

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AN	15/04/2019
Planning Development Manager authorisation:	GN	15/04/19
Admin checks / despatch completed	SB	15/04/19

**Application:** 18/00952/FUL **Town / Parish:** Clacton Non Parished

**Applicant:** Leisurefame Ltd

**Address:** Land North of 782 to 828 St Johns Road Clacton On Sea

**Development:** Use of land for stationing of up to 62 holiday units as an extension to the adjoining Leisure Glades Caravan Park

### 1. Town / Parish Council

N/a

### 2. Consultation Responses

Environment Agency

USE OF LAND FOR STATIONING OF UP TO 62 HOLIDAY UNITS AS AN EXTENSION TO THE ADJOINING LEISURE GLADES CARAVAN PARK LAND NORTH OF 782 TO 828 ST JOHNS ROAD CLACTON ON SEA ESSEX CO16 8BS

Thank you for your consultation received on 19 June 2018. We have inspected the application, as submitted, and have no objection to the proposal. Our letter offers advice on contaminated land.

#### Contaminated Land

Although we have no objection to the proposal, the contamination report does not appear to have assessed the condition of the land where waste deposits took place. Therefore we offer the following advice.

#### Advice to Applicant / LPA Sustainable Drainage Systems (SuDS) informative

1. Infiltration sustainable drainage systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins shall only be used where it can be demonstrated that they will not pose a risk to the water environment.
2. Infiltration SuDS have the potential to provide mobilise pollutants and must not be constructed in contaminated ground. They would only be acceptable if a site investigation showed the presence of no significant contamination.
3. Only clean water from roofs can be directly discharged to any soakaway or watercourse. Systems for the discharge of surface water from associated hard-standing, roads and impermeable vehicle parking areas shall incorporate appropriate pollution prevention measures and a suitable number of SuDS treatment train components appropriate to the environmental sensitivity of the receiving waters.
4. The maximum acceptable depth for infiltration SuDS is 2.0 m below ground level, with a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels.
5. Deep bore and other deep soakaway systems are not appropriate in areas where groundwater constitutes a significant resource (that is where aquifer yield may support or already supports abstraction).
6. SuDS should be constructed in line with good practice and

guidance documents which include the SuDS Manual (CIRIA C753, 2015) and the Susdrain website.

For further information on our requirements with regard to SuDS see our Groundwater protection position statements (2017), in particular Position Statements G1 and G9 - G13 available at: <https://www.gov.uk/government/publications/groundwater-protection-positionstatements>

Environmental Protection

Environmental Protection will require an up to date contaminated land survey of the site as the one submitted is over 10 years old.

Please add the full contaminated land condition to any permissions granted. The reports and any recommendations to be submitted prior to any development of the site granted.

Natural England  
(amended)

Thank you for your consultation on the above dated 26 February 2019 which was received by Natural England on the same day.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

#### SUMMARY OF NATURAL ENGLAND'S ADVICE

#### NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

#### European Sites

- Colne Estuary Special Protection Area (SPA) and Ramsar
- Essex Estuaries Special Area of Conservation (SAC)

Full-time residential use of these units (as defined in the Recreational disturbance Avoidance and Mitigation Strategy (RAMS) technical document) would bring them within the scope of RAMS and would require a RAMS contribution. However we understand that these holiday units are for recreational use only and on that basis would fall outside the scope of the RAMS.

Consequently the RAMS planning condition included within the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Habitat Regulation Assessment (HRA) Record for this case would not be needed.

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the European sites (i.e. impacts which may arise from non-residential usage) and therefore has no objection to the proposed development. Nevertheless, should the Council consider that the proposal does represent residential usage, bringing it within the scope of the RAMS strategic solution, then Natural England has advised the Council that the proposed planning condition is not appropriate as currently proposed, and we understand that the Council is awaiting legal advice regarding the collection of RAMS contributions.

Tree & Landscape Officer

The application site is situated to the north of the properties in St John's Road and does not contain many trees or other significant vegetation. The northern boundary of the land is planted with a row of conifers (*Leylandii*) that are a dominating feature in the landscape. These trees do not merit retention and, regardless of the development proposal, their removal would have a positive impact on the local landscape character.

