

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	27/02/19
Planning Development Manager authorisation:	AN	11/3/19
Admin checks / despatch completed	AN	12/3/19

**Application:** 18/02067/OUT **Town / Parish:** St Osyth Parish Council

**Applicant:** Mr and Mrs R Parrish

**Address:** Holiday Inn Amusement Arcade Seaview Road St Osyth

**Development:** Proposed extensions to existing amusement arcade.

### 1. Town / Parish Council

St Osyth Parish Council No objections.

### 2. Consultation Responses

Building Control and  
Access Officer

The means of escape from the first floor areas would appear to be questionable.

ECC Highways Dept

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. The existing vehicle access between 1A and 2 Seaview Road shall be suitably and permanently closed incorporating the reinstatement to full height of the footway kerbing immediately should the proposed extension block off access to the site at this point.

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 in accordance with policy DM1.

2. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the Highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

3. The proposed works particularly to the external surface area directly abuts to the back of the footway. Any construction work must be fenced off from pedestrians and made safe at all times.

Reason: 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

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's

Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative 1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

Environment Agency

Thank you for your consultation received on 25 February 2019. We have inspected the application, as submitted, and we have no objection to this planning application because the site is currently defended and the 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 the other flood risk considerations which are your responsibility. We have highlighted these in the flood risk section below.

#### Flood Risk

Our maps show the site lies within tidal Flood Zone 3a defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is for the extension of existing amusement arcade, which is classified as a 'less 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 Test and be supported by a site specific Flood Risk Assessment (FRA). 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 18.13, 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 the current defences would overtop. As the finished site and floor levels have not been confirmed we are unable to confirm possible depths on site and in the buildings

-Although the existing floor levels within the development have not been confirmed and we cannot confirm depths within the building. All the areas to be extended will remain 'less vulnerable' so there is no increase in vulnerability at the site and the flood risk to the proposed development remains the same as the risk faced by the existing development.

#### Residual Risk

-The FRA does not explore the risk of a breach of the defences. Using our 2018 Coastal Breach modelling the site could experience breach

flood depths of over 2 metres during both the 0.5% (1 in 200) annual probability including climate change and the 0.1% (1 in 1000) annual probability including climate change breach flood events (up to the year 2109). 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.

-A Flood Evacuation Plan has been proposed

### Shoreline Management Plan

The current defences protect this community against a tidal flood with a 0.5% (1 in 200) annual probability of occurrence. However, the impacts of climate change on sea levels over the development's lifetime will gradually reduce the level of protection afforded by the defences if they are not raised within this timeline. Without the raising of the defence, the site could flood should a tide with a 0.5% (1 in 200) annual probability flood event plus climate change occur, which could be contrary to the advisory requirements of Paragraphs 059 and 060 of the National Planning Policy Framework's Planning Practice Guidance. These advise that there should be no internal flooding in 'more vulnerable' developments from a design flood. This could also present challenges to the safety of the users of the buildings and a future reliance on evacuation or emergency response.

The Essex and South Suffolk Shoreline Management Plan (SMP) contained a policy in relation to Seawick, Jaywick and Osyth Marsh. In Epoch 1 & 2 which run until 2055 there was a policy of Hold the Line, in the final Epoch from 2055 through until 2105 there was a dual policy option of Hold the Line/Managed Realignment. We are aware that you are looking to change this policy to Hold the Line in the final Epoch until 2105, so it is possible that the flood defences may be raised in line with climate change to continue to protect against the future 1 in 200 annual probability flood event for the lifetime of the development. The SMP policy is aspirational rather than definitive, so whether the defences are raised or reconstructed in the future will be dependent on the availability of funding. The level of funding that we can allocate towards flood defence improvements is currently evaluated through cost benefit analysis, and any identified shortfalls in scheme funding requirements would require partnership funding contributions from other organisations. When determining the safety of the proposed development, you should take this uncertainty over the future flood defences and level of flood protection into account. This may require consideration of whether obtaining the funds necessary to enable the defences to be raised in line with climate change is achievable. This would be required to prevent the proposed development being at unacceptable flood risk of internal flooding in the design event.

### **3. Planning History**

02/02012/FUL	Extension to amusement arcade and managers flat over	Approved	20.12.2002
03/00359/FUL	Change of use to gaming casino	Refused	23.07.2003

03/02499/FUL	Change of use of part of arcade to form bookmakers	Approved	10.02.2004
07/01249/FUL	Alterations and extension to amusement arcade.	Approved	20.09.2007

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

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

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

TR7 Vehicle Parking at New Development

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

CP2 Improving the Transport Network

PPL1 Development and Flood Risk

SPL3 Sustainable Design

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

#### **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 the Holiday Inn Amusement Arcade, which is sited along Seaview Road within Point Clear. The site consists of a two storey building serving an amusement arcade to the ground floor and a snooker area to the first floor. The remainder of the site is open land currently used for outdoor activities during the summer season only. The character of this section of Seaview Road is urban, with commercial properties including a separate amusement area and café. Parallel to the southern side of Seaview Road is an area designated for car parking. Further out, the site retains its urban character; however is dominated by caravans serving the Seawick Holiday Park. The site does not fall within a recognised Settlement Development Boundary in either the Adopted Tendring Local Plan 2007 or the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft. The site also falls within Flood Zones 2 and 3.

### Description of Proposal

This application seeks outline planning permission for a number of amendments, as detailed below:

1. The erection of a two storey extension to the side of the existing building, measuring 6.5m height, 8m width and 7.7m depth;
2. A portal-framed building located to the north-east corner of the site that will measure 7.2m height, 24m width and 18m depth, and will enclose the external inflatables area;
3. An extension of the existing front canopy to include new signage and a balcony area; and
4. A first floor extension to the rear elevation measuring 2.8m height (to make an overall height of 6m), 17.3m width and 4.7m depth.

