

# Public Document Pack

Planning Policy and Local Plan Committee

23 January 2023

**MINUTES OF THE MEETING OF THE PLANNING POLICY AND LOCAL PLAN  
COMMITTEE,  
HELD ON MONDAY, 23RD JANUARY, 2023 AT 6.00 PM  
IN THE COMMITTEE ROOM, TOWN HALL, STATION ROAD, CLACTON-ON-SEA,  
CO15 1SE**

<b>Present:</b>	Councillors Turner (Chairman), Fairley (Vice-Chairman), Allen, Bush, Chapman BEM and Fowler
<b>Also Present:</b>	Councillors Bray (Portfolio Holder for Planning), Casey (except item 32), M E Stephenson (except item 32) and White (Chairman of the Planning Committee)
<b>In Attendance:</b>	Gary Guiver (Director (Planning)), Ian Ford (Committee Services Manager), Paul Woods (Planning Officer), Will Fuller (Planning Officer) and Emma Haward (Leadership Support Assistant)
<b>Also in Attendance:</b>	Hana Loftus (HAT Projects)

**24. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were submitted on behalf of Councillors Chittock, Nash and Winfield. There were no substitutions.

**25. MINUTES OF THE LAST MEETING**

It was **RESOLVED** that the Minutes of the last meeting of the Committee held on 10 October 2022 be approved as a correct record and signed by the Chairman.

**26. DECLARATIONS OF INTEREST**

There were no declarations of interest made by Members on this occasion.

**27. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38**

No questions on notice pursuant to Council Procedure Rule 38 had been submitted on this occasion.

**28. PUBLIC SPEAKING**

Pursuant to the provisions of the Council's public speaking scheme for the Planning Policy & Local Plan Committee, no member of the public had registered to ask at this meeting a question regarding the matters contained in the reports of the Director (Planning).

No member of the public attended the meeting to make a statement on the matters contained in the reports of the Director (Planning).

**29. REPORT OF DIRECTOR (PLANNING) - A.1 - LOCAL DEVELOPMENT SCHEME 2023 - 2027**

The Committee considered a report of the Director (Planning) (A.1) which sought its agreement to publish a new 'Local Development Scheme' (LDS) to update the proposed timetable for preparing planning documents, including the Local Plan Review and the Development Plan Document (DPD) for the Tendring Colchester Borders Garden Community (TCBGC).

Members were aware that the LDS was designed to set out the process for preparing key planning documents. It included the anticipated timetable of consultation periods, examinations and expected dates of adoption for the Local Plan Review and the TCBGC DPD. Publishing the LDS ensured that stakeholders, including members of the public, Town and Parish Councils, landowners and developers, partner organisations and the Planning Inspectorate were kept aware of the timetable the Council was working to and could organise their time and resources accordingly. The LDS was usually updated to cover three-year cycles of Plan preparation.

The Committee was informed that, following the adoption of Section 1 of the Local Plan in January 2021 and Section 2 in January 2022, the main focus of the LDS was now the 5-year review of the Local Plan as well as the TCBGC DPD.

It was reported that the review of the Local Plan would follow the same statutory process as the preparation of the Local Plan itself. A provisional timetable which covered the period 2023-2026 was proposed, which would enable the updated Local Plan to be examined by a Planning Inspector and adopted before January 2027.

The Committee was advised that the timetable for the TCBGC DPD had also been updated, reflecting the stages that had now been completed to date and the revised timescale for the subsequent steps, with adoption of that document anticipated to occur in the winter of 2023/24.

The LDS also included broad timescales for the following Supplementary Planning Documents and Neighbourhood Plans:

- Hartley Gardens SPD
- Jaywick Sands Design SPD
- Open Space SPD
- Climate Change SPD
- Elmstead Market Neighbourhood Plan and Neighbourhood Development Order
- Ardleigh Neighbourhood Plan
- Brightlingsea Neighbourhood Plan
- Community Infrastructure Levy (CIL) Charging Schedule

During the consideration of this item the Chairman extended an invitation to the Planning Portfolio Holder (Councillor Bray) and the Chairman of the Planning Committee (Councillor White) (both present at the meeting) to address the Committee.