At the eastern end of the main body of the application site the land appears to have been set out as an overflow car park. Brick rubble and poor quality soils are currently stored in mounds in this location. There is an early mature Weeping Willow which is an attractive tree in this area although the amenity value of the tree could be relatively easily replicated by new planting.

On the western boundary of the car park there is an old hedgerow behind a bank of soil that contains a few trees, the most important of which is an established Oak. On the indicative site layout the tree appears to be shown as retained.

It would be desirable for the vegetation on this boundary to be retained or, if it were necessary for part to be removed, to replace it to replicate the screening benefit that the current hedgerow provides.

Should planning permission be likely to be granted then the applicant will need to provide details of soft landscaping to enhance the appearance of the caravan park. Special attention should be given to the treatment of site boundaries to ensure that the development sits comfortably in its setting and to help screen views of the caravan park extension from the adjacent Public Right of Way.

ECC Highways Dept  
(amended)

#### ADDITIONAL DRAWING NUMBERED 1849-04 LAYOUT SCHEME A

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

1 Prior to the first occupation of the development, the proposed estate road, at its bellmouth junction with St Johns Road shall be provided with 10m radius kerbs returned to an access road carriageway width of 6.0m. straight for at least the first 12m within the site and flanking footways 2m. in width returned around the radius kerbs and connecting to the existing footway network. The new road junction shall be constructed at least to binder course prior to the commencement of any other development including the delivery of materials.

Reason: To ensure that all vehicular traffic using the junction may do so in a controlled manner and to provide adequate segregated pedestrian access, in the interests of highway safety and in accordance with Policy DM 1 and 6 of the Highway Authority's Development Management Policies February 2011.

2 Prior to the proposed access being brought into use, vehicular visibility splays of 120m by 2.4m by 120m as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be retained and maintained free from obstruction clear to ground thereafter.

Reason: To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

3 No unbound materials shall be used in the surface treatment of the proposed vehicular accesses within 10m of the highway boundary.

Reason: To ensure that loose materials are not brought out onto the

highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

4 The existing access or any part of an access (dropped kerb) rendered redundant or unnecessary by this development shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the re-instatement to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority, immediately the proposed new accesses are brought into use.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway and to prevent indiscriminate access and parking on the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

5 All carriageways should be provided at 5.5m between kerbed footways or 6.0m where vehicular access is taken but without kerbing.

Reason: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety and in accordance with Policy DM 1 and 6 of the Highway Authority's Development Management Policies February 2011.

6 All off street car parking shall be in precise accord with the details contained within the current Parking Standards being provided within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

7 Prior to the first occupation of any of the proposed dwellings the bus stop almost opposite number 812 St Johns Road shall be improved by the provision of a new shelter to current standards, level entry kerbing, dropped kerbing, new post and flag, timetables, a passenger waiting area (hard standing) any adjustments in levels, surfacing and any accommodation works to the footway and carriageway channel being provided entirely at the applicant/Developer's expense to the specifications of the Highway Authority.

Reason: To make adequate provision for the additional bus passenger traffic generated as a result of the proposed development in accord with Policy DM 9 of the Highway Authority's Development Management Policies February 2011.

8 Prior to the occupation of any of the proposed dwellings the footway across the entire sites frontage to St Johns Road shall be extended to a minimum of 2.0m in width or to the extent of the highway and being provided entirely at the Applicant/Developer's expense including new kerbing, surfacing, drainage, any adjustments in levels and any accommodation works to the footway and carriageway channel and making an appropriate connection in both directions to the existing footway to the specifications of the Highway Authority.

Reason: To make adequate provision for the additional pedestrian traffic generated within the highway as a result of the proposed development in accord with Policy DM 9 of the Highway Authority's Development Management Policies February 2011.

Informative1: The existing vehicular access for No 820 St Johns Road shall remain as shown in Paul Newbould's additional drawing Numbered 1849-04 layout scheme A.

Informative2: 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.

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

SMO1 - Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester  
CO4 9YQ

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

ECC SuDS Consultee  
(amended)

Thank you for your email received on 02 April 2019 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

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

Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission based on the following:

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:

- o The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- o A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any

drainage features.

o A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

he scheme shall subsequently be implemented prior to occupation.

