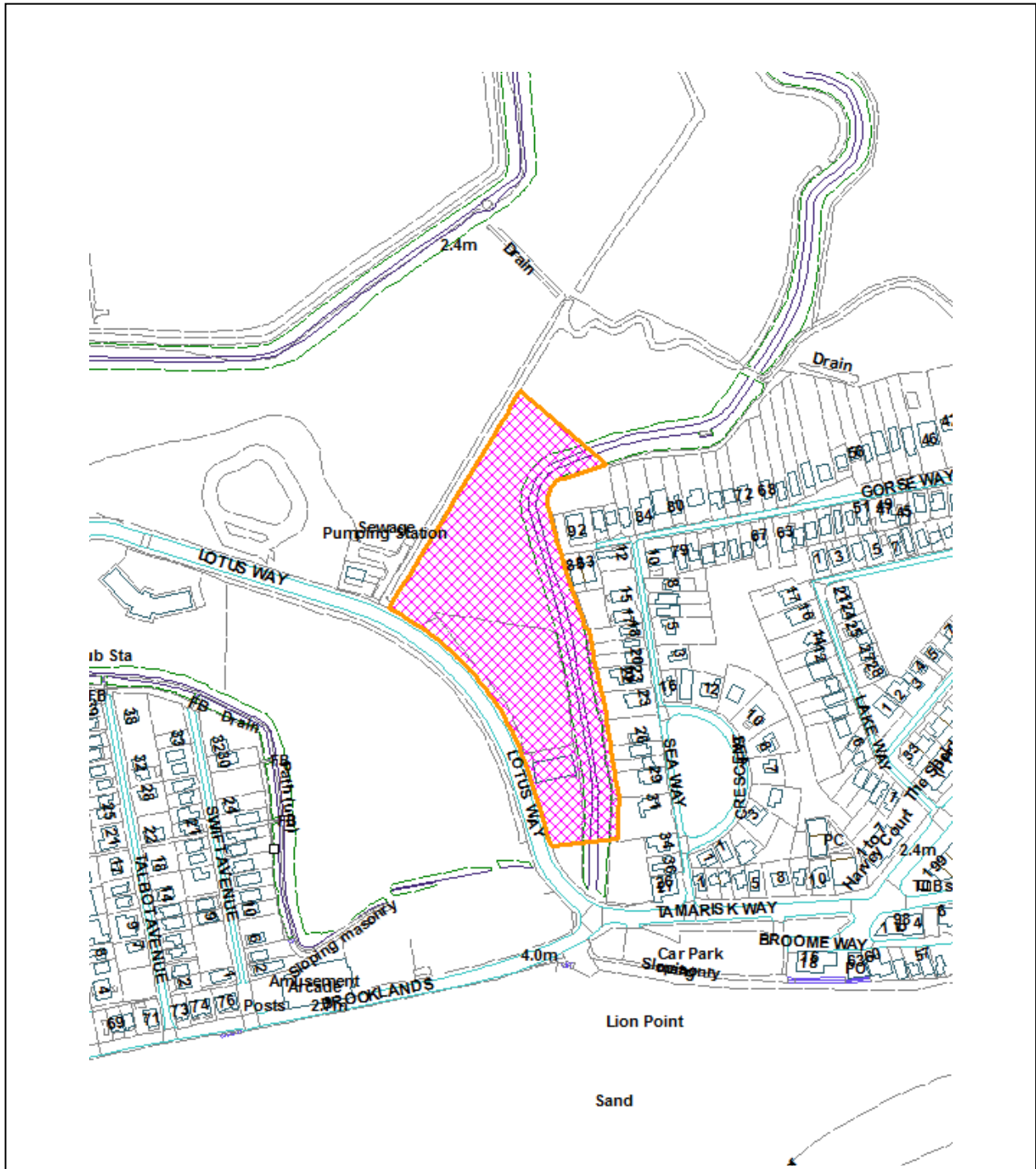


PLANNING COMMITTEE

6th September 2017

REPORT OF THE HEAD OF PLANNING

**A.5 PLANNING APPLICATIONS - 17/01032/FUL - LAND ADJACENT LOTUS WAY
TAMARISK WAY JAYWICK CO15 2HZ**



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Application:	17/01032/FUL	Town / Parish: Clacton Non Parished
Applicant:	Building Services - Tendring District Council	
Address:	Land adjacent Lotus Way Tamarisk Way Jaywick CO15 2HZ	
Development:	Proposed redevelopment of vacant site for 6 No. two bed starter homes and the erection/installation of an electricity substation and service access.	

1. Executive Summary

- 1.1 This is a full planning application to build six, two bedroom starter homes. The application is reported to Planning Committee in accordance with the Council's Constitution as the proposal has been submitted by the Council in relation to Council owned land.
- 1.2 This part of Jaywick Sands is one of the most deprived areas in the country and many of the existing properties were originally built as holiday homes but have gradually converted to residential use over the decades. Most properties are substandard by modern day expectations and building standards and are within the tidal flood zone where the risk of flooding is at its highest and which is set to increase with the effects of climate change.
- 1.3 The regeneration of Jaywick Sands is one of the Council's top long-term objectives and the Council has been leading a multi-agency project to explore and deliver improvements in the area to better the quality of life for residents and secure a long-term sustainable future for the community. Part of the strategy for regenerating Jaywick Sands is to actively encourage the development of brownfield sites and the redevelopment of the poorest and most vulnerable properties in the area and, at the same time, introducing a new benchmark for built design that addresses flood risk concerns; improves the quality of accommodation; maximises the enjoyment of Jaywick's assets (particularly the beach) and inspires property owners and developers to redevelop and remodel other parts of the area.
- 1.4 This proposal for 6 starter homes, along with the separate application 17/01030/FUL for 4 starter homes, represents one of the first significant proposals for development on recently acquired Council owned land in line with the Council's aspirations for the area. These dwellings are of high-quality, contemporary design, and are in prime location overlooking Jaywick beach and by including only storage and parking on the ground floor would bring about a net improvement in flood safety. Whilst they are radically different from the single-storey bungalows that currently dominate the area and so may be said to be out of character with prevailing built development, the regeneration of Jaywick Sands requires a bold approach that seeks to secure a long-term future for the area and in weighing up the advantages of the developments against the disadvantages, your Officers consider that the advantages far outweigh the disadvantages.
- 1.5 The recommendation is to grant planning permission subject to controlling conditions. It is intentional that the recommendation does not include a requirement for a legal agreement to secure infrastructure or financial contributions. This is in the interests of economic viability and in ensuring the deliverability of the scheme. This approach is entirely consistent with the NPPF's approach to viability and it is also in the spirit of the Government policy relating to the erection of starter homes.

