first occupation of the development, the proposed private drive shall be constructed to a width of 5.5 metres to the satisfaction of the Local Planning Authority.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Any single garages should have a minimum internal measurement of 7m x 3m. All garages shall be retained for the purposes of vehicle parking in perpetuity.

Reason: To encourage the use of garages for their

intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

INF01 Highway Works - All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ.

INF02 Cost of Works - The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

INF03 - Site Workers - Steps should be taken to ensure that the Developer provides sufficient turning and off loading facilities for delivery vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

EC SuDS Consultee

We will not be providing bespoke comments as the development does not create over 1000 metres square of impermeable area. Any sustainable drainage proposals should look to comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of Practice for surface water management for development sites.

All forms of flood risk should be considered including surface water flood risk.

The Council will need to have regard to the following in the determination of the application:

- Sequential test in relation to fluvial flood risk

- Safety of people
- Safety of the building
- Flood recovery measures
- Sustainability of the development

5. Representations

3 letters of observation/objection have been received. The main concerns are summarised as follows:

- 26 parking spaces are provided for 10 starter homes
- The proposal is supported locally but the community should not be treated as plebs and in the absence of a Community Build Trust the Council needs to work with the community on delivery
- The scheme will set the sense of place and identity for future development
- The design is aesthetically pleasing but the materials could be more sympathetic
- The landscaping species are inappropriate
- The site of the Jaywick railway should be recognised by a plaque or a piece of public art
- The design appears good quality but it should not be compromised and community engagement needs to occur
- The site is in a sustainable location and so 26 parking spaces is too many
- A travel plan needs to be provided to encourage walking; cycling and use of public transport from the outset
- The Councils need to show leadership and set the standard for future developers
- By reducing the amount of parking it would enable the dwellings to be set back and negate the need for reversing movements on the blind bend
- The garage spaces should be used to encourage small businesses and community uses

6. Assessment

The Site

- 6.1 The site is currently vacant (apart from a small junction box to the south east corner) and comprises an irregular shaped parcel of land (measuring approximately 1.14 hectares) that has a road frontage with both Tamarisk Way and Lotus Way. It is situated immediately to the north of the mini roundabout junction where the two highways merge. The site is mostly covered with grass and bramble and an embankment runs through the site that was historically used for the miniature narrow gauge railway that linked Jaywick to Clacton in the 1930's.
- 6.2 The site is bounded to the north by vacant land that is the subject of Planning Application 17/01032/FUL for six starter homes which is also included within this agenda for determination. Further to the north is a commercial building that was formerly used as tyre replacement garage. On the opposite side of Lotus Way lies the former, vacant Jaywick Market site and to the south is the Council owned Tamarisk Way public carpark with the promenade and beach beyond. To the east is the fire damaged, vacant café on the corner with Sea Way and the residential properties that represent a mix of single storey and one and a half storey dwellings.
- 6.3 The site is outside of the development boundary in the adopted local plan but is identified as a regeneration site by Policies CL15 and CL15a. It lies entirely within Flood Zone 3a.

- 6.4 In the emerging local plan, the site lies within the development boundary and adjacent to a Priority Regeneration Area.
- 6.5 The site does not lie within the limits of the existing Article 4 Direction that removes permitted development rights for extensions and alterations to most of the existing dwellings in Jaywick Sands. The purpose of the Direction is to ensure that further habitable space is not created at ground floor level where it is most vulnerable to flood risk.

The Proposal

- 6.6 The application proposes the erection of four no. two bedroomed dwellinghouses in a staggered terrace arrangement. Vehicular access to the garages is to be from Tamarisk Way whilst vehicular access to the additional parking spaces and visitor parking spaces is to be from Lotus Way.
- 6.7 The dwellings each measure approximately 11 metres in height and have pitched roofs. The external materials are to consist of a grey tile; smooth render and hardiplank cladding; and grey aluminium (triple) glazed units.
- 6.8 Each dwelling provides the following:
- A garage/storage space measuring approximately 4.5 m wide by 8.3 m long (internal measurements)
 - Two bedrooms and a family bathroom at first floor
 - A living room; kitchen and W.C. at second floor
 - Shared external steps between two dwellings to access the front door at first floor level.
- 6.9 Each dwelling has a further parking space in a communal parking area directly adjacent the terrace to the west and an additional two spaces are provided for visitors. The parking area is interspersed with soft landscaping.
- 6.10 The dwellings have differing levels of garden space enclosed with 1.8 m high timber panelled fencing as follows:
- Plot 1 – 88 m²
 - Plot 2 – 75 m²
 - Plot 3 – 72 m²
 - Plot 4 – 70 m²
- 6.11 A pumping station is proposed to the rear of Plots 3 and 4.
- 6.12 The application is accompanied by the following plans and documentation:
- Application form
 - Drawing no. A/2017/06/01 Amended site plan and proposed block plan
 - Drawing no. A/2017/06/02 Block A Proposed floor plans and elevations
 - Job reference 800060184 UK Power Networks – plan showing location of power cables
 - Drawing no. EDS 07-0102.21 A – Additional information regarding earthing arrangements of elevated unit/package substation with fully banded plinth and GRP enclosure
 - Design and Access Statement June 2017

- Flood Risk Assessment – Richard Jackson January 2017 Project No. 47547
- Preliminary Ecology Appraisal - Essex Ecological Services Ltd February 2017
- Reptile Survey and Mitigation - Essex Ecological Services Ltd August 2017
- Phase 2 Site Investigation Report – TerraConsult March 2016 Report No. 10172-RO1
- Brief for Archaeological Trial Trench Evaluation and palaeo-environmental test pitting – Essex County Council Place Services 3 August 2017

6.13 This application is presented to the Planning Committee in accordance with the Council's Constitution (Part 3.16 July 2016) as the applicant is the Council and the proposal is in respect of Council owned land.

6.14 The dwellings are proposed to be retained in Council ownership for social rent.

Main Planning Considerations

6.15 The main planning considerations are:

- Principle of development;
- Jaywick Regeneration Policies;
- Design and layout;
- Flood risk issues;
- Highways, transport and accessibility;
- Environmental Impacts;
- Biodiversity
- Archaeology
- S106 planning obligations; and
- Overall planning balance.

Principle of development

6.16 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a material consideration in this regard.

6.17 The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. As this plan is yet to be examined, its policies cannot carry the full weight of adopted policy. However, because the plan has reached publication stage its policies can carry some weight in the determination of planning applications. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

6.18 The Council's emerging local plan sets out a series of visions and objectives which each of the proposed policies contributes towards. For Jaywick Sands the vision is that

by 2033 it will have developed into a sustainable community with associated economic, community and employment opportunities.

- 6.19 One of the Council's top priorities is to improve the quality of life, stimulate investment and local economic development and to address the underlying causes of deprivation. The Council wants to encourage development and regeneration initiatives that build on local strengths and in Jaywick Sands this particularly means building on the strong sense of community and developing measures that will improve the housing stock, social inclusion and community safety. The Council's Corporate Plan 2016 – 2020 looks to achieve engagement with the community; effective partnership working; delivering a quality living environment; local regeneration; and council house building.
- 6.20 The site lies outside of the settlement development boundary for Jaywick which forms part of the 'town' of Clacton (as defined in Policy QL1 of the adopted Local Plan) but it is identified by specific Jaywick policies (Policy CL15a) as a regeneration site.
- 6.21 In the emerging local plan the site lies within the settlement boundary of Clacton (including Jaywick Sands) which is identified as an 'Urban Settlement' where the majority of the district's economic growth will be achieved through the identification of new housing and employment sites, investment in town centres, tourist attractions and key infrastructure and regeneration of deprived neighbourhoods. Policy SPL2 of the emerging local plan seeks to direct new development to sites within settlement development boundaries.
- 6.22 The Brooklands, Grasslands and Village areas of Jaywick are also defined as an 'urban regeneration area' in Policy QL6 of the adopted Local Plan and a 'Priority Area for Regeneration' in Policy PP14 of the emerging Local Plan'. Such areas will be a focus for investment in social, economic and physical infrastructure and initiatives to improve vitality, environmental quality, social inclusion, economic prospects, education, health, community safety and accessibility. The policy supports proposals for development that are consistent with achieving these regeneration aims. Both the adopted and emerging policy state that the Council will support proposals for new development which are consistent with achieving its regeneration aims.
- 6.23 As the site is identified as a regeneration site and lies within the settlement development boundary in the emerging local plan, there is a general presumption in favour of development in principle. The development is consistent with the aims of the NPPF; the Council's Corporate Plan; Policies QL1 and QL6 of the adopted local plan; and, Policies SP1, SPL1, SPL2 and PP14 of the emerging local plan.
- 6.24 However, this part of Jaywick falls within Flood Zone 3a and notwithstanding its location within the settlement development boundary, the Council is still required to give special consideration to flood risk issues and the requirements of the NPPF i.e. the 'sequential' and 'exceptions' tests. These are considered in more detail later in this report.

Jaywick Regeneration Policies

- 6.25 In the adopted Local Plan, Policy CL15a sets out specific requirements for development in Jaywick (including the current application site) which are:
- 6.26 CL15a: Jaywick Regeneration
To facilitate the phased redevelopment of the original Brooklands, Grasslands and the Village area of Jaywick the Council will allow residential and mixed use development on the following sites:

1. land at the former Brooklands and Grasslands Social Club (mixed use);

2. land west of Lotus Way and north of Brooklands(mixed use on southern part of site);
 3. land east of Lotus Way; and
 4. land west of the Guinness Trust development, Lotus Way.
- 6.27 Residential development on these sites will be permitted subject to the securing of Section 106 Agreements. Each new dwelling built both within the existing Brooklands, Grasslands and Village area and on sites 1-4 above will be required to make contributions towards:
- a. the assembly of either vacant or 'open market' plots within the defined area;
 - b. securing improvements to the highway network, roads, footpaths and cycle routes; and
 - c. securing and providing a range of new facilities including retail and open spaces.
- 6.28 The development of this site has been proposed since the allocation of the site for residential and mixed use development in the adopted local plan in 2007. However, this policy, in combination with Policy CL15, aimed at strictly controlling development to facilitate a phased programme of redevelopment has failed to bring about any significant, positive changes in the area. Since the NPPF has given Councils more freedom to apply planning policies to better reflect local circumstances the Council, the Environment Agency and other partners have agreed that relaxing some of the planning restrictions and moving towards flexible policies aimed at encouraging developers to provide high-quality, resilient and innovative new homes in the area is a better approach. The Council's 2012 Draft Local Plan included a far more positive policy which sought to encourage appropriate development rather than restrict innovation. As a result of this a number of residential planning permissions have been granted. Whilst this policy does not feature verbatim within the emerging local plan, the principles remain and have been applied in the consideration of this application.

Design and Layout

- 6.29 The contemporary design with use of glazing to afford views of the sea is appropriate for a coastal location but it is radically different from existing development in the area which generally consists of single-storey bungalows, many of which are of sub-standard condition. At 11 metres in height, this development would be more than double the ridge height of neighbouring properties and approximately three times the eaves height. The development would be out of keeping and out of character with existing built development and would give rise to concerns over overlooking of existing properties, particularly those located in Sea Way. The side boundary of the development would be adjacent to the rear boundaries of the existing properties.
- 6.30 In any other location, Officers would advise that such a development is inappropriate in planning terms for being so radically out of character with the wider area and giving rise to neighbouring amenity concerns. However, this part of Jaywick is a priority area for regeneration and an area where the current standard of residential property places residents at a high risk of flooding – particularly if climate change results in rising sea levels as projected by the Environment Agency and in poor residential conditions. Because this development contains no living accommodation on the ground floor the risk to residents in the event of a flood is kept to a minimum.
- 6.31 With this in mind, Officers are advising the Committee that an exceptional approach is justified and to set aside normal planning concerns in order to facilitate a development that could help set the tone for the future regeneration of the area. If the Committee agrees that an exceptional approach is needed (as it has taken previously with developments at Sea Pink Way and Brooklands in the recent past), this development

provides an opportunity to inspire other property owners to consider redevelopment to a more resilient, lower flood risk form of development.

