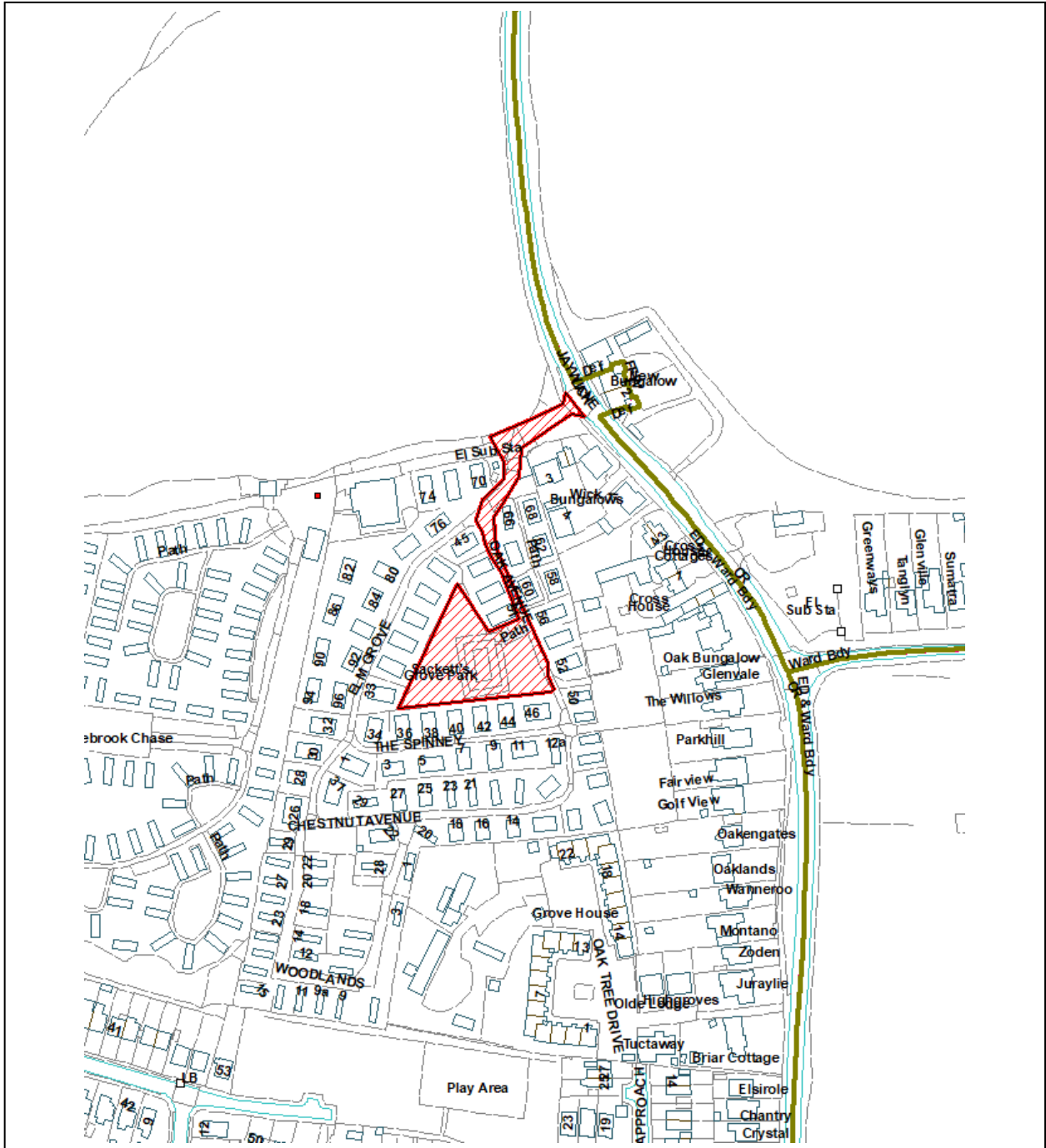


PLANNING COMMITTEE

4th July 2023

REPORT OF THE DIRECTOR OF PLANNING

**A.1 PLANNING APPLICATION – 22/00556/FUL – SACKETTS GROVE CARAVAN PARK
JAYWICK LANE CLACTON ON SEA CO16 7JB**



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Application:	22/00556/FUL	Original Expiry Date:	23 May 2022
Case Officer:	Amy Lang	EOT Date:	28 July 2023
Town/ Parish:	Clacton Non Parished		
Applicant:	Mrs Bernadette Owens - Tingdene Parks Ltd		
Address:	Sacketts Grove Caravan Park Jaywick Lane Clacton On Sea Essex CO16 7JB		
Development:	Change of use of land for the siting of up to 8 no. residential park homes.		