Recommendation: Approve

Conditions:

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

1. Standard 3 year time limit for commencement
2. Development to be in accordance with approved plans
3. Highways conditions (as recommended by the Highway Authority)
4. Construction management plan
5. Submission of flood resilience measures
6. Submission of flood evacuation plan
7. Minimum floor levels
8. Removal of permitted development rights to convert garages to living accommodation
9. Removal of permitted development rights for extensions and outbuildings
10. Development to be in accordance with the contaminated land assessment
11. Details of materials (including hard surfacing which must be permeable)
12. Details of surface and foul water drainage arrangements
13. Landscaping details
14. Provision of broadband
15. Development in accordance with Ecology Report recommendations

2. Planning Policy

Relevant Policies / Government Guidance

- 2.1 Section 38(6) of the Planning Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In the case of Tendring the development plan consist of the following:

National Planning Policy Framework (NPPF)

- 2.2 The NPPF was published in March 2012. It sets out the Government's planning policies and how these are expected to be applied at the local level.
- 2.3 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF doesn't change the statutory status of the development plan as the starting point for decision taking. Where proposed development accords with an up to date local plan it should be approved and where it does not it should be refused – unless other material considerations indicate otherwise.
- 2.4 The NPPF has a strong presumption in favour of sustainable development and seeks to build a strong competitive economy. Sustainable development is defined as having three dimensions:
- an economic role;
 - a social role; and
 - an environmental role.

- 2.5 These dimensions have to be considered together and not in isolation. The NPPF requires Local Planning Authorities to positively seek opportunities to meet the development needs of their area whilst allowing sufficient flexibility to adapt to change. Where relevant policies in local plans are either absent or out of date, there is an expectation for Councils to approve planning applications, without delay, unless the adverse impacts would significantly and demonstrably outweigh the benefits.
- 2.6 Paragraph 187 of the NPPF states:
- “Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area”.*
- 2.7 Section 6 relates to delivering a wide choice of quality new homes and requires Councils to 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’ worth of deliverable housing land against their projected housing requirements (plus a 5% or 20% buffer to ensure choice and competition in the market for land). If this is not possible, housing policies are to be considered out of date and the presumption in favour of sustainable development is engaged with applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.
- 2.8 Section 7 relates to good design. Whilst the NPPF says that planning decisions should not impose architectural styles or particular tastes that would serve to stifle originality, it is proper to seek to promote local distinctiveness. Design also needs to address the connections between people and places and the integration of new development into the natural, built and historic environment.
- 2.9 Section 8 relates to the promotion of healthy communities – it talks about safe and accessible environments.
- 2.10 Section 10 considers the challenge of climate change. New developments should take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption. Developments should take account of flood risk and where appropriate be accompanied by Flood Risk Assessments. Paragraph 94 states:
- “Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations”.*
- 2.11 Paragraph 103 sets out the approach that Councils should take when considering planning applications for development in areas of flood risk. This requires a ‘sequential approach’ that seeks to direct development away from high risk flood areas and to only allow a contrary approach in exceptional circumstances where there are overriding reasons. In any event, developments need to be appropriately flood resilient, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning.
- 2.12 Section 11 deals with conserving and enhancing the natural environment. New development should take account of air, water, and noise pollution. Opportunities to incorporate biodiversity in and around developments should be encouraged.

- 2.13 Section 12 relates to the conservation and enhancement of the historic environment (including archaeology).

Local Plan

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

QL1: Spatial Strategy

Directs most new development toward the larger urban areas and seeks to concentrate development within settlement development boundaries.

QL2: Promoting Transport Choice

Requires developments to be located and designed to avoid reliance on the use of the private car.

QL3: Minimising and Managing Flood Risk

Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more and for developments in Flood Zones 2 and 3.

QL6: Urban Regeneration Areas

Identifies West Clacton and Jaywick, amongst others, as an Urban Regeneration Area. Planning permission will be granted for development that reinforces and/or enhances the function, character and appearance of the area and contributes towards regeneration and renewal. The Urban Regeneration Areas will be the focus for investment in social, economic and transportation infrastructure and initiatives to improve vitality, environmental quality, social inclusion, economic prospects, education, health, community safety and accessibility.

QL8: Mixed-Uses

Promotes mixed-use developments, in town centre locations and Urban Regeneration areas but also elsewhere where they are not harmful to the amenity, function or character of the local area or vitality and viability of any nearby centre.

QL9: Design of New Development

All new development should make a positive contribution to the quality of the local environment and protect and enhance local character.

QL10: Designing New Development to Meet Functional Needs

Requires development to meet functional requirements relating to access, community safety and infrastructure provision.

QL11: Environmental Impacts

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

QL12: Planning Obligations

States that the Council will use planning obligations to secure infrastructure to make developments acceptable, amongst other things.

HG1: Housing Provision

Provision is made for a net dwelling stock increase of 6250 dwellings in Tendring District in the period 1 April 1996 to 31 March 2011.

HG3: Residential Development within Defined Settlements

Within the defined development boundaries of towns and villages, residential development will be permitted provided it satisfies amenity, design, density, environmental, highway, local housing needs and sustainability criteria and can take place without material harm to the character of the local area.

HG3a: Mixed Communities

New residential development should achieve mixed communities.

HG4: Affordable Housing in New Developments

The Council will expect 40% of new dwellings to be made available in the form of affordable housing – in settlements of over 3000 population: housing developments for 15 or more dwellings or residential sites of 0.5 ha or more.

HG7: Residential Densities

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

HG9: Private Amenity Space

Private amenity space shall be provided to new dwellings in accordance with the following standards:

- three or more bedroom house – a minimum of 100 square
- two bedroom house – a minimum of 75 square metres
- one bedroom house – a minimum of 50 square metres

The standards above are in addition to land required for recreational open space by Policy COM6.

HG14: Side Isolation

Proposals for detached, semi-detached and end terraced dwellings over 4 metres in height will be required to retain appropriate open space between the dwelling and the side boundaries to ensure that new development is appropriate in its setting and does not create a cramped appearance and to safeguard the amenities and aspect of adjoining residents. As a guideline a minimum distance of 1 metre will be sought.

COM2: Community Safety

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

COM6: Provision of Recreational Open Space for New Residential Development

Proposals for residential development on a site of 1.5 hectares and above are required to provide at least 10% of the gross site area as public open space. For residential development below 1.5 hectares in size, where existing open space facilities are inadequate to meet the projected needs of the future occupiers of the development, a financial contribution shall be made to the provision of new or improved off-site facilities in scale and kind to meet these needs.

COM19: Contaminated Land

Unless appropriate remedial measures are included, planning permission will not be granted for development, which is either proposed to be located on, or is affected by ground that is known to be contaminated. Full investigations will have to be carried out, the contamination assessed and appropriate remedial measures specified.

COM29: Utilities

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

COM31a: Sewerage and Sewage Disposal

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

EN6: Biodiversity

Requires existing biodiversity and geodiversity to be protected and enhanced with compensation measures put in place where development will cause harm.

EN6a: Protected Species

Ensures protected species are not adversely impacted by new development.

EN6b: Habitat Creation

Encourages the creation of new wildlife habitats in new developments, subject to suitable management arrangements and public access.

EN12: Design and Access Statements

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

EN13: Sustainable Drainage Systems

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

EN29: Archaeology

Requires the consideration of archaeological significance and the investigation, protection, incorporation or recording of any important archaeological features.