Flood risk issues

- 6.32 The site, and the rest of this part of Jaywick, is in Flood Zone 3 – the highest area of risk due to its low-lying position on the coast. The NPPF, as supported by relevant policies in the adopted and emerging local plans, requires a ‘sequential approach’ to the location of new development which seeks to direct new development to the locations at lowest risk. In Tendring, there are clearly many locations of lower risk where residential development could be located but in Jaywick Sands an exceptional approach is justified where new development can assist in the regeneration of the area and helping to reduce the risk of flooding to life and property overall.
- 6.33 The NPPF and Local Plan policies refer to the ‘Exception Test’ which must apply if a development in a higher risk area is being considered having undertaken the sequential test. Paragraph 103 of the NPPF requires such developments to be informed by site-specific flood risk assessment and to demonstrate that:
- Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
 - Development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.
- 6.34 The application is accompanied by a site-specific flood risk assessment which, as advised by the Environment Agency, provides sufficient information for the Council to make an informed decision. The conclusions and recommendations in the assessment are summarised as follows:
- The site is in Flood Zone 3 ‘High Risk’ with the primary source of flooding being tidal flooding from the North Sea;
 - The site has been topographically surveyed and this shows that the site levels are between 1.40m and 2.37m AOD generally. There is a bank described as a former trackway on the site that is higher at around 3.00m AOD.
 - The PPG defines residential development as being more vulnerable to flooding. These proposals will be set out to ensure that the lower floors sequentially place the least vulnerable uses at the highest risk. The upper floors will then provide domestic uses and sleeping. A town house layout is suited to this type of proposal and hence will be adopted for this site.
 - Sequential Test - The need for affordable housing in the Tendring District and especially in this specific area is well documented. These proposals will go some way to alleviating this need. There are limited opportunities for new developments in Jaywick. The remainder of the settlement is also at the same or similar flood risk.
 - Climate Change - This site will be impacted by increases in sea level over time. The PPG rates of rise suggest that 1.21m of sea level rise can be expected between 1990 and 2105. Rainfall intensity is also predicted to increase with time and an uplift of 40% is recommended.
 - Tidal and Fluvial Flood Risk. This site is located in flood zone 3 for risk of tidal flooding. Sea defences exist at this location and this site will benefit

from their protection. Environment Agency data indicates that sea levels will be as set out in Table 1 below.

1 in 200 year (0.5%) 4.18m AOD 5.375m AOD and 1 in 1000 year (0.1%)

4.55m AOD 5.745m AOD
The ground levels at the site vary from around 1.40m AOD to 2.71m AOD.

- The first floor of the new houses will need to be set to provide a safe refuge above the 1 in 200 year design storm for 100 years' time, with 300mm freeboard this gives a level for the first floor of 5.675m AOD. The upper floor will be a further 3.00m or so above this level and hence will provide a safe refuge from extreme events.
- The existing sea defence level is 4.11m AOD and therefore overtopping of the defences may occur.
- Surface Water Flooding - This area is not shown to be at risk of surface water flooding. This area is drained by a system of surface water sewers which generally outfall to open watercourses which then outfall to the sea.
- Reservoirs and other Artificial Flooding - The flood mapping shows that this site is not at risk from reservoir flooding.
- Lotus Way is drained by a surface water sewer and there are nearby foul drains. Water mains will also exist in this area to some existing developed areas. The risk from these sources is considered low.
- Ground Water Flooding - A site investigation was undertaken in 2016 which revealed that the site is underlain by made ground over clay. Ground water was struck at 3.50m bgl. This geology (as clays are impermeable) is not suited to ground water flooding.
- Surface Water Management - This site is not provided with any formal surface water disposal systems. The ground conditions are not suited to infiltration as the site is underlain by made ground and clay and hence the existing site is considered to runoff at Greenfield runoff rates. Greenfield runoff calculations have been undertaken. A connection to the surface water manhole 6952 can be made with a maximum outflow rate of 5 l/s. It is proposed to collect the surface water generated by this development and store it within permeable paving before outfalling to the AW sewer system using a 75mm orifice flow control.
- The residents of these new dwellings will be encouraged to register for flood warnings. When a tidal surge event is predicted, residents should evacuate to a safe location. (Recent experience in 2017 and 2013 confirms that adequate notice for residents to evacuate can be given by the Environment Agency and Police.) Occupants can therefore reach a place of safety in good time before a tidal surge event. The occupants will be encouraged to prepare a flood warning and evacuation plan based on the EA proforma.
- Exception Test - This development will provide much needed new dwellings in the district and more specifically Jaywick. This development will provide wider sustainability benefits to Jaywick.
- The development can be made safe for its lifetime by placing less vulnerable uses such as garaging on the lower floors with upper floors set above predicted flood levels.
- Flood resilient construction should be incorporated up to 6.00m AOD. This will assist with rapid reoccupation after a flood event.
- The upper floors of the building will be set above predicted flood levels and residents who have not evacuated or those surprised by a defence failure can take refuge and remain safe.

- 6.35 The Environment Agency have no objection to the application. The minimum floor level, flood resilience measures and the evacuation plan can be secured through planning condition if the Committee is minded to approve. Officers consider that the development will meet with the NPPF Exceptions Test if these conditions are imposed.
- 6.36 Having no living accommodation on the ground floor is key to the flood resilience of this scheme. Although objectors have suggested that there are too many garages and parking spaces the design has been secured to avoid habitable accommodation of the ground floor. To introduce habitable accommodation on the ground floor would not meet the sequential and exception tests and is something that could not be acceptable in flood risk terms in taking this exceptional approach.
- 6.37 The site does not lie within the limits of the existing Article 4 Direction that removes permitted development rights for extensions and alterations to most of the existing dwellings in Jaywick Sands. The purpose of the Direction is to ensure that further habitable space is not created at ground floor level where it is most vulnerable to flood risk. It is proposed to remove the permitted development rights of householders under Classes A (the enlargement, improvement or other alteration of a dwellinghouse) and E (buildings incidental to the enjoyment of the dwellinghouse) of Part 1 of Schedule 2 of the General Permitted Development Order in order to retain control over any potential increase in habitable accommodation in a high flood risk area. The Council considers that it is essential to retain the control on any development that could increase the habitable accommodation at ground floor level in this part of the District in order to ensure the future safety of occupants from the impacts of flood risk.

Highways, transport and accessibility

- 6.38 Paragraph 32 of the NPPF relates to transport and requires Councils, when making decisions, to take account of whether:
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
 - safe a suitable access to the site can be achieved for all people; and
 - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.39 Policy QL2 in the adopted Local Plan and Policy CP1 in the emerging Local Plan seek to ensure that developments maximise the opportunities for access to sustainable transport including walking, cycling and public transport. Located in the heart of Jaywick Sands on a bus route and public footpath, Officers are content that this is a sustainable location for development in transport and accessibility terms.
- 6.40 The Highway Authority has no objection subject to a number of controlling conditions. The proposed car parking complies with the car parking standards. Concerns of local residents relating to the amount of car parking have been addressed earlier in this report.

Environmental impacts

- 6.41 The development would have a radical impact on landscape character, particularly when viewed from the seafront – but Officers consider that a seafront location with

prime views over the sea is an appropriate location for taller development of contemporary design. The Council's Environmental Health Team has requested a Contaminated Land Assessment to be secured through condition.

6.42 TerraConsult carried out an intrusive investigation in December 2014, which involved the excavation of three trial pits. The trial pits were excavated to a maximum depth of 2.7m below ground level (bgl) with one targeting the embankment. Ground conditions comprised Made Ground overlying soft clay. The embankment, at its southern end, comprised very sandy gravelly clay with concrete, plastic and red bricks. The scope of the investigation was to meet the requirement to provide information for planning purposes and for the design of the development. The investigation included:

- an intrusive investigation to include locations not previously investigated comprising dynamic sampling, together with collection of solid samples for chemical testing;
- assess the general nature and extent of contamination at the site and carry out a contamination risk assessment to determine if the site poses a risk to potential receptors; and
- should the investigation indicate that remediation of contaminants be required, provide brief recommendations of feasible remedial measures to facilitate development of the site for residential end-use.

6.43 Some limited contaminants were found, given the historic use of the site, but it was concluded that the limited contamination found was not widespread across the site, and is present at discrete locations. However, a potential risk to future site occupiers has been identified if these locations are to be private gardens in the development proposal.

6.44 It is recommended that the Made Ground in this part of the site be excavated and disposed of off-site. It is recommended that a watching brief be provided during any redevelopment works for the presence of contaminated ground and if unexpected contamination is discovered during groundworks reactive procedures are recommended to determine the type, extent and remediation of the contamination.

6.45 The recommendations of the contaminated land assessment can suitably be controlled by condition.

Biodiversity

6.46 An preliminary ecological assessment was undertaken at the site on 14th February 2017, during which habitats and species were recorded and the site was assessed for its suitability to support a range of legally protected and otherwise significant species.

6.47 The preliminary report is summarised as follows:

- Located close to the sea front at Jaywick Sands, the site comprises rough grassland, scrub and reed habitat.
- The rough grassland and scrub of the site provide suitable habitat for reptiles. It is recommended that a spring reptile survey is carried out in order to establish their presence or absence. If present, an appropriate mitigation strategy would be necessary. This would involve identifying a suitable receptor site and translocating reptiles from the development site.
- The grassland habitat in the survey area is not suitable for breeding birds, although small numbers of common species may be present in the scrub and reed habitat. If any scrub or reed clearance is planned to take place

between March and August, it will first be necessary for an ecologist to carry out a survey to determine whether or not there are active nests present.

- Badgers could become trapped in deep open site excavations. Any trenches to be left open overnight should incorporate a shallow ramp to allow animals an easy exit.
- It is thought that the site provides many suitable places of refuge likely to be attractive to Hedgehogs, a Species of Importance in England. Awareness of their possible presence, and care during any site clearance, would be good practice.

- 6.48 In light of the recommendations of this preliminary report a second investigation was commissioned to consider the presence of reptiles.
- 6.49 Three of the four native British reptile species which occur in Essex were found at the site. These were the lizard species, Common Lizard and Slow Worm, and the snake species, Adder.
- 6.50 It was concluded that the proposed construction of new housing at the site will risk the killing and injury of reptiles (which is an offence under the relevant legislation) and will result in the loss of reptile habitat (which is not legally protected) but that, given the small size of the site, it would not be practical to retain sufficient suitable habitat to continue to support reptiles at the site.
- 6.51 Therefore, it will be necessary to translocate reptiles from the site prior to the commencement of the proposed development. Translocation will take the form of the catching of reptiles and removal from the site over an extended period.
- 6.52 The trapping period will include at least 30 days on which weather conditions are suitable and will continue until there have been five suitable days during which no reptiles were encountered.
- 6.53 It is anticipated that the translocation can be completed by the end of the active period for reptiles during 2017, *i.e.* by the time typical daytime temperatures drop significantly around late September or mid-October.
- 6.54 The chosen receptor site is a larger area of similar rough grassland habitat, located approximately 200 metres north of the proposed development site.
- 6.55 The development can be carried out without significant, adverse impact on protected species provided that the recommendations of the species specific ecology report are completed. This can be suitably controlled by condition.

Archaeology

- 6.56 The application has been identified as having the potential to harm non designated heritage assets with archaeological interest.
- 6.57 The proposed development lies within a region of high potential for both Palaeolithic archaeological remains and early prehistoric archaeological remains. Sediments from a former river channel laid down by the ancestral Thames before it was diverted have yielded internationally significant Palaeolithic remains and Pleistocene faunal remains within the area. In addition find spots from along the foreshore have yielded Mesolithic and Neolithic remains which suggest early prehistoric settlement and activity in the area. There is the potential for significant Pleistocene sediments to be present below

the surface geology which may contain Palaeolithic archaeological remains as well as buried prehistoric land surfaces which may be impacted by the proposed development. The site investigation report also records that peat deposits have been recorded at the site, these deposits hold significant palaeoenvironmental evidence.

