

PLANNING COMMITTEE  
30<sup>TH</sup> NOVEMBER 2016  
REPORT OF THE HEAD OF PLANNING

**A.5 PLANNING APPLICATION – 16/00921/FUL – 23-27 BROOKLANDS, JAYWICK, CO15 2JS**



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<b>Application:</b>	16/00921/FUL	<b>Town / Parish:</b> Clacton Non-Parished area
<b>Applicant:</b>	Mr. P. Seager	
<b>Address:</b>	23-27 Brooklands, Jaywick, Essex CO15 2JS	
<b>Development:</b>	Demolition of existing detached bungalows and erection of four storey block of flats, comprising of car parking and storage to ground floor and first, second and third floor residential with associated amenity.	

## 1. Executive Summary

- 1.1 This is a full planning application to build a four storey block of flats containing 15 residential units with car parking and storage on the ground floor. The site contains four residential bungalows which are vacant and, at the time of writing, were in the process of being demolished. This part of Jaywick is one of the most deprived areas in the country and many of the existing properties were originally built as holiday homes but have gradually reverted to residential use. Most properties are substandard by modern day expectations and are within the tidal flood zone where the risk of flooding is set to increase with the effects of climate change.
- 1.2 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.
- 1.3 This proposal for 23-27 Brooklands, along with that subject of separate application 16/00920/FUL for 32-37 Brooklands (see Report AX), represent the first significant proposals for redevelopment in the area in line with the Council's aspirations for the area. These four-storey blocks of flats are of high-quality contemporary design, would be in prime location overlooking Jaywick beach and by including only storage and parking on the ground floor would bring about a net improvement in flood safety. Whilst they are radically different from the single-storey bungalows that currently dominate the area are out of character, the regeneration of Jaywick requires a bold approach that seeks to secure a long-term future for the area and in weighing up the advantages of the developments against the disadvantages, your Officers consider that the advantages are greater.
- 1.4 The recommendation is approval but no s106 financial contributions are proposed in the interest of economic viability and ensuring deliverability of the scheme.

### **Recommendation: Approval**

That the Head of Planning be authorised to grant planning permission for the development subject to planning conditions as follows:

1. Standard 3 year time limit for commencement.
2. Accordance with approved plans.
3. Highways conditions (as recommended by the Highway Authority).
4. Flood evacuation plan.

5. Minimum floor levels.
6. Contaminated Land Assessment.
7. Details of materials.
8. Details of external lighting.
9. Detailed drainage arrangements.

## 2. **Planning Policy**

### **National Planning Policy Framework (NPPF)**

- 2.1 The National Planning Policy Framework (March 2012) sets out the Government's planning policies and how these are expected to be applied at the local level.
- 2.2 Planning law requires that applications for planning permission be determined in accordance with the 'development plan' unless material considerations indicate otherwise. The NPPF doesn't change the statutory status of the development plan as the starting point for decision taking. Where proposed development accords with an up to date Local Plan it should be approved and where it does not it should be refused – unless other material considerations indicate otherwise. An important material consideration is the NPPF's 'presumption in favour of sustainable development'. The NPPF defines 'sustainable development' as having three dimensions:
  - an economic role;
  - a social role; and
  - an environmental role.
- 2.3 These dimensions have to be considered together and not in isolation. The NPPF requires Local Planning Authorities to positively seek opportunities to meet the development needs of their area whilst allowing sufficient flexibility to adapt to change. Where relevant policies in Local Plans are either absent or out of date, there is an expectation for Councils to approve planning applications, without delay, unless the adverse impacts would significantly and demonstrably outweigh the benefits.
- 2.4 Section 10 of the NPPF sets out the government's policies in respect of meeting the challenge of climate change, flooding and coastal change. Paragraph 94 states "*Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations*". Paragraph 103 sets out the approach that Councils should take when considering planning applications for development in areas of flood risk. This requires a 'sequential approach' that seeks to direct development away from high risk flood areas and to only allow a contrary approach in exceptional circumstances where there are overriding reasons. In any event, developments need to be appropriately flood resilient, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning.
- 2.5 Paragraph 187 of the NPPF states "*Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area*".