TR1a: Development Affecting Highways

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

TR3a: Provision for Walking

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

TR7: Vehicle Parking at New Development

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

CL15: Residential Development in Jaywick

The Council will encourage the redevelopment of the original Brooklands, Grasslands and Village areas provided that :

- any new residential development should take the form of single dwellings on combined plots (18 metres by 15 metres);
- only three storey development that excludes habitable rooms on the ground floor will be allowed;
- direct road frontage access should be available to each plot;
- a minimum of 5 metres deep rear yard/amenity area shall be provided;
- a minimum one metre space between side boundaries and any detached, semi-detached or end terraced dwelling, or a minimum distance of 2 metres between the flank walls of any two such dwellings will be required;
- any off street parking should be provided within the ground floor of each dwelling;
- the front building line to be 2 metres from the highway;

- subsequent extensions to new dwellings will not be allowed if they contain living accommodation on the ground floor in the form of habitable rooms;
- no development will be allowed within 4 metres of the ditch to the rear of Brooklands and Grasslands to allow for the passage of maintenance plant; and
- development along the Brooklands frontage will need to be set back 2 metres to allow for the expansion of the road and a minimum 1.2 metre wide foot path.

The approval of any new dwelling will be subject to a contribution towards the continued wider regeneration of Jaywick in accordance with Policy CL15a.

CL15a: Jaywick Regeneration

To facilitate the phased redevelopment of the original Brooklands, Grasslands and the Village area of Jaywick the Council will allow residential and mixed use development on the following sites:

1. land at the former Brooklands and Grasslands Social Club (mixed use);
2. land west of Lotus Way and north of Brooklands (mixed use on southern part of site);
3. land east of Lotus Way; and
4. land west of the Guinness Trust development, Lotus Way.

Residential development on these sites will be permitted subject to the securing of Section 106 Agreements. Each new dwelling built both within the existing Brooklands, Grasslands and Village area and on sites 1-4 above will be required to make contributions towards:

- a. the assembly of either vacant or 'open market' plots within the defined area;
- b. securing improvements to the highway network, roads, footpaths and cycle routes; and
- c. securing and providing a range of new facilities including retail and open spaces.

CL16: planning Controls in Jaywick

The Council will continue to control development in accordance with the Article 4 Direction. Other types of development will not be permitted including the stationing of caravans; industrial uses in residential areas; retail sales from residential properties; and the sale of goods from commercial properties unrelated to the normal business being carried out.

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

SP1: Presumption in Favour of Sustainable Development

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

SP3: Meeting Housing Needs

The Council will identify sufficient deliverable sites for housing and will maintain a sufficient supply of deliverable sites to provide at least five years' worth of housing and will work proactively with applicants to bring forward sites that accord with the overall spatial strategy and relevant policies in the plan.

SP5: Infrastructure and Connectivity

Development must be supported by provision of infrastructure, services and facilities that are identified to serve the needs arising from the new development. The infrastructure relates to transport; education; health and telecommunications (broadband).

The Vision for Jaywick Sands in 2033

Jaywick Sands will have seen, through the provision of a deliverable development framework, a sustainable community with associated economic, community and employment opportunities.

SPL1: Managing Growth

Identifies 'Urban Settlements' (including Clacton and Jaywick Sands) where the majority of the district's economic growth will be achieved through the identification of new housing and employment sites, investment in town centres, tourist attractions and key infrastructure and regeneration of deprived neighbourhoods.

SPL2: Settlement Development Boundaries

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

SPL3: Sustainable Design

Sets out the criteria against which the design of new development will be judged. Of particular relevance to this application are the following:

- all new development should make a positive contribution to the quality of the local environment and to protect and enhance local character
- practical requirements must be met including highway access; steps to minimise opportunities for crime and anti-social behaviour; measures to adapt to climate change and to address flood risk; provision is made for private amenity space; and biodiversity is enhanced where possible
- the impacts of the development should be compatible with the surrounding uses including impacts on privacy and daylight; road traffic; and pollution/nuisance levels

HP5: Open Space, Sports and Recreation Facilities

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

LP1: Housing Supply

Sets out how the Council will meet objectively assessed housing needs of 11,000 dwellings over the next 15-20 years and in which parts of the district.

LP2: Housing Choice

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

The Council will support the development of bungalows, retirement complexes, extra care housing, independent living, **starter homes**, self-build and other forms of residential accommodation aimed at meeting the future needs of older disabled residents as well as family housing.

LP3: Housing Density and Standards

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

LP4: Housing Layout

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

LP5: Affordable and Council Housing

Provide new affordable and council housing on sites of 11 or more dwellings the Council will expect 30% of new dwellings to be made available to the Council or its nominated partner to acquire at a proportionate discounted value for use as affordable or council housing.

As an alternative, the Council will accept a minimum of 10% of new dwellings to be made available to the Council or its nominated partner to acquire at a proportionate discounted value for use as affordable or council housing alongside a financial contribution towards the construction or acquisition of property for use as council housing equivalent to delivering the remainder of the 30% requirement.

No single group of council houses will exceed ten dwellings – to avoid an over concentration.

PP14: Priority Areas for Regeneration

Identifies Booklands; Grasslands and the Village areas of Jaywick Sands as a priority area for regeneration that will be a focus for investment in social, economic and physical infrastructure and initiatives to improve vitality, environmental quality, social inclusion, economic prospects, education, health, community safety, accessibility, and green infrastructure.

The Council will support proposals for new development which are consistent with achieving its regeneration aims.

PPL1: Development and Flood Risk

All development proposals should include appropriate measures to respond to flood risk and, where appropriate, be accompanied by a Flood Risk Assessment. New development in areas of high flood risk must be designed to be resilient in the event of a flood and ensure that, in the case of new residential development that there are no bedrooms at ground floor level and that a means of escape is possible from first floor level.

PPL4: Biodiversity and Geodiversity

Requires existing biodiversity and geodiversity to be protected and enhanced with compensation measures put in place where development will cause harm. Proposals for new development should be supported by an appropriate ecological assessment; if protected species are present, a suitable mitigation plan will be required. Proposals should consider the potential for enhanced biodiversity.

PPL5: Water Conservation, Drainage and Sewerage

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

PPL7: Archaeology

Proposals for new development that would affect, or might affect, archaeological remains will only be permitted where accompanied by an appropriate desk based assessment. Where identified as necessary within that desk based assessment, a written scheme of investigation including excavation, recording or protection and deposition of archaeological records in a public archive will be required to be submitted to and approved by the Council.

CP1: Sustainable Transport and Accessibility

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

CP3: Improving the Telecommunications Network

Requires that all new dwellings and non-residential buildings must be served by superfast broadband.

DI1: Infrastructure Delivery and Impact Mitigation

All new development should be supported by, and have good access to, all necessary infrastructure. Permission will only be granted if it can be demonstrated that there is sufficient appropriate infrastructure capacity to support the development or that such capacity will be delivered by the proposal. Where a development proposal requires additional infrastructure capacity, to be deemed acceptable, mitigation measures must be agreed with the Council.

Other Relevant Documents

Essex County Council Parking Standards – Design and Good Practice September 2009

Essex Design Guide for Residential and Mixed-Use Areas

Jaywick Strategic Flood Risk Assessment

Ministerial Statement relating to Starter Homes March 2015 - This statement provided an update on the Government's consultation (from the previous year) seeking views about proposals for planning reform to support the development of 100,000 new high-quality, low-cost starter homes for young first time buyers.

The intention was to ensure young people had the “opportunity to buy their own home, settle down and enjoy the security that home ownership brings.”