- 6.58 The site also contains the historic remains of a former sea wall which is depicted on the first edition map OS and so must predate c. 1870. This was later re-used as a track way carrying passengers from the newly erected residential development along the coast back inland to Jaywick. The embankment that survives is historic in origin and preservation of the feature is recommended.
- 6.59 The Essex County Council archaeologist recommends that if the Council is minded to approve this application then conditions should be imposed to ensure a programme of archaeological and geoarchaeological evaluation has been undertaken and a mitigation and recording strategy has been approved.
- 6.60 A brief outlining the level of archaeological and/or geoarchaeological investigation has been issued by Essex County Council Place Services (dated 3 August 2017) which outlines the requirements for the works; the general methodology; trial trenching methodology; geoarchaeological and palaeoenvironmental assessment; post excavation assessment; dealing with finds; recording results; archive deposition; and monitoring.
- 6.61 It is considered that this can be suitably controlled by condition.

S106 planning obligations

- 6.62 The number of units proposed in this particular application are below the threshold that would normally require financial contributions towards open space, affordable housing, education or health provision. However, taken with the application for 6 dwellings (reference 17/01032/FUL) , the development would normally attract open space and affordable housing contributions.
- 6.63 However, Jaywick Sands is an area of low property values where economic viability is a genuine issue. In the interest of facilitating the regeneration of Jaywick Sands and ensuring a scheme has maximum chance of actually being delivered, it is proposed that no financial contributions be sought through a s106 legal agreement. This is in accordance with the Government's stance on the provision of quality, affordable, starter homes.

Overall Planning Balance

- 6.64 The NPPF applies a 'presumption in favour of sustainable development' for which sustainable development addresses economic, social and environmental considerations. These are weighed in the balance as follows:
- 6.65 **Economic:** Whilst the development would be totally residential, it provides an opportunity to introduce a new standard of design and flood resilience into the area which could inspire other property owners to follow suit – thus helping to facilitate long-term regeneration of this deprived area. There would also be indirect economic benefits associated with increasing expenditure in the local economy and providing temporary construction jobs.
- 6.66 **Social:** The provision of 4 starter homes will help to meet housing needs and will introduce a better, more resilient form of accommodation into the area that might inspire the owners of other sub-standard properties to follow suit in the interest of

regenerating Jaywick Sands. In the longer-term, such an approach could bring about a significant improvement in the safety, health and employment prospects of future residents.

- 6.67 Environmental: The ecological and landscape impacts of this development will be negligible. The main environmental benefit will be introducing a form of development that is flood resilient and that could inspire other property owners of unsafe and sub-standard dwellings to follow suit. The disadvantage of this development is that it will be radically different from and very much out character with the form of dwellings that are currently present, but this needs to be weighed up with the opportunity to inspire the longer-term regeneration of Jaywick Sands.
- 6.68 In the overall planning balance, Officers consider that this a prime opportunity to facilitate regeneration in Jaywick Sands which is entirely in accordance with the Council's Corporate Plan objectives.

Background Papers

None

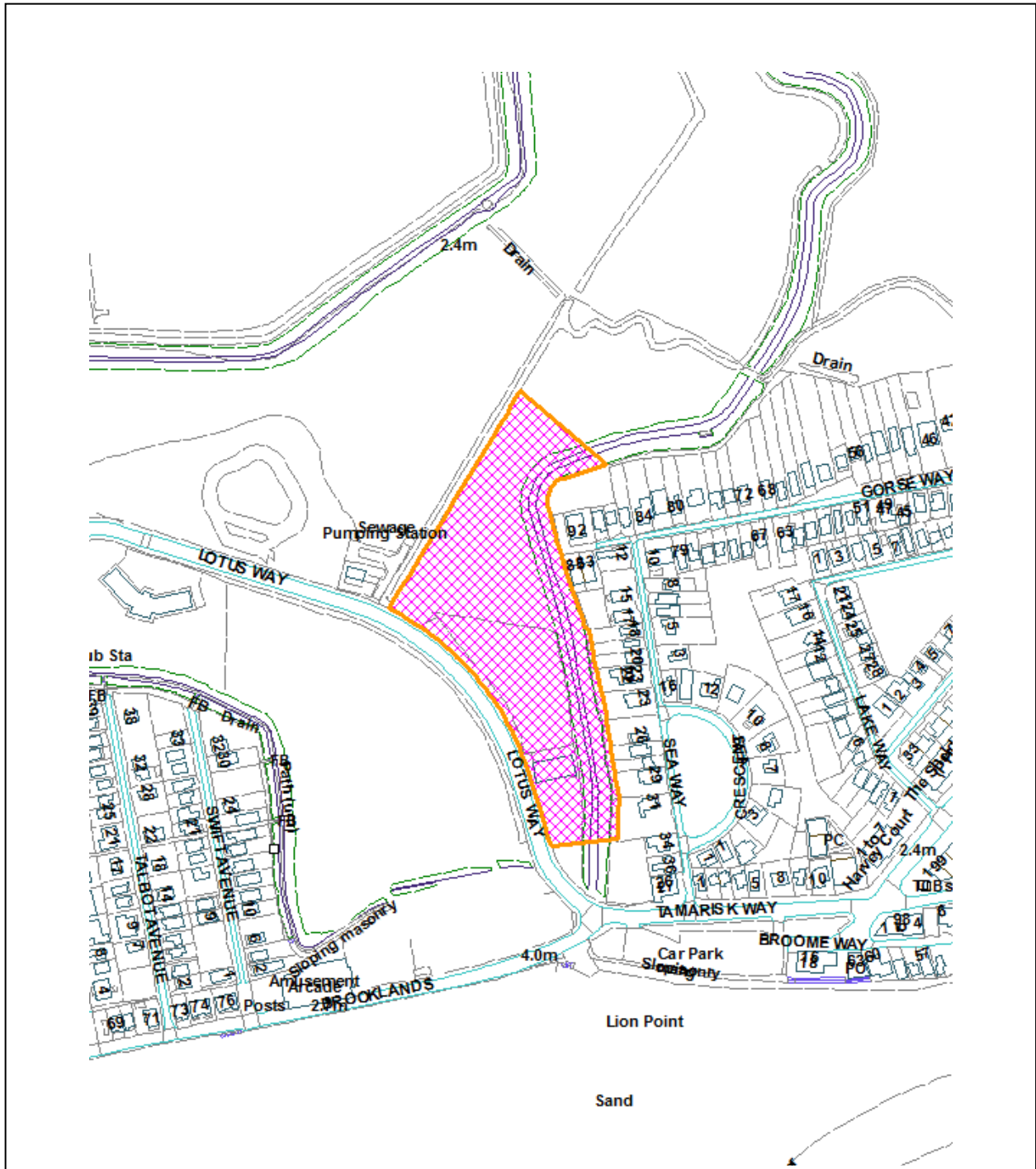
This page is intentionally left blank

PLANNING COMMITTEE

6th September 2017

REPORT OF THE HEAD OF PLANNING

A.5 PLANNING APPLICATIONS - 17/01032/FUL - LAND ADJACENT LOTUS WAY TAMARISK WAY JAYWICK CO15 2HZ



DO NOT SCALE

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

Application:	17/01032/FUL	Town / Parish: Clacton Non Parished
Applicant:	Building Services - Tendring District Council	
Address:	Land adjacent Lotus Way Tamarisk Way Jaywick CO15 2HZ	
Development:	Proposed redevelopment of vacant site for 6 No. two bed starter homes and the erection/installation of an electricity substation and service access.	

1. Executive Summary

- 1.1 This is a full planning application to build six, two bedroom starter homes. The application is reported to Planning Committee in accordance with the Council's Constitution as the proposal has been submitted by the Council in relation to Council owned land.
- 1.2 This part of Jaywick Sands is one of the most deprived areas in the country and many of the existing properties were originally built as holiday homes but have gradually converted to residential use over the decades. Most properties are substandard by modern day expectations and building standards and are within the tidal flood zone where the risk of flooding is at its highest and which is set to increase with the effects of climate change.
- 1.3 The regeneration of Jaywick Sands is one of the Council's top long-term objectives and the Council has been leading a multi-agency project to explore and deliver improvements in the area to better the quality of life for residents and secure a long-term sustainable future for the community. Part of the strategy for regenerating Jaywick Sands is to actively encourage the development of brownfield sites and the redevelopment of the poorest and most vulnerable properties in the area and, at the same time, introducing a new benchmark for built design that addresses flood risk concerns; improves the quality of accommodation; maximises the enjoyment of Jaywick's assets (particularly the beach) and inspires property owners and developers to redevelop and remodel other parts of the area.
- 1.4 This proposal for 6 starter homes, along with the separate application 17/01030/FUL for 4 starter homes, represents one of the first significant proposals for development on recently acquired Council owned land in line with the Council's aspirations for the area. These dwellings are of high-quality, contemporary design, and are in prime location overlooking Jaywick beach and by including only storage and parking on the ground floor would bring about a net improvement in flood safety. Whilst they are radically different from the single-storey bungalows that currently dominate the area and so may be said to be out of character with prevailing built development, the regeneration of Jaywick Sands requires a bold approach that seeks to secure a long-term future for the area and in weighing up the advantages of the developments against the disadvantages, your Officers consider that the advantages far outweigh the disadvantages.
- 1.5 The recommendation is to grant planning permission subject to controlling conditions. It is intentional that the recommendation does not include a requirement for a legal agreement to secure infrastructure or financial contributions. This is in the interests of economic viability and in ensuring the deliverability of the scheme. This approach is entirely consistent with the NPPF's approach to viability and it is also in the spirit of the Government policy relating to the erection of starter homes.

Recommendation: Approve

Conditions:

That the Head of Planning be authorised to grant planning permission for the development subject to planning conditions as follows:

1. Standard 3 year time limit for commencement
2. Development to be in accordance with approved plans
3. Highways conditions (as recommended by the Highway Authority)
4. Construction management plan
5. Submission of flood resilience measures
6. Submission of flood evacuation plan
7. Minimum floor levels
8. Removal of permitted development rights to convert garages to living accommodation
9. Removal of permitted development rights for extensions and outbuildings
10. Development to be in accordance with the contaminated land assessment
11. Details of materials (including hard surfacing which must be permeable)
12. Details of surface and foul water drainage arrangements
13. Landscaping details
14. Provision of broadband
15. Development in accordance with Ecology Report recommendations

2. Planning Policy

Relevant Policies / Government Guidance

- 2.1 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:

National Planning Policy Framework (NPPF)

- 2.2 The NPPF was published in March 2012. It sets out the Government's planning policies and how these are expected to be applied at the local level.
- 2.3 Planning law requires that applications for planning permission must 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.
- 2.4 The NPPF has a strong presumption in favour of sustainable development and seeks to build a strong competitive economy. Sustainable development is defined as having three dimensions:
- an economic role;
 - a social role; and
 - an environmental role.

- 2.5 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.
- 2.6 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”.*
- 2.7 Section 6 relates to delivering a wide choice of quality new homes and 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.
- 2.8 Section 7 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.
- 2.9 Section 8 relates to the promotion of healthy communities – it talks about safe and accessible environments.
- 2.10 Section 10 considers the challenge of climate change. New developments should take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption. Developments should take account of flood risk and where appropriate be accompanied by Flood Risk Assessments. Paragraph 94 states:
- “Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations”.*
- 2.11 Paragraph 103 sets out the approach that Councils should take when considering planning applications for development in areas of flood risk. This requires a ‘sequential approach’ that seeks to direct development away from high risk flood areas and to only allow a contrary approach in exceptional circumstances where there are overriding reasons. In any event, developments need to be appropriately flood resilient, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning.
- 2.12 Section 11 deals with conserving and enhancing the natural environment. New development should take account of air, water, and noise pollution. Opportunities to incorporate biodiversity in and around developments should be encouraged.