1. Executive Summary

- 1.1 The application is before Members due to the development representing a departure from the development plan, proposing new residential park homes outside of the defined settlement development boundary for the area.
- 1.2 The application relates to land centrally located within the Sacketts Grove Caravan Park site, on the western side of Jaywick Lane, Clacton. The site is largely laid to grass but contains the filled in remains of an outdoor swimming pool and an outbuilding which contained the pump house for the pool.
- 1.3 Vehicular access from the public highway will utilise the existing Caravan Park entrance on Jaywick Lane. The site is bordered on all sides by existing park homes with wooden close boarded fences denoting existing plot boundaries.
- 1.4 The planning application proposes the change of use of the land for the siting of up to 8 no. residential park homes with associated development to facilitate the use including new access roads and hardstanding to form car parking. The development is represents a small-scale addition to the existing and established park.
- 1.5 Whilst the site is located outside the Settlement Development Boundary and within a Safeguarded Holiday Park, Sacketts Grove is situated within a sustainable location close to amenities.
- 1.6 The development would cause no harm in terms of wider landscape, character, and appearance. It would deliver a windfall of up to eight additional dwellings contributing to the continued demand for high quality and affordable retirement and semi-retirement housing whilst also providing a small wind fall contribution to the Council's five-year housing land supply.
- 1.7 The application is recommended for approval subject to a Unilateral Undertaking securing a financial contribution of £156.76 per dwelling towards recreational disturbance mitigation in accordance with RAMS.

Recommendation: Approval subject to S106

- 1) On appropriate terms as summarised below and those as may be deemed necessary to the satisfaction of the Planning Manager to secure the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters:

- Financial contribution of £156.76 per dwelling being £1,254.08 (index linked) towards recreational disturbance mitigation in accordance with RAMS.
- 2) That the Planning Manager be authorised to grant planning permission subject to the agreed section 106 agreement and conditions as stated at paragraph 8.2, or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and,
 - 3) The informative notes as may be deemed necessary.
- Or;**
- 4) That in the event of the Planning obligations or requirements referred to in Resolution (1) above not being secured and/or not secured within 12 months that the Planning Manager be authorised to refuse the application on appropriate grounds at their discretion.

2. Planning Policy

2.1 The following Local and National Planning Policies are relevant to this planning application:

National:

National Planning Policy Framework July 2021 (NPPF)
National Planning Practice Guidance (NPPG)

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021):

SP1	Presumption in Favour of Sustainable Development
SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP7	Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022):

SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design
HP5	Open Space, Sports and Recreation Facilities
LP1	Housing Supply
LP2	Housing Choice
LP3	Housing Density and Standards
LP4	Housing Layout
PP11	Holiday Parks
PPL4	Biodiversity and Geodiversity
PPL5	Water Conservation, Drainage, and Sewerage
PPL10	Renewable Energy Efficiency and Energy Efficiency Measures
CP1	Sustainable Transport and Accessibility
DI1	Infrastructure Delivery and Impact Mitigation

Supplementary Planning Guidance:

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)

Local Planning Guidance:

Essex County Council Parking Standards Design and Good Practice Guide 2009

2.2 Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

In relation to housing supply:

The Framework requires Councils boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, Paragraph 11 d) of the Framework requires granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (what is often termed the 'tilted balance').

The Local Plan fixes the Council's housing requirement at 550 dwellings per annum. On 19 October 2021 the Council's Strategic Housing Land Availability Assessment (SHLAA) updated the housing land supply position. The SHLAA demonstrates in excess of a six-and-a-half-year supply of deliverable housing land. On 14 January 2022 the Government published the Housing Delivery Test (HDT) 2021 measurement. Against a requirement for 1420 homes for 2018-2021, the total number of homes delivered was 2345. The Council's HDT 2021 measurement was therefore 165%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to applications for housing.

3. Relevant Planning History

3.1 There is an extensive planning history for the overall site. This can be viewed in full on Public Access or on the application file. The site comprises:

- Sacketts Grove
The eastern part of the site, which includes the application site, and currently has 102 residential park homes/plots.
- Saddlebrook Chase Caravan Park
The central part of the site containing 130 static holiday caravans/plots.
- Sandpiper Garden
The western part of the site containing 104 residential park homes/plots.

3.2 The planning history most relevant to this current application site can be summarised as follows:

08/00572/FUL	Relocation of outside swimming pool (from Sacketts Grove to Saddlebrook Chase site)	Approved	18.06.2008
11/00256/OUT	Proposed indoor swimming pool as part of the upgrade and	Approved	16.05.2011

redevelopment at Sacketts Grove Caravan Park.

