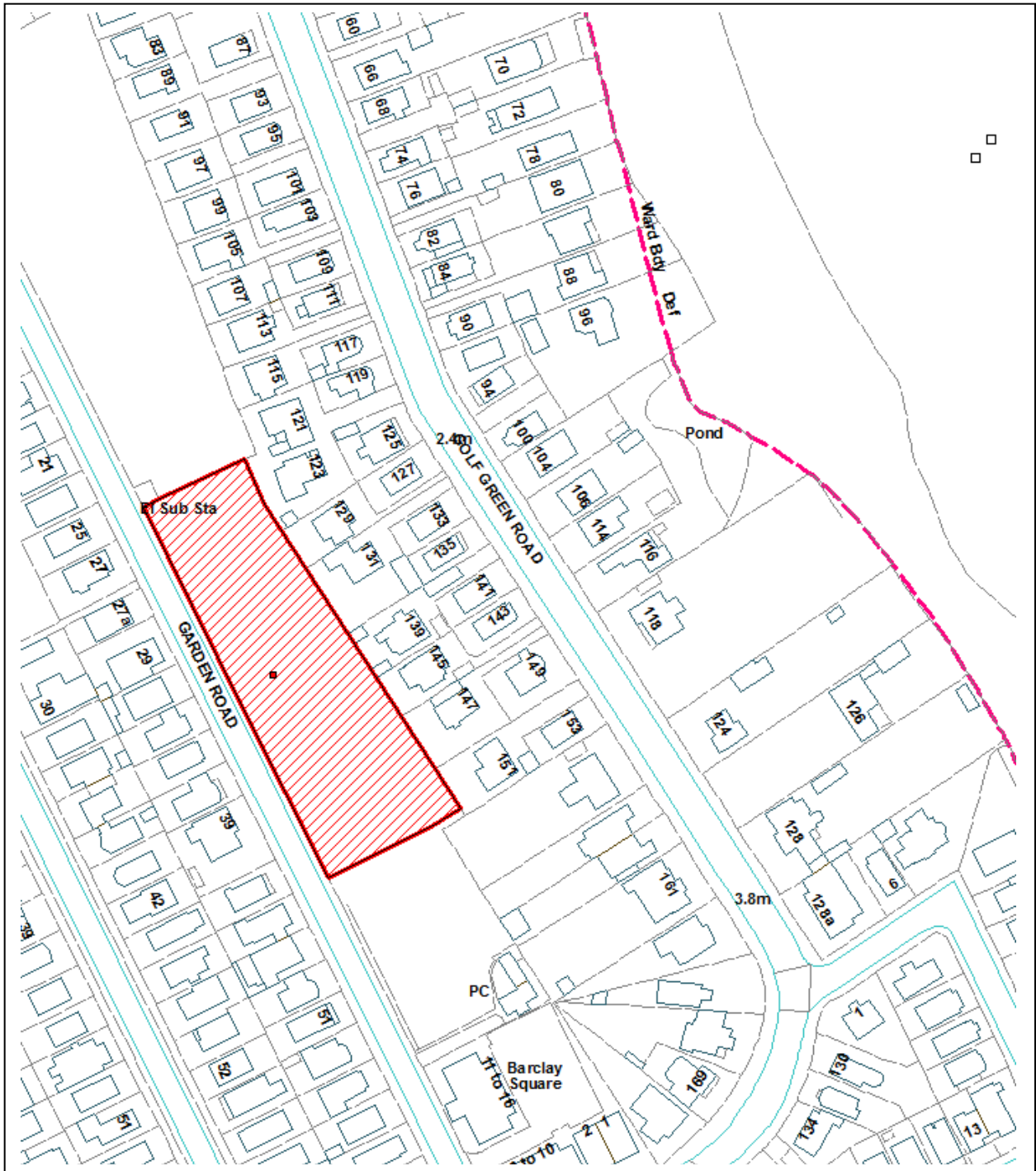


PLANNING COMMITTEE

9 April 2019

REPORT OF THE HEAD OF PLANNING

A.5 PLANNING APPLICATION - 15/01745/OUT - FORMER PUTTING GREEN
GARDEN ROAD JAYWICK CO15 2RT



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Application:	15/01745/OUT	Town / Parish: Clacton Non Parished
Applicant:	Mr and Mrs D Rendell	
Address:	Former Putting Green Garden Road Jaywick	
Development:	Change of use of land to residential to incorporate the erection of up to 10 dwellings.	