Reason

o To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

o To ensure the effective operation of SuDS features over the lifetime of the development.

o To provide mitigation of any environmental harm which may be caused to the local water environment

o Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

Condition 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 163 and paragraph 170 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 topsoils 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 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 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.

In the event that more information was supplied by the applicants then the County Council may be in a position to withdraw its objection to the proposal once it has considered the additional clarification/details that are required

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

Summary of Flood Risk Responsibilities for your Council

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- o Sequential Test in relation to fluvial flood risk;
- o Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- o Safety of the building;
- o Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- o Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Please see Appendix 1 at the end of this letter with more information on the flood risk responsibilities for your council.

#### INFORMATIVES:

o Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to [suds@essex.gov.uk](mailto:suds@essex.gov.uk).

o Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

o Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.

o It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

o The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.

o We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the

15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

Essex County Council  
Archaeology (amended)

Based on information submitted by the applicant the potential for the survival of archaeological remains is considered to be low due to historic quarrying activity, therefore there will be no recommendation for archaeological investigation at the above site.

### 3. Planning History

17/00825/OUT	Residential development of 84 dwellings (following demolition of numbers 820 and 824 St Johns Road).	Current	
17/00826/OUT	Hybrid application consisting of: outline planning application for residential development of 34 dwellings and full planning application for the creation of new access road.	Refused	16.08.2017

### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

NPPG National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL2 Promoting Transport Choice

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

EN1 Landscape Character

EN6 Biodiversity

EN6A Protected Species

EN13 Sustainable Drainage Systems

ER19 Extensions to Static Caravans and Holiday Parks

ER20 Occupancy Timescales



TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL3 Sustainable Design

PP10 Camping and Touring Caravan Sites

PP11 Holiday Parks

PPL1 Development and Flood Risk

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

CP1 Sustainable Transport and Accessibility

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.

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.

## **5. Officer Appraisal (including Site Description and Proposal)**

### Proposal

- Use of land for stationing of up to 62 holiday units as an extension to the adjoining Leisure Glades Caravan Park. Timber lodges are proposed with year round holiday occupation as per 13/01273/FUL at the existing Leisure Glades Caravan Park. 13/01273/FUL approved 'Variation of condition 05 of approved application TEN/147/86, condition 02 of 01/01044/FUL and condition 2 of 06/00599/FUL to allow year round holiday use of site'.
- The proposal has been subject to extended negotiations with ECC SUDS on drainage issues but these have now been resolved.

### Representations

- 1 letter of objection has been received summarised below (where relating to this planning application):
  - Traffic noise from access drive and potential use by existing caravan park users
  - Potential subsequent applications in this area joining from dead end roads
  - No road safety assessment
  - Existing safety and congestion issues along St Johns Road
  - Existing surface water drainage issues

### History

- 04/01801/FUL and 05/01012/FUL refused caravans on this site on various grounds relating to highway safety, pollution relating to the previous landfill use, inadequate detail and residential amenity.
- 17/00825/OUT for Residential development of 84 dwellings was approved by Members at Planning Committee in accordance with the officer recommendation, subject to completion of a S106 legal agreement securing affordable housing, education contribution, NHS contribution and open space. The applicant states the legal agreement would make the proposal unviable and that application has been held in abeyance. It has been confirmed that on approval of this application for the holiday caravans 17/00825/OUT can be formally withdrawn.
- 18/00379/OUT (and part RM 18/02113/DETAIL) approved 14 dwellings on land to the south shown blue lined and through which vehicular access can be gained.

### Context

- The application site lies outside the settlement development boundary of the adopted local plan. The emerging local plan includes all the dwellings on the northern side of St Johns Road within the settlement development boundary of Clacton-on-Sea, plus the application site and neighbouring St Johns Plant Centre which both lie to the rear of existing dwellings fronting St Johns Road.