14/00577/DETAIL	Approval of reserved matters of outline approval 11/00256/OUT, in relation to the appearance of the proposed indoor swimming pool.	Approved	02.07.2014
14/01815/FUL	Proposed siting of 135 static holiday caravan on the western element of Sacketts Grove Holiday Park in lieu of an approved development of 40 static holiday caravans and 40 touring caravans, together with landscape planting.	Approved	04.11.2015

4. **Consultations**

- 4.1 Below is a summary of the comments received from consultees relevant to this application proposal. Where amendments have been made to the application, or additional information has been submitted to address previous issues, only the latest comments are included below.

All consultation responses are available to view, in full (including all recommended conditions and informatives), on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.

Tree & Landscape Officer

05.05.2022

The application site is set to grass and contains a single tree in the northern part of the land. The tree is a Hornbeam (*Carpinus betulus*) and is a mature healthy specimen. From a visual inspection from the ground the tree has no obvious defects and makes a positive contribution to the appearance of the locality.

Nevertheless, as a result of the position of the tree, it does not feature in the public realm and consequently has commensurately low amenity value. Therefore the tree does not merit formal legal protection by means of a Tendring district Council Tree Preservation order.

There will be no public benefit to be gained by soft landscaping associated with the development proposal.

ECC Highways Dept

07.06.2022

The information that was submitted in association with the application has been fully considered by the Highway Authority. The proposal is on a private site and is a well-established park home estate. No new or altered means of access is proposed as part of this application. The proposal provides adequate room and provision for off-street parking and turning, for the proposed homes. It is noted that this application is similar to previous application, 19/01712/FUL that was approved in 2019 and was for 19 additional static holiday caravans.

Considering these factors, from a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to conditions.

UU Open Spaces

18.05.2022

No contribution is being requested from open spaces on this occasion, however should there for further development at this site a contribution may be requested.

Environmental Protection**04.05.2022**

No objection subject to conditions.

Private Sector Housing**10.05.2022**

I am aware of the area where the new homes will be situated should the planning approval be granted. I do not foresee any major issue having studied the application and associated documents.

It is essential that the park construct any new homes in accordance with the Model Standards that apply to Residential Parks. The model standards are attached to the existing licence and need to be adhered to in all circumstances, especially with regard to spacing and density and fire safety. The park owners are well aware of their responsibility so I would imagine there will not be an issue with the siting should approval be granted. If approval is granted, the park owner will need to apply for an amendment to the existing licence to include the additional 8 units. This application should be made before any works start.

Licensing Section

No comments received.

The Ramblers Association

No comments received.

Essex Bridleways Association

No comments received.

5. Representations**Parish/Town Council Consultation**

5.1 The site is located within Clacton on Sea (no town council).

Public Consultation

5.2 Written representations from seven neighbouring properties objecting to the application have been received. One further letter from the Sacketts Grove Park Residents Association has been received, also objecting to the application. This letter was signed by 69 residents of the park. The main issues raised in the objections are (these are planning and non planning matters):

- There is no shop on or near site, contrary to what the application documents state;
- Application is not large enough for this number of homes and parking;
- Site is prone to flooding following rain;
- Parking does not conform with Model Standards, which requires cars to be parked at least 3 metres from the neighbouring property;
- The Council does not allow car parking next to mobile homes on other parts of the site so should not be allowed on the new plots;
- A mature oak tree was removed from the site in 2019, from the location where the access to the new units will be located;
- Roadways within the site are in places poorly designed, inadequate in width, poorly maintained and deteriorating;

- Estate roads are inadequate for emergency service and large delivery vehicles. Single track, one-way system means vehicles stopping to unload shopping or deliveries block all traffic – which has caused frustrations and confrontation & assault of one driver;
- Utilities could be damaged by heavy vehicles;
- Junction with estate road inadequate and which result in damage to neighbours' property;
- No need for more mobile homes in the area – Sandpiper Gardens has 140 unoccupied plots following planning appeal. Part of Sackets Grove Park are also vacant having had homes removed from the area;
- The site entrance is inadequate for approximately 240 homes;
- No provision for surface water drainage shown in plans;
- Problems with existing utilities – electricity supply; LPG, & foul system. Increased number of properties will exacerbate problems. Existing sewage pumping station will be inadequate for increased loads;
- Have drainage plans from previous consents been implemented?
- The applicant has failed to notify the Recognised Residents Association of the Park as required by The Mobile Homes Act 1983 (Chapters 25 & 28 of Part 1);
- The development will result in a loss of the amenity area provided for the benefit of existing residents. There is a legal requirement for a site of this size to have a green area for recreation;
- Adverse impact on neighbour amenity – disturbance from vehicles parking on plots or in parking area, loss of privacy, new development encroaching on what should be the neighbours garden area;
- Complaints about site management by Tingdene;
- One of the new units will be too close to 51 The Spinney to comply with the law;
- Existing residents are not provided with recycling facilities so new residents unlikely to get recycling collections either, contrary to application.