The starter home consultation proposed the introduction of a new national exception site planning policy to enable starter homes to be built on under—used or unviable commercial or industrial sites not currently identified for housing, on both public and private land; for these starter homes to be only sold to young first time buyers at a minimum 20% discount below their open market value; that local planning authorities should not seek section 106 affordable housing and tariff-style contributions on starter homes; and they should be exempt from the community infrastructure levy to enable developers to help deliver the discounted sale price.

The Government made the following change to national planning policy:

Local planning authorities should work in a positive and proactive way with landowners and developers to secure a supply of sites suitable for housing for first- time buyers. In particular, they should look for opportunities to create high quality, well designed starter homes through exception sites on commercial and industrial land that is either under used or unviable in its current or former use, and which has not currently been identified for housing.

Where applications for starter homes come forward on such exception sites, they should be approved unless the local planning authority can demonstrate that there are overriding conflicts with the national planning policy framework that cannot be mitigated.

Planning obligations should be attached to permissions for starter homes on starter homes exception sites, requiring that the homes are offered for sale at a minimum of 20% below open market price, to young first- time buyers who want to own and occupy a home. They should also prevent the re-sale and letting of the properties at open market value for a five year period.

In view of their contribution to meeting housing needs, starter homes exception sites should not be required to make section 106 affordable housing or tariff-style contributions.

Exception sites may include a small proportion of market homes, at the planning authority's discretion, where this is essential to secure the required level of discount for the starter homes on the site.

Starter homes developments are expected to be well-designed and of a high quality, contributing to the creation of sustainable places where people want to live, work and put down roots to become part of the local community. A new design advisory panel set up by the Government, involving leading industry experts, is developing an initial set of exemplar designs for starter homes which we expect to publish shortly for wider comment. While recognising the need for local flexibility, we would expect these designs over time to become the default approach to design to be considered for starter homes developments.

This new national planning policy should be taken into account in plan-making and decision-taking, and should be read alongside other policies in the National Planning Policy Framework.

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. As this plan is yet to be examined, its policies cannot carry the full weight of adopted policy. However, because the plan has reached publication stage its policies can carry some weight in the determination of planning applications. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

3. Relevant Planning History

94/00529/FUL	(Lion Point, entrance to Jaywick Market Site, Tamarisk Way, Jaywick) Continued stationing caravan for use as market office and store	Approved	07.06.1994
04/00873/FUL	Change of use of land and buildings.	Withdrawn	10.05.2004
17/01030/FUL	Proposed redevelopment of vacant site for 4 No. two bed starter homes and the erection/installation of an electricity substation and service access.	Current	
17/01032/FUL	Proposed redevelopment of vacant	Current	

site for 6 No. two bed starter homes and the erection/installation of an electricity substation and service access.

4. Consultations

Essex Wildlife Trust No comments received.

Environment Agency

Flood Risk

Our flood maps show the site lies within tidal Flood Zone 3a defined by the Planning Policy Guidance : Flood Risk and Coastal Change as having a high probability of flooding. The proposal is for proposed redevelopment of vacant site for 4 no. two bed starter homes which is classified as a 'more vulnerable' development, as defined in Table 2 : Flood Risk Vulnerability Classification of the Planning Practice Guidance. Therefore to comply with national policy the application is required to pass the Sequential and Exception Test (s) and be supported by a site specific Flood Risk Assessment (FRA).

Environment Agency Position

We have no objection to this planning application because the site is currently defended and the Shoreline Management Plan (SMP) policy for this area has an aspiration for hold the line. If the SMP policy is not taken forward the development would be unsafe in the future. Please take note of this and other flood risk considerations which are your responsibility. We have highlighted these below.

To assist you in making an informed decision about the flood risk affecting this site, the key points to note from the submitted FRA, referenced 47547 and dated January 2017, are:

Actual Risk

- The site is currently protected by flood defences with an effective crest level of 4.11m AOD which is above the present-day 0.5% (1 in 200) annual probability flood level. Therefore the site is not at risk of flooding in the present-day 0.5% (1 in 200) annual probability flood event. The defences will continue to offer protection over the lifetime of the development, provided that the hold the line SMP policy is followed and the defences are raised in line with climate change, which is dependent on future funding.
- At the end of the development lifetime with climate change applied to the design 0.5% annual probability flood event, if the SMP policy is not followed then through the overtopping of the current defences the resulting on-site flood level would be 4.81m AOD. The resulting actual risk depth of flooding on the

site using the minimum site level of 1.40m AOD would be 3.40m deep.

Residual Risk

- The FRA does not explore the risk of breach defences. Our defended flood levels show that in a worst case scenario the site could experience breach flood depths of up to 3.84 metres during the 0.5% (1 in 200) annual probability including climate change breach flood event with flood level of 5.24m AOD, and up to 4.19 metres during the 0.1% (1 in 1000) annual probability including climate change breach flood event with flood level of 5.59m AOD. You may wish to ask the applicant to provide a breach assessment for the development site in their FRA so that you can make a more informed decision on flood risk.
- Therefore assuming a velocity of 0.5m/s the flood hazard is danger for all including the emergency services in the 0.5% (1 in 200) annual probability flood event including climate change.
- Finished ground floor levels have not been confirmed within the FRA. However it is stated that all habitable rooms will be on the first floor and above.
- Finished first floor levels have been proposed at 5.675m AOD and therefore there is refuge above the 0.1% (1 in 1000) annual probability breach flood level of 5.59m AOD.
- A Flood Evacuation Plan has been proposed.
- Flood resilience/resistance measures have been proposed.

Regeneration

No specific comments on this application.

ECC Strategic Planner

No comments received.

ECC Archaeology

The application has been identified as having the potential to harm non designated heritage assets with archaeological interest.

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

archaeological remains as well as buried prehistoric land surfaces which may be impacted by the proposed development. The site investigation report also records that peat deposits have been recorded at the site, these deposits hold significant palaeoenvironmental evidence.

The site also contains the historic remains of a former sea wall which is depicted on the first edition map OS and so must predate c. 1870. This was later re-used as a track way carrying passengers from the newly erected residential development along the coast back inland to Jaywick. The embankment that survives is historic in origin and preservation of the feature is recommended.

If the Council is minded to approve this application then the following conditions are recommended:

1. No development or preliminary groundworks can commence until a programme of archaeological and geoarchaeological evaluation has been secured and undertaken in accordance with a Written Scheme of Investigation, which has been submitted by the applicant, and approved by the planning authority. following the completion of this initial phase of archaeological work, a summary report will be prepared and a mitigation strategy detailing the approach to further geoarchaeological investigation and/or preservation in situ through the redesign of the development, shall be submitted to the local planning authority.
2. No development or preliminary groundwork can commence on those areas of the development site containing archaeological deposits, until the satisfactory completion of archaeological and/or geoarchaeological fieldwork, as detailed in the mitigation strategy, which has been signed off by the local planning authority.
3. Following completion of the archaeological and/or geoarchaeological fieldwork, the applicant will submit to the local planning authority a post-excavation assessment (within six months of the completion date, unless otherwise agreed in advance with the planning authority), which will result in the completion of post excavation analysis, preparation of a full-site archive and report ready for deposition at the local museum, and submission of a publication report.

A brief outlining the level of archaeological and/or geoarchaeological investigation will be issued from this office on request. ECC Archaeology

Tree & Landscape Officer

There are no trees or other significant vegetation on the application site.

