

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	18/02/19
Planning Development Manager authorisation:	AN	21/2/19
Admin checks / despatch completed	SB	25/02/19.

**Application:** 18/01786/FUL **Town / Parish:** Clacton Non Parished

**Applicant:** Park Holidays UK Ltd

**Address:** Martello Beach Holiday Park Belsize Avenue Jaywick

**Development:** Construction of road bridge, abutments and associated works.

### 1. Town / Parish Council

Clacton – Non Parished.

### 2. Consultation Responses

**Tree & Landscape Officer** There is a single White Poplar in the vicinity of the proposed location of the new bridge but it is of only moderate condition and has low visual amenity value.

No important trees or other significant vegetation will be affected by the development proposal

In terms of the impact of the construction of the bridge on the visual qualities of the local landscape character its location ' bridging a dyke between two caravan parks ' means that it will not be an incongruous feature in its setting.

New soft landscaping is not required in order to make the development proposal acceptable.

**Essex Wildlife Trust**

Thank you for consulting us in regard to this application.

We advise that the proposed water vole displacement and mitigation plan should adhere to the protocols outlined in The Water Vole Mitigation Handbook (2016) (Appendix 1).

We have no objection subject to the proviso that the above requirement is conditioned as part of approval.

**Network Rail**

No comment.

**Building Control and  
Access Officer**

No building regulation comments.

**ECC Highways Dept**

The Highway Authority has reviewed the associated documentation and has no comments to make with regard to the above application.

**Environment Agency  
(Dated 15 November  
2018)**

Thank you for consulting us on the above application. We have reviewed the documents as submitted and are raising a holding objection due to the proximity to our defence assets. We also offer

advice regarding flood risk below.

#### Defence Assets:

We are raising a holding objection to the proposed development as due to the proximity of the bridge to our defence. The proposal would be unlikely to receive Environment Agency consent for a permit because it compromises the stability of the defence and our ability to access it for inspection and maintenance.

The Cockett Wick Counterwall is included in our routine maintenance for grass cutting. The proposal would obstruct us from gaining sufficient access to carry out our work; we will need to be able to access the full length of the Counterwall.

The depth of the piling caps into the counterwall may also cause an issue regarding the integrity of the defence, we would therefore also ask that consideration is made as to whether the piling caps could be located on the crest of the defence.

Additionally we may be required to raise the Counterwall by approximately 0.5m in the future to take into account climate change. This is currently under review, but we would recommend this either being taken into account regarding design, or that they are aware that the bridge may be required to be dismantled and re-built if the raising of the defence is required.

We request that new designs are submitted for our review that address the above issues. Once these have been submitted we will provide our bespoke comments within 21 days of being formally re-consulted.

#### Environmental Permit for Flood Risk Activities:

The applicant may need an environmental permit for flood risk activities if they want to do work in, under, over or within 8 metres (m) from a fluvial main river and from any flood defence structure or culvert or 16m from a tidal main river and from any flood defence structure or culvert. St Osyth Ditch, is designated a 'main river'. Application forms and further information can be found at <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>. Anyone carrying out these activities without a permit where one is required, is breaking the law.

#### Flood Risk:

The proposed development is within flood zone 3. An evacuation plan has been proposed and confirms the applicant will sign up to flood warnings. It is proposed that the soffit level of the bridge is above the tidal 1:1000 plus climate change level including 300mm freeboard. The Plans show no encroachment into Osyth Ditch and therefore no increased flood risk in the Dyke.

Environment Agency  
(Dated 17 December  
2018)

We have reviewed the letter supplied to us by Enzygo Environmental Consultants in their letter dated 27 November 2018, reference SHF.201.059.HY.L.01.A. Having considered the points raised in this letter we are maintaining our holding objection detailed in our letter Reference AE/2018/123441/01 and dated 16 November 2018. We have provided further information regarding our position from the points raised in the submitted letter from Enzygo Environmental

Consultants and these are provided in our response.

#### Defence Assets:

As previously stated The Cockett Wick Counterwall is maintained the by ourselves and access to the embankment is required to carry this out. Grass cutting work is carried out using AEBI mower with a remote controlled Robomower. Future maintenance may also include repairs to any fissures in the embankment which would require access with excavators and compaction equipment working on the wall. We will need to be able to access the full length of the counterwall.

The wall may require raising in the future to take into account climate change. We estimate that it would need raising by approximately 0.5m. The requirement for this is under review and at this stage we cannot confirm whether it will be required or the exact height if required, however we would recommend this being considered in the design for the bridge.

The depth of the pile-caps into the counterwall may also cause an issue regarding the integrity of the defence, we would therefore also ask that consideration is made as to whether the pile-caps could be located on the crest of the defence. The current design indicates that the pile-cap extend 5m into the clay of the embankment.

We request that new designs are submitted for our review that address the issues we have highlighted in our letter. Once these have been submitted we will provide our bespoke comments within 21 days of being formally re-consulted. In addition, our asset performance team our willing to undertake a site visit and meet with the applicant to discuss our concerns and assist in overcoming the objection.

Our advice in regards to Environmental Permitting and Flood Risk remains unchanged from our previous response.