6. Assessment

6.1 The key and most important material planning considerations relevant to this development proposal are set out below followed by an assessment under each heading.

- Site Description and Context
- Development Proposal
- Principle of Development and Loss of Amenity
- Trees and Landscaping
- Layout, Design & Appearance
- Impact on Residential Amenities
- Highways Access and Parking
- Public Right of Way
- Drainage
- Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
- Section 106 Planning Obligations

Site Description and Context

6.2 The application relates to land within the Sacketts Grove Caravan Park, which is located on the western side of Jaywick Lane, to the north of Jaywick.

6.3 The application site area is advised to be 0.2 hectares and is broadly triangular in shape, in a central area within the Caravan Park. The site is largely laid to grass but contains the filled in remains of an outdoor swimming pool and an outbuilding which contained the pump house for the pool. Vehicular access from the public highway will utilise the existing Caravan Park entrance on Jaywick Lane, to the north east of the application site. The site is bordered on all sides by existing park homes with wooden close boarded fences denoting existing plot boundaries.

6.4 Sacketts Grove forms part of a larger mixed site containing residential (park homes) and static holiday caravans. As partially set out above, the site has a long planning history and parts of it have been used for the stationing of caravans since the 1960's. More recently the wider site has been subject to several planning applications for new development and variations to existing permissions. The wider site currently consists of the three elements:

- Sacketts Grove
The eastern part of the site, which includes the application site, and currently has 102 residential park homes/plots;
- Saddlebrook Chase Caravan Park
The central part of the site containing 130 static holiday caravans/plots;
- Sandpiper Garden
The western part of the site containing 104 residential park homes/plots.

6.5 A public right of way (public footpath no. 30 (Great Clacton_167) runs west from Jaywick Lane across the northern boundary of the wider Park Home / Caravan Site before crossing open countryside turning north-west towards Botany Lane.

Development Proposal

- 6.6 The planning application seeks planning permission for the change of use to provide up to 8no. park home pitches for permanent residential occupation, along with associated development to facilitate the use including new access roads and hardstanding to form car parking for twenty vehicles.
- 6.7 The site will operate as part of the Sacketts Grove site and have the same age restrictions limiting occupiers to those over the age of 45 years old.
- 6.8 The application was advertised as affecting a Public Right of Way, and not being in accordance with the Development Plan (outside of the defined settlement development boundary).

Principle of Development and Loss of Amenity

- 6.9 The application site is located outside of any designated settlement development boundary as defined within the proposal maps in the Adopted Tendring Local Plan 2013-2033 and Beyond. Outside Development Boundaries, the Local Plan seeks to conserve and enhance the countryside for its own sake by not allowing new buildings unless it is consistent with countryside policies.
- 6.10 The proposals map identifies that the site is located within a Safeguarded Holiday Park. Local Plan Section 2 Policy PP11 (Holiday Parks) states that 'safeguarded sites' will be protected against redevelopment for alternative uses either in part or in whole. This protection was in recognition of the importance of Holiday Parks in supporting the District's tourism economy, but also the fact holiday accommodation can often be unsuitable for permanent occupation or be in locations that lack the infrastructure and services for permanent occupation.
- 6.11 The Council has previously assessed the Sacketts Grove Caravan Park to be situated in a sustainable location regarding proximity to local shops, services and facilities including safe and convenient access to local public transport links. There is a bus stop on Jaywick Lane, within reasonable walking distance of the site, providing regular services to nearby Clacton on Sea. This view was endorsed by the Planning Inspector who dealt with the planning appeal in November 2019 (appeal decision scanned to this current planning file as Background Papers).

- 6.12 When considering the weight that can be given to the Safeguarded Holiday Park status it must be recognised that 206 of the units / plots on the wider site can already be occupied permanently as residential dwellings, with 130 units / plots restricted to use as holiday accommodation. With so many units / plots available for permanent residential use, having a relatively low number of additional residential units within one of the existing residential areas would not undermine the existing holiday use or the wider strategy of the development plan.
- 6.13 Whilst the site is located outside the Settlement Development Boundary and within a Safeguarded Holiday Park the site is located close to the development boundary, within an established Park Home site with good access to services, facilities, and public transport. The development would cause no harm in terms of wider landscape, character, and appearance. It would deliver a windfall of eight additional dwellings which will increase the District's housing land supply by making efficient use of land and provide additional park homes for which the applicant considers there is a demand.
- 6.14 Furthermore, the application site does not constitute amenity space. The outdoor swimming pool was a residual feature dating from when the Sacketts Grove park was a holiday site.
- 6.15 Weighing all these factors there is no objection in principle to the proposed development.