- 2.13 Section 12 relates to the conservation and enhancement of the historic environment (including archaeology).

Local Plan

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

QL1: Spatial Strategy

Directs most new development toward the larger urban areas and seeks to concentrate development within settlement development boundaries.

QL2: Promoting Transport Choice

Requires developments to be located and designed to avoid reliance on the use of the private car.

QL3: Minimising and Managing Flood Risk

Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more and for developments in Flood Zones 2 and 3.

QL6: Urban Regeneration Areas

Identifies West Clacton and Jaywick, amongst others, as an Urban Regeneration Area. Planning permission will be granted for development that reinforces and/or enhances the function, character and appearance of the area and contributes towards regeneration and renewal. The Urban Regeneration Areas will be the focus for investment in social, economic and transportation infrastructure and initiatives to improve vitality, environmental quality, social inclusion, economic prospects, education, health, community safety and accessibility.

QL8: Mixed-Uses

Promotes mixed-use developments, in town centre locations and Urban Regeneration areas but also elsewhere where they are not harmful to the amenity, function or character of the local area or vitality and viability of any nearby centre.

QL9: Design of New Development

All new development should make a positive contribution to the quality of the local environment and protect and enhance local character.

QL10: Designing New Development to Meet Functional Needs

Requires development to meet functional requirements relating to access, community safety and infrastructure provision.

QL11: Environmental Impacts

Requires new development to be compatible with its surrounding land uses and to minimise adverse environmental impacts.

QL12: Planning Obligations

States that the Council will use planning obligations to secure infrastructure to make developments acceptable, amongst other things.

HG1: Housing Provision

Provision is made for a net dwelling stock increase of 6250 dwellings in Tendring District in the period 1 April 1996 to 31 March 2011.

HG3: Residential Development within Defined Settlements

Within the defined development boundaries of towns and villages, residential development will be permitted provided it satisfies amenity, design, density, environmental, highway, local housing needs and sustainability criteria and can take place without material harm to the character of the local area.

HG3a: Mixed Communities

New residential development should achieve mixed communities.

HG4: Affordable Housing in New Developments

The Council will expect 40% of new dwellings to be made available in the form of affordable housing – in settlements of over 3000 population: housing developments for 15 or more dwellings or residential sites of 0.5 ha or more.

HG7: Residential Densities

Requires residential developments to achieve an appropriate density. This policy refers to minimum densities from government guidance that have long since been superseded by the NPPF.

HG9: Private Amenity Space

Private amenity space shall be provided to new dwellings in accordance with the following standards:

- three or more bedroom house – a minimum of 100 square
- two bedroom house – a minimum of 75 square metres
- one bedroom house – a minimum of 50 square metres

The standards above are in addition to land required for recreational open space by Policy COM6.

HG14: Side Isolation

Proposals for detached, semi-detached and end terraced dwellings over 4 metres in height will be required to retain appropriate open space between the dwelling and the side boundaries to ensure that new development is appropriate in its setting and does not create a cramped appearance and to safeguard the amenities and aspect of adjoining residents. As a guideline a minimum distance of 1 metre will be sought.

COM2: Community Safety

Requires developments to contribute toward a safe and secure environment and minimise the opportunities for crime and anti-social behaviour.

COM6: Provision of Recreational Open Space for New Residential Development

Proposals for residential development on a site of 1.5 hectares and above are required to provide at least 10% of the gross site area as public open space. For residential development below 1.5 hectares in size, where existing open space facilities are inadequate to meet the projected needs of the future occupiers of the development, a financial contribution shall be made to the provision of new or improved off-site facilities in scale and kind to meet these needs.

COM19: Contaminated Land

Unless appropriate remedial measures are included, planning permission will not be granted for development, which is either proposed to be located on, or is affected by ground that is known to be contaminated. Full investigations will have to be carried out, the contamination assessed and appropriate remedial measures specified.

COM29: Utilities

Seeks to ensure that new development on large sites is or can be supported by the necessary infrastructure.

COM31a: Sewerage and Sewage Disposal

Seeks to ensure that new development is able to deal with waste water and effluent.

EN6: Biodiversity

Requires existing biodiversity and geodiversity to be protected and enhanced with compensation measures put in place where development will cause harm.

EN6a: Protected Species

Ensures protected species are not adversely impacted by new development.

EN6b: Habitat Creation

Encourages the creation of new wildlife habitats in new developments, subject to suitable management arrangements and public access.

EN12: Design and Access Statements

Requires Design and Access Statements to be submitted with most planning applications.

EN13: Sustainable Drainage Systems

Requires developments to incorporate sustainable drainage systems to manage surface water run-off.

EN29: Archaeology

Requires the consideration of archaeological significance and the investigation, protection, incorporation or recording of any important archaeological features.

TR1a: Development Affecting Highways

Requires developments affecting highways to aim to reduce and prevent hazards and inconvenience to traffic.

TR3a: Provision for Walking

Seeks to maximise opportunities to link development with existing footpaths and rights of way and provide convenient, safe attractive and direct routes for walking.

TR7: Vehicle Parking at New Development

Refers to the adopted Essex County Council parking standards which will be applied to all development.

CL15: Residential Development in Jaywick

The Council will encourage the redevelopment of the original Brooklands, Grasslands and Village areas provided that :

- any new residential development should take the form of single dwellings on combined plots (18 metres by 15 metres);
- only three storey development that excludes habitable rooms on the ground floor will be allowed;
- direct road frontage access should be available to each plot;
- a minimum of 5 metres deep rear yard/amenity area shall be provided;
- a minimum one metre space between side boundaries and any detached, semi-detached or end terraced dwelling, or a minimum distance of 2 metres between the flank walls of any two such dwellings will be required;
- any off street parking should be provided within the ground floor of each dwelling;
- the front building line to be 2 metres from the highway;

- subsequent extensions to new dwellings will not be allowed if they contain living accommodation on the ground floor in the form of habitable rooms;
- no development will be allowed within 4 metres of the ditch to the rear of Brooklands and Grasslands to allow for the passage of maintenance plant; and
- development along the Brooklands frontage will need to be set back 2 metres to allow for the expansion of the road and a minimum 1.2 metre wide foot path.

The approval of any new dwelling will be subject to a contribution towards the continued wider regeneration of Jaywick in accordance with Policy CL15a.

CL15a: Jaywick Regeneration

To facilitate the phased redevelopment of the original Brooklands, Grasslands and the Village area of Jaywick the Council will allow residential and mixed use development on the following sites:

1. land at the former Brooklands and Grasslands Social Club (mixed use);
2. land west of Lotus Way and north of Brooklands (mixed use on southern part of site);
3. land east of Lotus Way; and
4. land west of the Guinness Trust development, Lotus Way.

Residential development on these sites will be permitted subject to the securing of Section 106 Agreements. Each new dwelling built both within the existing Brooklands, Grasslands and Village area and on sites 1-4 above will be required to make contributions towards:

- a. the assembly of either vacant or 'open market' plots within the defined area;
- b. securing improvements to the highway network, roads, footpaths and cycle routes; and
- c. securing and providing a range of new facilities including retail and open spaces.

CL16: planning Controls in Jaywick

The Council will continue to control development in accordance with the Article 4 Direction. Other types of development will not be permitted including the stationing of caravans; industrial uses in residential areas; retail sales from residential properties; and the sale of goods from commercial properties unrelated to the normal business being carried out.

Tendring District Local Plan 2013-2033 and Beyond: Publication Draft (Published June 2017)

SP1: Presumption in Favour of Sustainable Development

Follows the Planning Inspectorate's standard wording to ensure compliance with the NPPF.

SP3: Meeting Housing Needs

The Council will identify sufficient deliverable sites for housing and will maintain a sufficient supply of deliverable sites to provide at least five years' worth of housing and will work proactively with applicants to bring forward sites that accord with the overall spatial strategy and relevant policies in the plan.

SP5: Infrastructure and Connectivity

Development must be supported by provision of infrastructure, services and facilities that are identified to serve the needs arising from the new development. The infrastructure relates to transport; education; health and telecommunications (broadband).

The Vision for Jaywick Sands in 2033

Jaywick Sands will have seen, through the provision of a deliverable development framework, a sustainable community with associated economic, community and employment opportunities.

SPL1: Managing Growth

Identifies 'Urban Settlements' (including Clacton and Jaywick Sands) where the majority of the district's economic growth will be achieved through the identification of new housing and employment sites, investment in town centres, tourist attractions and key infrastructure and regeneration of deprived neighbourhoods.

SPL2: Settlement Development Boundaries

Seeks to direct new development to sites within settlement development boundaries.

SPL3: Sustainable Design

Sets out the criteria against which the design of new development will be judged. Of particular relevance to this application are the following:

- all new development should make a positive contribution to the quality of the local environment and to protect and enhance local character
- practical requirements must be met including highway access; steps to minimise opportunities for crime and anti-social behaviour; measures to adapt to climate change and to address flood risk; provision is made for private amenity space; and biodiversity is enhanced where possible
- the impacts of the development should be compatible with the surrounding uses including impacts on privacy and daylight; road traffic; and pollution/nuisance levels

HP5: Open Space, Sports and Recreation Facilities

Requires larger residential developments to provide a minimum 10% of land as open space with financial contributions toward off-site provision required from smaller sites.

LP1: Housing Supply

Sets out how the Council will meet objectively assessed housing needs of 11,000 dwellings over the next 15-20 years and in which parts of the district.

LP2: Housing Choice

Promotes a range of house size, type and tenure on large housing developments to reflect the projected needs of the housing market.

The Council will support the development of bungalows, retirement complexes, extra care housing, independent living, **starter homes**, self-build and other forms of residential accommodation aimed at meeting the future needs of older disabled residents as well as family housing.

LP3: Housing Density and Standards

Policy requires the density of new housing development to reflect accessibility to local services, minimum floor space requirements, the need for a mix of housing, the character of surrounding development and on-site infrastructure requirements.

LP4: Housing Layout

Policy seeks to ensure large housing developments achieve a layout that, amongst other requirements, promotes health and wellbeing; minimises opportunities for crime and anti-social behaviour; ensures safe movement for large vehicles including emergency services and waste collection; and ensures sufficient off-street parking.

LP5: Affordable and Council Housing

Provide new affordable and council housing on sites of 11 or more dwellings the Council will expect 30% of new dwellings to be made available to the Council or its nominated partner to acquire at a proportionate discounted value for use as affordable or council housing.

As an alternative, the Council will accept a minimum of 10% of new dwellings to be made available to the Council or its nominated partner to acquire at a proportionate discounted value for use as affordable or council housing alongside a financial contribution towards the construction or acquisition of property for use as council housing equivalent to delivering the remainder of the 30% requirement.

No single group of council houses will exceed ten dwellings – to avoid an over concentration.

PP14: Priority Areas for Regeneration

Identifies Booklands; Grasslands and the Village areas of Jaywick Sands as a priority area for regeneration that will be a focus for investment in social, economic and physical infrastructure and initiatives to improve vitality, environmental quality, social inclusion, economic prospects, education, health, community safety, accessibility, and green infrastructure.

The Council will support proposals for new development which are consistent with achieving its regeneration aims.

PPL1: Development and Flood Risk

All development proposals should include appropriate measures to respond to flood risk and, where appropriate, be accompanied by a Flood Risk Assessment. New development in areas of high flood risk must be designed to be resilient in the event of a flood and ensure that, in the case of new residential development that there are no bedrooms at ground floor level and that a means of escape is possible from first floor level.

PPL4: Biodiversity and Geodiversity

Requires existing biodiversity and geodiversity to be protected and enhanced with compensation measures put in place where development will cause harm. Proposals for new development should be supported by an appropriate ecological assessment; if protected species are present, a suitable mitigation plan will be required. Proposals should consider the potential for enhanced biodiversity.