- The application site gains access from St Johns Road through the dwellings approved under 18/00379/OUT (and part RM 18/02113/DETAIL). There is also an internal link to the existing caravan park as shown on the plans.
- . The site extends northwards, then westwards around a large area of mature garden, before extending southwards again close to the rear boundary of numbers 782-788 St Johns Road. To the immediate western boundary is the existing caravan park, and to the immediate eastern boundary is Earls Hall Drive (public right of way) which provides access to St Johns Plant Centre and dwellings further north. Outside the full northern boundary is open agricultural land.
- The eastern section of the site, currently accessed from Earls Hall Drive, comprises hardstanding previously used as overspill car parking for St Johns Plant Centre and unauthorised vehicle storage. This land is now vacant.
- The site is not subject to any landscape designations or in close proximity to any heritage assets. The majority of the site does not contain any trees or significant vegetation. There are a small number of reasonable trees within the site but none that make such a contribution that they would merit protection by means of a Tree Preservation Order.

#### Principle of development

- Policy ER20 of the adopted Local Plan and Policy PP11 of the emerging Local Plan relate to occupancy restrictions. ER20 is a dated policy and does not reflect the more flexible approach of the NPPF as reflected in numerous appeal decisions. PP11 Holiday Parks states the Council will support the extension of safeguarded sites or other existing sites onto adjoining land provided the development would result in improvements to the overall layout, amenity, appearance and quality of accommodation over the whole site. It also supports proposals for new holiday parks that comprise well designed timber chalets set on plinths with pitched roofs ideally located within a wooded or undulating landscape setting. PP11 adds to ensure sites are not used for permanent residential occupancy the Council will impose holiday occupancy conditions and limit use to certain periods of the year.
- Leisure Glades Caravan Park is an established caravan park situated to the north of St Johns Road in Clacton behind a row of existing houses that front onto St Johns Road. The existing site is designated as a safeguarded holiday park in the emerging Local Plan.
- The principle of extending the safeguarded holiday park is therefore accepted subject to the detailed considerations below.

#### Occupation

- In terms of year round holiday occupation numerous appeal decisions have accepted that the quality of holiday accommodation has improved greatly and the majority of caravans now produced are suitable for year round use. In this case holiday lodges are proposed which are generally of better construction. It is not therefore reasonable to secure a break in occupation e.g. during certain winter months and alternative conditions should be used to secure the holiday occupation.
- In this case the principle of residential development in this location has been accepted and 17/00825/OUT for 84 dwellings was resolved for approval subject to completion of the S106. This proposal relates to timber lodges, not standard dwellings, and as holiday occupation is sought does not provide for affordable housing, education contribution, NHS contribution and open space as would be required for unrestricted dwellings. A condition will therefore be imposed to secure holiday occupation due to the absence of the required contributions to mitigate for permanent occupation.

#### Highway safety

- The site is sustainably located in relation to existing bus stops and services into Clacton and beyond. There is ample space on site to accommodate parking for each of the 62 holiday units.
- The Highway Authority has no objection to the proposal subject to 8 conditions as detailed in full above. Condition 7 includes provision of bus stop improvements and condition 8 footway widening along St Johns Road frontage. Some of these conditions are duplicated on the residential permission through which access is sought but also need to be imposed on this permission so the two could be implemented independently if necessary.
- Subject to the recommended conditions the proposal is acceptable in highway safety terms.

#### Landscape impact

- The site does not contain many trees or other significant vegetation. The northern boundary of the land is planted with a row of conifers (Leylandii) that are a dominating feature in the landscape.

These trees do not merit retention and, regardless of the development proposal, their removal would have a positive impact on the local landscape character. There is an early mature Weeping Willow which is an attractive tree in the eastern area of the site although the amenity value of the tree could be relatively easily replicated by new planting.

- On the western boundary of the car park there is an old hedgerow behind a bank of soil that contains a few trees, the most important of which is an established Oak. On the indicative site layout the tree appears to be shown as retained.

- A condition has been imposed relating to soft landscaping to ensure the appearance of the development in the landscape is softened and acceptable boundary treatments/planting is secured.

#### Ecology

- A Preliminary Ecological Assessment has been undertaken which confirms that the site mainly comprises of overgrown wasteland with frequent piles of waste soil, rubble and general debris. One juvenile common lizard was recorded on site and recommendations include timing and method of site clearance in order to protect any lizards present on site and to allow them to migrate towards the large gardens to the south. With the exception of nesting birds, the site is unlikely to support any other protected species and no further surveys are recommended. Due to the bird nesting season conflicting with the active reptile season it is recommended that immediately prior to commencement of works a check for nesting birds should be undertaken by a suitably experienced ecologist. Any active nests will need to be left in situ until the young have left the nest. Conditions are recommended to ensure these species protection measures are undertaken.

