

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	11 th Sept
Planning Development Manager authorisation:	AN	16 th Sept
Admin checks / despatch completed	AP	18/9/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	K19	18/09/19.

Application: 18/01921/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Taylor Wimpey UK Ltd

Address: Former Martello Caravan Park Kirby Road Walton On The Naze

Development: Full planning permission for re-grading earth works to the permitted open space consented under application 15/01714/FUL.

1. Town / Parish Council

Frinton and Walton Town Council REFUSAL - lack of information.
It appears that Essex County Council have concerns with the proposal and the Town Council supports those concerns.

2. Consultation Responses

ECC SuDS Consultee Having reviewed the planning application and the associated documents which accompanied the planning application, we have identified that this is not a major application and therefore we shall have no further comments accordingly in relation to this application.

Environment Agency We have inspected the application, as submitted, and we are now in a position to remove our holding objection to the plans proposed, providing that flood risk considerations have been taken in to account.

3. Planning History

95/00730/FUL	Internal alterations plus external staircase to Martello Tower Monument No. 123	Approved	08.09.1995
04/01485/FUL	Erection of new reception building.	Approved	23.09.2004
11/00244/FUL	Erection of Class A1 retail supermarket and petrol filling station with associated access, car parking, servicing, landscaping and pedestrian footbridge.	Approved	19.10.2012
11/00903/OUT	Proposed redevelopment of the Martello Caravan Park for a new residential neighbourhood with ancillary mixed-use commercial zone. Phase 1 comprising a site area of fifteen acres and providing 150 dwellings including sheltered	Withdrawn	12.08.2011

	housing and ancillary commercial zone to include a food superstore, retirement home and doctors group practice/health centre.		
12/00410/FUL	Proposed major engineering works to raise the level of the front 3.2 hectares of the site above the flood plain and the provision of the base course for new service roads, roundabout and car park.	Approved	
12/01147/DEMCON	Demolish the Wellington Suite Complex; Amusement arcades and associated stores, supermarket, offices & stores, former camp offices, new camp offices and stores, former cinema building, garage / workshop buildings, sewerage pumping station and swimming pool, enclosure and associated buildings.	Withdrawn	26.09.2013
13/01412/OUT	Hybrid application for proposed development consisting of: - a 60 unit extra care apartment block: 48 single bed apartments, 12 two bed apartments (full planning permission sought) - a medical centre and pharmacy (outline planning permission sought).	Withdrawn	19.03.2014
14/30189/PREAPP	EIA Screening Opinion for proposed residential development for up to 275 homes.		15.05.2014
14/01085/FUL	The implementation of a new access road and associated highway infrastructure to support the redevelopment of the later development of the Martello site.	Approved	26.01.2015
14/01303/FUL	Three storey, 60 unit extra care unit, comprising of 46 single bed apartments & 14 two bed apartments.	Approved	30.03.2015
14/01320/OUT	Two storey medical centre and pharmacy.	Approved	04.12.2015
14/01837/FUL	The re-profiling of ground levels in the south west section of Martello site to facilitate future development.	Withdrawn	05.06.2015
15/30010/PREAPP	Erection of 250 dwellings and associated development.	Refused	10.04.2015
15/30022/PREAPP	Proposed ALDI food store.		04.08.2015

15/00630/FUL	Demolition of existing buildings and erection of 237 residential dwellings together with associated access, car parking, landscaping and related works.	Refused	13.11.2015
15/01714/FUL	Demolition of existing buildings, re-profiling of ground levels and erection of 216 residential dwellings together with associated access, car parking, landscaping and related works.	Approved	03.11.2016
15/01731/DISCON	Discharge of condition 7 (site levels) of planning permission 14/01303/FUL.	Approved	12.02.2016
16/00171/FUL	Construction of a temporary access.	Approved	01.04.2016
16/00369/FUL	A two storey enabled living facility providing 16 apartments for profoundly disabled adults with staff accommodation in the roof space.	Approved	12.09.2016
16/00568/DISCON	Discharge of condition 3 (materials), 4 (landscaping), 6 (boundary treatments), 10 (surface water management strategy), 11-13 (archaeology), 16 (construction method statement) and 20 (mitigation for protected species and birds) of planning permission 14/01303/FUL.	Approved	04.10.2016
16/00997/FUL	Implementation of a new sub station to cater for wider site redevelopment proposals.	Approved	31.08.2016
16/02019/TELLIC	Installation of 1 no. OSCP cabinet.	Determination	21.12.2016
17/00210/DISCON	Discharge of condition 8 (detailed scheme) of approved planning application 14/01303/FUL.	Approved	21.04.2017
17/00319/DISCON	Discharge of conditions 3 (Hard and soft landscaping), 5 (refuse strategy), 6 (Surface water drainage), 7 (Foul water drainage), 8 (Phasing plan), 9 (Materials), 10 (Street lighting scheme), 11 (Boundary walls and fences), 12 (floor levels), Condition 13 (Revised drawings addressing highways issues), 14 (Residential Travel info pack), 15 (Construction method statement), 16 (Ecological	Approved	11.07.2017