Trees and Landscaping

- 6.16 The planning application contains limited information concerning trees that are on the site, or which could be affected by the proposed development. The Council's Tree and Landscape Officer has assessed the site. The site is largely laid to grass and contains a single tree Hornbeam in the northern part of the site. The tree is advised to be healthy but is scheduled to be removed to facilitate the development.
- 6.17 The Council's Tree and Landscape Officer has considered whether the Hornbeam tree should be protected by a Tree Preservation Order. Whilst it makes a positive contribution to the appearance of the area it does not significantly feature in the public realm and consequently has commensurately low amenity value and would not qualify for a TPO.
- 6.18 Objectors refer to the removal of a mature oak tree which had stood on the application site, near the proposed vehicular entrance, until 2019, when it was felled. The tree was not subject to a tree preservation order, or any other form of protection from the planning system so the landowner was entitled to do this. Its removal has no bearing on the determination of the current application and is not a material planning matter.
- 6.19 The proposed layout affords limited opportunities for landscaping and the Council's Tree and Landscape Officer has commented that there will be no public benefit to be gained by soft landscaping associated with the development proposal.

Layout, Design & Appearance

- 6.20 Paragraph 130 of the NPPF requires that developments are visually attractive and are sympathetic to local character and establish or maintain a strong sense of place.
- 6.21 Local Plan Section 2 Policy SPL 3 (Sustainable Design) requires, amongst other things, that all new development should be well designed and make a positive contribution to the quality of the local environment and protect or enhance local character. New developments are required to make adequate provision for private amenity space, waste and recycling storage, vehicle, and cycle parking. Policy LP4 (Housing Layout) requires private amenity space provision that meets the needs and expectations of residents and is commensurate with the size of the dwelling and character of the area.

- 6.22 With regards to the character and appearance of the area, the site is located within an established holiday / residential park which surrounds it on all sides so it is not considered that the additional units would have any material impact on the surrounding area. The park homes themselves would be acceptable in terms of their appearance, fitting in the immediately surrounding development.
- 6.23 The Council's Environmental Health Team, who issue caravan site licences, have confirmed that the new homes will need to comply with the Model Standards 2008 for Caravan Sites in England. The current Standards cover a range of issues including spacing, density, and fire safety. Having reviewed the application and associated documents the Council's Environmental Health Officer advises that they do not foresee any major issues with the proposals.
- 6.24 In terms of layout, officers have raised concerns with the applicant, specifically regarding the loss of the Hornbeam to the northern part of the site and tight access and parking arrangements.
- 6.25 Ultimately, this application is for the change of use of the land, the siting and spacing of units (if the use is acceptable in planning terms) is a matter for site licensing. However, in the interests of good design and residential amenities, officers must be satisfied that 8 units can be accommodated on the site.
- 6.26 Objectors claim that one of the new units will be too close to 51 The Spinney to comply with the Model Standards. The adequacy of the junction shown to access the new units has also been questioned by objectors who are concerned that this will result in problems with drivers cutting across adjoining plots.
- 6.27 Whilst officers recognise that the tree would not qualify for a TPO, again in the interests of good design and amenity value for existing and future residents, officers are keen to retain the tree.
- 6.28 Following further investigation, the applicant has advised that some of the distances and the layout of parking spaces shown on the accompanying layout drawing do not strictly conform with national Model Standards.
- 6.29 It is accepted that this is for change of use and layout is not normally controlled given the Caravan Act provisions and required Licencing. However, the applicant has agreed to amend the application to 'up to 8'. This allows more flexibility should eight unit not be found to be achievable and Officers are recommending condition to ensure adequate control over layout to ensure an acceptable layout, improved access and opportunity for the tree to be retained.

Impact on Residential Amenities

- 6.30 Paragraph 130 of the NPPF state that planning decisions should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future residents. Policy SP 7 of the Section 1 Local Plan also specifies that the amenity of existing and future residents is protected. Policy SPL 3 of the Section 2 Local Plan states development should not have a materially damaging impact on privacy, daylight and other amenities of occupiers of nearby properties.
- 6.31 The Model Standards establish minimum conditions in respect of site layout, both for safety reasons and to protect resident's amenity. The Model Standards require a minimum of 6 metres separation between caravans, in most circumstances. A condition is also recommended to secure suitable means of enclosure between plots to further protect existing and future residents' privacy. Representations also raise concerns about additional noise and disturbance arising from the proximity of new dwellings to existing. Again, it is noted that the layout will need to be compliant with the Model Standards, in which case it would be difficult to sustain an argument that the new dwellings would result in an unacceptable loss of amenity for existing residents.

6.32 Objectors refer to the fact that the applicant has not consulted the Residents Association concerning the proposed development. The Mobile Homes Act 1983 (22.f) states that the owner shall 'consult a qualifying resident's association, if there is one, about all matters which relate to the operation and management of, or improvements to, the protected site and may affect occupiers either directly or indirectly'. The fact that the consultation apparently required by this legislation would not be a reason to refuse this planning application. The planning application has been publicised in accordance with the relevant planning regulations and interested parties have had an opportunity to comment on the proposals.