### **Local Plan**

- 2.6 Section 38(6) of the Planning Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the 'development plan' unless material

considerations indicate otherwise. In the case of Tendring the development plan consist of the following:

**Tendring District Local Plan (Adopted November 2007)** – as ‘saved’ through a Direction from the Secretary of State. Relevant policies include:

QL1: Spatial Strategy: Directs most new development toward urban areas and seeks to concentrate development within settlement development boundaries. The policy categorises Jaywick as part of the Clacton on Sea urban area.

QL2: Promoting Transport Choice: Requires developments to be located and designed to avoid reliance on the use of the private car.

QL3: Minimising and Managing Flood Risk: Seeks to direct development away from land at a high risk of flooding. It refers to the sequential and exception tests from government policy.

QL6: Urban Regeneration Areas: Identifies Jaywick as an Urban Regeneration Area.

QL9: Design of New Development: Provides general criteria against which the design of new development will be judged.

QL10: Designing New Development to Meet Functional Needs: Requires development to meet functional requirements relating to access, community safety and infrastructure provision.

QL11: Environmental Impacts: Requires new development to be compatible with its surrounding land uses and to minimise adverse environmental impacts.

#### HG1: Housing Provision

Sets out the strategy for delivering new homes to meet the need up to 2011 (which is now out of date and needs replacing through the new Local Plan).

#### HG3: Residential Development Within Defined Settlements

Supports appropriate residential developments within the settlement development boundaries of the district’s towns and villages.

#### HG3a: Mixed Communities

Promotes a mix of housing types, sizes and tenures to meet the needs of all sectors of housing demand.

#### HG6: Dwellings Size and Type

Requires a mix of housing types, sizes and tenures on developments of 10 or more dwellings.

#### HG7: Residential Densities

Requires residential developments to achieve an appropriate density. This policy refers to minimum densities from government guidance that have long since been superseded by the NPPF.

#### HG9: Private Amenity Space

Requires a minimum level of private amenity space (garden space) for new homes depending on how many bedrooms they have.

COM2: Community Safety

Requires developments to contribute toward a safe and secure environment and minimise the opportunities for crime and anti-social behaviour.

COM6: Provision of Recreational Open Space for New Residential Developments

Requires residential developments on sites of 1.5 hectares or more to provide 10% of the site area as public open space, or a financial contribution from smaller developments.

COM21: Light Pollution

Requires external lighting for new development to avoid unacceptable impacts on the landscape, wildlife or highway and pedestrian safety.

COM23: General Pollution

States that permission will be refused for developments that have a significant adverse effect through the release of pollutants.

COM29: Utilities

Seeks to ensure that new development on large sites is or can be supported by the necessary infrastructure.

COM31a: Sewerage and Sewage Disposal

Seeks to ensure that new development is able to deal with waste water and effluent.

EN12: Design and Access Statements

Requires Design and Access Statements to be submitted with most planning applications.

EN13: Sustainable Drainage Systems

Requires developments to incorporate sustainable drainage systems to manage surface water run-off.

TR1a: Development Affecting Highways

Requires developments affecting highways to aim to reduce and prevent hazards and inconvenience to traffic.

TR3a: Provision for Walking

Seeks to maximise opportunities to link development with existing footpaths and rights of way and provide convenient, safe attractive and direct routes for walking.

TR4: Safeguarding and Improving Public Rights of Way

Encourages opportunities to expand the public right of way network. Requires that developments affecting an existing public right of way accommodate the definitive alignment of the path or, where necessary, seek a formal diversion.

TR5: Provision for Cycling

Requires all major developments to provide appropriate facilities for cyclists.

TR6: Provision for Public Transport Use

Requires developments to make provision for bus and/or rail where transport assessment identifies a need.

TR7: Vehicle Parking at New Development

Refers to the adopted Essex County Council parking standards which will be applied to all non-residential development.

CL15: Residential Development in Jaywick

Sets out strict requirements for new development in Jaywick which have since been found to be ineffective in achieving positive development.

**Tendring District Local Plan 2013-2033 and Beyond: Preferred Options Consultation Document (Published July 2016)**

Relevant policies include:

SP1: Presumption in Favour of Sustainable Development

Follows the Planning Inspectorate's standard wording to ensure compliance with the NPPF.

SPL1: Managing Growth

Identifies Clacton and Jaywick as a smaller rural settlement where smaller scale development is envisaged as part of a sustainable strategy for growth.