Environment Agency  
(Dated 14 February 2019)

Thank you for your consultation, following a site visit 22 January 2019. We have reviewed the additional information and provided that the following conditions are appended to any application our holding objection dated 15 November 2018 (AW/2018/123441/01) can be removed.

#### Defence Assets

Due to proximity to our defences there is the potential for us to be unable to carry out routine vegetation maintenance and also be unable to raise the defence if in the future this is deemed to be necessary. As discussed on site and detailed in the letter dated 25 January 2019 drafted by Enzygo Environmental Consultants aspects of vegetation maintenance and bridge design will need to be agreed before construction.

#### Condition 1

The applicant shall submit for approval, a written plan for the on-going routine vegetation maintenance for the affected section of the Cockett Wick Counterwall, the plan as agreed shall be carried out by PHUK.

#### Reason for Condition 1

To ensure the ongoing routine vegetation maintenance of the sections of the Cockett Wick Counterwall that will no longer be accessible to the Environment Agency.

## Condition 2

Prior to development the applicant shall produce for approval, a bridge design specification that will allow for the structure to accommodate the possible future raising of the Cockett Wick Counterwall. The development will be carried out in accordance with the approved plans.

## Reason for Condition 2

To allow for possible future raising of the Cockett Wick Counterwall to maintain the standard of flood risk protection.

The applicant is advised to discuss with us likely bridge requirements prior to progressing a detailed design specification.

### 3. Planning History

02/01173/FUL	Change of use of land from use for touring caravans and camping to use for the stationing of static holiday caravans	Approved	11.08.2004
02/01237/FUL	Extension of the seasonal holiday occupancy period to between 1st March and 14th January in any year (2 year temporary)	Withdrawn	24.05.2004
05/01309/FUL	Continuance of use without complying with condition 4 (no tents to be authorised on the site) imposed on TEN/980/84	Approved	26.09.2005
05/02050/FUL	Variation of condition 03 of approval TEN/980/84 to remove 14 day limit duration of stay for touring caravans.	Withdrawn	27.01.2006
76/01446/FUL	Use of land for 200 touring caravans	Refused	09.03.1977
76/01447/FUL	Use of land for 50 touring caravans	Approved	29.03.1977
84/00980/FUL	Use of land to extend caravan site	Approved	04.12.1984
08/00877/FUL	Erection of maintenance and housekeeping building.	Refused	07.08.2008
14/00644/FUL	Change of use of land to allow 11 months holiday use all static and touring caravans across the holiday park.	Approved	13.08.2014
16/00470/LUPRO P	Continuation of use of land as a site for static and touring caravans within the site boundary marked in red on plan reference 3171-150 for use as holiday accommodation for eleven months of the year in compliance only with the conditions	Lawful Use Certificate Granted	19.05.2016

attached to planning permission  
reference 14/00644/FUL.

#### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

ER16 Tourism and Leisure Uses

ER18 Caravan and Chalet Parks

EN6 Biodiversity

QL1 Spatial Strategy

QL3 Minimising and Managing Flood Risk

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

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

PP8 Tourism

PP11 Holiday Parks

PPL1 Development and Flood Risk

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

#### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) 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 48 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.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. 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 48 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.

## 5. Officer Appraisal

### Site Description

The application site is land to the north-west corner of the Martello Beach Holiday Park, which is located to the western section of Belsize Avenue in Jaywick. The site forms a parcel of land that separates both this holiday park and St Osyth Beach Holiday Park to the west. The surrounding development ensures the character of the area is heavily urbanised. Approximately 400m to the south is the seafront. The site falls on the edge of the Settlement Development Boundary for Clacton within both the Adopted and Emerging Local Plans, but is located within Flood Zones 2 and 3.

### Description of Proposal

This application seeks planning permission for the construction of a bridge to connect the Martello Beach Holiday Park and St Osyth Beach Holiday Park over the existing flood defence channel. The bridge will measure approximately 40m in length, with an associated length of 100m connecting road, and is designed to connect the existing infrastructure from both holiday parks.

The bridge will include three abutments and will incorporate collapsible bollards to control vehicle access. It will gradually increase in height towards the middle point by approximately 1m, whilst its 'Mabey Bridge' design will see 2.5m high protective railings to each side.

### Assessment

#### 1. Principle of development

Policy ER18 of the Adopted Tendring Local Plan 2007 states that the Council will seek to safeguard existing caravan and chalet parks, and within the preamble discusses that Clacton/Jaywick is one of the main tourist areas and that it is important to sustain tourism within these areas.

The proposed works would involve the creation of a bridge to link St Osyth Beach Holiday Park and Martello Beach Holiday Park. The submitted plans demonstrate an approximate 7 mile round journey between the two sites currently despite them being separated by just 40 metres, and therefore the works are a logical addition to connect the sites, and would also be a small gain for local tourism and provide an additional exit point in a flooding event. Further, the works will not result in the loss of a tourist area, and indeed could help facilitate an improvement to an existing tourism facility. Therefore the principle of development is acceptable subject to the detailed consideration below.

#### 2. Visual Appearance

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Preferred Options Consultation Document July 2016.