PPL5: Water Conservation, Drainage and Sewerage

Requires developments to incorporate sustainable drainage systems to manage surface water run-off and ensure that new development is able to deal with waste water and effluent.

PPL7: Archaeology

Proposals for new development that would affect, or might affect, archaeological remains will only be permitted where accompanied by an appropriate desk based assessment. Where identified as necessary within that desk based assessment, a written scheme of investigation including excavation, recording or protection and deposition of archaeological records in a public archive will be required to be submitted to and approved by the Council.

CP1: Sustainable Transport and Accessibility

Requires developments to include and encourage opportunities for access to sustainable modes of transport, including walking, cycling and public transport.

CP3: Improving the Telecommunications Network

Requires that all new dwellings and non-residential buildings must be served by superfast broadband.

DI1: Infrastructure Delivery and Impact Mitigation

All new development should be supported by, and have good access to, all necessary infrastructure. Permission will only be granted if it can be demonstrated that there is sufficient appropriate infrastructure capacity to support the development or that such capacity will be delivered by the proposal. Where a development proposal requires additional infrastructure capacity, to be deemed acceptable, mitigation measures must be agreed with the Council.

Other Relevant Documents

Essex County Council Parking Standards – Design and Good Practice September 2009

Essex Design Guide for Residential and Mixed-Use Areas

Jaywick Strategic Flood Risk Assessment

Ministerial Statement relating to Starter Homes March 2015 - This statement provided an update on the Government's consultation (from the previous year) seeking views about proposals for planning reform to support the development of 100,000 new high-quality, low-cost starter homes for young first time buyers.

The intention was to ensure young people had the “opportunity to buy their own home, settle down and enjoy the security that home ownership brings.”

The starter home consultation proposed the introduction of a new national exception site planning policy to enable starter homes to be built on under—used or unviable commercial or industrial sites not currently identified for housing, on both public and private land; for these starter homes to be only sold to young first time buyers at a minimum 20% discount below their open market value; that local planning authorities should not seek section 106 affordable housing and tariff-style contributions on starter homes; and they should be exempt from the community infrastructure levy to enable developers to help deliver the discounted sale price.

The Government made the following change to national planning policy:

Local planning authorities should work in a positive and proactive way with landowners and developers to secure a supply of sites suitable for housing for first- time buyers. In particular, they should look for opportunities to create high quality, well designed starter homes through exception sites on commercial and industrial land that is either under used or unviable in its current or former use, and which has not currently been identified for housing.

Where applications for starter homes come forward on such exception sites, they should be approved unless the local planning authority can demonstrate that there are overriding conflicts with the national planning policy framework that cannot be mitigated.

Planning obligations should be attached to permissions for starter homes on starter homes exception sites, requiring that the homes are offered for sale at a minimum of 20% below open market price, to young first- time buyers who want to own and occupy a home. They should also prevent the re-sale and letting of the properties at open market value for a five year period.

In view of their contribution to meeting housing needs, starter homes exception sites should not be required to make section 106 affordable housing or tariff-style contributions.

Exception sites may include a small proportion of market homes, at the planning authority's discretion, where this is essential to secure the required level of discount for the starter homes on the site.

Starter homes developments are expected to be well-designed and of a high quality, contributing to the creation of sustainable places where people want to live, work and put down roots to become part of the local community. A new design advisory panel set up by the Government, involving leading industry experts, is developing an initial set of exemplar designs for starter homes which we expect to publish shortly for wider comment. While recognising the need for local flexibility, we would expect these designs over time to become the default approach to design to be considered for starter homes developments.

This new national planning policy should be taken into account in plan-making and decision-taking, and should be read alongside other policies in the National Planning Policy Framework.

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. As this plan is yet to be examined, its policies cannot carry the full weight of adopted policy. However, because the plan has reached publication stage its policies can carry some weight in the determination of planning applications. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

3. Relevant Planning History

94/00529/FUL	(Lion Point, entrance to Jaywick Market Site, Tamarisk Way, Jaywick) Continued stationing caravan for use as market office and store	Approved	07.06.1994
04/00873/FUL	Change of use of land and buildings.	Withdrawn	10.05.2004
17/01030/FUL	Proposed redevelopment of vacant site for 4 No. two bed starter homes and the erection/installation of an electricity substation and service access.	Current	
17/01032/FUL	Proposed redevelopment of vacant	Current	

site for 6 No. two bed starter homes and the erection/installation of an electricity substation and service access.

4. Consultations

Essex Wildlife Trust No comments received.

Environment Agency

Flood Risk

Our flood maps show the site lies within tidal Flood Zone 3a defined by the Planning Policy Guidance : Flood Risk and Coastal Change as having a high probability of flooding. The proposal is for proposed redevelopment of vacant site for 4 no. two bed starter homes which is classified as a 'more vulnerable' development, as defined in Table 2 : Flood Risk Vulnerability Classification of the Planning Practice Guidance. Therefore to comply with national policy the application is required to pass the Sequential and Exception Test (s) and be supported by a site specific Flood Risk Assessment (FRA).

Environment Agency Position

We have no objection to this planning application because the site is currently defended and the Shoreline Management Plan (SMP) policy for this area has an aspiration for hold the line. If the SMP policy is not taken forward the development would be unsafe in the future. Please take note of this and other flood risk considerations which are your responsibility. We have highlighted these below.

To assist you in making an informed decision about the flood risk affecting this site, the key points to note from the submitted FRA, referenced 47547 and dated January 2017, are:

Actual Risk

- The site is currently protected by flood defences with an effective crest level of 4.11m AOD which is above the present-day 0.5% (1 in 200) annual probability flood level. Therefore the site is not at risk of flooding in the present-day 0.5% (1 in 200) annual probability flood event. The defences will continue to offer protection over the lifetime of the development, provided that the hold the line SMP policy is followed and the defences are raised in line with climate change, which is dependent on future funding.
- At the end of the development lifetime with climate change applied to the design 0.5% annual probability flood event, if the SMP policy is not followed then through the overtopping of the current defences the resulting on-site flood level would be 4.81m AOD. The resulting actual risk depth of flooding on the

site using the minimum site level of 1.40m AOD would be 3.40m deep.

Residual Risk

- The FRA does not explore the risk of breach defences. Our defended flood levels show that in a worst case scenario the site could experience breach flood depths of up to 3.84 metres during the 0.5% (1 in 200) annual probability including climate change breach flood event with flood level of 5.24m AOD, and up to 4.19 metres during the 0.1% (1 in 1000) annual probability including climate change breach flood event with flood level of 5.59m AOD. You may wish to ask the applicant to provide a breach assessment for the development site in their FRA so that you can make a more informed decision on flood risk.
- Therefore assuming a velocity of 0.5m/s the flood hazard is danger for all including the emergency services in the 0.5% (1 in 200) annual probability flood event including climate change.
- Finished ground floor levels have not been confirmed within the FRA. However it is stated that all habitable rooms will be on the first floor and above.
- Finished first floor levels have been proposed at 5.675m AOD and therefore there is refuge above the 0.1% (1 in 1000) annual probability breach flood level of 5.59m AOD.
- A Flood Evacuation Plan has been proposed.
- Flood resilience/resistance measures have been proposed.

Regeneration

No specific comments on this application.

ECC Strategic Planner

No comments received.

ECC Archaeology

The application has been identified as having the potential to harm non designated heritage assets with archaeological interest.

The proposed development lies within a region of high potential for both Palaeolithic archaeological remains and early prehistoric archaeological remains. Sediments from a former river channel laid down by the ancestral Thames before it was diverted have yielded internationally significant Palaeolithic remains and Pleistocene faunal remains within the area. In addition find spots from along the foreshore have yielded Mesolithic and Neolithic remains which suggest early prehistoric settlement and activity in the area. There is the potential for significant Pleistocene sediments to be present below the surface geology which may contain Palaeolithic

archaeological remains as well as buried prehistoric land surfaces which may be impacted by the proposed development. The site investigation report also records that peat deposits have been recorded at the site, these deposits hold significant palaeoenvironmental evidence.

The site also contains the historic remains of a former sea wall which is depicted on the first edition map OS and so must predate c. 1870. This was later re-used as a track way carrying passengers from the newly erected residential development along the coast back inland to Jaywick. The embankment that survives is historic in origin and preservation of the feature is recommended.

If the Council is minded to approve this application then the following conditions are recommended:

1. No development or preliminary groundworks can commence until a programme of archaeological and geoarchaeological evaluation has been secured and undertaken in accordance with a Written Scheme of Investigation, which has been submitted by the applicant, and approved by the planning authority. following the completion of this initial phase of archaeological work, a summary report will be prepared and a mitigation strategy detailing the approach to further geoarchaeological investigation and/or preservation in situ through the redesign of the development, shall be submitted to the local planning authority.
2. No development or preliminary groundwork can commence on those areas of the development site containing archaeological deposits, until the satisfactory completion of archaeological and/or geoarchaeological fieldwork, as detailed in the mitigation strategy, which has been signed off by the local planning authority.
3. Following completion of the archaeological and/or geoarchaeological fieldwork, the applicant will submit to the local planning authority a post-excavation assessment (within six months of the completion date, unless otherwise agreed in advance with the planning authority), which will result in the completion of post excavation analysis, preparation of a full-site archive and report ready for deposition at the local museum, and submission of a publication report.

A brief outlining the level of archaeological and/or geoarchaeological investigation will be issued from this office on request. ECC Archaeology

Tree & Landscape Officer

There are no trees or other significant vegetation on the application site.

Whilst the site offers few opportunities for new soft landscaping the site layout plan shows indicative new tree planting.

In an area that is not well treed the inclusion of new trees will have a positive impact on the appearance of the area. Should consent be granted then a condition should be attached to secure details of the species and specification of the new trees to be planted.

Taking into account the coastal location special care should be taken to select species that will tolerate the salt laden winds. Decorative Sycamore or hawthorn would be most appropriate.

UU - Open Space
Consultation

There is a current deficit of 41.08 hectares of play in the Clacton/Holland area. This is broken down as follows:

Any additional development will increase demand on already stretched facilities.

The nearest play area to the proposed development is located at the Resource Centre, Brooklands, Jaywick. The play area is classified as a Local Equipped Area of Play, but provides limited provision.

Due to the close proximity to the site it is highly likely that the biggest impact would be felt by this play area. Therefore, to ensure the facilities are adequate and able to cope with the additional usage it would be necessary to increase the level of provision.

A contribution towards additional formal open space is not necessary.

UU Housing Consultation

This application will provide both affordable housing and starter homes.

Building Control and
Access Officer

No comments at this stage.

Environmental Protection

A contaminated Land survey needs to be carried out and the findings reported to this authority for agreement.

A full construction method statement must be provided. The developer should consider the following advice when preparing such statements.

Noise Control

- 1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.
- 2) No vehicle connected with the works to arrive on site before 06:30 or leave after 19:30 (except in the case of emergency). Working hours to be restricted between 07:00 and 19:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank

Holidays.

3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:1984.

4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).

5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.

6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

Emission Control

1) All waste arising from the demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

2) No materials produced as a result of the site development or clearance shall be burned on site. All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.

3) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Waste Management

No comments.

ECC Highways Dept

This Authority has assessed the highway and transportation impact of the proposal and does not wish to raise an objection to the above application subject to the following:

Prior to occupation of the development, the accesses at their centre lines shall be provided with a clear to ground visibility splays with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the accesses are first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the accesses and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Prior to occupation of the development the vehicular parking

and turning facilities, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

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

Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Any single garages should have a minimum internal measurement of 7m x 3m. All garages shall be retained for the purposes of vehicle parking in perpetuity.

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

INF01 Highway Works - All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ.

INF02 Cost of Works - The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land

Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

INF03 - Site Workers - Steps should be taken to ensure that the Developer provides sufficient turning and off loading facilities for delivery vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

ECC SuDS Consultee

We will not be providing bespoke comments as the development does not create over 1000 metres square of impermeable area. Any sustainable drainage proposals should look to comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of Practice for surface water management for development sites.