1. **Executive Summary**

- 1.1. This application seeks planning permission for the change of use of land to residential to incorporate the erection of up to 10 dwellings on the Former Putting Green, Garden Road, Jaywick. When the application was previously submitted up to 20 dwellings were proposed (including apartments), but amended plans have been received reducing the number and removing the proposed apartments.
- 1.2. The application is in outline form with all matters reserved; therefore the application seeks to establish the principle of development only. Issues of access, appearance, landscaping, layout and scale are not under consideration and are reserved for a future application.
- 1.3. As the site lies within the settlement development boundary the principle of residential development is generally accepted by saved Policy HG3 and draft Policy SPL2, subject to the detail of the proposal being acceptable. However, notwithstanding the above the site is allocated as Recreational Open Space in the saved Local Plan and Safeguarded Local Green Space in the emerging Local Plan. The proposal is clearly contrary to policy as it results in the loss of protected open space; however, the land is in private ownership which means any maintenance and access is at the discretion of the owner. It is therefore considered that there is no means of insisting that the land is used for open space purposes and on this basis it is considered that the allocation should be given limited weight and this issue balanced against all material planning considerations is set out within this report.
- 1.4. The regeneration of Jaywick 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 is to actively encourage the redevelopment of the poorest and most vulnerable properties in the area and to introduce 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.
- 1.5. The scale of any development permitted on this site would be prominent in this location and out of character with the existing scale of development. It is also considered that the proposal would result in an adverse impact on the amenities of neighbouring residents, in particular those in Golf Green Road in terms of loss of light, overshadowing and loss of privacy. There would also be some impact on the residents of Garden Road, although this would be to a lesser extent given the greater separation distance.
- 1.6. It is likely that in any other location Officers would advise that such a development would be inappropriate due to the character of the existing area and impact on residential amenity. 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. For the proposed development to be acceptable at reserved matters stage there would be no living

accommodation on the ground floor the risk to residents in the event of a flood is therefore kept to a minimum. With this in mind, Officers are advising the Committee to consider whether an exceptional approach is justified and to set aside normal planning concerns in order to facilitate a development that could support the future regeneration of the area.

Recommendation: Approval

That the Head of Planning 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):
- Affordable housing – method of provision to be agreed
 - Financial Contribution towards RAMS
 - Open Space Contribution
- 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).

Conditions:

1. Standard 3 year time limit for submission of reserved matters application
2. Standard 2 year limit for commencement of development following approval of reserved matters
3. Details of access, appearance, layout, scale and landscaping (the reserved matters)
4. Provision of vehicular visibility splays
5. Provision of pedestrian visibility splays
6. Details of vehicular accesses
7. No unbound materials within 6m of the highway boundary
8. No discharge of surface water onto the highway
9. Provision of Residential Travel Information Packs
10. Construction Management Plan to include noise, emission, dust, lighting controls, wheel cleaning facilities and parking during the construction phase.
11. Development to be carried out in accordance with the Flood Risk Assessment (FRA)
12. No development to take place until a detailed surface water drainage scheme has been agreed
13. No development to take place until a scheme to minimise the risk of offsite flooding and prevent pollution during construction works has been agreed
14. Maintenance Plan for surface water drainage system
15. Yearly Logs of maintenance of surface water drainage system
16. All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report (ArbTech, Oct 2017) and Reptile Survey (EECOS, Oct 2018)
17. No development shall take place (including any demolition, ground works, site clearance) until a Reptile Method Statement has been submitted to and approved in writing by the local planning authority.
18. A lighting design scheme for biodiversity.
19. A Biodiversity Enhancement Layout for Protected and Priority species.

2. Planning Policy

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1	Spatial Strategy
QL2	Promoting Transport Choice
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 and Compatibility of Uses
QL12	Planning Obligations
HG3	Residential Development Within Defined Settlements
HG3A	Mixed Communities
HG6	Dwelling Size and Type
HG7	Residential Densities
HG9	Private Amenity Space
HG14	Side Isolation
COM6	Provision of Recreational Open Space for New Residential Development
COM7	Protection of Existing Recreational Open Space Including Children's Play Areas and Pitch and Non-Pitch Sports Facilities
EN6	Biodiversity
EN6A	Protected Species
EN11A	Protection of International Sites European Sites and RAMSAR Sites
EN11B	Protection of National Sites SSSI's, National Nature Reserves, Nature Conservation Review Sites, Geological Conservation Review Sites
TR1A	Development Affecting Highways
TR3A	Provision for Walking
TR7	Vehicle Parking at New Development
CL15a	Jaywick Regeneration

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

SPL1 Managing Growth
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design
HP4 Safeguarded Local Greenspace
HP5 Open Space, Sports & Recreation Facilities
LP1 Housing Supply
LP2 Housing Choice
LP3 Housing Density and Standards
LP4 Housing Layout
PP14 Priority Areas for Regeneration
PPL1 Development and Flood Risk
PPL4 Biodiversity and Geodiversity
CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Provision of Recreational Open Space for New Development

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.

In relation to housing supply:

The NPPF 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 an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

3. Relevant Planning History

00/00967/FUL	Tennis courts and general recreation use - building to be used to complement this use. Three metre fence to be erected to keep ball in play area	Refused	20.09.2000
00/01640/FUL	Tennis courts and general recreational use building to be used to complement this use, two metre fence to be erected to keep the ball in the play area	Refused	22.11.2000
00/02096/FUL	Change of use building and land to be used as tennis courts with general recreational use	Refused	15.03.2001
92/00905/FUL	(Land - Garden Road, Jaywick Sands, Clacton on Sea) Proposed creche	Withdrawn	20.10.1992
92/01040/OUT	(Site - Garden Road, Jaywick Sands, Clacton on Sea) Doctors and dental surgery (single storey)	Refused	24.11.1992
93/00819/FUL	Four tennis courts, 3 metre high concrete post and chainlink perimeter fence, additional parking spaces and variation of condition	Refused	23.11.1993

4 of TEN/1339/90 to allow replacement sports equipment and refreshment bar to be

94/00192/FUL	Garden Display and Retail Outlet Area (Change of use from Putting Green)	Refused	26.04.1994
96/00160/FUL	(Land at Garden Road, Jaywick) Proposed pets cemetery and memorial garden incorporating equipment store, office, staff room and toilets	Refused	14.05.1996
96/00935/FUL	(Land at Garden Road, Jaywick) Proposed pets cemetery and memorial garden	Refused	17.09.1996
15/00931/OUT	Change of use to residential.	Application Returned	

4. Consultations

Environment Agency
18.01.2016

The site lies in Flood Zone 3, the high probability flood zone. The proposed development is considered to be a more vulnerable land use in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance: Flood Risk and Coastal Change. The application therefore needs to pass the Sequential and Exception Tests and to be supported by a site specific Flood Risk Assessment (FRA).