Whilst the site offers few opportunities for new soft landscaping the site layout plan shows indicative new tree planting.

In an area that is not well treed the inclusion of new trees will have a positive impact on the appearance of the area. Should consent be granted then a condition should be attached to secure details of the species and specification of the new trees to be planted.

Taking into account the coastal location special care should be taken to select species that will tolerate the salt laden winds. Decorative Sycamore or hawthorn would be most appropriate.

UU - Open Space
Consultation

There is a current deficit of 41.08 hectares of play in the Clacton/Holland area. This is broken down as follows:

Any additional development will increase demand on already stretched facilities.

The nearest play area to the proposed development is located at the Resource Centre, Brooklands, Jaywick. The play area is classified as a Local Equipped Area of Play, but provides limited provision.

Due to the close proximity to the site it is highly likely that the biggest impact would be felt by this play area. Therefore, to ensure the facilities are adequate and able to cope with the additional usage it would be necessary to increase the level of provision.

A contribution towards additional formal open space is not necessary.

UU Housing Consultation

This application will provide both affordable housing and starter homes.

Building Control and
Access Officer

No comments at this stage.

Environmental Protection

A contaminated Land survey needs to be carried out and the findings reported to this authority for agreement.

A full construction method statement must be provided. The developer should consider the following advice when preparing such statements.

Noise Control

- 1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.
- 2) No vehicle connected with the works to arrive on site before 06:30 or leave after 19:30 (except in the case of emergency). Working hours to be restricted between 07:00 and 19:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank

Holidays.

3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:1984.

4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).

5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.

6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

Emission Control

1) All waste arising from the demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

2) No materials produced as a result of the site development or clearance shall be burned on site. All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.

3) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Waste Management

No comments.

ECC Highways Dept

This Authority has assessed the highway and transportation impact of the proposal and does not wish to raise an objection to the above application subject to the following:

Prior to occupation of the development, the accesses at their centre lines shall be provided with a clear to ground visibility splays with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the accesses are first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the accesses and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Prior to occupation of the development the vehicular parking

and turning facilities, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Any single garages should have a minimum internal measurement of 7m x 3m. All garages shall be retained for the purposes of vehicle parking in perpetuity.

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

INF01 Highway Works - All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ.

INF02 Cost of Works - The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land

Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

INF03 - Site Workers - Steps should be taken to ensure that the Developer provides sufficient turning and off loading facilities for delivery vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

ECC SuDS Consultee

We will not be providing bespoke comments as the development does not create over 1000 metres square of impermeable area. Any sustainable drainage proposals should look to comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of Practice for surface water management for development sites.

All forms of flood risk should be considered including surface water flood risk.

The Council will need to have regard to the following in the determination of the application:

- Sequential test in relation to fluvial flood risk
- Safety of people
- Safety of the building
- Flood recovery measures
- Sustainability of the development

5. **Representations**

5.1 3 letters of objection have been received. The main concerns are summarised as follows:

- The gardens in Sea Way are peaceful now the starter homes will cause noise and spoil the view
- The residential properties on sea Way would be overlooked because the proposed dwellings are three storeys high
- The residents of Sea Way are mostly elderly people and the changes that the development would bring would be unfair on them
- The properties on Sea Way would be devalued
- 26 parking spaces are provided for 10 starter homes
- The proposal is supported locally but the community should not be treated as plebs and in the absence of a Community Build Trust the Council needs to work with the community on delivery
- The scheme will set the sense and identity for future development
- The landscaping species are inappropriate
- The site of the Jaywick railway should be recognised by a plaque or a piece of public art

- The design appears good quality but it should not be compromised and community engagement needs to occur
- The site is in a sustainable location and so 26 parking spaces is too many
- A travel plan needs to be provided to encourage walking cycling and public transport
- The Councils need to show leadership and set the standard for future developers
- By reducing the amount of parking it would enable the dwellings to be set back and negate the need for reversing movements on the blind bend

6. **Assessment**

The Site

- 6.1 The site is currently vacant and comprises an irregular shaped parcel of land (measuring approximately 1.03 hectares) that has a road frontage with Lotus Way. It is situated just to the north of the mini roundabout junction where the two highways merge. The site is mostly covered with grass and bramble and an embankment runs through the site that was historically used for the miniature narrow gauge railway that linked Jaywick to Clacton in the 1930's.
- 6.2 The site is bounded to the south by vacant land that is the subject of Planning Application 17/01030/FUL for four starter homes which is also included within this agenda for determination. Immediately to the north is a commercial building that was formerly used as tyre replacement garage. On the opposite side of Lotus Way lies the former, vacant Jaywick Market site and further to the south is the Council owned Tamarisk Way public carpark with the promenade and beach beyond. To the east is the fire damaged, vacant café on the corner with Sea Way and the residential properties that represent a mix of single storey and one and a half storey dwellings.
- 6.3 The site is outside of the development boundary in the adopted local plan but is identified as a regeneration site by Policies CL15 and CL15a. It lies entirely within Flood Zone 3a.
- 6.4 In the emerging local plan, the site lies within the development boundary and adjacent to a Priority Regeneration Area.
- 6.5 The site does not lie within the limits of the existing Article 4 Direction that removes permitted development rights for extensions and alterations to most of the existing dwellings in Jaywick Sands. The purpose of the Direction is to ensure that further habitable space is not created at ground floor level where it is most vulnerable to flood risk.

The Proposal

- 6.6 The application proposes the erection of six no. two bedroomed dwellinghouses in a staggered terrace arrangement. Vehicular access to the garages is to be from Lotus Way.
- 6.7 The dwellings each measure approximately 11 metres in height and have pitched roofs. The external materials are to consist of a grey tile; smooth render and hardiplank cladding; and grey aluminium (triple) glazed units.
- 6.8 Each dwelling provides the following:
- A garage/storage space measuring approximately 4.5 m wide by 8.3 m long (internal measurements)
 - Two bedrooms and a family bathroom at first floor
 - A living room; kitchen and W.C. at second floor
 - Shared external steps between two dwellings to access the front door at first floor level.

6.9 The dwellings have differing levels of garden space enclosed with 1.8 m high timber panelled fencing as follows:

- Plot 5 – 74 m²
- Plot 6 – 78 m²
- Plot 7 – 90 m²
- Plot 8 – 94 m²
- Plot 9 – 100 m²
- Plot 10 – 100 m²

6.10 The application is accompanied by the following plans and documentation:

- Application form
- Drawing no. A/2017/06/01 Amended site plan and proposed block plan
- Drawing no. A/2017/06/03 Block B Proposed floor plans
- Drawing no. A/2017/06/04 Block B Proposed elevations
- Job reference 800060184 UK Power Networks – plan showing location of power cables
- Drawing no. EDS 07-0102.21 A – Additional information regarding earthing arrangements of elevated unit/package substation with fully bunded plinth and GRP enclosure
- Design and Access Statement June 2017
- Flood Risk Assessment – Richard Jackson January 2017 Project No. 47547
- Preliminary Ecology Appraisal - Essex Ecological Services Ltd February 2017
- Reptile Survey and Mitigation - Essex Ecological Services Ltd August 2017
- Phase 2 Site Investigation Report – TerraConsult March 2016 Report No. 10172-RO1
- Brief for Archaeological Trial Trench Evaluation and palaeo-environmental test pitting – Essex County Council Place Services 3 August 2017

6.11 This application is presented to the Planning Committee in accordance with the Council's Constitution (Part 3.16 July 2016) as the applicant is the Council and the proposal is in respect of Council owned land.