Highways Access & Parking

6.33 Paragraph 110 of the NPPF states that when assessing applications for development the local planning authority must ensure, amongst other things, that a safe and suitable access to the site can be achieved for all users. Paragraph 104 of the NPPF also requires that patterns of movement, streets, parking, and other transport considerations are integral to the design of schemes and contribute to making high quality places.

6.34 Policy CP2 (Improving the Transport Network) of the Section 2 Local Plan states that new development which contributes to the provision of a safe and efficient transport network will be supported. Planning permission will not be granted if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.

6.35 The Highway Authority have been consulted on the application. They note the proposal is within a well-established park home / holiday park and that the established vehicular access is being retained unaltered. They are satisfied that the proposal provides adequate room and provision for off-street parking and turning, for the proposed homes. The Highway Authority recommend conditions concerning the provision of car and cycle parking and these recommendations are accepted. Further conditions are recommended about the storage of construction materials and that there should be no obstruction of the PROW. Neither condition is considered necessary – the application site is a considerable distance from the highway and there is very little chance or reason that the public highway would be obstructed by construction related vehicles. PROW's are protected by other legislation so a condition would duplicate that and is therefore unnecessary.

6.36 Each plot is shown to be provided with two parking spaces, either on plot, or close to the park home. In addition, a row of four visitor car parking spaces is also proposed. It is noted that representations refer to the arrangement of parking spaces on plots being different to the existing units in this part of the site. The Model Standards state that on new sites, or those undergoing redevelopment or extension parking provision should be consistent with local planning policies. The proposals meet the minimum standards required by the Council's adopted parking standards. Unlike this layout, the layout of homes on other parts of the site may not have been designed with sufficient space to allow parking adjacent to homes, explaining why different parking arrangements are required in other parts of the site.

6.37 There have been a number of objections raised in respect of the estate roads and access arrangements within the site. The Highway Authority raise no objection on these matters.

6.38 The issues raised by objectors include the reliance on a one-way system with a single-track roadway to access all dwellings. Objectors highlight that when delivery vehicles or residents park near their properties on the existing park their vehicles can block the road. The adjoining developments, including Sandpiper Gardens, have a similar arrangement. The Council did not object to this arrangement and no concern was raised by the Planning Inspector who granted permission for that development to be occupied as market housing. The Model Standards allow for one-way roads providing these are clearly sign posted and a minimum of 3 metres wide.

6.39 Other objections refer to the condition of the estate roads. Maintenance of these private roads are the responsibility of the park operator and are not a determining factor in assessing this proposal.

The current Model Standards include provisions that roads are maintained in good condition and repair. If there are issues with management of the estate, these would not constitute a reason to refuse this planning application.

Public Right of Way

- 6.40 Paragraph 100 of the NPPF states that planning decisions should protect and enhance public rights of way and access. Section 2 Local Plan 2013-2033 And Beyond Policy CP2 states that proposals that would have an unacceptable impact on highway safety will be refused.
- 6.41 The proposed development would result in a marginal increase in vehicle movements into and out of the site and this will marginally increase vehicle movements on part of the Public Right of Way. The Highway Authority were consulted on the application and raised no objections.

Drainage

- 6.42 Section 2 Local Plan Policy PPL 5 (Water Conservation, Drainage and Sewerage) states all new development must make adequate provision for drainage and sewerage and should include Sustainable Drainage System (SuDS) to reduce flood risk and improve water quality amongst other things.
- 6.43 The application form states that foul water will be disposed of by mains sewer.
- 6.44 Representations received by the Council objecting to the application refer to existing problems with surface water drainage, resulting in the application site flooding at times, and that the sewerage system is already struggling to cope with existing flows from the site.
- 6.45 The application form states that surface water drainage will be disposed of by means of soakaways, but no further details accompany the application. As the site area is under 1 hectare, there is no requirement to consult the Lead Flood Authority SuDS Team. This issue can be suitably controlled and managed by way of appropriately worded conditions.

Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

- 6.46 Under the Habitat Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest.' There is no precedent for a residential development meeting these tests, which means that all residential development close to the protected sites must provide suitable mitigation.
- 6.47 The application scheme proposes the creation of eight new dwellings. The application site lies within 3km and within the designated Zone of Influence (Zol) of the Colne Estuary RAMSAR site and Essex Estuaries SAC and SPA. New housing within the Zol would be likely to increase the number of recreational visitors to these sites and in combination with other developments it is likely that the proposal would have significant effects on the designated sites. Mitigation measures must therefore be secured prior to occupation.
- 6.48 A Unilateral Undertaking is being prepared to secure the payment of the required financial contribution through a legal obligation. This will ensure that the development would not adversely affect the integrity of the European Designated Sites in accordance with Local Plan Section One Policy SP2 (Recreational disturbance Avoidance Mitigation Strategy) and Local Plan Section 2 Policy PPL4 (Biodiversity and Geodiversity) and Regulation 63 of the Conservation of Habitats and Species Regulations (2017).