SPL2: Settlement Development Boundaries

Seeks to direct new development to sites within settlement development boundaries.

SPL3: Sustainable Design

Sets out the criteria against which the design of new development will be judged.

HP4: Open Space, Sports and Recreation Facilities

Requires larger residential developments to provide a minimum 10% of land as open space with financial contributions toward off-site provision required from smaller sites.

LP1: Housing Supply

Sets out how the Council will meet objectively assessed housing needs over the next 15-20 years and in which parts of the district.

LP2: Housing Choice

Promotes a range of house size, type and tenure on large housing developments to reflect the projected needs of the housing market.

LP3: Housing Density and Standards

Policy requires the density of new housing development to reflect accessibility to local services, minimum floor space requirements, the need for a mix of housing, the character of surrounding development and on-site infrastructure requirements.

LP4: Housing Layout

Policy seeks to ensure large housing developments achieve a layout that, amongst other requirements, promotes health and wellbeing; minimises opportunities for crime and anti-social behaviour; ensures safe movement for large vehicles including emergency services and waste collection; and ensures sufficient off-street parking.

PPL1: Development and Flood Risk

Seeks to direct development away from land at a high risk of flooding.

PPL3: The Rural Landscape

Requires developments to conserve, where possible, key features that contribute toward the local distinctiveness of the landscape and include suitable measures for landscape conservation and enhancement.

PPL5: Water Conservation, Drainage and Sewerage

Requires developments to incorporate sustainable drainage systems to manage surface water run-off and ensure that new development is able to deal with waste water and effluent.

CP1: Sustainable Transport and Accessibility

Requires developments to include and encourage opportunities for access to sustainable modes of transport, including walking, cycling and public transport.

CP3: Improving the Telecommunications Network

Requires that new developments be served by superfast or ultrafast broadband.

**Other Guidance**

Essex County Council Car Parking Standards – Design and Good Practice

Essex Design Guide for Residential and Mixed-Use Areas.

Jaywick Strategic Flood Risk Assessment

**3. Relevant Planning History**

3.1 The site has no relevant planning history.

**4. Consultations**

TDC Open  
Space and Play

No contribution required.

EDC  
Environmental  
Health

There is concern of the historical use of asbestos on the original structures there and fires have also been on site. We would therefore like to request a contaminated land assessment:

*No development shall take place until the ground conditions on the site have been subject to a detailed investigation to establish their suitability for the proposed end use. A historical investigation, sampling and analysis of current soils, site assessment and action plan to remedy any contamination must be agreed by the local planning authority in writing and carried out prior to the commencement of any other works in relation to any development on the site.*

*Reason: Due to the nature of the construction of the current buildings and surrounding buildings*

Can we also ask for further information pertaining to the proposed external lighting scheme for the site?

TDC Housing

The Housing Department is supportive of this application as it will assist in the regeneration of Jaywick but we accept that any contribution, be it on site provision of a financial contribution, will threaten the viability of the development. Therefore no contribution is required.

ECC Highways

The Highway Authority originally raised an objection to this application on the grounds that the parking facilities proposed were not in accordance with current policy standards. Experience has demonstrated that under normal circumstances this will create a problem in the highway due to

additional vehicles being left off-site, additional braking and turning movements conflicting with current highway users, and therefore and increased risk of collisions.

However, since submitting the initial recommendation, we have been provided with further details regarding vehicle ownership levels typically experienced in this vicinity and notes that this is far lower than average. We are now content that the proposals will not create a highway safety or efficiency issue and is happy to remove the previous objection subject to the following:

- Prior to occupation of the development the vehicular parking facility, 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.
- No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- At no point shall gates be provided at the vehicular access. The access shall remain open and free for use in perpetuity.
- Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for individual parking space, retained in perpetuity.
- Prior to the commencement of the development the details of the number, location and design of cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved facility shall be secure, convenient and covered and provided prior to occupation and retained at all times.
- No works shall commence until a detailed sustainable transport mitigation package has been submitted to and agreed, in writing, by the Local Planning Authority. This package will provide information on how the applicant proposes to mitigate any increase in private vehicular use associated with the development and will include appropriate information on all sustainable transport modes including bus and rail travel, cycling, walking and community transport in the vicinity of the site. The package shall thereafter be implemented as a greed for each individual dwelling and/or premises within 14 days of the first beneficial use or occupation of that unit.

ECC  
Archaeology

The proposed development lies within a region of high potential for both Palaeolithic archaeological remains and early prehistoric archaeological remains. Sediments from a former river channel laid down by the ancestral Thames before it was diverted have yielded internationally significant Palaeolithic remains and Pleistocene faunal remains within the area. In addition findspots from along the foreshore have yielded Mesolithic and Neolithic remains which suggest early prehistoric settlement and activity within the immediate area. There is the potential for significant Pleistocene sediments to be present below the surface geology which may contain Palaeolithic archaeological remains as well as buried prehistoric landsurfaces which may be impacted by the proposed development.

If the Council is minded to grant planning permission, the following condition is requested: *"No development or preliminary ground-works can commence until a programme of archaeological and geoarchaeological evaluation has been secured and undertaken in accordance with a Written Scheme of Investigation, which has been submitted by the applicant, and approved by the planning authority. Following the completion of this initial*



*phase of archaeological work, a summary report will be prepared and a mitigation strategy detailing the approach to further geoarchaeological investigation and/or preservation in situ through re-design of the development, shall be submitted to the local planning authority.”*

Essex County  
Council Flood  
Authority

The site will not introduce a significant amount of new impermeable areas, we consider the scale of this development to be minor and do not provide any specific comments on the drainage strategy for the site. However, we note that the site is located in Flood Zone 3 and the Council should consult the Environment Agency. The Council has a responsibility to consider:

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

Anglian Water

Assets affected: Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

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

Foul Sewerage Network: The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

Surface Water Disposal: The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. We would therefore recommend that the applicant needs to consult with Anglian Water and the Lead Local Flood Authority (LLFA). We request a condition requiring a drainage strategy covering the issue(s) to be agreed: *“No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.”*

Environment  
Agency

The site lies within tidal Flood Zone 3a, defined as having a high probability of flooding. The proposal is for the demolition of existing detached bungalows and erection of a four story block of flats, which is classified as ‘more vulnerable’ development in the Planning Practice

Guidance. To comply with national policy, the application needs to pass the Sequential and Exception Tests, and be supported by a site specific Flood Risk Assessment (FRA). We are satisfied that FRA provides you with the information necessary to make an informed decision.

## **5. Representations**

5.1 The Council has received representations from one resident who supports the proposal and the investment in Jaywick in principle but has made the following (summarised) observations, criticisms and suggestions:

- The garages will detract from the coastal path and national cycle route and are an ugly incongruous addition;
- The garages will be un-overlooked and will create opportunities for crime;
- CIL contributions should be secured to by and refurbish the café;
- The applicant refers to Art-Deco style being of the 1950s, when in fact it hails from the 1920s and 1930s;
- It would be preferable to have living space such as a kitchen on the ground floor as this will reduce the overpowering scale and height of the development;
- This is a wonderful opportunity for Jaywick, work with the community, resubmit and amended application and get it right.

## **6. Assessment**

### **The Site**

6.1 The application site comprises 0.06 hectares of land on Brooklands, fronting the seafront and located between the parallel site streets of Riley Avenue and Humber Avenue. At the time of site visit, site contained five vacant single-storey bungalows that were in the process of being demolished.

### **The Proposal**

6.2 As a full application, the Planning Committee is being asked to approve a detailed proposal for a four-storey block of 15 flats containing 15 parking spaces and cycle storage on the ground floor. The first and second floors would each contain 5 x 1-bed flats and 1 x 2-bed flats and the third floor would contain 2 x 3-bed flats and 1 x 2-bed flat. The 1-bed flats measure between 40 and 51sqm, the 2-bed flats measure between 62 and 67 sqm and the 3-bed flats measure 75sqm and 86 sqm floor area. The flats fronting Brooklands will have balconies and flats on the top floor (and one on the second floor) will benefit from an outside terraced area. A communal garden area is to be provided to the rear of the building. The block of flats would be 12 metres high and of flat-roofed contemporary design, rendered finish and with a vertical emphasis and use of windows reminiscent of art-deco and 'Moderne' movement architecture popular in coastal areas in the 1920s and 1930s.

### **Main Planning Considerations**

6.3 The main planning considerations are:

- Principle of development;
- Jaywick Regeneration Policies;
- Flood risk issues;
- Highways, transport and accessibility;
- Environmental Impacts;
- S106 planning obligations;

- Design and layout; and,
- Overall planning balance.

### **Principle of development**

- 6.4 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a material consideration in this regard.
- 6.5 The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF 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 216 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 14<sup>th</sup> July 2016, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document. As this plan is currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. 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 216 of the NPPF, they will be considered and, where appropriate, referred to in planning decisions. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.
- 6.6 The site comprises existing development well 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 in both adopted and emerging Local Plans, there is a general presumption in favour of development in principle.
- 6.7 However, this part of Jaywick falls within Flood Zone 3a and notwithstanding its location within the settlement development boundary, the Council is still required to give special consideration to flood risk issues and the requirements of the NPPF i.e. the 'sequential' and 'exceptions' tests. These are considered in more detail later in this report.
- 6.8 The Brooklands, Grasslands and Village areas of Jaywick are also 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.

### **Jaywick Regeneration Policies**

- 6.9 In the adopted Local Plan, 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 one 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 foot path.

6.10 The policy then says the approval of any new dwelling will be subject to a contribution through s106 legal agreement towards the continued wider regeneration of Jaywick.

6.11 However, this 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 Councils 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. The Council's 2012 Draft Local Plan included a far more positive policy which sought to encourage appropriate development rather than restrict innovation. Whilst this policy does not feature verbatim within the 2016 Preferred Options Draft, the principles have been applied in the consideration of this application.

### **Flood risk issues**

6.12 The site, and the rest of this part of Jaywick, is in Flood Zone 3 – the highest area of risk due to its low-lying position on the coast. The NPPF, as supported by relevant policies in the adopted and emerging Local Plans, requires a 'sequential approach' to the location of new development which seeks to direct new development to the locations at lowest risk. In Tendring, there are clearly many locations of lower risk where a block of 15 flats could be located but in Jaywick an exceptional approach is justified where new development can assist in the regeneration of the area and helping to reduce the risk of flooding to life and property overall.

6.13 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 103 of the NPPF requires such developments to be informed by site-specific flood risk assessment and to demonstrate that:

- Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- Development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

6.14 The application is accompanied by a site-specific flood risk assessment which, as advised by the Environment Agency, provides sufficient information for the Council to make an

informed decision. The conclusions and recommendations in the assessment are summarised as follows:

- The site is in Flood Zone 3 'High Risk' with the primary source of flooding being tidal flooding from the North Sea;
- The existing sea defences protect the area to a 1 in 1,000 year tidal event standard but the site is at risk of overtopping of the sea defences for tidal events in the future;
- Compared with other parts of Jaywick, and based on the findings of the Council's own Strategic Flood Risk Assessment, the site is not currently located in a 'hazard area' but this is expected to change in the future;
- In the event of a flood, the site could flood to between 1 and 2 metres;
- The design of the development with only parking, bin storage and communal garden on the ground floor will ensure the dwellings (with minimum finished floor level of 5.605m AOD) would remain safe and dry throughout the lifetime of the development;
- It is recommended that residents remain in their homes during a breach or overtopping flood event and only leave the premises once the tide recedes or the emergency services can attempt a rescue.
- It is recommended that residents subscribe to the EA Flood Warning service, and that a Flood Warning and Evacuation Plan is prepared and distributed among residents, to make them aware of the risk to the premises.

6.15 The minimum floor level and the evacuation plan can be secured through planning condition if the Committee is minded to approve. Overall, Officers consider that the development will meet with the NPPF Exceptions Test if these conditions are imposed.

6.16 Having no living accommodation on the ground floor is key to the flood resilience of this scheme. Although the local objector has suggested that the garages would be unsightly and that kitchens could be included on the ground floor to reduce the overall height, this is something that could not be acceptable in flood risk terms in taking this exceptional approach.

### **Highways, transport and accessibility**

6.17 Paragraph 32 of the NPPF relates to transport and requires Councils, when making decisions, to take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

6.18 Policy QL2 in the adopted Local Plan and Policy CP1 in the emerging Local Plan seek to ensure that developments maximise the opportunities for access to sustainable transport including walking, cycling and public transport. Located in the heart of Jaywick on a bus route and public footpath, Officers are content that this is a sustainable location for development in transport and accessibility terms.

6.19 Initially the Highway Authority issued an objection over the minimal amount of car parking and this possibly leading to on-street parking (a concern raised in local representations).

However this objection has since been withdrawn having considered further details regarding vehicle ownership levels typically experienced in this vicinity and notes that this is far lower than average. ECC is now content that the proposals will not create a highway safety or efficiency issue and is happy to remove the previous objection subject to conditions.

- 6.20 With only 15 spaces to serve 15 flats (as opposed to 24 that would normally be required in accordance with ECC standards), an exceptional approach is again required. A balance needs to be struck between the opportunity to facilitate the regeneration of Jaywick through an economically viable development scheme and the physical limitations of the site that only allow a certain number of spaces to be provided.

### **Environmental impacts**

- 6.21 As site occupied by derelict bungalows in the process of demolition, the site is not of any significant ecological value. The development would have a radical impact on landscape character, particularly when viewed from the seafront – but Officers consider that a seafront location with prime views over the sea is an appropriate location for taller development of contemporary design. The County Council Archaeologist has suggested a condition to secure an archaeological assessment and this would be applied if the development is approved. The Council's Environmental Health Team has requested a Contaminated Land Assessment and details of external lighting to be secured through condition.

### **S106 planning obligations**

- 6.22 The number of units proposed are below the threshold that would normally require financial contributions towards education or health provision. Whilst the scheme would still be liable for financial contributions towards open space, this is an area of low property values where economic viability is a genuine issue. In the interest of facilitating the regeneration of Jaywick and ensuring a scheme has maximum chance of actually being delivered, it is proposed that no financial contributions be sought through a s106 legal agreement (including any contributions towards refurbishing the local café as suggested by the resident that has commented). It is also considered that tying a proportion of the dwellings into being provided as affordable housing in perpetuity through a s106 might have a detrimental impact on the scheme's viability.

### **Design and Layout**

- 6.23 The contemporary take on art-deco and Moderne design, in general terms, is appropriate for a coastal location overlooking the sea but is radically different from existing development in the area which generally consists of single-storey bungalows, many of which are of sub-standard condition. At 12 metres in height, this development would be more than double the ridge height of neighbouring properties and three times the eaves height. The development would be entirely out of keeping and out of character and would give rise to concerns over overlooking and some loss of light for existing properties, particularly those located in Riley Avenue and Humber Avenue to the rear. The rear boundary of the development would be close to the side boundaries of the existing properties.
- 6.24 In any other location, Officers would advise that such a development is inappropriate in planning terms for being so radically out of character with the wider area and giving rise to neighbouring amenity concerns. 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 – particularly if climate change results in rising sea levels as projected by the Environment Agency and in poor residential conditions. Because this development contains 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 help set the tone for 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 – but an alternative strategy for regenerating Jaywick would be needed.

### **Overall Planning Balance**

- 6.26 The NPPF applies a 'presumption in favour of sustainable development' for which sustainable development addresses economic, social and environmental considerations. These are weighed in the balance as follows:
- 6.27 Economic: Whilst the development would be totally residential, it provides an opportunity to introduce a new standard of design and flood resilience into the area which could inspire other property owners to follow suit – thus helping to facilitate long-term regeneration of this deprived area. There would also be indirect economic benefits associated with increasing expenditure in the local economy and providing temporary construction jobs.
- 6.28 Social: The provision of 15 dwellings will help to meet housing needs and will introduce a better, more resilient form of accommodation into the area that might inspire the owners of other sub-standard properties to follow suit in the interest of regenerating Jaywick. In the longer-term, such an approach could bring about a significant improvement in the safety, health and employment prospects of future residents.
- 6.29 Environmental: The ecological and landscape impacts of this development will be negligible. The main environmental benefit will be introducing a form of development that is flood resilient and that could inspire other property owners of unsafe and sub-standard dwellings to follow suit. The disadvantage of this development is that it will be radically different from and very much out character with the form of dwellings that are currently present, but this needs to be weighed up with the opportunity to inspire the longer-term regeneration of Jaywick.
- 6.30 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 standard conditions, but if the Committee feels that the radical appearance of the development and its impact on neighbours outweigh the potential benefits, then refusal would be a legitimate course of action – but this would raise the question of how future regeneration is ever going to be achieved.

### **Background Papers**

None.