	Mitigation), 17 (Archaeological), 18 (Fibre Optic connection) and 19 (Local Recruitment Policy) of approved planning application 15/01714/FUL.		
17/00451/DISCON	Discharge of conditions 5 (Refuse Strategy) and 19 (Local Recruitment Policy) of approved planning application 15/01714/FUL.	Approved	
17/00571/FUL	A two storey enabled living facility providing 16 apartments for profoundly disabled adults.	Approved	11.08.2017
17/30112/PREAPP	Residential development of up to 49 dwellings.		17.07.2017
17/01090/FUL	Redevelopment of the site through the construction of an M&S Foodhall together with associated car parking and landscaping and ancillary cafe.	Approved	28.09.2017
17/01412/DISCON	Discharge of Condition 09 (Roofing Materials) of Planning Permission 15/01714/FUL.	Approved	05.09.2017
17/01803/FUL	To vary condition No. 5 on application 17/01090/FUL - remove the restriction on subdivision of the unit.	Approved	28.11.2017
17/01907/DISCON	Discharge of conditions 16 (Staff Travel Plan), 21 (Drainage Scheme), 22 (Offsite Flooding) and 23 (Maintenance Plan) of approved planning application 17/01090/FUL, and discharge of conditions 21 (Drainage Scheme), 22 (Offsite Flooding) and 23 (Maintenance Plan) of approved planning application 17/01803/FUL.	Approved	04.12.2017
17/02013/DISCON	Discharge of condition 11 (Boundary Treatment) of approved planning permission 15/01714/FUL.	Approved	12.12.2017
17/02124/DISCON	Discharge of conditions 4 (Surfacing Materials), 7 (Landscape Management Plan) & 17 (Construction Method Statement) of planning permission 17/01803/FUL.	Approved	19.02.2018
18/00099/FUL	Variation of condition No. 2 & No. 3 on application 17/01803/FUL -to allow the substitution of drawings to reflect the design amendments.	Approved	21.02.2018

18/00206/DISCON	Discharge of condition No. 8 (Archaeology) of application 17/01803/FUL.	Approved	19.02.2018
18/00331/FUL	Proposed Change of Use of First Floor of Offices to form a new residential dwelling.	Approved	27.04.2018
18/00336/DISCON	Discharge of condition 16 (Recruitment Strategy) of planning permission 18/00099/FUL.	Approved	21.05.2018
18/00434/DISCON	Discharge of conditions 6 (surface water drainage), 7 (foul water strategy), 8 (Phasing Plan and Programme), 9 (External facing and roofing materials specification), 10 (external lighting), 13 (Highways details), and 15 (Construction Method Statement) of 15/01714/FUL.	Approved	20.09.2018
18/00593/NMA	Non-material amendment to 15/01714/FUL - Minor adjustment to the position of dwellings 1-91, associated parking and roads.	Approved	07.06.2018
18/00960/ADV	No.3 signs on building, Trolley Bay Signs and Freestanding Totum sign.	Approved	03.08.2018
18/00961/NMA	Amendment to west building elevation.	Approved	31.07.2018
18/01041/DISCON	Discharge of Condition 17 (external lighting scheme, location and appearance of external plant and machinery, boundary treatments including facing details of retaining walls) of 18/00099/FUL.	Approved	04.09.2018
18/01297/NMA	Non material amendment to planning permission 15/01714/FUL - minor amendment to setting out of Plots 20 and 21 to allow construction mindful of existing fencing.	Approved	28.08.2018
18/01633/DISCON	Discharge of Condition 13 (Cycle Parking) to approved planning application 18/00099/FUL.	Approved	04.10.2018
18/01689/ADV	Display of 4no. vinyls to windows.	Approved	29.11.2018
18/01781/DISCON	Discharge of Condition 3 (Hard and Soft Landscaping) of application 15/01714/FUL with drawing 20875/CIV/1251 C3 substituting	Current	

	drawing 1251 T1 .		
18/01921/FUL	Full planning permission for re-grading earth works to the permitted open space consented under application 15/01714/FUL.	Current	
18/01943/FUL	Alterations and additions to create new Coast Guard Station with residential flat over.	Approved	08.02.2019
19/00301/DISCON	Discharge of conditions 9 (Materials) and 11 (Boundary Walls) of approved application 15/01714/FUL.	Current	
19/00981/FUL	Proposed re-grading earthworks and associated landscaping to the permitted open space consented under application 15/01714/FUL.		
19/01116/FUL	Proposed 53no. dwellings and associated landscaping, roads, parking and drainage works.	Current	