Members requested the Director (Planning) to initiate, as soon as practicable, reviews of the following matters:-

Walton-on-the-Naze Regeneration Framework; and  
Haven Gateway Watercycle Study.

Having considered and discussed all of the information contained in the Officer report (A.1):-

It was moved by Councillor Bush, seconded by Councillor Fairley and:-

**RESOLVED** that the updated Local Development Scheme 2023-2027, as attached as Appendix 1 to item A.1 of the Report of the Director (Planning), be approved for publication on the Council's website.

**30. REPORT OF DIRECTOR (PLANNING) - A.2 - JAYWICK SANDS PLACE PLAN CONSULTATION REPORT**

The Committee considered a report of the Director (Planning) (A.2) which sought its comments on the initial consultation in relation to the Jaywick Sands Place Plan which would inform the preparation of a first proper version of the Place Plan for further consultation and adoption as a Supplementary Planning Document (SPD).

Members recalled that the purpose of the Place Plan was to provide a long-term strategy for the regeneration of Jaywick Sands. As part of producing the regeneration strategy, a series of public consultation events had taken place from 5 September 2022 to 27 October 2022.

The Committee was informed that the feedback had shown showed that people appreciated the beach and sense of community and the character and uniqueness of the community (including the built form). The residents felt that derelict houses and plots should be demolished and used for new functions and also wanted improvement and maintenance of the public realm, including dealing with fly-tipping, potholes and maintaining the green/open space and street lighting. There was strong support from for making Brooklands a one-way street if resident parking issues could be solved. Most owners wanted to make improvements to their properties but requested help to do so. Some renters wanted to move elsewhere, others wanted to stay in Jaywick Sands. There was more support for building new homes on vacant/derelict plots than on greenfield land.

However, concerns had been expressed by residents about the design of new homes, particularly in relation to disabled access. The responses were divided on whether flood risk was a concern with over half the respondents stating they would not move away from Jaywick Sands, or were otherwise unsure, even if flooding was more common.

Most respondents had identified a lack of shops and services locally, with the provision of a small supermarket being the most popular suggestion for additional shops, followed by the need for healthcare.

Importantly, the Environment Agency had commented that it would not support any strategy that would lead to a net increase in population. For example, any new housing off Lotus Way would, in their view, need to rehouse existing residents. However, the Environment Agency did support the replacement dwellings policy as set out in the Council's consultation draft Jaywick Sands Design Guide SPD. The Environment Agency's position, if upheld, would have a significant impact on the direction of the Place Plan and how much new development could take place.

Members were advised that all comments received would be considered in producing a first proper version of a Place Plan, which would itself, be the subject of consultation and adoption as a SPD in due course.

At the invitation of the Chairman, the Planning Portfolio Holder (Councillor Bray) and the Chairman of the Planning Committee (Councillor White) addressed the Committee on the subject matter of this item.

Having considered and discussed all of the information contained in the Officer report (A.2):-

It was moved by Councillor Fairley, seconded by Councillor Chapman BEM and:-

**RESOLVED** that the contents of this report be noted.

**31. REPORT OF DIRECTOR (PLANNING) - A.3 - JAYWICK SANDS DESIGN GUIDE SUPPLEMENTARY PLANNING DOCUMENT**

The Committee considered a report of the Director (Planning) (A.3) which:-

- (i) sought its comments on the Jaywick Sands Design Guide Supplementary Planning Document (SPD) Draft April 2022 consultation exercise; and
- (ii) sought its approval to recommend to Cabinet that the document be adopted with the proposed alterations.

