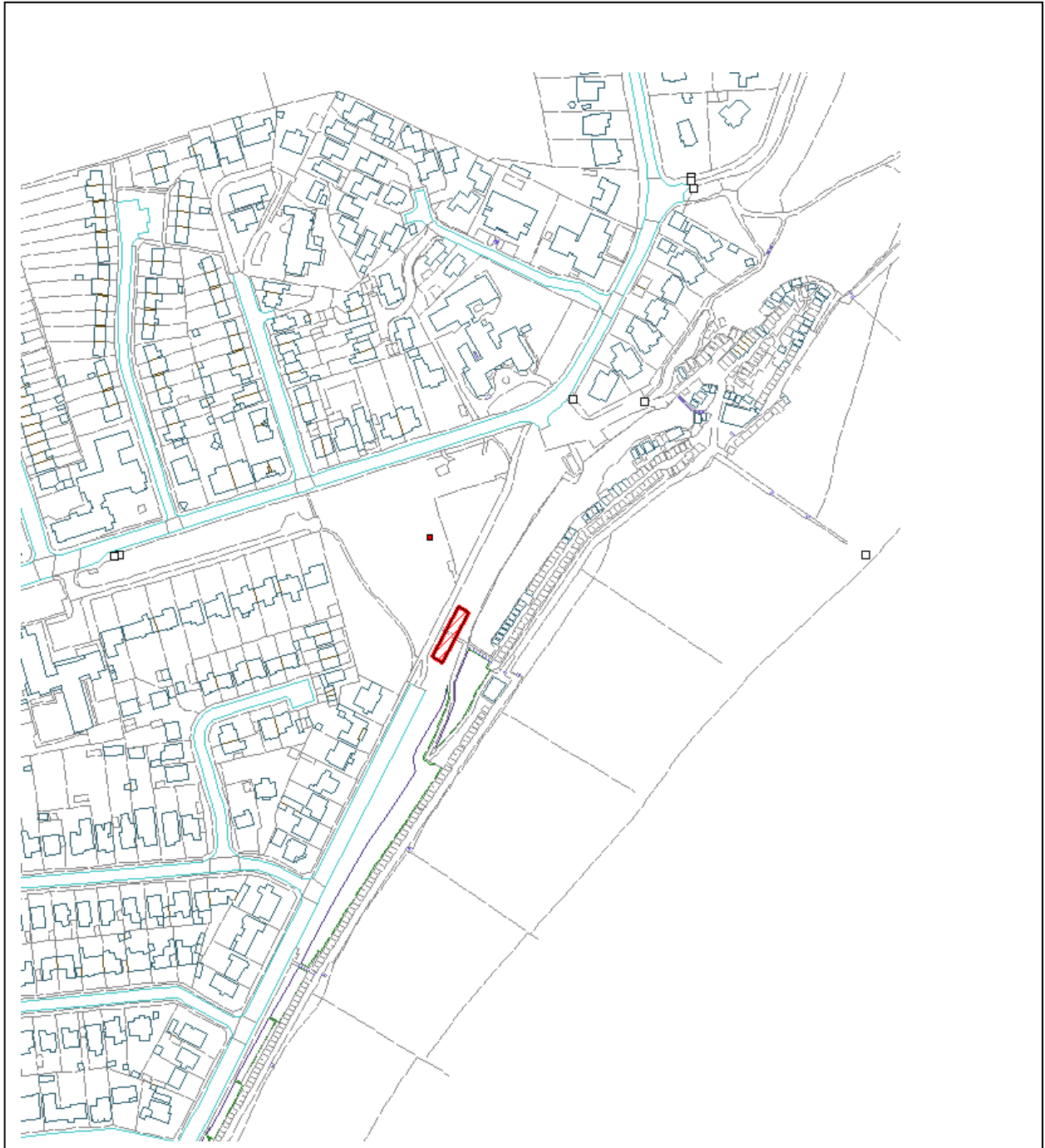


PLANNING COMMITTEE

24 OCTOBER 2023

REPORT OF THE DIRECTOR OF PLANNING

**A.1 PLANNING APPLICATION – 23/00864/FUL – JUBILEE GROUND NAZE PARK ROAD WALTON
ON THE NAZE CO14 8JZ**



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Application:	23/00864/FUL	Expiry Date:	31st October 2023
Case Officer:	Michael Pingram	EOT Date:	
Town/ Parish:	Frinton & Walton Town Council		
Applicant:	Jennie Wilkinson - Tendring District Council		
Address:	Jubilee Ground, