

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	12/04/2021
Planning Development Manager authorisation:	TF	12/04/2021
Admin checks / despatch completed	DB	13.04.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	14.04.2021

Application: 21/00314/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Taylor Wimpey UK Ltd

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

Development: Installation of equipped play area and soft landscaping (revision of Planning Application ref: 20/00431/FUL)

1. Town / Parish Council

FRINTON & WALTON TOWN COUNCIL
15.03.2021

Recommends -APPROVAL

2. Consultation Responses

N/a

3. Planning History

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
16/00171/FUL	Construction of a temporary access.	Approved	01.04.2016
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	
17/01412/DISCON	Discharge of Condition 09 (Roofing Materials) of Planning Permission 15/01714/FUL.	Approved	05.09.2017
17/02013/DISCON	Discharge of condition 11 (Boundary Treatment) of approved planning permission 15/01714/FUL.	Approved	12.12.2017
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
18/01297/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
18/01781/DISCON	Discharge of Condition 3 (Hard and Soft Landscaping) of application 15/01714/FUL with drawing 20875/CIV/1251 C3 substituting drawing 1251 T1 .	Withdrawn	11.12.2018
18/01921/FUL	Full planning permission for re-grading earth works to the permitted open space consented under application 15/01714/FUL.	Approved	18.09.2019
19/00301/DISCON	Discharge of conditions 3 (landscaping), 9 (Materials) and 11 (Boundary Walls) of approved application 15/01714/FUL.	Approved	16.07.2020
19/00981/FUL	Proposed re-grading earthworks and associated landscaping and	Withdrawn	16.07.2020

fencing to the permitted open space consented under application 15/01714/FUL.

20/00431/FUL	Proposed installation of an equipped area of play.	Approved	13.07.2020
21/00314/FUL	Installation of equipped play area and soft landscaping (revision of Planning Application ref: 20/00431/FUL)	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9	Design of New Development
QL10	Designing New Development to Meet Functional Needs
QL11	Environmental Impacts and Compatibility of Uses
EN1	Landscape Character
COM2	Community Safety
COM6	Provision of Recreational Open Space for New Residential Development
COM22	Noise Pollution

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

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
HP2	Community Facilities
HP5	Open Space, Sports & Recreation Facilities
SPL3	Sustainable Design
PPL3	The Rural Landscape

Local Planning Guidance

Essex Design Guide for Residential and Mixed Use Areas

Provision of Recreational Open Space for New Development

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (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. In this latter regard, as of 26th January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10th December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26th January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The site is part of a parcel of land which is public open space associated with a new housing development on the former Martello Caravan Park, now known as Hamford Park. This parcel of public open space was intended to form space for a trim trail.

To the north of the parcel of land is agricultural land behind a hedgerow. To the east is tidal mud flats. To the west is a cul-de-sac of three detached houses, Saltfleet Close. To the south is the carriageway, with parking spaces off it on the northern side, of a road named The Creek. The Creek has housing along the southern side of the road.

Proposal

The proposal is for the installation of children's play equipment (revision to previous approval). The proposed changes therefore:

- Redistribute tree planting to the northern boundary of the Site; and
- Re-position the area of equipped play more centrally within the open space and the height of the equipment reduced.

The proposed changes do not alter the number or mix of tree species. The area of equipped play also remains easily accessible and well surveyed.

The collection of children's play equipment would consist of six items of equipment:

1. Active trail palisade trail crossover stepping logs
2. Balance snoopy flotsam
3. Balance samba net footbridge
4. Active trail zig zag beam
5. Boogie Woogie pipeline course: a convoluted pipe raised above the ground
6. Disco fox balancing beam

Details of the equipment refer to all the items of equipment being intended for children of three years of age or older.

The equipment would have playground safety surfacing manufactured by Matta Products.

Assessment

The application follows the grant of full planning permission for the redevelopment of the Martello Caravan Car Park for 216 homes (application ref 15/10714/FUL) and a subsequent separate permission for an equipped area of play within the development (application ref 20/00431/FUL).

The purpose of this application is to amend the location of the previously approved play area within the principal area of open space in the north-east corner of the residential development and to adjust the distribution of trees within this open space, as previously approved under the 2015 permission.

The proposed changes do not alter the number or mix of tree species. The area of equipped play also remains easily accessible and with good natural surveillance from a child safety perspective.

The current proposed position is no further back within the open space than the originally approved position but further away from residences than the most recently approved location. It does however retain good natural surveillance, being located more centrally. Whilst the height of the play area has been reduced, the number of pieces and quality of play is not diminished.

Overall, it is considered that the changes are acceptable as they continue to contribute to the delivery of a good quality area of open space.

In terms of trees, these will be re-positioned to the northern boundary, but there will be no net loss of trees. Bare rooted/shrub planting has been re-positioned along the northern boundary. This has been positioned in "groups" to maintain clear views through to the water beyond. The planting has been re-positioned away from a sheet piled wall, which needs to be kept clear for maintenance. A condition will be applied to the approval to secure the planting showing on the approved plans and the replacement of any planting that dies or doesn't take hold.

Other Considerations

The Council's Trees and Landscaping Officer has expressed concerns at the removal of trees present on the eastern boundary. However, revised plans have been received to ensure that no trees will be removed from site but re-distributed along the northern boundary. As a result the proposals do not result in the loss of any trees.

Frinton & Walton Town Council recommends approval of the application.

12 written objections have been received which make the following points:

- Purchase of house based on an understanding that a fully functioning play area would be provided and not a trim trail
- Fully support re-location of trim trail and landscaping to protect views
- Support application for a play area near children's homes

- More obstacles and wider range of equipment required on POS
- Fencing around balancing pond and trim trail required along with seating areas.

In response to these representations;

The balancing pond would be nearly 30m from the playground. The landscaping plan shows the area of the balancing pond as a "long grass/wildflower sward" indicating that it would not be a permanent water feature but rather a pond which would fill only in wet weather, a swale. The playground is considered to be a sufficient distance from the balancing pond and would not warrant the construction of a fence.

The planning history relating to the POS has never shown a larger play park incorporating a wider range of equipment. A trim trail was originally approved in 2018 and its position revised in 2020. Against this backdrop and given the planning history the provision of trim trail here has been agreed acceptable.

Other matters have been raised in public comment to the proposal but these are not planning matters. The proposal has been evaluated and a conclusion reached that there is no matter individually or matters cumulatively sufficient to reasonably justify refusal.

6. Recommendation

Approval

7. Conditions

- 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 All changes in ground levels, hard landscaping, planting, seeding or turfing shown the approved landscaping details drawing no. 15.1807.20.G, 15.1807.21.I, 15.1807.27.I and 15.1807.28.H 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 implementation of the approved scheme and adequate maintenance of the landscaping for a period of five years in the interests of the character of the conservation area.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans:

- 15.1807.27.I
- 15.1807.28.H
- 20.5028.01.H
- 15.1807.20.G
- 15.1807.21.I
- 15.1807.53.B
- 21.5134.01.A

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.

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