It was reported that the following feedback had been received during the consultation period:-

Public and non-statutory bodies

The comments from the public and non-statutory body response could be summarised as follows:-

- *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;*
- *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.*

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.*
- *Essex Police: no comment*

Essex County Fire and Rescue Service (ECFRS) had submitted a number of detailed comments, the key issues in relation to this document being that it noted that the design guide discussed and considered climate change over the longer term. ECFRS agreed that climate change was 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 supported engagement with communities. ECFRS also had 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.*

The NHS Suffolk and North East Integrated Care Board had supported the objectives of the SPD. However, they had 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 had made a series of detailed comments and suggested changes to each section of the document as follows:-

- *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 had also suggested that the following requirements be 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*
- *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 was supportive of the document but had in addition the following 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 Committee was informed that the Council's proposed response to the above comments was as follows:-

<b>Page/section ref</b>	<b>Change</b>	<b>Reason</b>
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 <a href="https://www.gov.uk/guidance/flood-risk-and-coastal-change">https://www.gov.uk/guidance/flood-risk-and-coastal-change</a>	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	Comment from Essex County

	<i>Flood Authority (LLFA) responsible for surface water management. Included reference to the Essex Climate Action Commission (ECAC)</i>	<i>Council</i>
<i>Page 42 section 7B</i>	<i>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.’</i>	<i>Comment from Essex County Council</i>
<i>Generally</i>	<i>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:</i> <ul style="list-style-type: none"> <li><i>- Internal stairs where required to access habitable space above a certain level.</i></li> <li><i>- Lift access for multi-family development (i.e. flats).</i></li> <li><i>- Design of external stairs to be non-slip and not to use metal handrails or steps.</i></li> </ul>	<i>Community comments</i>
<i>Generally</i>	<i>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.</i>	<i>Comment from Environment Agency</i>
<i>Generally</i>	<i>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.</i>	<i>Comment from Environment Agency (response to EA request adapted to align with wider Place Plan strategy)</i>
<i>Appendix</i>	<i>Add reference to flood resilience construction to worked examples</i>	<i>Comment from Environment Agency</i>

At the invitation of the Chairman, a local Ward Member for West Clacton & Jaywick Sands, Councillor Casey, addressed the Committee on this item.



During the consideration of this item the Chairman also extended an invitation to the Planning Portfolio Holder (Councillor Bray) and the Chairman of the Planning Committee (Councillor White) (both present at the meeting) to address the Committee.

Having considered and discussed all of the information contained in the Officer report (A.3):-

It was moved by Councillor Allen, seconded by Councillor Fowler and:-

**RESOLVED** that the Planning Policy and Local Plan Committee –

- a) endorses the Jaywick Sands Design Guide Supplementary Planning Document (SPD) with the Officers' recommended alterations; and
- b) recommends to Cabinet that the SPD (forming Appendix 1 to item A.3 of the Report of the Director (Planning)) be adopted, subject to the fourth bullet point of guidance "2A: Landscape character and visual impact" being amended to read as follows:-  
  
*"Visual separation between Tudor Estate and Village/Brooklands & Gardens should **must** be maintained."*
- c) further recommends to Cabinet that the Director (Planning) be authorised to make any necessary minor, or consequential, amendments to the SPD before the final adopted version is published.

**32. REPORT OF DIRECTOR (PLANNING) - A.4 - CONSERVATION AREA CHARACTER APPRAISAL AND MANAGEMENT PLAN: BRIGHTLINGSEA HALL AND ALL SAINTS CHURCH**

The Committee considered a comprehensive report of the Director (Planning) (A.4) which reported to it the Brightlingsea Hall and All Saints Church Conservation Area Appraisal and Management Plan prepared for the Council by Essex Place Services, and requested that the Committee agreed a recommendation to Cabinet that it be published for consultation purposes.

Alterations to Boundaries

The boundary currently included the listed church, its surrounding churchyard, and the Hall with historic barn complex which was now occupied by businesses.