The application is in outline form; however access, appearance, layout and scale are also to be considered. Landscaping will be a reserved matter.

### History

Under planning reference 17/01059/FUL, permission was granted for the partial demolition of the protruding part of the arcade at no. 1 Seaview Parade, located adjacent to the east, and the erection of a canopy/under cover walkway (with roller shutter mechanism) and new signage board over the canopy area.

### Assessment

#### 1. Visual Impact

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

The site is a prominent feature within Seaview Road, and therefore any amendments are likely to appear highly visible. That notwithstanding it is clear that the building is in a relatively poor state of repair and the changes proposed are all with the intention of revitalising both the building and immediate area. The proposed front canopy area will not be a significant addition but will extend approximately 2.5m towards the highway; however it will not result in any visual harm to either the building or the character of the surrounding area, and will provide an enclosed walkway providing shelter and better security. The proposed fascia signage is recognised as being large and

prominent but is typical for this type of use and is located adjacent to an array of signs and advertisements.

The proposed two storey side extension is of a large size and highly visible along Seaview Road, but again will provide an enclosed walkway towards the rear of the site that will allow for all-year round use, thus helping the business to steadily grow. In terms of its design, while it is not of any special visual merit, the flat roof will be in-keeping with the existing building and a separation distance in excess of 1m will be maintained to the Funland amusement centre adjacent to the east. Therefore, despite its large size, there is not considered to be significant visual harm as a result.

The first floor rear extension will not be visible from views along Seaview Road, and will therefore result in a neutral impact to the character of the surrounding area. In terms of the impact to the building, the flat roof design is again in-keeping and the overall design is considered to assimilate well with its immediate surroundings.

The portal-framed building to the north-east of the site is of a large design, necessary to allow sufficient room for the existing outdoor facilities on site. Given the size of the existing building and the two storey side extension proposed, visibility of this building from Seaview Road will largely be restricted. That notwithstanding, despite the building not being particularly sympathetic in design, it is in-keeping with the general use of the immediate surrounding area. Therefore, despite some partial views if stood to the southern section of Seaview Road, there will not be significant harm to the character of the surrounding area.

Overall, there are numerous extensions proposed. While some are of a large and not particularly sympathetic design, the existing building and site are not of any special visual merit that necessarily needs to be adhered to. It is therefore considered the identified visual harm is not of such a significant nature that warrants a reason for refusal.

## 2. Impact to Neighbouring Amenities

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).

The adjacent properties to the east and west are commercial. To the rear (north) of the site are a number of caravans that form part of the wider Seawick Holiday Park. While under planning reference 16/00809/FUL permission was allowed for occupation during 1st March to 15th February each year, these properties are for holiday accommodation; the occupants will be transient. Therefore despite some concerns that the portal-framed building in particular will appear imposing, the lack of permanent residents, and an approximate separation distance of 5m, ensures that on balance the harm is not sufficient to warrant refusing the application.

Furthermore, while the first floor rear extension will result in one window that could potentially overlook, the existing arrangement sees three first floor rear windows. Whilst it is acknowledged these are set back further than the window proposed, there is still an approximate separation distance of 10 metres. Given this, and the lack of permanent residents, there is not considered to be significant harm.

## 3. Highway Impacts

Essex Highways Authority have been consulted and have raised no objections subject to conditions relating to the permanent closure of the existing vehicular access, an allocated area for reception and storage of building materials, and that any construction work must be fenced off from pedestrians.

Further, there will be no loss of parking provisions as a result of the proposed works. While the works will see a significant net increase of the site, the site is located within the Holiday Village within walking distance of its proprietors with ample, unrestricted on road parking adjacent.

#### 4. Flood Risk

Paragraph 155 of the NPPF (2018) states inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Policy QL3 of the Adopted Local Plan and Policy PPL1 of the Emerging Local Plan further state all development proposals should include appropriate measures to respond to the risk of flooding within Flood Zones 2 or 3.

The application site falls within Flood Zone 3 and therefore the applicant has supplied a Flood Risk Assessment that has detailed the potential risk of flooding. However, the sites use as an amusement arcade is a less vulnerable use as per the Environment Agency's Flood risk vulnerability classification table, while the proposal is unlikely to result in a substantial increase in visitors, and therefore will not result in an increased flood risk danger. Further, the Environment Agency, following consultation, have raised no objections to the scheme.

#### Other Considerations

St Osyth Parish Council have raised no objections.

There has been three letters of objection received, with concerns the canopy area to the front elevation will restrict views to the adjacent salon business and will not allow maintenance to the adjacent property. In answer to this, these matters are not material planning considerations and can therefore not be afforded weight in the determination of the application.

#### 6. Recommendation

Approval.

#### 7. Conditions

- 1 The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

- 3 No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to landscaping have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - The application as submitted does not provide sufficient particulars for consideration of these details.

- 4 The development hereby permitted shall be carried out in accordance with the following approved plans, drawing numbers EX00, EX01, EX02, PL00, PL01, PL02, PL03, PL04, PL05, PL06, PL07 and PL09.

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

- 5 The existing vehicle access between 1A and 2 Seaview Road shall be suitably and permanently closed incorporating the reinstatement to full height of the footway kerbing immediately should the proposed extension block off access to the site at this point.

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.

- 6 Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the Highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety.

- 7 Any construction work must be fenced off from pedestrians and made safe at all times.

Reason: In the interests of highway safety as the proposed works, particularly to the external surface area, directly abuts to the back of the footway.

## **8. Informatives**

### 1. Advert Consent

The proposed signage, as shown on drawing number PL01, may need a separate application for Advert Consent.

### 2. 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.