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PLANNING POLICY AND LOCAL PLAN COMMITTEE

23 JANUARY 2023

REPORT OF THE DIRECTOR OF PLANNING

A.3 JAYWICK SANDS DESIGN GUIDE SUPPLEMENTARY PLANNING DOCUMENT

(Report prepared by Anthony Brindley)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT
<p>To seek the Planning Policy and Local Plan Committee's comments on the Jaywick Sands Design Guide Supplementary Planning Document (SPD) Draft April 2022 consultation exercise. To seek the Committee's approval to recommend to Cabinet that the document is adopted with the proposed alterations.</p>
EXECUTIVE SUMMARY
<p>The regeneration of Jaywick Sands currently comprises two key work streams:</p> <ul style="list-style-type: none">- The Jaywick Sands Place Plan SPD (outlined in a separate committee report); and- The Jaywick Sands Design Guide SPD. <p>A corporate priority is supporting the community in Jaywick Sands, in particular, with more and better housing. The Jaywick Sands Design Guide SPD will provide key guidance to developers, helping to speed up the planning process and facilitate the re-development of poor quality housing.</p> <p>The Design Guide is divided into a number of chapters covering characterisation; flood resistance and resilience; massing, scale and building form; streetscape and parking; internal and external space standards; and climate change and biodiversity. The appendices provide worked examples of designs so the applicant can understand the practical implementation of the requirements. The document has been produced in consultation with the Environment Agency and other stakeholders.</p> <p>The consultation attracted 1 response online, 3 email responses and 3 substantive responses from statutory consultees. While this appears to be a low response rate, more comments were received at in-person drop-in events and in responses to the associated Place Plan consultation. There were no formal objections to the document; however, there were detailed comments from the public, particularly on accessibility to properties, accessibility to the beach and the design and size of new dwellings.</p> <p>There were no formal objections from statutory consultees, however, comments were received from Essex County Council which included the requirement for net zero carbon dwellings, high design and</p>

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environmental standards and the need for green infrastructure. There were also detailed comments in relation to the text. The Environment Agency did not object to the document, however, its main comment was that it does not support any net increase in people living within the areas of Jaywick Sands within Flood Zone 3.

All the above comments have been taken into account in the Council's response outlined below.

RECOMMENDATIONS

That the Planning Policy and Local Plan Committee:

- a) endorses the Jaywick Sands Design Guide Supplementary Planning Document (SPD) with Officers' recommended alterations; and**
- b) recommends to Cabinet that the above document (forming Appendix 1) be adopted with the Director of Planning given delegated powers to make any necessary minor or consequential amendments to the document before the final adopted version is published.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The Jaywick Sands Design Guide Supplementary Planning Document Consultation, referred to hence as the "Design SPD", will support the Corporate Plan 2020-24 (aligned with the core themes of Tendring4Growth and Community Leadership). A corporate priority is supporting the community in Jaywick Sands, in particular, with more and better housing. The Design Guide will provide key guidance to developers, helping to speed up the planning process and facilitate the re-development of poor quality housing.

RESOURCES AND RISK

Resources: TDC Officers are managing this project with HAT Projects Ltd producing the document.

Risks: the adoption of the Design SPD will assist in the replacement of poor quality housing with properties built to appropriate standards taking into account environmental factors such as flood risk. The adoption of the standards contained in the Design SPD will improve the safety and amenity of residents.

LEGAL

Policy PP14 of the Tendring Local Plan states that 'Brooklands', 'Grasslands' and 'the Village' areas of Jaywick Sands are Priority Areas for Regeneration. Paragraph 6.10.5 explains that the

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Council will produce a Design Guide SPD to guide replacement dwellings and small infill development. The Design Guide SPD will fulfil this commitment in the Local Plan.

The Design SPD is being prepared under the terms of the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (Regulations 11-16).

The process for preparing an SPD is similar to a Local Plan document. However, an SPD is not subject to an independent examination by the Planning Inspectorate. There are four main stages in their production:

1. Preparation and informal consultation;
2. Statutory consultation (four to six weeks);
3. Consideration of representations and completion of final draft of the SPD; and
4. Adoption of the SPD.

The Committee report requests permission from the Committee that it recommends to Cabinet to proceed with Stage 4 of the process.