Other Planning Obligations / Section 106 Agreement

- 6.49 Officers have considered whether there should be an aggregation of S106 obligations / contributions between the eight units from this planning application and the adjoining Sandpiper Gardens development.
- 6.50 There is case law that has determined the factors that need to be considered to determine whether an applicant has sought to bypass the Council's planning policies concerning Affordable Housing and the need for other social infrastructure necessary to mitigate the impact of the development. In the case of *New Dawn Homes Ltd v SSCLG and Tewkesbury BC* [2016] EWHC 3314 (Admin) Mr Justice Holgate sitting in the High Court endorsed the approach taken in *R (Westminster City Council) v First Secretary of State and Brandford Limited* [2002] J.P.L. 1066 to determine the factual question of whether two developments could be aggregated or considered to form part of a larger whole. Those criteria were ownership; whether areas of land could be considered a single site for planning purposes, and whether the development should be treated as a single development. The Council's legal adviser has reviewed the information presented by the applicant with regards to ownership of the respective sites, as well as whether there are any other factors that would lead the site to be considered as part of a larger whole. It is accepted that the site has not been sub divided to avoid planning obligations.
- 6.51 On this basis there is no need to consider aggregation and it falls to assess the need for planning obligations against the eight new dwellings proposed by this application. Local Plan Section 2 Policy LP5 (Affordable Housing) states that the Council will seek to secure Affordable Housing on-site provision in developments involving the creation of 11 or more new homes. Essex County Council will only consider the need to secure financial contributions for Education on developments of 20 or more dwellings. Similarly, the NHS was not consulted on the application because the scale of development is below the threshold at which they want to be consulted / would seek a financial contribution. The Council's Open Spaces Officer has stated that they would not be seeking a financial contribution towards the provision or improvement of Public Open Space in the area.
- 6.52 On this basis the only obligations to be secured through a legal agreement is the RAMs payment.

Other Matters - Refuse Collection

- 6.53 Objectors complain that the refuse is currently collected from plots by the site managers but there is no ability for the collection of separated recycling. This is a Council / District wide approach wherein flats and park homes do not have such services. This cannot be dealt with through this application for additional homes and will need to be addressed by the site managers and relevant Model Standards.

7. Conclusion

- 7.1 The planning application proposes a small-scale addition to the existing and established Sacketts Grove residential park by way of a change of use of a currently un-utilised and redundant area of land within the existing site.
- 7.2 Sacketts Grove is situated within a sustainable and desirable location close to the Jaywick Sands area of Clacton on Sea, which is easily accessible and close to amenities.
- 7.3 The development will meet the continued demand for high quality and affordable retirement and semi-retirement housing whilst also providing a small wind fall contribution to the Council's five-year housing land supply.

8. Recommendation

- 8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives and the prior completion of a section 106 legal agreement with the agreed Heads of Terms, as set out in the table below:

CATEGORY	TERMS
Financial contribution towards RAMS	£156.76 (per dwelling)

8.2 Conditions and Reasons

1. COMPLIANCE: TIME LIMIT

CONDITION: 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. COMPLIANCE: SITE AREA & NUMBER OF UNITS

CONDITION: No more than 8no park homes as defined in the Caravan Sites and Control of Development Act 1968 (as amended) shall be stationed on the site at any time (as shown with the red lined application site area on the Location Plan).

REASON: For the avoidance of doubt and in the interests of proper planning.

3. FURTHER APPROVAL: DETAILED LAYOUT

CONDITION: Notwithstanding the details shown on the accompanying Proposed Park Layout plan drawing number 180353-P-001, no unit shall be brought onto the site until a revised layout plan (including any fencing or means of enclosure) is submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved revised layout plan in its entirety and retained in this approved form thereafter, unless otherwise agreed, in writing, by the Local Planning Authority.

REASON: To allow for the consideration of the Hornbeam tree, protection of existing amenity and to allow for improved access and parking arrangements. Furthermore, it is essential that the park construct any new homes in accordance with the Model Standards that apply to Residential Parks. This may require a reduction in number of units currently shown on the accompanying drawing number 180353-P-001.