An FRA prepared by ARK Ltd (dated 16th November 2015) has been submitted as part of the application. This document has been reviewed and a holding objection is raised to the following reasons. In particular, the submitted FRA fails to:

- Adequately characterise flood risk
- Take the impacts of climate change into account correctly
- Provide finished floor levels for the proposed dwellings.

Environment Agency
11.04.17

The application has been inspected and there is no objection in regards to flood risk because the site is currently defended and the Shoreline Management Plan (SMP) policy for this area has an aspiration for hold the line.

Environment Agency
03.07.17

It appears that the revision to the FRA are concerned with the SUDs proposed in relation to the surface water drainage for the development site, this being a matter for the lead local flood authority. Accordingly, our comments remain as made in our previous letter dated 11th April 2017.

Environment Agency
06.02.19

There is no objection to this planning application, providing that the following condition is appended to any grant of permission and that you have taken into account the flood risk considerations which are your responsibility.

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 Change of use of land to residential to incorporate the erection of up to 10 dwellings 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 Tests and be supported by a site specific Flood Risk Assessment (FRA). If you are satisfied that the application passes these Tests and will be safe for its lifetime, we request the following conditions are appended to any permission granted:

Condition

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by Evans Rivers and Coastal Ltd, referenced 1697/RE/09-16/01 and dated September 2016 and the following mitigation measures detailed within the FRA:

- Finished ground floor levels are set no lower than 2.08 metres above Ordnance Datum (AOD)
- Finished first floor levels are set no lower than 4.63 metres above Ordnance Datum (AOD).
- Finished second floor levels are set no lower than 7.18 metres above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

To reduce the risk of flooding to the proposed development and future occupants.

Anglian Water Services
Ltd
18.01.2016

Records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

The foul drainage from this development is in the catchment of Jaywick Water Recycling Centre that will have available capacity for these flows.

The sewerage system at present has available capacity for these flows. If the developer wishes to connect to the sewerage network they should serve notice under S106 of the Water Industry Act 1991.

Anglian Water Services
Ltd
28.03.2017

Records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

The foul drainage from this development is in the catchment of Jaywick Water Recycling Centre that will have available capacity for these flows.

The sewerage system at present has available capacity for these flows. If the developer wishes to connect to the sewerage network

they should serve notice under S106 of the Water Industry Act 1991.

ECC SuDS Consultee
02.06.17

Raise a holding objection to the granting of planning permission based on the following:

- No drainage scheme has been provided. This therefore does not meet local and national standards for surface water drainage.

ECC SuDS Consultee
27.07.17

Do no object to the granting of planning permission.

The proposed development will only meet the requirements of the NPPF if the following measures as detailed in the FRA and the documents submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition 1

No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Limiting discharge rates to 0.3l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change based on an impermeable area of 0.1ha
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment

Condition No. 2

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason

The National Planning Policy Framework paragraph 103 and paragraph 109 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of top soils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

Condition No. 3

No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

Condition No. 4

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason

To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

UU Housing Consultation	<p>The Housing Department are satisfied that there is a requirement for affordable housing to be delivered on this application as the site proposes 10 or more dwellings and is therefore classed as a major development as set out in the National Planning Policy Framework published in July 2018. As per the council's emerging Local Plan, 3 of the 10 homes should be delivered as affordable housing.</p> <p>Given the location of the site and other factors, further discussions are required to decide how the affordable housing should be delivered.</p>
UU Open Spaces	<p>There is currently a deficit of 41.08 hectares of play in the Clacton/Holland area.</p> <p>Any additional development in Clacton will increase demand on already stretched facilities.</p> <p>The nearest play area to the proposed development is located at Crossways, Jaywick, which is approximately 0.3 miles from the proposed development. The play area has facilities for all age groups.</p> <p>Due to the proximity to the site it is highly likely that the biggest impact would be felt at this play area. Therefore, to ensure the facilities are able to cope with the additional usage it would be necessary to improve the level of provision.</p> <p>Due to the significant deficit in terms of play it is felt a contribution towards play is justified and relevant to this planning application. The toddler area is in need of improvement and contribution would be spent providing new safety surfacing under the play equipment at Crossways play area, Jaywick.</p>
ECC Highways Dept. 14.01.16	<p>The Highway Authority raises an objection to the above application for the following reasons:</p> <p>As far as can be determined from the submitted plans the proposal fails to provided off street parking spaces with dimensions in accord with current Parking Standards which is likely to lead to vehicles being left parked in the adjacent highway causing conditions of danger, obstruction or congestion contrary to highway safety and Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.</p> <p>There is insufficient space in front of the proposed new dwellings (Plots 1-8) for a vehicle to stand clear of the footway which will constitute a danger to pedestrians contrary to highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.</p> <p>The proposal fails to provide sufficient off road parking facilities in accord with current Parking Standards. The proposal would lead to additional vehicles being left parked in the adjoining highway causing conditions of congestion, danger and obstruction, contrary to the interests of highway safety and contrary to Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.</p>