There is not a legal requirement for an SPD to be accompanied by a Sustainability Appraisal and this is reinforced in national planning guidance. However, in exceptional circumstances, there may be a requirement for Strategic Environmental Assessment (SEA) where it is considered likely that the document could have a significant effect on the environment that has not already been assessed within the SEA of the Local Plan. A screening assessment has been undertaken and concludes that further such assessment is not necessary. A screening exercise has also been carried out to determine whether the document gives rise to the need for an Appropriate Assessment (under the Habitats Regulations). This similarly concludes that such an assessment is not necessary. The SPD is supported by an Equality Impact Assessment. This concludes that the Design SPD will not have a significant adverse impact on persons sharing any of the characteristics protected under the Equality Act 2010.

Once adopted, the Design Guide SPD will be formal planning guidance and will be considered as a material consideration when assessing planning applications.

OTHER IMPLICATIONS

Crime and Disorder: the replacement of poor quality housing with more secure accommodation should lead to less crime and disorder. The Police service was also consulted as part of the consultation exercise.

Equality and Diversity: The Design Guide SPD has been subject to an Equalities Impact Assessment (EQIA) which raises no issues that would suggest the SPD should not be adopted.

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Health Inequalities: The general health in Jaywick Sands is poor, with over 20% of residents in bad health or very bad health according to 2011 census data. Across Jaywick Sands, only 25% of residents are in very good health, while Tendring district averages at just under 40% and nearly 50% nationally. There is not much variation, though Brooklands and Grasslands are worse, with poor health almost five times higher than the national average. As this area actually has the youngest age profile of all the Jaywick Local Super Output Areas, it is particularly concerning that the concentration of poor health is found in this area. This also correlates with the Index of Multiple Deprivation data on health. The improvements in housing will improve the living standards of residents and result in less health inequalities.

Area or Ward affected: West Clacton and Jaywick Sands Ward

Consultation/Public Engagement: The consultation was held from 9am on 5th September 2022 to 5pm on 27th October 2022. The draft SPD and other supporting documents were available for inspection during the consultation period at the following locations:

- online on the Council's website; and
- in hard copy at the Council's offices and libraries through the District.

In addition, drop-in events were held during the consultation period, in liaison with community groups and venues in Jaywick Sands and in conjunction with the planned consultation on the Jaywick Sands Place Plan. Times and venues for drop-in events were publicised on the Council's website and social media as well as through flyers distributed to all households in Jaywick Sands.

The drop-in and online events held were:

- Saturday 24th September: Inclusion Ventures;
- Wednesday 28th September: online webinar;
- Friday 30th September: Inclusion Ventures (senior lunch club – not open to the general public);
- Friday 7th October – Martello Tower;
- Thursday 13th October – Community Resource Centre; and
- Saturday 22nd October – Community Resource Centre.

In accordance with statutory requirements, a Public Notice was placed on the Council's website. An advertisement was also placed in the Clacton Gazette (with associated on-line advertisement) and a press release was issued to raise awareness of the consultation through local media outlets.

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The regeneration of Jaywick Sands currently comprise two key work streams:

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- The Jaywick Sands Design Guide SPD; and
- The Jaywick Sands Place Plan (outlined in a separate committee report)

The Design Guide SPD aims to guide the development of new and replacement dwellings within the existing residential areas of Brooklands, Grasslands and the Village.

This Design SPD is a tool for:

- Stakeholder and community members when commenting on planning applications or early stage proposals;
- Property owners and developers, and their design and planning consultants, in producing proposals for their sites; and
- Planning officers in determining planning applications and pre-application submissions.

Much of the site, including existing residential development, is within an area at high risk of flooding. Public safety is the highest priority and the Council has worked, in particular with the Environment Agency, to identify a strategy to safeguard and improve public safety as well as achieve wider regeneration benefits. It has already been accepted that regeneration of the area presents an opportunity to improve the safety of existing residents. The agreed approach is to allow new development, including new dwellings, in the area and to manage risk from flooding through bespoke building design rather than by resisting development as a the standard 'sequential test' in the National Planning Policy Framework would do.

JAYWICK SANDS DESIGN GUIDE SPD

Consultation Responses

The consultation attracted 1 response online, 3 email responses, and 4 substantive responses from statutory consultees. While this appears to be a low response rate, many comments were received at in-person drop-in events and in responses to the wider Place Plan consultation that were relevant to the SPD. The material planning matters raised have been included in the summary of feedback.