4. AGREEMENT OF MEASURES TO IMPROVE SUSTAINABILITY OF DEVELOPMENT

CONDITION: No unit shall be brought onto the site until a scheme for the provision and implementation of water, energy and resource efficiency measures for the lifetime of the development shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall achieve:-

- An electric car charging point per unit
- Agreement of heating measures of each unit
- Agreement of scheme for waste reduction
- Water-butts per unit

The scheme shall be fully implemented prior to the first occupancy of each unit it is associated with unless otherwise agreed in writing by the Local Planning Authority. The scheme shall be constructed and the measures provided and made available for use as may be agreed and thereafter shall be maintained.

REASON: To enhance the sustainability of the development through better use of water, energy and resources reduce harm to the environment and result in wider public benefit in accordance with the NPPF and Local Plan Policy.

5. FURTHER APPROVAL & COMPLIANCE: TREE PROTECTION MEASURES

CONDITION: No development shall commence until details of tree protection measures for the Hornbeam tree to the north-western boundary of the site (in accordance with BS5837 or equivalent or replacement standard), have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be erected prior to any demolition, site clearance or construction works and retained throughout the construction phase of the development hereby approved.

REASON: In order to ensure the protection of the specified tree, in the interests of visual amenity and the quality of the development.

6. FURTHER APPROVAL: HARD AND SOFT LANDSCAPING SCHEME

CONDITION: Prior to the commencement of any above ground works, a scheme of hard and soft landscaping shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include any proposed changes in ground levels, accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in relation to design, demolition and construction".

Reason – In order to enhance the appearance of the development, in the interests of visual amenity and the quality of the development.

7. COMPLIANCE: IMPLEMENTATION OF APPROVED LANDSCAPING SCHEME

CONDITION: All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details 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 and adequate maintenance of the approved landscaping for a period of five years , in the interests of visual amenity and the quality of the development.

8. COMPLIANCE: PERMEABLE SURFACING

CONDITION: All new parking areas and areas of hardstanding shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area within the site area.

REASON: In the interests of sustainable development and to minimise the risk of surface water flooding.

9. COMPLIANCE: CONSTRUCTION TIMES

CONDITION: No vehicle connected with the works shall arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours shall be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst construction works, and alterations are being carried out.

No materials produced as a result of the site development or clearance shall be burned on site.

REASON: To minimise disturbance to nearby residents and to protect amenity.

10. FURTHER APPROVAL: FENCES / ENCLOSURES

CONDITION: Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no fencing, wall or other means of enclosure shall be erected, except in accordance with drawings showing the design and siting of such enclosures(s) which shall previously have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved revised layout plan in its entirety and retained in this approved form thereafter, unless otherwise agreed, in writing, by the Local Planning Authority.

REASON: In order to secure the satisfactory development of the site and to protect the privacy of the occupiers of adjoining dwellings.

11. COMPLIANCE: PARKING PROVISION

CONDITION: Prior to their occupation, each park home shall be provided with the vehicle parking spaces indicated on the approved plans, having been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times; and shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and to ensure adequate parking space is provided in accordance with the EPOA Parking Standards 2009.

12. COMPLIANCE: PARKING BAY DIMENSION

CONDITION: Each vehicular parking space agreed to be provided shall have minimum dimensions of 2.9 metres x 5.5 metres and those which are bounded by walls or other constructions shall have minimum dimensions of 3.4 metres x 5.5 metres. The parking shall be provided and retained in this approved form.

REASON: To ensure adequate parking space is provided in accordance with the EPOA Parking Standards 2009.

13. FURTHER APPROVAL: CYCLE PARKING

CONDITION: Prior to occupation of the development the details of the number, location, and design of a covered parking facility for bicycles per unit or combined shall be submitted to and approved in writing by the local planning authority. The approved facility shall be provided prior to occupation and retained at all times.

REASON: To ensure appropriate bicycle parking is provided in accordance with the EPOA Parking Standards 2009.

8.3 **Informatives**

Site Licensing Informative

The park owner will need to apply for an amendment to the existing licence to include the additional units. This application should be made before any works start.

Legal Agreement Informative - Recreational Impact Mitigation

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017. Please note that any subsequent variation / removal of condition applications (s73 applications) may require a new legal agreement to secure this obligation unless the development has commenced (subject to all necessary condition discharges) and the contribution has already been paid.

9. **Additional Considerations**

Public Sector Equality Duty (PSED)

- 9.1 In making your decision you must have regard to the PSED under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions to:
 - 9.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - 9.3 B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and
 - 9.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 9.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.
- 9.6 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 9.7 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

- 9.8 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 9.9 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).

9.10 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Finance Implications

9.11 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.

9.12 The New Homes Bonus (NHB) is one local finance consideration capable of being a material consideration to which the weight given shall be determined by the decision maker. The NHB is a payment to local authorities to match the Council Tax of net new dwellings built, paid by Central Government over six consecutive years. In this instance, it is not considered to have any significant weight attached to it that would outweigh the other considerations.

10. Background Papers

10.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.