6.12 The dwellings are proposed to be sold by the Council for private ownership as affordable, starter homes.

Main Planning Considerations

6.13 The main planning considerations are:

- Principle of development;
- Jaywick Regeneration Policies;
- Design and layout;
- Flood risk issues;
- Highways, transport and accessibility;
- Environmental Impacts;
- Biodiversity
- Archaeology
- S106 planning obligations; and
- Overall planning balance.

Principle of development

6.14 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material

considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a material consideration in this regard.

- 6.15 The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. As this plan is yet to be examined, its policies cannot carry the full weight of adopted policy. However, because the plan has reached publication stage its policies can carry some weight in the determination of planning applications. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.
- 6.16 The Council's emerging local plan sets out a series of visions and objectives which each of the proposed policies contributes towards. For Jaywick Sands the vision is that by 2033 it will have developed into a sustainable community with associated economic, community and employment opportunities.
- 6.17 One of the Council's top priorities is to improve the quality of life, stimulate investment and local economic development and to address the underlying causes of deprivation. The Council wants to encourage development and regeneration initiatives that build on local strengths and in Jaywick Sands this particularly means building on the strong sense of community and developing measures that will improve the housing stock, social inclusion and community safety. The Council's Corporate Plan 2016 – 2020 looks to achieve engagement with the community; effective partnership working; delivering a quality living environment; local regeneration; and council house building.
- 6.18 The site lies outside of the settlement development boundary for Jaywick which forms part of the 'town' of Clacton (as defined in Policy QL1 of the adopted Local Plan) but it is identified by specific Jaywick policies (Policy CL15a) as a regeneration site.
- 6.19 In the emerging local plan the site lies within the settlement boundary of Clacton (including Jaywick Sands) which is identified as an 'Urban Settlement' where the majority of the district's economic growth will be achieved through the identification of new housing and employment sites, investment in town centres, tourist attractions and key infrastructure and regeneration of deprived neighbourhoods. Policy SPL2 of the emerging local plan seeks to direct new development to sites within settlement development boundaries.
- 6.20 The Brooklands, Grasslands and Village areas of Jaywick are also defined as an 'urban regeneration area' in Policy QL6 of the adopted Local Plan and a 'Priority Area for Regeneration' in Policy PP14 of the emerging Local Plan'. Such areas will be a focus for investment in social, economic and physical infrastructure and initiatives to improve vitality, environmental quality, social inclusion, economic prospects, education, health, community safety and accessibility. The policy supports proposals for development that are consistent with achieving these regeneration aims. Both the adopted and emerging policy state that the Council will support proposals for new development which are consistent with achieving its regeneration aims.
- 6.21 As the site is identified as a regeneration site and lies within the settlement development boundary in the emerging local plan, there is a general presumption in favour of

development in principle. The development is consistent with the aims of the NPPF; the Council's Corporate Plan; Policies QL1 and QL6 of the adopted local plan; and, Policies SP1, SPL1, SPL2 and PP14 of the emerging local plan.

- 6.22 However, this part of Jaywick falls within Flood Zone 3a and notwithstanding its location within the settlement development boundary, the Council is still required to give special consideration to flood risk issues and the requirements of the NPPF i.e. the 'sequential' and 'exceptions' tests. These are considered in more detail later in this report.

Jaywick Regeneration Policies

- 6.23 In the adopted Local Plan, Policy CL15a sets out specific requirements for development in Jaywick (including the current application site) which are:

6.24 CL15a: Jaywick Regeneration

To facilitate the phased redevelopment of the original Brooklands, Grasslands and the Village area of Jaywick the Council will allow residential and mixed use development on the following sites:

1. land at the former Brooklands and Grasslands Social Club (mixed use);
2. land west of Lotus Way and north of Brooklands (mixed use on southern part of site);
3. land east of Lotus Way; and
4. land west of the Guinness Trust development, Lotus Way.

- 6.25 Residential development on these sites will be permitted subject to the securing of Section 106 Agreements. Each new dwelling built both within the existing Brooklands, Grasslands and Village area and on sites 1-4 above will be required to make contributions towards:

- a. the assembly of either vacant or 'open market' plots within the defined area;
- b. securing improvements to the highway network, roads, footpaths and cycle routes; and
- c. securing and providing a range of new facilities including retail and open spaces.

- 6.26 The development of this site has been proposed since the allocation of the site for residential and mixed use development in the adopted local plan in 2007. However, this policy, in combination with Policy CL15, aimed at strictly controlling development to facilitate a phased programme of redevelopment has failed to bring about any significant, positive changes in the area. Since the NPPF has given Councils more freedom to apply planning policies to better reflect local circumstances the Council, the Environment Agency and other partners have agreed that relaxing some of the planning restrictions and moving towards flexible policies aimed at encouraging developers to provide high-quality, resilient and innovative new homes in the area is a better approach. The Council's 2012 Draft Local Plan included a far more positive policy which sought to encourage appropriate development rather than restrict innovation. As a result of this a number of residential planning permissions have been granted. Whilst this policy does not feature verbatim within the emerging local plan, the principles remain and have been applied in the consideration of this application.

Design and Layout

- 6.27 The contemporary design with use of glazing to afford views of the sea is appropriate for a coastal location but it is radically different from existing development in the area which generally consists of single-storey bungalows, many of which are of sub-standard condition. At 11 metres in height, this development would be more than double the ridge height of neighbouring properties and approximately three times the eaves height. The development would be out of keeping and out of character with existing built development and would give

rise to concerns over overlooking of existing properties, particularly those located in Sea Way. The side boundary of the development would be adjacent to the rear boundaries of the existing properties.

- 6.28 In any other location, Officers would advise that such a development is inappropriate in planning terms for being so radically out of character with the wider area and giving rise to neighbouring amenity concerns. However, this part of Jaywick is a priority area for regeneration and an area where the current standard of residential property places residents at a high risk of flooding – particularly if climate change results in rising sea levels as projected by the Environment Agency and in poor residential conditions. Because this development contains no living accommodation on the ground floor the risk to residents in the event of a flood is kept to a minimum.
- 6.29 With this in mind, Officers are advising the Committee that an exceptional approach is justified and to set aside normal planning concerns in order to facilitate a development that could help set the tone for the future regeneration of the area. If the Committee agrees that an exceptional approach is needed (as it has taken previously with developments at Sea Pink Way and Brooklands in the recent past), this development provides an opportunity to inspire other property owners to consider redevelopment to a more resilient, lower flood risk form of development.