Consultation

The following feedback was received:

Public and non-statutory bodies

The comments from the public and non-statutory body response can be summarised as the following:

- Seafront development must include disabled access to the sea wall and promenade;
- Designs of buildings should be flood proof and have aesthetic design in keeping with a seaside resort;

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- Consideration should be made to make the new properties wheelchair accessible allowing for appropriate access in the case of flooding;
- 4 storey buildings are not conducive with a seaside town;
- Building companies should install solar panels as standard;
- Limited and in many cases impossible access for disabled people to local amenities, shops, dental surgeries and doctors;
- Disabled access must be fully considered in the future;
- Cycle parking – cycle garage, cycle hangars, security of cycling storage should be included; and
- Developer contributions should be used towards improving the Jaywick-Clacton cycle route.

A list of the informal comments mentioned at the consultation event is outlined in the Consultation Statement.

Statutory consultees responses:

- Affinity Water: no specific comments, welcome mention and continued consistent application of Policy PPL5: Water Conservation, Drainage and Sewerage from the Tendring Local Plan;
- Coal Authority: no comments;
- Historic England: no specific comments;
- Marine Management Organisation: no specific comments, standard advice regarding the Coastal Concordat reiterated;
- National Highways: no comments; and
- Natural England: no specific comments.
- Police: no comment

Essex County Fire and Rescue Service (ECFRS) submitted a number of detailed comments, the key issues in relation to this document being:

- Noted that the design guide discusses and considers climate change over the longer term. ECFRS agree climate change is a vital consideration due to the increased vulnerability in the Jaywick area and the possible range of impacts arising for vulnerable residents in the area from climate change. ECFRS supports engagement with communities.
- ECFRS advise consideration of:
 - suitable principles in design to avoid deliberate fire setting;
 - road widths to be accessible whilst not impeding emergency service vehicle response through safe access routes for fire appliances including room to manoeuvre (such as turning circles);
 - the inclusion of electric vehicle charging points is welcomed, however, the position of the charging points should be considered in relation to fire spread to properties in the event of a fire in an electric vehicle;
 - support the proposed provision of off street (on plot) parking;
 - the location of storage of refuse should consider the potential for fire spread in event of an accidental or deliberate fire within stored refuse.

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The NHS Suffolk and North East Integrated Care Board supported the objectives of the SPD. However, they made the following comments:

- The need to ensure the community is fully engaged in future plans, particularly, people impacted by inequalities;
- NHS England will not support new health facilities within a flood risk zone, however, a health hub, possibly using community infrastructure, may be possible;
- Significant new development of houses would require section 106 contributions to mitigate the impact on the local surgery.

Essex County Council (ECC) was supportive of the document but made a series of detailed comments and suggested changes to each section of the document:

- Would like to see Local Plan policies referred to in each guidance section (Shaded box);
- Introduction - Refer to Local Plan Policies PPL1 and PPL10;
- Page 4 - Note that car and cycle parking standards are not 'Essex County Council' standards but are 'Essex Parking Standards';
- Page 7 - Further define 'High quality frontage';
- Page 29 – clarify that the Shoreline Management Plan is a government document and the responsibility of the Environment Agency;
- Page 32 – update reference to PPG (Planning Practice Guidance) 3 to reflect new PPG referencing;
- Page 39 – clarify whether TDC seeks, or has sought, to withdraw permitted development rights; and
- Page 41 - The introductory text to this section in the third paragraph should refer to ECC as the Lead Local Flood Authority (LLFA) responsible for surface water management. The Essex SuDS Design Guide should also be referenced. Include reference to the Essex Climate Action Commission (ECAC), which is a formal independent cross-party commission established in October 2019. The ECAC's formal role is to identify ways where we can mitigate the effects of climate change, improve air quality, reduce waste across Essex and increase the amount of green infrastructure and biodiversity in the county; and explore how we attract investment in natural capital and low carbon growth.

ECC's comments seek to see the following requirements included in the SPD:

- Development is built to the highest standards of energy efficiency, water efficiency and renewable energy generation;
All buildings are net zero carbon;
- Proposals must demonstrate the application of the 'energy hierarchy' to reduce energy demand for heating, lighting, and cooling and minimise carbon dioxide emissions using an energy assessment tool proportional to the scale of the development;
- Proposals must minimise carbon emissions associated with operational energy and construction, including materials; and