ECC Highways Dept.
14.03.17

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 full width of the site frontage shall be provided with a clear to ground parallel visibility band with dimensions of no less than 2m depth as measured from and along the nearside edge of the highway. Such vehicular visibility band shall be provided before 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 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 controlled manner 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 double garages should have a minimum internal measurement of 7m x 6m. 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

Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason: In the interests of reducing the need to travel by car and

promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

ECC Highways Dept.
13.03.19

The information that was submitted in association with the application has been fully considered by the Highway Authority.

The site is located within an existing 30-mph speed limit; there are a number of existing dwellings in the vicinity while the proposed application provides adequate off road parking therefore:

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

Prior to first occupation of the development, each access at its centre line shall be provided with a 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 road access is first used by vehicular traffic and retained free of obstruction above 600mm at all times.
Reason: To provide adequate inter-visibility between vehicles using the road access and those in the existing public highway in the interest of highway safety in accordance with policy DM1

Prior to first occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.
Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety in accordance with policy DM1

Prior to first occupation of the development each vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of low kerbs at the access at its junction with the highway shall not be more than 3.6 metres (4 low kerbs), shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.
Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1.

No unbound material shall be used in the surface treatment of the vehicular access within x 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.

There shall be no discharge of surface water onto the Highway.
Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1.

Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8

The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- wheel and underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1.

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.

Essex County Council
Ecology
29.01.19

No objection subject to securing the following:

- A proportionate financial contribution towards visitor management measures at Essex Coast Habitats (European) sites.
- Biodiversity mitigation and enhancement measures.

We have reviewed the Preliminary Ecological Appraisal Report (ArbTech, Oct 2017) and Reptile Survey (EECOS, Oct 2018) supplied by the applicant, relating to the likely impacts of development on Protected & Priority habitats and species, particularly reptiles and identification of proportionate mitigation.

We are satisfied that there is sufficient ecological information available for determination of this application. This is needed to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

In addition, the development is for up to 10 dwellings within the Zone of Influence (ZOI) of the Essex Coast Recreational disturbance Avoidance & Mitigation Strategy (RAMS) in terms of increased recreational disturbance to coastal European designated sites (Habitats sites) in particular the Colne Estuary SPA & Ramsar site and Hamford Water SAC, SPA and Ramsar site. Within this ZOI, residents of new housing are considered likely to regularly visit relevant designated sites for recreation.

It is considered to be "relevant development" in the context of the RAMS and so requires further consideration through the Appropriate Assessment stage to secure any mitigation measures necessary to avoid adverse effects on site integrity. Therefore, Natural England's advice to ensure new residential development and associated recreational disturbance mitigation for designated site impacts is compliant with the Habitats Regulations 2017 applies.

The LPA is therefore advised that a contribution should be sought from the residential development within the ZOI specified, which will need to be secured by legal agreement or via a condition of any consent. The LPA will also need to prepare a HRA Appropriate Assessment record to determine any adverse effect on site integrity and then secure the developer contribution for delivery of visitor management measures at the Colne Estuary SPA & Ramsar site and Hamford Water SAC, SPA and Ramsar site in line with the Essex Coast RAMS. The proposal to erect 10 dwellings will trigger a proportionate financial contribution towards offsite visitor management measures, in line with the Essex Coast RAMS Strategy (£122.30 per dwelling) for delivery prior to occupation. This mitigation will avoid impacts from the development in combination with other plans and projects.

This provides certainty for the LPA of the likely impacts on Protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable. I support the reasonable biodiversity enhancements that should also be secured by a condition on any consent. This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

The mitigation and enhancement measures identified in the Preliminary Ecological Appraisal Report (ArbTech, Oct 2017) and Reptile Survey (EECOS, Oct 2018) should be secured and implemented in full. This is necessary to conserve and enhance Protected and Priority Species particularly reptiles. The provision of a suitable reptile receptor site is key to delivering sustainable development and implementation of enhancement measures will need to be undertaken in advance of any translocation of animals and secure its long term management.

Impacts will be minimised such that the proposal is acceptable subject

to the conditions below based on BS42020:2013. In terms of biodiversity net gain, the enhancements proposed will contribute to this aim.

Submission for approval and implementation of the details below should be a condition of any planning consent:

1. Habitat Sites Mitigation to be agreed

No development shall be carried out until proposals for the mitigation of the recreational impact of the development on protected Essex Coast Habitats (European) Sites have been submitted to and approved in writing by the Local Planning Authority, and the Local Planning Authority has confirmed in writing that the provision of the proposed mitigation has been secured. Such proposals must provide for visitor management measures in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS).

The development shall be carried out in accordance with and subject to the proposals as may be approved.

Reason: In order to safeguard protected wildlife species and their habitats in accordance with the NPPF and Habitats Regulations 2017. This condition is required to be agreed prior to the commencement of any house building to ensure adequate time for any agreement to be secured and mitigation implemented prior to occupation.