All forms of flood risk should be considered including surface water flood risk.

The Council will need to have regard to the following in the determination of the application:

- Sequential test in relation to fluvial flood risk
- Safety of people
- Safety of the building
- Flood recovery measures
- Sustainability of the development

5. **Representations**

5.1 3 letters of objection have been received. The main concerns are summarised as follows:

- The gardens in Sea Way are peaceful now the starter homes will cause noise and spoil the view
- The residential properties on sea Way would be overlooked because the proposed dwellings are three storeys high
- The residents of Sea Way are mostly elderly people and the changes that the development would bring would be unfair on them
- The properties on Sea Way would be devalued
- 26 parking spaces are provided for 10 starter homes
- The proposal is supported locally but the community should not be treated as plebs and in the absence of a Community Build Trust the Council needs to work with the community on delivery
- The scheme will set the sense and identity for future development
- The landscaping species are inappropriate
- The site of the Jaywick railway should be recognised by a plaque or a piece of public art

- The design appears good quality but it should not be compromised and community engagement needs to occur
- The site is in a sustainable location and so 26 parking spaces is too many
- A travel plan needs to be provided to encourage walking cycling and public transport
- The Councils need to show leadership and set the standard for future developers
- By reducing the amount of parking it would enable the dwellings to be set back and negate the need for reversing movements on the blind bend

6. **Assessment**

The Site

- 6.1 The site is currently vacant and comprises an irregular shaped parcel of land (measuring approximately 1.03 hectares) that has a road frontage with Lotus Way. It is situated just to the north of the mini roundabout junction where the two highways merge. The site is mostly covered with grass and bramble and an embankment runs through the site that was historically used for the miniature narrow gauge railway that linked Jaywick to Clacton in the 1930's.
- 6.2 The site is bounded to the south by vacant land that is the subject of Planning Application 17/01030/FUL for four starter homes which is also included within this agenda for determination. Immediately to the north is a commercial building that was formerly used as tyre replacement garage. On the opposite side of Lotus Way lies the former, vacant Jaywick Market site and further to the south is the Council owned Tamarisk Way public carpark with the promenade and beach beyond. To the east is the fire damaged, vacant café on the corner with Sea Way and the residential properties that represent a mix of single storey and one and a half storey dwellings.
- 6.3 The site is outside of the development boundary in the adopted local plan but is identified as a regeneration site by Policies CL15 and CL15a. It lies entirely within Flood Zone 3a.
- 6.4 In the emerging local plan, the site lies within the development boundary and adjacent to a Priority Regeneration Area.
- 6.5 The site does not lie within the limits of the existing Article 4 Direction that removes permitted development rights for extensions and alterations to most of the existing dwellings in Jaywick Sands. The purpose of the Direction is to ensure that further habitable space is not created at ground floor level where it is most vulnerable to flood risk.

The Proposal

- 6.6 The application proposes the erection of six no. two bedrooled dwellinghouses in a staggered terrace arrangement. Vehicular access to the garages is to be from Lotus Way.
- 6.7 The dwellings each measure approximately 11 metres in height and have pitched roofs. The external materials are to consist of a grey tile; smooth render and hardiplank cladding; and grey aluminium (triple) glazed units.
- 6.8 Each dwelling provides the following:
- A garage/storage space measuring approximately 4.5 m wide by 8.3 m long (internal measurements)
 - Two bedrooms and a family bathroom at first floor
 - A living room; kitchen and W.C. at second floor
 - Shared external steps between two dwellings to access the front door at first floor level.

6.9 The dwellings have differing levels of garden space enclosed with 1.8 m high timber panelled fencing as follows:

- Plot 5 – 74 m²
- Plot 6 – 78 m²
- Plot 7 – 90 m²
- Plot 8 – 94 m²
- Plot 9 – 100 m²
- Plot 10 – 100 m²

6.10 The application is accompanied by the following plans and documentation:

- Application form
- Drawing no. A/2017/06/01 Amended site plan and proposed block plan
- Drawing no. A/2017/06/03 Block B Proposed floor plans
- Drawing no. A/2017/06/04 Block B Proposed elevations
- Job reference 800060184 UK Power Networks – plan showing location of power cables
- Drawing no. EDS 07-0102.21 A – Additional information regarding earthing arrangements of elevated unit/package substation with fully bunded plinth and GRP enclosure
- Design and Access Statement June 2017
- Flood Risk Assessment – Richard Jackson January 2017 Project No. 47547
- Preliminary Ecology Appraisal - Essex Ecological Services Ltd February 2017
- Reptile Survey and Mitigation - Essex Ecological Services Ltd August 2017
- Phase 2 Site Investigation Report – TerraConsult March 2016 Report No. 10172-RO1
- Brief for Archaeological Trial Trench Evaluation and palaeo-environmental test pitting – Essex County Council Place Services 3 August 2017

6.11 This application is presented to the Planning Committee in accordance with the Council's Constitution (Part 3.16 July 2016) as the applicant is the Council and the proposal is in respect of Council owned land.

6.12 The dwellings are proposed to be sold by the Council for private ownership as affordable, starter homes.

Main Planning Considerations

6.13 The main planning considerations are:

- Principle of development;
- Jaywick Regeneration Policies;
- Design and layout;
- Flood risk issues;
- Highways, transport and accessibility;
- Environmental Impacts;
- Biodiversity
- Archaeology
- S106 planning obligations; and
- Overall planning balance.

Principle of development

6.14 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material

considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a material consideration in this regard.

- 6.15 The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. As this plan is yet to be examined, its policies cannot carry the full weight of adopted policy. However, because the plan has reached publication stage its policies can carry some weight in the determination of planning applications. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.
- 6.16 The Council's emerging local plan sets out a series of visions and objectives which each of the proposed policies contributes towards. For Jaywick Sands the vision is that by 2033 it will have developed into a sustainable community with associated economic, community and employment opportunities.
- 6.17 One of the Council's top priorities is to improve the quality of life, stimulate investment and local economic development and to address the underlying causes of deprivation. The Council wants to encourage development and regeneration initiatives that build on local strengths and in Jaywick Sands this particularly means building on the strong sense of community and developing measures that will improve the housing stock, social inclusion and community safety. The Council's Corporate Plan 2016 – 2020 looks to achieve engagement with the community; effective partnership working; delivering a quality living environment; local regeneration; and council house building.
- 6.18 The site lies outside of the settlement development boundary for Jaywick which forms part of the 'town' of Clacton (as defined in Policy QL1 of the adopted Local Plan) but it is identified by specific Jaywick policies (Policy CL15a) as a regeneration site.
- 6.19 In the emerging local plan the site lies within the settlement boundary of Clacton (including Jaywick Sands) which is identified as an 'Urban Settlement' where the majority of the district's economic growth will be achieved through the identification of new housing and employment sites, investment in town centres, tourist attractions and key infrastructure and regeneration of deprived neighbourhoods. Policy SPL2 of the emerging local plan seeks to direct new development to sites within settlement development boundaries.
- 6.20 The Brooklands, Grasslands and Village areas of Jaywick are also defined as an 'urban regeneration area' in Policy QL6 of the adopted Local Plan and a 'Priority Area for Regeneration' in Policy PP14 of the emerging Local Plan'. Such areas will be a focus for investment in social, economic and physical infrastructure and initiatives to improve vitality, environmental quality, social inclusion, economic prospects, education, health, community safety and accessibility. The policy supports proposals for development that are consistent with achieving these regeneration aims. Both the adopted and emerging policy state that the Council will support proposals for new development which are consistent with achieving its regeneration aims.
- 6.21 As the site is identified as a regeneration site and lies within the settlement development boundary in the emerging local plan, there is a general presumption in favour of

development in principle. The development is consistent with the aims of the NPPF; the Council's Corporate Plan; Policies QL1 and QL6 of the adopted local plan; and, Policies SP1, SPL1, SPL2 and PP14 of the emerging local plan.

- 6.22 However, this part of Jaywick falls within Flood Zone 3a and notwithstanding its location within the settlement development boundary, the Council is still required to give special consideration to flood risk issues and the requirements of the NPPF i.e. the 'sequential' and 'exceptions' tests. These are considered in more detail later in this report.

Jaywick Regeneration Policies

- 6.23 In the adopted Local Plan, Policy CL15a sets out specific requirements for development in Jaywick (including the current application site) which are:

6.24 CL15a: Jaywick Regeneration

To facilitate the phased redevelopment of the original Brooklands, Grasslands and the Village area of Jaywick the Council will allow residential and mixed use development on the following sites:

1. land at the former Brooklands and Grasslands Social Club (mixed use);
2. land west of Lotus Way and north of Brooklands (mixed use on southern part of site);
3. land east of Lotus Way; and
4. land west of the Guinness Trust development, Lotus Way.

- 6.25 Residential development on these sites will be permitted subject to the securing of Section 106 Agreements. Each new dwelling built both within the existing Brooklands, Grasslands and Village area and on sites 1-4 above will be required to make contributions towards:

- a. the assembly of either vacant or 'open market' plots within the defined area;
- b. securing improvements to the highway network, roads, footpaths and cycle routes; and
- c. securing and providing a range of new facilities including retail and open spaces.

- 6.26 The development of this site has been proposed since the allocation of the site for residential and mixed use development in the adopted local plan in 2007. However, this policy, in combination with Policy CL15, aimed at strictly controlling development to facilitate a phased programme of redevelopment has failed to bring about any significant, positive changes in the area. Since the NPPF has given Councils more freedom to apply planning policies to better reflect local circumstances the Council, the Environment Agency and other partners have agreed that relaxing some of the planning restrictions and moving towards flexible policies aimed at encouraging developers to provide high-quality, resilient and innovative new homes in the area is a better approach. The Council's 2012 Draft Local Plan included a far more positive policy which sought to encourage appropriate development rather than restrict innovation. As a result of this a number of residential planning permissions have been granted. Whilst this policy does not feature verbatim within the emerging local plan, the principles remain and have been applied in the consideration of this application.

Design and Layout

- 6.27 The contemporary design with use of glazing to afford views of the sea is appropriate for a coastal location but it is radically different from existing development in the area which generally consists of single-storey bungalows, many of which are of sub-standard condition. At 11 metres in height, this development would be more than double the ridge height of neighbouring properties and approximately three times the eaves height. The development would be out of keeping and out of character with existing built development and would give

rise to concerns over overlooking of existing properties, particularly those located in Sea Way. The side boundary of the development would be adjacent to the rear boundaries of the existing properties.

- 6.28 In any other location, Officers would advise that such a development is inappropriate in planning terms for being so radically out of character with the wider area and giving rise to neighbouring amenity concerns. However, this part of Jaywick is a priority area for regeneration and an area where the current standard of residential property places residents at a high risk of flooding – particularly if climate change results in rising sea levels as projected by the Environment Agency and in poor residential conditions. Because this development contains no living accommodation on the ground floor the risk to residents in the event of a flood is kept to a minimum.
- 6.29 With this in mind, Officers are advising the Committee that an exceptional approach is justified and to set aside normal planning concerns in order to facilitate a development that could help set the tone for the future regeneration of the area. If the Committee agrees that an exceptional approach is needed (as it has taken previously with developments at Sea Pink Way and Brooklands in the recent past), this development provides an opportunity to inspire other property owners to consider redevelopment to a more resilient, lower flood risk form of development.