#### Archaeology

- ECC Archaeology originally confirmed a number of cropmark complexes in the surrounding area attest to the archaeological potential of the area and recommended conditions to secure a programme of trial trenching followed by open area excavation.

- Additional information was provided by the applicant confirming this was previously a sand and gravel quarry and then a landfill so archaeological remains are extremely unlikely.

- ECC Archaeology have therefore amended their comments to confirm no recommendation for archaeological investigation.

#### Contamination

- The Environment Agency and TDC Environmental confirm the previous landfill use and likelihood of contamination. 19/00062/DISCON relating to the neighbouring residential permission 18/00379/OUT has just approved the Phase 2 contamination report which also covers this site. It is therefore unnecessary to impose the full contaminated land condition as requested but this will be amended to reflect the approved phase 2 report.

#### Impact on Neighbours Amenities

- The principle of 84 dwellings on this site has been accepted and this proposal should be viewed in context with the impacts from that use.

- The access drive provides an up to 7 metre wide landscaping strip for the full length of the neighbouring garden at number 826 St Johns Road. It is considered that given the significant background noise level along the busy St Johns Road, and the substantial landscaped buffer strip provided, that the impact upon the residential amenities of occupiers of 826 St Johns Road would not be so significant as to justify refusing planning permission on these grounds.

- The use for 62 holiday units is unlikely to raise any significant concerns in terms of noise given the separation distances and the single storey height will preserve neighbouring privacy, light and outlook.

- A construction method statement condition has been imposed to minimise disruption during construction.

#### Surface water drainage

- The site is located in Flood Zone 1 which has a low probability of flooding. Given the size of the site ECC SUDS have been consulted and the proposal has been subject to extended negotiations on drainage issues but these have now been resolved.

- ECC SUDS have no objection subject to 4 conditions.

#### Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

- Natural England have been consulted on the proposal and confirm no objection and consider that the proposed development will not have significant adverse impacts on designated sites.
- They add that full-time residential use of these units (as defined in the Recreational disturbance Avoidance and Mitigation Strategy (RAMS) technical document) would bring them within the scope of RAMS and would require a RAMS contribution. However we understand that these holiday units are for recreational use only and on that basis would fall outside the scope of the RAMS. Consequently the RAMS planning condition included within the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Habitat Regulation Assessment (HRA) Record for this case would not be needed. Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the European sites (i.e. impacts which may arise from non-residential usage) and therefore has no objection to the proposed development.
- The proposal is for holiday caravans and their occupation will be restricted as such by condition. There will therefore be no likely significant effect on the designated sites and no requirement for mitigation through a RAMS contribution.

## 6. Recommendation

Approval - Full

## 7. Conditions / Reasons for Refusal

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

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Drawing number 1849-04 and 1:500 Site Layout Plan; Flood Risk Assessment reference 209088; Preliminary Ecological Appraisal dated 7th February 2017; and Phase 2 Contamination Report No. 18-2782r dated March 2019 submitted under 19/00062/DISCON.

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

- 3 The holiday units shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The operators of the holiday park shall maintain an up-to-date register of the names of all owners of holiday units on the site and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority.

Reason - To prevent the use of the site for permanent accommodation in the interests of the tourism economy and local community infrastructure.

- 4 No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) 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:
  - i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials
  - iii. storage of plant and materials used in constructing the development
  - iv. wheel and under body washing facilities
  - v. noise, litter and dust suppression
  - vi. hours of work

Reason - To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety. And in order to minimise potential nuisance to nearby existing residents caused by construction works.

- 5 The Remediation Scheme (as per Phase 2 Contamination Report No. 18-2782r dated March 2019 submitted and approved under 19/00062/DISCON) shall be carried out in accordance with its terms prior to the commencement of any works of construction on site unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be notified in writing a minimum of two weeks prior to commencement of the remediation scheme works of the date that the remediation works will commence. Following completion of the measures identified in such approved Remediation Scheme, a verification report to demonstrate the effectiveness of the remediation carried out shall be submitted to the Local Planning Authority.