2. Action Required in accordance with Ecological Appraisal Recommendations

All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report (ArbTech, Oct 2017) and Reptile Survey (EECOS, Oct 2018) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998

3. Reptile Method Statement

No development shall take place (including any demolition, ground works, site clearance) until a Reptile Method Statement has been submitted to and approved in writing by the local planning authority. The content of the reptile method statement shall include the following:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance of the receptor site);
- g) disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

4. Wildlife Sensitive Lighting Design Scheme

A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

5. Biodiversity Enhancement Layout

A Biodiversity Enhancement Layout for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Layout shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved

details and shall be retained in that manner thereafter."

Reason: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

Environmental Health
11.01.19

In order to minimise potential nuisance to nearby existing residents caused by construction works, Pollution and Environmental Control ask that the following below are conditioned;

Prior to the commencement of any site clearance, demolition or construction works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from the Pollution and Environmental Control. The method statement (Demolition/Construction Management Plan) should include the following;

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 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 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 5228:2014.
- 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 Local 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) A scheme of measures for the control and suppression of dust emissions shall be submitted to and approved in writing by the Local Planning Authority. Such agreed works shall be implemented in the approved form prior to the commencement of any development of the site and shall be maintained in the approved form until the development is completed and ready to be signed off as complete for the permitted purpose
- 2) All waste arising from the 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.
- 3) 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.

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

Dust Control

1) Dust suppression methods to be employed during construction so as to minimize likelihood of nuisance being caused to neighbouring properties. A scheme of measures for the control and suppression of dust emissions shall be submitted.

Lighting Control

1) Any lighting of the site under development shall be located, designed and directed [or screened] so that it does not cause avoidable intrusion to adjacent residential properties/ constitute a traffic hazard/cause unnecessary light pollution outside the site boundary. "Avoidable intrusion" means contrary to the Code of Practice for the Reduction of Light Pollution issued by the Institute of Lighting Professionals.

5. **Representations**

5.1. A petition which objects to the planning application on the grounds of excessive massing, loss of privacy, loss of light, no available parking, loss of recreational areas, appearance not in keeping with the area and breaking of a covenant on the land which has 49 signatures has been received.

5.2. A further 30 letters of objection have been received which raise the following concerns:

- Loss of Outlook
- Overlooking
- Loss of privacy
- Loss of views
- The proposed rear access path will pose a security risk and added fear of crime
- Risk of Flooding – site located within a Flood Zone.
- The land is not registered
- Covenant protecting the land from development stating that it is always to remain as recreational open space.
- Area is enjoyed by dog walkers
- Loss of Sunlight – most of the morning sunlight into the properties in Garden Road would be blocked; all the evening sunlight into the gardens of the rear properties in Garden Road is blocked; spring time afternoon light to Golf Green Road is blocked; worstcase in December, the proposed properties would block more than half the available sunlight.

- Increasing the density of population in the area
- Impact on wildlife site home to adders, slow worms, newts and various other forms of British wildlife
- Adverse impact on protected species who occupy the site
- Increase in noise pollution of what is a very quiet area
- Further strain on the local health facilities
- Impact on School
- Lack of parking which is already an existing problem which restricts access for emergency vehicles.
- The nature of the development would be inappropriate in respect of its location as the majority of properties surrounding it were all built in the 1930's in a village type setting.
- There would be issues with emergency vehicle not being able to gain access to the properties in Golf Green Road in the event of a fire or a major incident as these properties are already 'double banked'.
- The drains in Garden Road cannot cope now and are often blocked.
- Jaywick does not have a shortage of land for housing; it has an excessive central demand for new houses to compensate for insufficient plans in other more affluent areas.
- Tendring and Jaywick in particular require permanent jobs for the existing residents.
- UK does not have a shortage of houses, there is a shortage of houses that people can afford and in the places where people want to live, which is generally in proximity to where they work. This position is firmly backed by data, for example, between 1997 when there was little discussion of housing shortage, and 2007m, there was an 8% increase in housing stock but only a 5% increase in population (source ONS). However, over the same period there was a threefold increase in average house prices (source Nationwide). There are 200,000 unoccupied homes in the UK. This development will not solve a UK based housing shortage.
- The rear access path shown on the application has not existed for many years and the land has been sold to neighbouring residents. This new path forms a public route through private land that connects two areas of public land.
- The land was previously used as an armaments store, and thus the ground is likely contaminated.
- No provision is made for refuse or recycling storage or collection from the apartment blocks.
- No properties of the scale and level proposed exist in either neighbouring sections of Golf Green Road or Garden Road.
- The amenity areas to the south of the two four apartment blocks fails to meet the guidelines of being the same area as the buildings.

- The proposal fails to meet the recommended 20m privacy distance from Garden Road properties that have a front porch.
- Properties on Garden Road will lose their view of one or other or both of the public spaces.
- There is no mains sewer in Garden Road.
- Rainwater drainage in both Golf Green Road and Garden Road is through soakaways and the ground is heavy clay only a couple of feet down. There is already standing water on the site after heavy rain.
- There is no published assessment that the substation to the north of the site is able to accommodate the proposed development.
- Water pressure is already viable especially in the summer, the proposed development could further impact this.
- Further sharing of fibre optic capability will exacerbate problems with service that other users already experience.
- It is inaccurate to state that the proposed land serves no social function. As well as the footpath connecting two areas of the existing public land, at least one business currently relies upon the space. Dog walkers use the area all the year round and during the summer when the grass is mown, the area is used for football as the adjacent public spaces are marked 'no ball games'.
- Planning has been rejected for building on this piece of land for the last 20 years.