The submitted drawings show the bridges to span approximately 37m in total (one span measuring 22m, and one measuring 15m), measuring 5.7m in width and will be constructed from reinforced concrete and painted steel. The site is set well back from the nearest street scene, however will be visible in amongst the neighbouring caravans to the east and west.

The overall design is a low-level structure which looks to reduce the impact upon the adjacent landscape, and therefore will assimilate well within its surroundings, whilst the materials would be expecting from a structure such as this. Therefore, whilst there will clearly be a visual impact, the harm is not significant enough to warrant a reason for refusal.

### 3. Impact upon neighbours

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'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

It is acknowledged that the occupants of the adjacent caravans are there for holiday purposes, with no full time occupancy acceptable. Against this backdrop, whilst the bridge will be visible to a number of future occupiers, and could result in additional noise disturbances from the comings and goings of vehicles, given their transient nature there will be no long-term significant harm to amenities.

### 4. Highway Safety

Whilst the proposed bridge will connect the two holiday parks, there is also a potential consequence of providing an additional travel route for the general public, which could result in significant impacts to the highway network. Accordingly, to overcome this the submitted plans highlight that the route will not be open for the general public and demonstrate there will be collapsible bollards to either side of the bridge to restrict access. This, and that the proposal will create inter-park traffic that will reduce the use of the local road network, ensures the wider impacts of the proposal to the highway network are acceptable. Accordingly Essex County Council as the Highways Authority has stated it has no comments to make on the application.

### 5. Flood Risk

The application site falls within Flood Zones 2 and 3 and is therefore an area at most risk of future flooding. Accordingly the agent for the application has submitted a Flood Risk Assessment which includes an assessment of the surface water drainage requirements for the development site, details of flood risk, and how this can be managed and mitigated.

Within the Environment Agencies Flood Risk Vulnerability Classification Table, the proposed development would fall within the 'less vulnerable' use and is therefore a suitable use within Flood Zone 3. Further, a number of mitigation measures are proposed, including ensuring the onsite watercourse is clear from debris and overgrown vegetation, and the use of a +300mm freeboard above the tidal flood level; this would act as an emergency refuse point in the event of the site flooding without warning.

Initially the Environment Agency raised a holding objection on the grounds that the bridge was in close proximity to their flood defences, which could compromise its stability and their ability to access it for inspection and maintenance, and that the depth of the pile-caps may cause an issue regarding the integrity of the defence. Further, in the future the Cockett Wick Counterwall may be increased by approximately 0.5m to account for climate change; therefore the design either needed to be amended to reflect this or the applicant should be prepared to dismantle and rebuild the bridge at an unknown later date.

However following an on-site meeting between, amongst others, the Environment Agency and the agent for the application, the Environment Agency have removed their previous objections subject to two conditions relating to ongoing vegetation maintenance of the affected section of the Cockett

Wick Counterwall, and a bridge design specification that will allow the structure to accommodate the possible future raising of the Cockett Wick Counterwall.

## 6. Ecology

The site is currently open land with coastal grassland and a wet ditch. As such, there is the potential for protected species to be occupying the site and accordingly the application includes an ecological assessment of the site.

The ecological assessment concludes that the proposed development has the potential to affect water vole, reptiles and dittander and will result in the temporary disturbance and permanent loss of species-poor neutral grassland. However, given mitigation measures highlighted within the report, including cutting vegetation to certain levels and relocating captured reptiles, there is not considered to be a significant impact. Further, biodiversity enhancement methods in the form of new roosting and nesting opportunities on the bridge structure are recommended. A condition will be attached to this decision to reflect this.

### Other Considerations

Clacton is non-parished so no comments are required.

There have been no other letters of representation received.

## 6. Recommendation

Approval.

## 7. Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans, drawing numbers P18-443-10 Revision P3, P18-443-11 Revision P3, P18-443-12 Revision P3, and the documents titled 'Location Plan', 'Flood Risk Assessment', 'Ecological Assessment' and 'Design and Access Statement'.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 3 The recommendations as highlighted within Sections 4.28, 4.29 and 4.30 of the submitted Ecological Assessment shall be implemented prior to the developments first use and maintained in perpetuity thereafter.

Reason - In order to enhance the development of the site for local wildlife.

- 4 Prior to the commencement of the hereby permitted works, a written plan for the ongoing routine vegetation maintenance for the affected section of the Cockett Wick Counterwall shall be submitted to, and agreed in writing by, the Local Planning Authority. Vegetation maintenance shall be undertaken thereafter in accordance with the approved details.

Reason - To ensure the ongoing routine vegetation maintenance of the sections of the Cockett Wick Counterwall that will no longer be accessible to the Environment Agency.

- 5 Prior to the commencement of the hereby permitted works, a bridge design specification that will allow for the structure to accommodate the possible future raising of the Cockett Wick Counterwall shall be submitted to, and agreed in writing by, the Local Planning Authority. Works shall be carried out in accordance with the approved details.



Reason – To allow for the possible future raising of the Cockett Wick Counterwall to maintain the standard of flood risk protection.

## **8. Informatives**

### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.