Flood risk issues

- 6.30 The site, and the rest of this part of Jaywick, is in Flood Zone 3 – the highest area of risk due to its low-lying position on the coast. The NPPF, as supported by relevant policies in the adopted and emerging local plans, requires a ‘sequential approach’ to the location of new development which seeks to direct new development to the locations at lowest risk. In Tendring, there are clearly many locations of lower risk where residential development could be located but in Jaywick Sands an exceptional approach is justified where new development can assist in the regeneration of the area and helping to reduce the risk of flooding to life and property overall.
- 6.31 The NPPF and Local Plan policies refer to the ‘Exception Test’ which must apply if a development in a higher risk area is being considered having undertaken the sequential test. Paragraph 103 of the NPPF requires such developments to be informed by site-specific flood risk assessment and to demonstrate that:
- Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
 - Development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.
- 6.32 The application is accompanied by a site-specific flood risk assessment which, as advised by the Environment Agency, provides sufficient information for the Council to make an informed decision. The conclusions and recommendations in the assessment are summarised as follows:
- The site is in Flood Zone 3 ‘High Risk’ with the primary source of flooding being tidal flooding from the North Sea;
 - The site has been topographically surveyed and this shows that the site levels are between 1.40m and 2.37m AOD generally. There is a bank described as a former trackway on the site that is higher at around 3.00m AOD.

- The PPG defines residential development as being more vulnerable to flooding. These proposals will be set out to ensure that the lower floors sequentially place the least vulnerable uses at the highest risk. The upper floors will then provide domestic uses and sleeping. A town house layout is suited to this type of proposal and hence will be adopted for this site.
- Sequential Test - The need for affordable housing in the Tending District and especially in this specific area is well documented. These proposals will go some way to alleviating this need. There are limited opportunities for new developments in Jaywick. The remainder of the settlement is also at the same or similar flood risk.
- Climate Change - This site will be impacted by increases in sea level over time. The PPG rates of rise suggest that 1.21m of sea level rise can be expected between 1990 and 2105. Rainfall intensity is also predicted to increase with time and an uplift of 40% is recommended.
- Tidal and Fluvial Flood Risk. This site is located in flood zone 3 for risk of tidal flooding. Sea defences exist at this location and this site will benefit from their protection. Environment Agency data indicates that sea levels will be as set out in Table 1 below.
1 in 200 year (0.5%) 4.18m AOD 5.375m AOD and 1 in 1000 year (0.1%)
4.55m AOD 5.745m AOD
The ground levels at the site vary from around 1.40m AOD to 2.71m AOD.
- The first floor of the new houses will need to be set to provide a safe refuge above the 1 in 200 year design storm for 100 years' time, with 300mm freeboard this gives a level for the first floor of 5.675m AOD. The upper floor will be a further 3.00m or so above this level and hence will provide a safe refuge from extreme events.
- The existing sea defence level is 4.11m AOD and therefore overtopping of the defences may occur.
- Surface Water Flooding - This area is not shown to be at risk of surface water flooding. This area is drained by a system of surface water sewers which generally outfall to open watercourses which then outfall to the sea.
- Reservoirs and other Artificial Flooding - The flood mapping shows that this site is not at risk from reservoir flooding.
- Lotus Way is drained by a surface water sewer and there are nearby foul drains. Water mains will also exist in this area to some existing developed areas. The risk from these sources is considered low.
- Ground Water Flooding - A site investigation was undertaken in 2016 which revealed that the site is underlain by made ground over clay. Ground water was struck at 3.50m bgl. This geology (as clays are impermeable) is not suited to ground water flooding.
- Surface Water Management - This site is not provided with any formal surface water disposal systems. The ground conditions are not suited to infiltration as the site is underlain by made ground and clay and hence the existing site is considered to runoff at Greenfield runoff rates. Greenfield runoff calculations have been undertaken. A connection to the surface water manhole 6952 can be made with a maximum outflow rate of 5 l/s. It is proposed to collect the surface water generated by this development and store it within permeable paving before outfalling to the AW sewer system using a 75mm orifice flow control.
- The residents of these new dwellings will be encouraged to register for flood warnings. When a tidal surge event is predicted, residents should evacuate to a safe location. (Recent experience in 2017 and 2013 confirms that adequate notice for residents to evacuate can be given by the Environment Agency and Police.) Occupants can therefore reach a place of safety in good time before a tidal surge event. The occupants will be encouraged to prepare a flood warning and evacuation plan based on the EA proforma.

- Exception Test - This development will provide much needed new dwellings in the district and more specifically Jaywick. This development will provide wider sustainability benefits to Jaywick.
- The development can be made safe for its lifetime by placing less vulnerable uses such as garaging on the lower floors with upper floors set above predicted flood levels.
- Flood resilient construction should be incorporated up to 6.00m AOD. This will assist with rapid reoccupation after a flood event.
- The upper floors of the building will be set above predicted flood levels and residents who have not evacuated or those surprised by a defence failure can take refuge and remain safe.

6.33 The Environment Agency have no objection to the application. The minimum floor level, flood resilience measures and the evacuation plan can be secured through planning condition if the Committee is minded to approve. Officers consider that the development will meet with the NPPF Exceptions Test if these conditions are imposed.

6.34 Having no living accommodation on the ground floor is key to the flood resilience of this scheme. Although objectors have suggested that there are too many garages and parking spaces the design has been secured to avoid habitable accommodation of the ground floor. To introduce habitable accommodation on the ground floor would not meet the sequential and exception tests and is something that could not be acceptable in flood risk terms in taking this exceptional approach.

6.35 The site does not lie within the limits of the existing Article 4 Direction that removes permitted development rights for extensions and alterations to most of the existing dwellings in Jaywick Sands. The purpose of the Direction is to ensure that further habitable space is not created at ground floor level where it is most vulnerable to flood risk. It is proposed to remove the permitted development rights of householders under Classes A (the enlargement, improvement or other alteration of a dwellinghouse) and E (buildings incidental to the enjoyment of the dwellinghouse) of Part 1 of Schedule 2 of the General Permitted Development Order in order to retain control over any potential increase in habitable accommodation in a high flood risk area. The Council considers that it is essential to retain the control on any development that could increase the habitable accommodation at ground floor level in this part of the District in order to ensure the future safety of occupants from the impacts of flood risk.

Highways, transport and accessibility

6.36 Paragraph 32 of the NPPF relates to transport and requires Councils, when making decisions, to take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

6.37 Policy QL2 in the adopted Local Plan and Policy CP1 in the emerging Local Plan seek to ensure that developments maximise the opportunities for access to sustainable transport including walking, cycling and public transport. Located in the heart of Jaywick Sands on a

bus route and public footpath, Officers are content that this is a sustainable location for development in transport and accessibility terms.

- 6.38 The Highway Authority has no objection subject to a number of controlling conditions. The proposed car parking complies with the car parking standards. Concerns of local residents relating to the amount of car parking have been addressed earlier in this report.

Environmental impacts

- 6.39 The development would have a radical impact on landscape character, particularly when viewed from the seafront – but Officers consider that a seafront location with prime views over the sea is an appropriate location for taller development of contemporary design. The Council's Environmental Health Team has requested a Contaminated Land Assessment to be secured through condition.

- 6.40 TerraConsult carried out an intrusive investigation in December 2014, which involved the excavation of three trial pits. The trial pits were excavated to a maximum depth of 2.7m below ground level (bgl) with one targeting the embankment. Ground conditions comprised Made Ground overlying soft clay. The embankment, at its southern end, comprised very sandy gravelly clay with concrete, plastic and red bricks. The scope of the investigation was to meet the requirement to provide information for planning purposes and for the design of the development. The investigation included:

- an intrusive investigation to include locations not previously investigated comprising dynamic sampling, together with collection of solid samples for chemical testing;
- assess the general nature and extent of contamination at the site and carry out a contamination risk assessment to determine if the site poses a risk to potential receptors; and
- should the investigation indicate that remediation of contaminants be required, provide brief recommendations of feasible remedial measures to facilitate development of the site for residential end-use.

- 6.41 Some limited contaminants were found, given the historic use of the site, but it was concluded that the limited contamination found was not widespread across the site, and is present at discrete locations. However, a potential risk to future site occupiers has been identified if these locations are to be private gardens in the development proposal.

- 6.42 It is recommended that the Made Ground in this part of the site be excavated and disposed of off-site. It is recommended that a watching brief be provided during any redevelopment works for the presence of contaminated ground and if unexpected contamination is discovered during groundworks reactive procedures are recommended to determine the type, extent and remediation of the contamination.

- 6.43 The recommendations of the contaminated land assessment can suitably be controlled by condition.

Biodiversity

- 6.44 An preliminary ecological assessment was undertaken at the site on 14th February 2017, during which habitats and species were recorded and the site was assessed for its suitability to support a range of legally protected and otherwise significant species.

- 6.45 The preliminary report is summarised as follows:

- Located close to the sea front at Jaywick Sands, the site comprises rough grassland, scrub and reed habitat.
 - The rough grassland and scrub of the site provide suitable habitat for reptiles. It is recommended that a spring reptile survey is carried out in order to establish their presence or absence. If present, an appropriate mitigation strategy would be necessary. This would involve identifying a suitable receptor site and translocating reptiles from the development site.
 - The grassland habitat in the survey area is not suitable for breeding birds, although small numbers of common species may be present in the scrub and reed habitat. If any scrub or reed clearance is planned to take place between March and August, it will first be necessary for an ecologist to carry out a survey to determine whether or not there are active nests present.
 - Badgers could become trapped in deep open site excavations. Any trenches to be left open overnight should incorporate a shallow ramp to allow animals an easy exit.
 - It is thought that the site provides many suitable places of refuge likely to be attractive to Hedgehogs, a Species of Importance in England. Awareness of their possible presence, and care during any site clearance, would be good practice.
- 6.46 In light of the recommendations of this preliminary report a second investigation was commissioned to consider the presence of reptiles.
- 6.47 Three of the four native British reptile species which occur in Essex were found at the site. These were the lizard species, Common Lizard and Slow Worm, and the snake species, Adder.
- 6.48 It was concluded that the proposed construction of new housing at the site will risk the killing and injury of reptiles (which is an offence under the relevant legislation) and will result in the loss of reptile habitat (which is not legally protected) but that, given the small size of the site, it would not be practical to retain sufficient suitable habitat to continue to support reptiles at the site.
- 6.49 Therefore, it will be necessary to translocate reptiles from the site prior to the commencement of the proposed development. Translocation will take the form of the catching of reptiles and removal from the site over an extended period.
- 6.50 The trapping period will include at least 30 days on which weather conditions are suitable and will continue until there have been five suitable days during which no reptiles were encountered.
- 6.51 It is anticipated that the translocation can be completed by the end of the active period for reptiles during 2017, *i.e.* by the time typical daytime temperatures drop significantly around late September or mid-October.
- 6.52 The chosen receptor site is a larger area of similar rough grassland habitat, located approximately 200 metres north of the proposed development site.
- 6.53 The development can be carried out without significant, adverse impact on protected species provided that the recommendations of the species specific ecology report are completed. This can be suitably controlled by condition.

Archaeology

- 6.54 The application has been identified as having the potential to harm non designated heritage assets with archaeological interest.
- 6.55 The proposed development lies within a region of high potential for both Palaeolithic archaeological remains and early prehistoric archaeological remains. Sediments from a former river channel laid down by the ancestral Thames before it was diverted have yielded internationally significant Palaeolithic remains and Pleistocene faunal remains within the area. In addition find spots from along the foreshore have yielded Mesolithic and Neolithic remains which suggest early prehistoric settlement and activity in the area. There is the potential for significant Pleistocene sediments to be present below the surface geology which may contain Palaeolithic archaeological remains as well as buried prehistoric land surfaces which may be impacted by the proposed development. The site investigation report also records that peat deposits have been recorded at the site, these deposits hold significant palaeoenvironmental evidence.
- 6.56 The site also contains the historic remains of a former sea wall which is depicted on the first edition map OS and so must predate c. 1870. This was later re-used as a track way carrying passengers from the newly erected residential development along the coast back inland to Jaywick. The embankment that survives is historic in origin and preservation of the feature is recommended.
- 6.57 The Essex County Council archaeologist recommends that if the Council is minded to approve this application then conditions should be imposed to ensure a programme of archaeological and geoarchaeological evaluation has been undertaken and a mitigation and recording strategy has been approved.
- 6.58 A brief outlining the level of archaeological and/or geoarchaeological investigation has been issued by Essex County Council Place Services (dated 3 August 2017) which outlines the requirements for the works; the general methodology; trial trenching methodology; geoarchaeological and palaeoenvironmental assessment; post excavation assessment; dealing with finds; recording results; archive deposition; and monitoring.
- 6.59 It is considered that this can be suitably controlled by condition.