6. **Assessment**

The main planning considerations are:

- Principle of Development/Loss of Recreational Open Space
- Jaywick Regeneration Policies
- Flood Risk
- Design, Layout and Impact on Residential Amenity
- Highway Safety and Parking
- Ecology
- Affordable Housing
- Open Space
- Foul and Surface Water Drainage

Existing Site and Surrounding Area

- 6.1. The application site is situated on the east side of Garden Road and the west of properties in Golf Green Road, within the Settlement Development Boundary of Jaywick.
- 6.2. The site is currently undeveloped and comprises of an area of long grass, at the time of the site visit, a small part of the land was used for the storage of boats. The eastern boundary of the site is delineated by the boundary fences of properties in Golf Green Road the other boundaries of the site are delineated by posts.
- 6.3. The properties opposite the site in Garden Road are a mixture of sizes and designs, but they are predominately single storey and one and a half storey properties with gable ends which face the road. There is one two storey property opposite the application site, but this is very much the exception and of a different design to the other properties. The properties adjacent

to the site in Golf Green Road are also a mixture of single storey and one and a half storey properties of varying designs. To the north and south of the site are areas of public open space the area to the north houses a small substation building and the area to the south has a block of public toilets.

Proposal

- 6.4. This application seeks planning permission for the change of use of land to residential to incorporate the erection of up to 10 dwellings on the Former Putting Green, Garden Road, Jaywick. When the application was previously submitted up to 20 dwellings were proposed (including apartments), but amended plans have been received reducing the number and removing the proposed apartments.
- 6.5. The application is in outline form with all matters reserved; therefore the application seeks to establish the principle of development only. Issues of access, appearance, landscaping, layout and scale are not under consideration and are reserved for a future application. The information shown on the submitted plans in respect of these issues are indicative only.
- 6.6. The indicative plans show 10 no. 3 storey dwellings with garage parking and storage at ground floor level. Each of the proposed dwellings has access via an external staircase to the first floor and provides 3 no. bedrooms on the second floor level.

Principle of Development/Loss of Recreation Open Space

- 6.7. The site lies within the settlement development boundary for Jaywick which forms part of the 'town' of Clacton (as defined in Policy QL1 of the adopted Local Plan) and the 'strategic urban settlement' of Clacton-on-Sea (as defined in Policy SPL1 of the emerging Local Plan). As the site lies within the settlement development boundary the principle of residential development is generally accepted by saved Policy HG3 and draft Policy SPL2, subject to the detail of the proposal being acceptable.
- 6.8. However, notwithstanding the above the site is allocated as Recreational Open Space in the saved Local Plan and Safeguarded Local Green Space in the emerging Local Plan. Policy COM7 of the saved Local Plan states the 'development proposals will not be permitted that would prejudice the use or involve the loss of recreational open space' and Policy HP4 of the emerging Local Plan states that 'development that would result in the loss of the whole or part of areas designated as Safeguarded Local Greenspaces, as defined on the Policies Map and Local Maps will not be permitted unless the following criteria are met:
 - a. The site is replaced by the provision of a new site at least equal in quality and size and accessible to the community, which the existing site serves;
 - b. It is demonstrated that there is no longer a demand for the existing site;
 - c. The site is not appropriate for other open space functions; and
 - d. The development of the site would not result in the loss of an area important to visual amenity'
- 6.9. The proposal is clearly contrary to policy as it results in the loss of protected open space; however, the land is in private ownership which means any maintenance and access is at the discretion of the owner. It is therefore considered that there is no means of insisting that the land is used for open space purposes and on this basis it is considered that the allocation should be given limited weight and this issue balanced against all material planning considerations set out within this report.

Jaywick Regeneration Policies

- 6.10. The Brooklands, Grasslands and Village Areas of Jaywick area 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.
- 6.11. Jaywick is one of the most deprived areas in the country with many existing properties originally built as holiday homes. Most properties are substandard by modern day expectations and are within the high risk flood zone. The regeneration of Jaywick 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 is to actively encourage the redevelopment of the poorest and most vulnerable properties in the area and to introduce 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.
- 6.12. Saved Policy CL15 sets out specific requirements for development in Jaywick which are:
- i) Any new residential development should take the form of single dwellings on combined plots, the desirable width and depth of resulting plots to be at least 18 metres and 15 metres respectively. The minimum width and depth of resulting plots to be 15 metres and 15 metres respectively;
 - ii) Only three storey development that excludes habitable rooms on the ground floor will be allowed;
 - iii) Direct road frontage access should be available to each plot;
 - iv) A minimum of 5 metres deep rear yard/amenity area shall be provided;
 - v) A minimum 1 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;
 - vi) Any off-street car parking should be provided within the ground floor of each dwelling;
 - vii) The front building line to be 2 metres from the highway;
 - viii) Subsequent extensions to new dwellings will not be allowed if they contain living accommodation on the ground floor in the form of habitable rooms;
 - ix) No development will be allowed within four metres of the ditch to the rear of Brooklands and Grasslands to allow for the passage of Maintenance Plant;
 - x) Development along the Brooklands Frontage will need to be set back 2 metres to allow for the expansion of the road and minimum 1.2 metre-wide footpath.
- 6.13. The policy then says the approval of any new dwellings will be subject to a contribution through a S106 legal agreement towards the continued wider regeneration of Jaywick.
- 6.14. However, this 2007 policy aimed at strictly controlling development to facilitate a phased programme of redevelopment has failed to bring about any positive changes in the area. Since the NPPF has given Council's more freedom to apply planning policies to better reflect local circumstances the Council, the Environment Agency and other partners have agreed that lifting 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. This approach has seen an increasing number of predominately three storey redevelopments being approved within Jaywick.