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- All buildings must be designed to reduce energy demand and maximise fabric energy efficiency including such measures as: building orientation; high levels of insulation of roofs, floors, and walls; maximising air tightness; and using solar gain through window/door orientation whilst avoiding overheating.
- Section 7B: should state that all new development should incorporate SuDS (Sustainable Urban Drainage Systems) and have regard to the Essex SuDS Design Guide. Reference should be made to rainwater harvesting, grey-water recycling etc to mitigate surface water flood risk. Further, all minor developments should manage runoff off using porous surfaces or otherwise discharge from the site should be limited to 1-year greenfield rates or 1 l/s, whichever is greater.
- Section 7C: ECC seek wording similar to the below to be included regarding green infrastructure. Proposals will be encouraged that seek to conserve, and where appropriate enhance the green infrastructure of Jaywick Sands, demonstrating how they:
 - conserve and where appropriate enhance designated green spaces and/or create new green/open spaces where appropriate.
 - Improve the connectivity between wildlife areas and green spaces through green corridors and/or improvements to the Public Rights of Way (PRoW) and cycle and footpath networks.
 - enhance the visual characteristics and biodiversity of green spaces in close proximity to the development through biodiversity/environment net gain.
 - ensure their landscape schemes, layouts, access and public open space provision and other amenity requirements contribute to the connectivity, maintenance and improvement of the Green Infrastructure Network.
 - take into consideration the principles of Sustainable Drainage (SuDS) and natural flood management techniques, which will enhance biodiversity and ecosystems.
 - consider the multi-functional use and benefits of local green spaces as part of the Green Infrastructure network.

The Environment Agency is supportive of the document but had the following detailed comments:

- Comments on the stated flood depths are from most recent modelling. Ensure source of modelling is included in notes;
- Does not support any net increase in people living within the areas of Jaywick Sands within Flood Zone 3;
- Appendix worked examples should mention flood resilient construction; and
- Minor comments on referencing to updated Planning Practice Guidance and other minor wording changes (not substantive).

The proposed Council response to the above comments are outlined below:

Page/section ref	Change	Reason
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Page 4, Page 37,	Replace 'Essex County Council Highways standards' with 'Essex Parking Standards' throughout.	Using correct terminology following comment from Essex County Council
Page 7, section 2A	Amended guidance on what a 'high quality frontage	Comment from Essex County Council
Page 32	Change reference to Planning Practice Guidance 3 to Planning Practice Guidance: Flood Risk and Coastal Change and add hyperlink to https://www.gov.uk/guidance/flood-risk-and-coastal-change	For accuracy
Page 37	Change 'car charging point' to 'electric car charging point'.	For clarity following comment from Essex County Council
Page 37	Change 'Secure dedicated cycle storage' to 'Secure dedicated cycle storage, which could be in the form of a cycle hangar or cycle garage, and should include electric bike charging facilities'.	Comment from Colchester Cycling Campaign
Page 41	Third paragraph –reference added to Essex County Council as the Lead Local Flood Authority (LLFA) responsible for surface water management. Included reference to the Essex Climate Action Commission (ECAC)	Comment from Essex County Council
Page 42 section 7B	Amendment to first guidance point to read '...engineering mains drainage must be limited to 1-year greenfield rates, or 1 litre/second, whichever is greater. Add guidance point to read 'Development must have regard to the Essex SuDS Design Guide when designing sustainable drainage systems.' Add guidance point to read 'Development should incorporate rainwater harvesting and grey-water recycling where possible.'	Comment from Essex County Council
Generally	Many community members raised concerns about accessibility to properties with raised ground floors. Further guidance on this has been included, i.e. how to meet and interpret requirements of Part M of the Building Regulations and to require: <ul style="list-style-type: none"> - Internal stairs where required to access habitable space above a certain level. - Lift access for multi-family development (i.e. flats). - Design of external stairs to be non-slip and not to use metal handrails or steps. 	Community comments

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Generally	EA provided further detailed data and flood levels for 0.5% AEP in text and diagrams have been updated accordingly. Source of modelling included in references.	Comment from Environment Agency
Generally	Section 1 has been updated to clarify how guidance applies to development that results net increase and development that would result in no net increase.	Comment from Environment Agency (response to EA request adapted to align with wider Place Plan strategy)
Appendix	Add reference to flood resilience construction to worked examples	Comment from Environment Agency

CONCLUSION

Taking into account the discussion held at this meeting, Members of the Planning Policy and Local Plan Committee are invited to recommend to Cabinet that the Design SPD be adopted.

APPENDICES

Appendix 1 - Jaywick Sands Design Guide Supplementary Planning Document
Appendix 2 - Jaywick Sands Design Guide Supplementary Planning Document Consultation Statement

BACKGROUND DOCUMENTS

- [Strategic Environmental Assessment and Habitats Regulation Assessment Screening Opinion](#)
- [Equalities Impact Assessment December 2022](#)
- [Jaywick Sands Sequential Exception Test - Guidance for builders & developers \(2022\)](#)