It was proposed that the area be extended to include the pair of early nineteenth century dwellings to the south of the area. They contributed positively to the historic character and appearance of the area. Their location and proximity to the road created a sense of a gateway for the Conservation Area. They were prominent in views towards the Church to the north-west. The building was red brick with details such as the flat headed arches at ground floor level, and single polychromatic diamond above the original central entrance. The simple but decorative detail added to the quality and character of the building and Conservation Area. Although some changes had occurred, such as the loss of original windows and roofing, and timber lean to extensions on both sides, the building still made a positive contribution. It was considered, therefore, that the Conservation Area and building would both benefit from inclusion within the boundary.

### Designated Heritage Assets

There was one designated heritage asset within the Brightlingsea Hall and All Saints Church Conservation Area, the Grade I Listed Church of All Saints (List UID: 1337182).

This building had been listed due to its special architectural and historic interest under Section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### Proposed non-designated heritage assets

Local listing was an important tool for local planning authorities to identify non-listed buildings and heritage assets which made a positive contribution to the locality. This Appraisal had identified heritage assets, which made a positive contribution to the Conservation Area and could be considered for local listing in the future. This list was not exhaustive, and further buildings could be identified as non-designated heritage assets through the planning application process. Buildings and features within the Conservation Area which were considered to be non-designated heritage assets included:

- Brightlingsea Hall
- All Saints Church Lych-gate

### Heritage at Risk

The Grade I Church of All Saints was included on Historic England's Heritage at Risk Register, as being in a 'very bad' condition and at immediate risk of further rapid deterioration or loss of fabric, with no solution agreed. As a key, landmark building of the Conservation Area, it was important that a solution was agreed to work towards taking this building off the register.

### Archaeology

Throughout the Conservation Area there was the potential for a multitude of below-ground heritage assets yet to be discovered. In general, the appraisal promoted a cautious approach to development which might disturb or destroy those assets.

### Assessment of significance

A detailed assessment of significance of the Conservation Area had considered the following features:

- Layout
- Building materials and boundary treatments
- Listed buildings and non-designated heritage assets
- Other buildings
- Landscaping and open spaces
- Views

### Opportunities for Enhancement

This identified the issues facing the Conservation Area. A large number of the issues were common to all Conservation Areas throughout the District, but where they were unique, that was highlighted as follows:-

- *the Conservation Area could use better interpretation to complement that already in place within the Church building.*
- *on-street parking detracted from the historic character of the Conservation Area.*
- *the Conservation Area suffered from the loss of, or inappropriate use of, architectural detailing such as UPVC windows and doors, rainwater goods and external paintwork.*
- *the public realm and green spaces could be better utilised.*

#### Management Proposals

As outlined above, there were a wide range of issues facing this Conservation Area, many of which shared common themes with other Conservation Areas previously seen by the Committee. This section recommended management proposals, which addressed those issues in both the short and long term such as:-

- *the preparation a Local Heritage List of non-designated heritage assets was suggested for this Conservation Area.*
- *the Council was encouraged to use its enforcement powers to prevent inappropriate development.*
- *the monitoring of trees and additions to tree planting within public open space was recommended.*
- *publishing guidance for homeowners and businesses in Conservation Areas could help owners identify appropriate alterations to their properties within Conservation Areas.*
- *the timely renewal of these Conservation Area Appraisals could help to monitor change within the Conservation Areas more accurately.*
- *further interpretation could help with legibility.*

#### Funding Opportunities

- Heritage Lottery Fund
- Section 106 Agreements
- Partnership Schemes in Conservation Areas

Having considered and discussed all of the information and advice contained in the Officer report and its appendices:-

It was moved by Councillor Chapman BEM, seconded by Councillor Allen and:-

**RESOLVED** that the Planning Policy and Local Plan Committee:

- a) endorses the new Conservation Area Appraisal and Management Plan for Brightlingsea Hall and All Saints Church (Appendix 1 to item A.4 of the Report of the Director (Planning));
- b) recommends to Cabinet that the above document be published for consultation with the public and other interested parties; and

- c) notes that Conservation Area Appraisals and Management Plans for the District's remaining Conservation Areas will be brought before the Committee in due course and before the new financial year.

The meeting was declared closed at 8.00 pm

**Chairman**