Flood Risk

- 6.15. The site and a large area of this part of Jaywick falls within Flood Zone 3a which is the highest area of risk due to its low-lying position on the coast. The NPPF, as supported by policy QL3 of the adopted Local Plan and policy PPL1 of the emerging Local Plan, requires a 'sequential approach' to the location of new development. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. There are clearly many locations of lower risk where a development of up to 10 dwellings could be located. However, in Jaywick an exceptional approach is justified where new development can assist in the regeneration of the area and help to reduce the risk of flooding to life and property overall.
- 6.16. 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 160 of the NPPF requires that for the exception test should be informed by a strategic or site-specific flood risk assessment. For the exception test to be passed it should be demonstrated that:
- a) The development would provide wider sustainability benefits to the community that outweigh the flood risk; and
 - b) The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall.
- 6.17. The application is accompanied by a site-specific flood risk assessment. The Environment Agency confirms that they have no objection to this application, subject to the Sequential and Exception Tests being satisfied and a condition to secure compliance with the Flood Risk Assessment (FRA) and the following mitigation measures:
- Finished ground floor levels are set no lower than 2.08 metres above Ordnance Datum (AOD)
 - Finished first floor levels are set no lower than 4.63 metres above Ordnance Datum (AOD).
 - Finished second floor levels are set no lower than 7.18 metres above Ordnance Datum (AOD).
- 6.18. The indicative plans show compliance with these mitigation measures. However, as they are indicative plans only a condition is recommended to cover this issue.
- 6.19. The submitted FRA includes details about flood evacuation and this is necessary to ensure the safety of the development in the absence of safe access with internal flooding in the event of a breach flood.
- 6.20. The proposal is therefore considered to pass the sequential and exception tests and is acceptable in relation to flood risk.

Design, Layout and Impact on Residential Amenity

- 6.21. As this application is in outline form, matters such as layout, scale and appearance are not under consideration at this stage, the information provided on these matters is indicative only. However, from the description of development it is clear that this application seeks permission for up to 10 dwellings and to apply with other Policies; in particular flood risk policies and Policy CL15a any proposed dwellings are required to be three storey in height with no habitat accommodation at ground floor level.
- 6.22. To the north and south of the site are areas of public open space; to the east of the site are residential properties in Golf Green Road which comprise of a mixture of single storey and one and a half storey dwellings, which predominately have a rendered finish. To the west of the site are residential properties in Garden Road which are a mixture of bungalows and one and

a half storey dwellings, with an occasional two storey dwelling. In Garden Road there is variety of materials uses, such a red and buff brick, render and a variety of roof tiles. Further to the north of the site (separated from the site by the open space) are larger scale buildings which are two and three storey in height.

- 6.23. The scale of any development permitted on this site would be prominent in this location and out of character with the existing scale of development. It is also considered that the proposal would result in an adverse impact on the amenities of neighbouring residents, in particular those in Golf Green Road in terms of loss of light, overshadowing and loss of privacy. There would also be some impact on the residents of Garden Road, although this would be to a lesser extent given the greater separation distance.
- 6.24. It is likely that in any other location Officers would advise that such a development would be inappropriate due to the character of the existing area and impact on residential amenity. 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. Because for the proposed development to be acceptable at reserved matters stage there would be no living accommodation on the ground floor the risk to residents in the event of a flood is kept to a minimum.
- 6.25. With this in mind, Officers are advising the Committee to consider whether an exceptional approach is justified and to set aside normal planning concerns in order to facilitate a development that could support the future regeneration of the area. If the Committee agrees that an exceptional approach is needed, this development provides an opportunity to inspire other property owners to consider redevelopment to a more resilient, lower flood risk form of development. If the Committee feels that the harm to the character of the area and to the amenities of neighbouring residents is not outweighed by the potential benefits, then refusal would be justified in planning terms.
- 6.26. Whilst design does not form part of this application, it is considered that the design of the proposed dwellings could reflect other examples of recent development allowed in Jaywick which is likely to be acceptable.
- 6.27. Policy HG9 of the saved Local Plan states that 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 metres; two bedroom house – a minimum of 75 square metres and a one bedroom house – a minimum of 50 square metres. This is a matter that would be considered at outline stage, however, the indicative plan shows that with some amendments that the above private amenity space standards could be achieved.
- 6.28. TDC Pollution team request a condition requiring submission of a demolition and construction method statement which would minimise disturbance to neighbours during site clearance and construction in terms of noise, dust and lighting.