Flood risk issues

- 6.30 The site, and the rest of this part of Jaywick, is in Flood Zone 3 – the highest area of risk due to its low-lying position on the coast. The NPPF, as supported by relevant policies in the adopted and emerging local plans, requires a ‘sequential approach’ to the location of new development which seeks to direct new development to the locations at lowest risk. In Tendring, there are clearly many locations of lower risk where residential development could be located but in Jaywick Sands an exceptional approach is justified where new development can assist in the regeneration of the area and helping to reduce the risk of flooding to life and property overall.
- 6.31 The NPPF and Local Plan policies refer to the ‘Exception Test’ which must apply if a development in a higher risk area is being considered having undertaken the sequential test. Paragraph 103 of the NPPF requires such developments to be informed by site-specific flood risk assessment and to demonstrate that:
- Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
 - Development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.
- 6.32 The application is accompanied by a site-specific flood risk assessment which, as advised by the Environment Agency, provides sufficient information for the Council to make an informed decision. The conclusions and recommendations in the assessment are summarised as follows:
- The site is in Flood Zone 3 ‘High Risk’ with the primary source of flooding being tidal flooding from the North Sea;
 - The site has been topographically surveyed and this shows that the site levels are between 1.40m and 2.37m AOD generally. There is a bank described as a former trackway on the site that is higher at around 3.00m AOD.

- The PPG defines residential development as being more vulnerable to flooding. These proposals will be set out to ensure that the lower floors sequentially place the least vulnerable uses at the highest risk. The upper floors will then provide domestic uses and sleeping. A town house layout is suited to this type of proposal and hence will be adopted for this site.
- Sequential Test - The need for affordable housing in the Tending District and especially in this specific area is well documented. These proposals will go some way to alleviating this need. There are limited opportunities for new developments in Jaywick. The remainder of the settlement is also at the same or similar flood risk.
- Climate Change - This site will be impacted by increases in sea level over time. The PPG rates of rise suggest that 1.21m of sea level rise can be expected between 1990 and 2105. Rainfall intensity is also predicted to increase with time and an uplift of 40% is recommended.
- Tidal and Fluvial Flood Risk. This site is located in flood zone 3 for risk of tidal flooding. Sea defences exist at this location and this site will benefit from their protection. Environment Agency data indicates that sea levels will be as set out in Table 1 below.

1 in 200 year (0.5%) 4.18m AOD 5.375m AOD and 1 in 1000 year (0.1%)

4.55m AOD 5.745m AOD The ground levels at the site vary from around 1.40m AOD to 2.71m AOD.

- The first floor of the new houses will need to be set to provide a safe refuge above the 1 in 200 year design storm for 100 years' time, with 300mm freeboard this gives a level for the first floor of 5.675m AOD. The upper floor will be a further 3.00m or so above this level and hence will provide a safe refuge from extreme events.
- The existing sea defence level is 4.11m AOD and therefore overtopping of the defences may occur.
- Surface Water Flooding - This area is not shown to be at risk of surface water flooding. This area is drained by a system of surface water sewers which generally outfall to open watercourses which then outfall to the sea.
- Reservoirs and other Artificial Flooding - The flood mapping shows that this site is not at risk from reservoir flooding.
- Lotus Way is drained by a surface water sewer and there are nearby foul drains. Water mains will also exist in this area to some existing developed areas. The risk from these sources is considered low.
- Ground Water Flooding - A site investigation was undertaken in 2016 which revealed that the site is underlain by made ground over clay. Ground water was struck at 3.50m bgl. This geology (as clays are impermeable) is not suited to ground water flooding.
- Surface Water Management - This site is not provided with any formal surface water disposal systems. The ground conditions are not suited to infiltration as the site is underlain by made ground and clay and hence the existing site is considered to runoff at Greenfield runoff rates. Greenfield runoff calculations have been undertaken. A connection to the surface water manhole 6952 can be made with a maximum outflow rate of 5 l/s. It is proposed to collect the surface water generated by this development and store it within permeable paving before outfalling to the AW sewer system using a 75mm orifice flow control.
- The residents of these new dwellings will be encouraged to register for flood warnings. When a tidal surge event is predicted, residents should evacuate to a safe location. (Recent experience in 2017 and 2013 confirms that adequate notice for residents to evacuate can be given by the Environment Agency and Police.) Occupants can therefore reach a place of safety in good time before a tidal surge event. The occupants will be encouraged to prepare a flood warning and evacuation plan based on the EA proforma.

- Exception Test - This development will provide much needed new dwellings in the district and more specifically Jaywick. This development will provide wider sustainability benefits to Jaywick.
- The development can be made safe for its lifetime by placing less vulnerable uses such as garaging on the lower floors with upper floors set above predicted flood levels.
- Flood resilient construction should be incorporated up to 6.00m AOD. This will assist with rapid reoccupation after a flood event.
- The upper floors of the building will be set above predicted flood levels and residents who have not evacuated or those surprised by a defence failure can take refuge and remain safe.

6.33 The Environment Agency have no objection to the application. The minimum floor level, flood resilience measures and the evacuation plan can be secured through planning condition if the Committee is minded to approve. Officers consider that the development will meet with the NPPF Exceptions Test if these conditions are imposed.

6.34 Having no living accommodation on the ground floor is key to the flood resilience of this scheme. Although objectors have suggested that there are too many garages and parking spaces the design has been secured to avoid habitable accommodation of the ground floor. To introduce habitable accommodation on the ground floor would not meet the sequential and exception tests and is something that could not be acceptable in flood risk terms in taking this exceptional approach.

6.35 The site does not lie within the limits of the existing Article 4 Direction that removes permitted development rights for extensions and alterations to most of the existing dwellings in Jaywick Sands. The purpose of the Direction is to ensure that further habitable space is not created at ground floor level where it is most vulnerable to flood risk. It is proposed to remove the permitted development rights of householders under Classes A (the enlargement, improvement or other alteration of a dwellinghouse) and E (buildings incidental to the enjoyment of the dwellinghouse) of Part 1 of Schedule 2 of the General Permitted Development Order in order to retain control over any potential increase in habitable accommodation in a high flood risk area. The Council considers that it is essential to retain the control on any development that could increase the habitable accommodation at ground floor level in this part of the District in order to ensure the future safety of occupants from the impacts of flood risk.

Highways, transport and accessibility

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

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

6.37 Policy QL2 in the adopted Local Plan and Policy CP1 in the emerging Local Plan seek to ensure that developments maximise the opportunities for access to sustainable transport including walking, cycling and public transport. Located in the heart of Jaywick Sands on a

bus route and public footpath, Officers are content that this is a sustainable location for development in transport and accessibility terms.

- 6.38 The Highway Authority has no objection subject to a number of controlling conditions. The proposed car parking complies with the car parking standards. Concerns of local residents relating to the amount of car parking have been addressed earlier in this report.

Environmental impacts

- 6.39 The development would have a radical impact on landscape character, particularly when viewed from the seafront – but Officers consider that a seafront location with prime views over the sea is an appropriate location for taller development of contemporary design. The Council's Environmental Health Team has requested a Contaminated Land Assessment to be secured through condition.

- 6.40 TerraConsult carried out an intrusive investigation in December 2014, which involved the excavation of three trial pits. The trial pits were excavated to a maximum depth of 2.7m below ground level (bgl) with one targeting the embankment. Ground conditions comprised Made Ground overlying soft clay. The embankment, at its southern end, comprised very sandy gravelly clay with concrete, plastic and red bricks. The scope of the investigation was to meet the requirement to provide information for planning purposes and for the design of the development. The investigation included:

- an intrusive investigation to include locations not previously investigated comprising dynamic sampling, together with collection of solid samples for chemical testing;
- assess the general nature and extent of contamination at the site and carry out a contamination risk assessment to determine if the site poses a risk to potential receptors; and
- should the investigation indicate that remediation of contaminants be required, provide brief recommendations of feasible remedial measures to facilitate development of the site for residential end-use.