S106 planning obligations

- 6.60 The number of units proposed in this particular application are below the threshold that would normally require financial contributions towards open space, affordable housing, education or health provision. However, taken with the application for 6 dwellings (reference 17/01032/FUL) , the development would normally attract open space and affordable housing contributions.
- 6.61 However, Jaywick Sands is an area of low property values where economic viability is a genuine issue. In the interest of facilitating the regeneration of Jaywick Sands and ensuring a scheme has maximum chance of actually being delivered, it is proposed that no financial contributions be sought through a s106 legal agreement. This is in accordance with the Government's stance on the provision of quality, affordable, starter homes.

Overall Planning Balance

- 6.62 The NPPF applies a 'presumption in favour of sustainable development' for which sustainable development addresses economic, social and environmental considerations. These are weighed in the balance as follows:
- 6.63 Economic: Whilst the development would be totally residential, it provides an opportunity to introduce a new standard of design and flood resilience into the area which could inspire

other property owners to follow suit – thus helping to facilitate long-term regeneration of this deprived area. There would also be indirect economic benefits associated with increasing expenditure in the local economy and providing temporary construction jobs.

- 6.64 Social: The provision of 6 starter homes will help to meet housing needs and will introduce a better, more resilient form of accommodation into the area that might inspire the owners of other sub-standard properties to follow suit in the interest of regenerating Jaywick Sands. In the longer-term, such an approach could bring about a significant improvement in the safety, health and employment prospects of future residents.
- 6.65 Environmental: The ecological and landscape impacts of this development will be negligible. The main environmental benefit will be introducing a form of development that is flood resilient and that could inspire other property owners of unsafe and sub-standard dwellings to follow suit. The disadvantage of this development is that it will be radically different from and very much out character with the form of dwellings that are currently present, but this needs to be weighed up with the opportunity to inspire the longer-term regeneration of Jaywick Sands.
- 6.66 In the overall planning balance, Officers consider that this a prime opportunity to facilitate regeneration in Jaywick Sands which is entirely in accordance with the Council's Corporate Plan objectives.

Background Papers

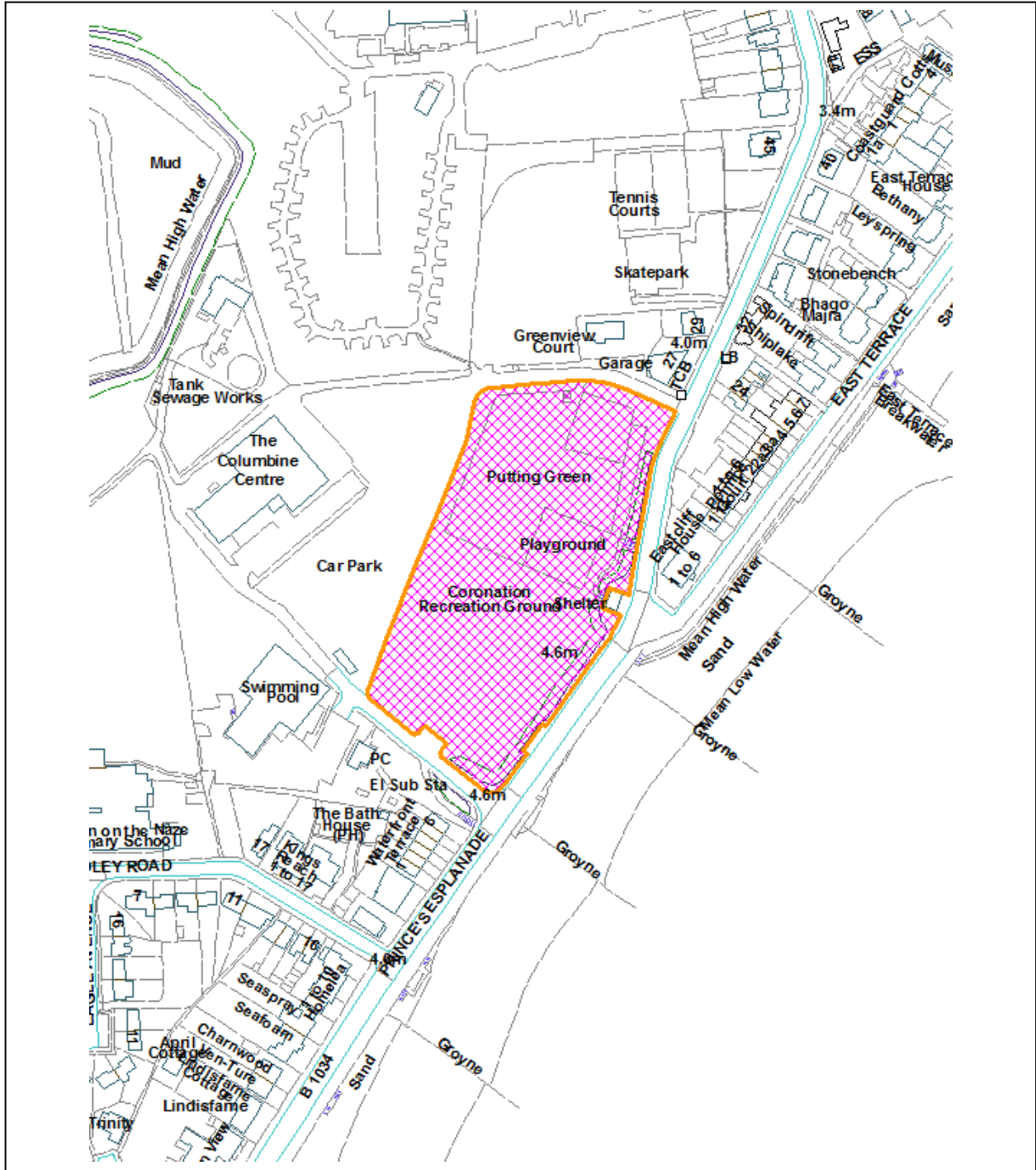
None

PLANNING COMMITTEE

6th September 2017

REPORT OF THE HEAD OF PLANNING

A.6 PLANNING APPLICATIONS - 17/01199/FUL - BATH HOUSE, MEADOW HALL LANE, WALTON ON THE NAZE, CO14 8HW



DO NOT SCALE

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

Application:	17/01199/FUL	Town / Parish: Frinton & Walton Town Council
Applicant:	Mr Andy Nepean - Tendring District Council	
Address:	Bath House Meadow Hall Lane Walton On The Naze CO14 8HW	
Development:	Refurbishment and addition of play equipment on existing play area.	

1. **Executive Summary**

- 1.1 This application is referred to Planning Committee as the applicant is Tendring District Council.
- 1.2 The application proposes new play equipment between the existing play area at Bath House Meadow and the car park. The site is allocated for recreational open space under adopted Policy COM7 and draft Policy HP4 and so is in accordance with the development plan. This is inclusive play equipment so is accessible to a wider range of disabilities and special needs to provide play spaces that meet the needs of all children.
- 1.3 The detailed design and siting of the play equipment raises no material concerns in terms of visual or residential amenity.
- 1.4 Although the site is located in Flood Zone 3 (high risk), the site is already used and allocated in the adopted and draft local plans as a play area, and therefore no new flood risks issues will be introduced as a result of the proposals.

Recommendation: Approve

Conditions:

1. Standard 3 year time limit for commencement
2. Accordance with approved plans
3. Details of any external lighting

2. **Planning Policy**

National Planning Policy Framework (NPPF)

Local Plan

Tendring District Local Plan (2007)

QL1: Spatial Strategy

QL3: Minimising and Managing Flood Risk

QL6: Urban Regeneration Areas

QL9: Design of New Development

QL10: Designing New Development to Meet Functional Needs

QL11: Environmental Impacts

COM1: Access for All

COM7: Protection of Existing Recreational Open Space Including Children's Play Areas and Pitch and Non-Pitch Sports Facilities

COM8: Provision and Improvement of Outdoor Recreational Facilities

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL3 Sustainable Design

HP4 Safeguarded Local Greenspace

PP14 Priority Areas for Regeneration

PPL1 Development and Flood Risk

CP1 Sustainable Transport and Accessibility

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. As this plan is yet to be examined, its policies cannot carry the full weight of adopted policy. However, because the plan has reached publication stage its policies can carry some weight in the determination of planning applications. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

3. Relevant Planning History

02/01471/FUL	Proposed skateboard park.	Approved	11.10.2002
92/00698/FUL	Additional landscaped area forming storm water overflow area in conjunction with leisure facility development (Variation to scheme approved under planning permission TEN/91/1361)	Approved	05.08.1992

4. Consultations

Frinton and Walton Town Council	Approval subject to the repositioning of the site. Would suggest that it is turned 90 degrees and sited along the pathway and towards the putting green so as not to cut the meadow in half which prohibits the site being used for large events.
---------------------------------	---

5. Representations

- 5.1 One letter of observation has been received and is summarised as follows:
- Concerned regarding security will the play area be gated?
 - Concerned about vandalism and youths congregating at night
 - Will there be CCTV coverage or police presence?

6. **Assessment**

- 6.1 The main planning considerations are: The principle of development, design and visual impact, flood risk and impact on residential amenity.

The principle of development

- 6.2 The site is within a sustainable location well served by public transport. This is an existing recreational area which is allocated for recreational open space under adopted Policy COM7 and draft Policy HP4 so the proposal is in accordance with the development plan. Adopted Policy COM8 supports the provision and improvement of outdoor recreational facilities where they meet the needs of all residents; are of suitable size and location; and are accessible by a choice of transport modes. The site also lies within the Walton Regeneration Area and is likely to provide a significant boost in terms of visitors to the site and wider area.

Design and visual impact

- 6.3 The land is allocated and currently in use as public open space. The proposed development comprises a variety of play equipment including a 7.5 metre high tower, designed to reflect local beach huts, with a slide and a 13 metre long ramp which is between 0.9 metres and 1.4 metres above ground level serving another slide and two cargo nets. Other play equipment surrounds this structure including a 2m x 2m trampoline, rope end swing, stepping posts, roundabout, sculptural palm tree, and seating. Surfacing comprises areas of sand, decking, tarmac and cushionfall.
- 6.4 The existing play area is also to be refurbished and painted in matching colours with new toddler equipment.
- 6.5 The design and scale of the proposed development is considered acceptable and it will result in a significant visual improvement of this area of the public open space. A condition is recommended to control any external lighting in the interests of visual and residential amenity.

Flood risk

- 6.6 The site lies within Flood Zone 3 (high risk) where adopted Policy QL3 and draft Policy PPL1 require the sequential test to be undertaken to demonstrate that there are no reasonably available sites in a lower flood risk area. Although the site is located in Flood Zone 3 it is an existing recreational area and allocated for recreational open space under adopted Policy COM7 and draft Policy HP4. As such, a Sequential Test is not required as the development is of the same type and represents expansion of the existing use.
- 6.7 The National Planning Policy Framework (NPPF) advises that site specific flood risk assessments are required for all new developments in Flood Zone 2 and 3. During pre-application discussions the Planning Authority have advised that a Flood Risk Assessment is not required to support this application as the site is already used as a play area and the development would not result in an increased risk of flooding.

Impact on residential amenity

- 6.8 The site is allocated, and already in use, as public open space. Provision of the additional play equipment will clearly increase activity and associated noise around the application site. The proposed equipment is located between the existing play area to the east and the existing car park to the west and is therefore no closer to dwellings on Hall Lane or East

Terrace than the existing play equipment. The area is already enclosed by low level fencing and there are no plans to alter this. It is therefore considered that the additional noise and activity associated with the proposed development is unlikely to result in any material harm to residential amenity.

Background Papers

None

This page is intentionally left blank