Highway Safety and Parking

- 6.29. The application is in outline form so details provided regarding access and layout are indicative only. Essex County Council Highways have been consulted on the application and do not raise an objection to the proposal subject to conditions to secure vehicular visibility splays; pedestrian visibility splays; details of vehicular access; proposed surface materials; no discharge of surface water onto the highway; provision of residential travel packs and a construction method statement. These conditions are included within the above recommendation. Conditions have also been recommended to ensure parking spaces are of a sufficient size and cycle parking is provided; these are matters for a reserved matters application.

- 6.30. The Adopted Parking Standards state that off-street parking spaces should measure 5.5 metres by 2.9 metres and garages (if relied upon for parking provision) should measure 7 metres by 3 metres. For a 1 bedroom dwelling 1 space per dwelling is required and for dwellings with 2 or more bedrooms 2 spaces per dwelling are required. Whilst this is a matter for the reserved matters application the indicative plan shows that parking in accordance with the adopted standards is achievable and therefore sufficient off-street parking to serve the proposed development can be provided.

Ecology/Habitat Regulations Assessment

- 6.31. As part of the application a Preliminary Ecological Appraisal Report was submitted, this identified that further presence/likely-absence surveys were required to confirm if any reptile species use the site and provide an indication of distribution. Therefore a Reptile Survey was submitted which concluded that the site contains suitable habitat for reptiles within mainly tall grassland and ruderal vegetation with small areas of Bramble scrub. The survey recorded common lizards and slow worms on the site with a peak count of 35 common lizards and 6 slow worms. The clearance of a significant proportion of the current habitat and construction of up to 10 residential dwellings will result in significant impacts on reptiles and, therefore, a translocation of reptiles to another site is required.
- 6.32. Both surveys have been reviewed by Essex County Council Ecology who are satisfied that there is sufficient ecological information available for determination of this application and raise no objection to the application subject to securing:
- a) A proportionate financial contribution towards visitor management measures at Essex Coast Habitats (European) sites (to be secured through legal agreement)
 - b) Biodiversity mitigation and enhancement measures; to be secured by conditions included within the above recommendation.
- 6.33. Legal advice has been sought in relation to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) which supports the view that Tendring District Council can seek financial contributions in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The HRA has therefore been amended to confirm that the mitigation will be the RAMS level contribution as recommended by Natural England. It is therefore considered that this contribution is sufficient to mitigate against any adverse impact the proposal may have on European Designated Sites. The recommendation seeks to secure this by way of legal agreement within six months of a Committee resolution to approve, otherwise planning permission would be refused in its absence on the grounds that there is no certainty that the development would not adversely affect the integrity of European Designated Sites.

Affordable housing

- 6.34. In July 2018 the NPPF amended the definition of major development to include development of 10 or more dwellings and therefore under paragraph 63 of the NPPF affordable housing should be sought as part of this proposal, as this is the most recent guidance which overrides the local policies set out below.
- 6.35. Saved Policy HG4 of the Tendring District Local Plan (2007) requires up to 40% of new dwellings on residential schemes of 5 or more units to be provided in the form of affordable housing to meet the needs of people that are unable to access property on the open market. Policy LP5 of the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017), which is based on more up-to-date evidence of housing need and viability, requires for developments of 11 or more dwellings, the Council expect 30% of new dwellings to be made available to Tendring District Council or an alternative provider to acquire at a discounted value for use as affordable housing, or as an alternative, the Council will accept a minimum of 10% if new dwellings are to be made available alongside a financial contribution

toward the construction or acquisition of property for use as affordable housing (either on the site or elsewhere in the district) equivalent to delivering the remainder of the 30% requirement.

- 6.36. Given the location of the site and other factors, further discussions are required with the Councils Housing Department to decide how the affordable housing should be delivered. These discussions are currently on-going and an update will be provided at the meeting. But any affordable housing provision would be secured by a S106 agreement.

Open Space

- 6.37. Policy COM6 of the Saved Plan states that for residential developments 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.
- 6.38. There is currently a deficit of play space in the area. The nearest play area to the proposed development is located at Crossways, Jaywick. Due to the proximity to the site it is highly likely that the biggest impact would be felt at this play area. Therefore to ensure the facilities are able to cope with the additional usage it would be necessary to improve the level of provision. This contribution would be based on the number of bedrooms the development provides.

Foul and Surface Water Drainage

- 6.39. Anglian Water raises no objection to the application and have confirmed that Jaywick Water Recycling Centre will have sufficient capacity to deal with the foul drainage flows from the proposed development.
- 6.40. The applicant has submitted a Drainage Strategy which has been considered by Essex County Council as the authority for sustainable drainage. Essex County Council do not object to the granting of planning permission subject to conditions relating to the submission and subsequent approval of a detailed surface water drainage scheme, a maintenance plan and a scheme to minimise the risk of offsite flooding and prevent pollution during construction.

Other Issues

- 6.41. The fact that there is a covenant on the land is not a material planning consideration. The granting of planning permission does not override any existing covenant.

Overall Planning Balance/Conclusion

- 6.42. In the overall planning balance, Officers consider that this a prime opportunity to facilitate regeneration in Jaywick and whilst under normal circumstances such a development would not be acceptable, the Committee needs to consider what alternative means of regenerating the area might be available. The recommendation is approval subject to a set of conditions and a legal agreement, but if the Committee feels that the appearance of the development and its impact on neighbours outweigh the potential benefits, then refusal would be a legitimate course of action.

Background Papers

None.