- 6.41 Some limited contaminants were found, given the historic use of the site, but it was concluded that the limited contamination found was not widespread across the site, and is present at discrete locations. However, a potential risk to future site occupiers has been identified if these locations are to be private gardens in the development proposal.

- 6.42 It is recommended that the Made Ground in this part of the site be excavated and disposed of off-site. It is recommended that a watching brief be provided during any redevelopment works for the presence of contaminated ground and if unexpected contamination is discovered during groundworks reactive procedures are recommended to determine the type, extent and remediation of the contamination.

- 6.43 The recommendations of the contaminated land assessment can suitably be controlled by condition.

Biodiversity

- 6.44 An preliminary ecological assessment was undertaken at the site on 14th February 2017, during which habitats and species were recorded and the site was assessed for its suitability to support a range of legally protected and otherwise significant species.

- 6.45 The preliminary report is summarised as follows:

- Located close to the sea front at Jaywick Sands, the site comprises rough grassland, scrub and reed habitat.
 - The rough grassland and scrub of the site provide suitable habitat for reptiles. It is recommended that a spring reptile survey is carried out in order to establish their presence or absence. If present, an appropriate mitigation strategy would be necessary. This would involve identifying a suitable receptor site and translocating reptiles from the development site.
 - The grassland habitat in the survey area is not suitable for breeding birds, although small numbers of common species may be present in the scrub and reed habitat. If any scrub or reed clearance is planned to take place between March and August, it will first be necessary for an ecologist to carry out a survey to determine whether or not there are active nests present.
 - Badgers could become trapped in deep open site excavations. Any trenches to be left open overnight should incorporate a shallow ramp to allow animals an easy exit.
 - It is thought that the site provides many suitable places of refuge likely to be attractive to Hedgehogs, a Species of Importance in England. Awareness of their possible presence, and care during any site clearance, would be good practice.
- 6.46 In light of the recommendations of this preliminary report a second investigation was commissioned to consider the presence of reptiles.
- 6.47 Three of the four native British reptile species which occur in Essex were found at the site. These were the lizard species, Common Lizard and Slow Worm, and the snake species, Adder.
- 6.48 It was concluded that the proposed construction of new housing at the site will risk the killing and injury of reptiles (which is an offence under the relevant legislation) and will result in the loss of reptile habitat (which is not legally protected) but that, given the small size of the site, it would not be practical to retain sufficient suitable habitat to continue to support reptiles at the site.
- 6.49 Therefore, it will be necessary to translocate reptiles from the site prior to the commencement of the proposed development. Translocation will take the form of the catching of reptiles and removal from the site over an extended period.
- 6.50 The trapping period will include at least 30 days on which weather conditions are suitable and will continue until there have been five suitable days during which no reptiles were encountered.
- 6.51 It is anticipated that the translocation can be completed by the end of the active period for reptiles during 2017, *i.e.* by the time typical daytime temperatures drop significantly around late September or mid-October.
- 6.52 The chosen receptor site is a larger area of similar rough grassland habitat, located approximately 200 metres north of the proposed development site.
- 6.53 The development can be carried out without significant, adverse impact on protected species provided that the recommendations of the species specific ecology report are completed. This can be suitably controlled by condition.

Archaeology

- 6.54 The application has been identified as having the potential to harm non designated heritage assets with archaeological interest.
- 6.55 The proposed development lies within a region of high potential for both Palaeolithic archaeological remains and early prehistoric archaeological remains. Sediments from a former river channel laid down by the ancestral Thames before it was diverted have yielded internationally significant Palaeolithic remains and Pleistocene faunal remains within the area. In addition find spots from along the foreshore have yielded Mesolithic and Neolithic remains which suggest early prehistoric settlement and activity in the area. There is the potential for significant Pleistocene sediments to be present below the surface geology which may contain Palaeolithic archaeological remains as well as buried prehistoric land surfaces which may be impacted by the proposed development. The site investigation report also records that peat deposits have been recorded at the site, these deposits hold significant palaeoenvironmental evidence.
- 6.56 The site also contains the historic remains of a former sea wall which is depicted on the first edition map OS and so must predate c. 1870. This was later re-used as a track way carrying passengers from the newly erected residential development along the coast back inland to Jaywick. The embankment that survives is historic in origin and preservation of the feature is recommended.
- 6.57 The Essex County Council archaeologist recommends that if the Council is minded to approve this application then conditions should be imposed to ensure a programme of archaeological and geoarchaeological evaluation has been undertaken and a mitigation and recording strategy has been approved.
- 6.58 A brief outlining the level of archaeological and/or geoarchaeological investigation has been issued by Essex County Council Place Services (dated 3 August 2017) which outlines the requirements for the works; the general methodology; trial trenching methodology; geoarchaeological and palaeoenvironmental assessment; post excavation assessment; dealing with finds; recording results; archive deposition; and monitoring.
- 6.59 It is considered that this can be suitably controlled by condition.

S106 planning obligations

- 6.60 The number of units proposed in this particular application are below the threshold that would normally require financial contributions towards open space, affordable housing, education or health provision. However, taken with the application for 6 dwellings (reference 17/01032/FUL) , the development would normally attract open space and affordable housing contributions.
- 6.61 However, Jaywick Sands is an area of low property values where economic viability is a genuine issue. In the interest of facilitating the regeneration of Jaywick Sands and ensuring a scheme has maximum chance of actually being delivered, it is proposed that no financial contributions be sought through a s106 legal agreement. This is in accordance with the Government's stance on the provision of quality, affordable, starter homes.

Overall Planning Balance

- 6.62 The NPPF applies a 'presumption in favour of sustainable development' for which sustainable development addresses economic, social and environmental considerations. These are weighed in the balance as follows:
- 6.63 Economic: Whilst the development would be totally residential, it provides an opportunity to introduce a new standard of design and flood resilience into the area which could inspire

other property owners to follow suit – thus helping to facilitate long-term regeneration of this deprived area. There would also be indirect economic benefits associated with increasing expenditure in the local economy and providing temporary construction jobs.

- 6.64 Social: The provision of 6 starter homes will help to meet housing needs and will introduce a better, more resilient form of accommodation into the area that might inspire the owners of other sub-standard properties to follow suit in the interest of regenerating Jaywick Sands. In the longer-term, such an approach could bring about a significant improvement in the safety, health and employment prospects of future residents.
- 6.65 Environmental: The ecological and landscape impacts of this development will be negligible. The main environmental benefit will be introducing a form of development that is flood resilient and that could inspire other property owners of unsafe and sub-standard dwellings to follow suit. The disadvantage of this development is that it will be radically different from and very much out character with the form of dwellings that are currently present, but this needs to be weighed up with the opportunity to inspire the longer-term regeneration of Jaywick Sands.
- 6.66 In the overall planning balance, Officers consider that this a prime opportunity to facilitate regeneration in Jaywick Sands which is entirely in accordance with the Council's Corporate Plan objectives.

Background Papers

None