In the event that contamination is found which was not previously identified, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken and, where remediation is necessary, a new Remediation Scheme shall be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of all necessary measures identified in such Remediation Scheme as may be approved, a verification report shall be submitted to and approved in writing by the Local Planning Authority. In such circumstances, no further works of development shall be carried out to that part of the site until such time as the requirements of this paragraph have been satisfied.

Reason - To ensure that any risks (to future users of the land and neighbouring land and to controlled waters, property and ecological systems) arising from any land contamination are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 6 Development shall be carried out in full accordance with the Recommendations of the Preliminary Ecological Appraisal dated 7th February 2017.

Reason - In the interests of biodiversity and potential protected species utilising the site.

- 7 No above ground works shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include boundary treatments, any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 - Trees in relation to design, demolition and construction "

Reason - This is a site abutting open countryside and a public right of way where an appropriate landscaping scheme is a visually essential requirement.

- 8 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure the adequate maintenance of the approved landscaping scheme for a period of five years in the interests of the character of the surrounding area.

- 9 Prior to the first occupation of the development, the proposed estate road, at its bellmouth junction with St Johns Road shall be provided with 10m radius kerbs returned to an access road carriageway width of 6.0m. straight for at least the first 12m within the site and flanking footways 2m. in width returned around the radius kerbs and connecting to the existing

footway network. The new road junction shall be constructed at least to binder course prior to the commencement of any other development including the delivery of materials.

Reason - To ensure that all vehicular traffic using the junction may do so in a controlled manner and to provide adequate segregated pedestrian access, in the interests of highway safety.

- 10 Prior to the proposed access being brought into use, vehicular visibility splays of 120m by 2.4m by 120m as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be retained and maintained free from obstruction clear to ground thereafter.

Reason - To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety.

- 11 No unbound materials shall be used in the surface treatment of the proposed vehicular access within 10m of the highway boundary.

Reason - To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

- 12 The existing access or any part of an access (dropped kerb) rendered redundant or unnecessary by this development shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the re-instatement to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority, immediately the proposed new accesses are brought into use.

Reason - To ensure the removal of and to preclude the creation of un-necessary points of traffic conflict in the highway and to prevent indiscriminate access and parking on the highway, in the interests of highway safety.

- 13 All carriageways should be provided at 5.5m between kerbed footways or 6.0m where vehicular access is taken but without kerbing.

Reason - To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety.

- 14 All off street car parking shall be in precise accord with the details contained within the current Parking Standards being provided within the site which shall be maintained free from obstruction and retained thereafter.

Reason - To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

- 15 Prior to the first occupation of any of the holiday units the bus stop almost opposite number 812 St Johns Road shall be improved by the provision of a new shelter to current standards, level entry kerbing, dropped kerbing, new post and flag, timetables, a passenger waiting area (hard standing) any adjustments in levels, surfacing and any accommodation works to the footway and carriageway channel being provided entirely at the applicant/Developer's expense to the specifications of the Highway Authority.

Reason - To make adequate provision for the additional bus passenger traffic generated as a result of the proposed development.

- 16 Prior to the occupation of any of the proposed holiday units the footway across the entire sites frontage to St Johns Road shall be extended to a minimum of 2.0m in width or to the extent of the highway and being provided entirely at the Applicant/Developer's expense including new kerbing, surfacing, drainage, any adjustments in levels and any accommodation works to the footway and carriageway channel and making an appropriate

connection in both directions to the existing footway to the specifications of the Highway Authority.

Reason - To make adequate provision for the additional pedestrian traffic generated within the highway as a result of the proposed development.

- 17 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:
- o The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
  - o A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
  - o 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. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

- 18 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 163 and paragraph 170 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 topsoils 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.

- 19 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.

- 20 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.

## 8. Informatives

### Positive and Proactive Statement

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

### Highways Informatives

The existing vehicular access for No 820 St Johns Road shall remain as shown in Paul Newbould's additional drawing Numbered 1849-04 layout scheme A.

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. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to: SMO1 - Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ

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