4. Relevant Policies / Government Guidance

National Planning Practice Guidance

NPPF National Planning Policy Framework February 2019

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

QL3 Minimising and Managing Flood Risk

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

SP1 Presumption in Favour of Sustainable Development

SPL3 Sustainable Design

PPL1 Development and Flood Risk

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of

consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

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

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The site is located within Walton-on-the-Naze to the north west of the town centre. Walton-on-the-Naze is a seaside town with a range of local convenience shopping and leisure facilities predominantly relying on tourism for its local economy. The site is located on the north side of Kirby Road, which is one of two main primary routes into the town centre. Kirby Road continues past the Martello Caravan Park in a south easterly direction leading to its junction with the High Street and town centre. Kirby Road leads west to Kirby-le-Soken.

The wider Martello regeneration site extends to 14 hectares in total; the residential development application forms only one element of a wider regeneration and has a site area approximately 8.26hectares.

Description of Proposal

Application 15/01714/FUL "Demolition of existing buildings, re-profiling of ground levels and erection of 216 residential dwellings together with associated access, car parking, landscaping and related works" included the provision of 1.7 hectares of public open space and alongside central and linear green infrastructure throughout the layout comprising soft landscaped areas and communal amenity space.

Following work commencing on Site to deliver the development as permitted, it is proposed to undertake additional earthworks to the open space to provide a more level area of play. Currently the area of open space is undulating which limits its use as a recreational facility and the proposed earthworks would enhance its attractiveness and usability through localised changes in level. Typically the re-levelling would raise by 1m levels adjacent the external boundaries and attenuation pond and up to 3m mainly to the banks of the attenuation pond and the centre of the open space.

The landscape scheme in terms of the proposed soft and hard landscape design/layout for the open space has previously been approved under the already consented development and would not be altered in terms of its design and layout by the proposed works. In all other respects the permitted development is unaltered.

Principle

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local

environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form.

The Application Site falls outside of the development boundary for Walton-on-the Naze, notwithstanding this, it forms part of an established estate which is results from the approval of 15/01714/FUL.

Visual Impact

The Government attach great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design.

Saved Policies QL9, QL10 and QL11 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Emerging Policy SP1 reflects these considerations.

There is to be no alterations to levels adjacent to proposed dwellings, a large flat area to the centre of the open space would still exist and overall the area would remain as a highly usable recreational space.

Neighbour Amenities

The NPPF, at paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

In regards to the potential for having a detrimental impact on the amenities of adjacent occupiers; the area is separated from dwellings in the region of between 2m and 12m; however – the majority of the levelling/re-grading works is to the banks of the attenuation pond and the centre of the site. Works to these elements have sufficient separation distances so as not to have a detrimental impact on the amenities of adjacent occupiers.

Flood Risk

The latest EA published flood zone map shows that the site is located within defended Flood Zone 3. The EA 'Flood risk from rivers or the sea' mapping indicates that the site is at low and medium risk of flooding due to the presence of defences. The use of the area as amenity space is categorised as 'Water-Compatible development'.

Based on the available information, the site lies within defended Flood Zone 3a associated with the Walton Channel, and benefits from the tidal flood defences. As part of the wider Martello Caravan Park development levels have been raised above the 1 in 200 year plus climate change flood event. Levels within the northern area of public open space have also been raised and resultantly flood depths have reduced. Given that some areas within the northern public open space are below the 1 in 200 year plus climate change level the risk of inundation is considered to be **moderate**, with the impact of flooding being **low** because of the site less vulnerable use. Based on the development proposals, flood risk to site will not increase as a result of the development, and as a result of the sites less vulnerable use the risk to site users is considered low.

Listed Building Impact

It is acknowledged that there is a Scheduled Monument (Martello Tower) on the site, but this is set some distance away from the application site, with intervening development. Additionally, the nature of the development proposed will not impact on its setting.

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: 15/019/002 received 19th December 2018 and 371592-07-01 received 16th November 2018.

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

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.

<p>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</p>	<p>YES</p>	<p>NO</p>
<p>Are there any third parties to be informed of the decision? If so, please specify:</p>	<p>YES</p>	<p>NO</p>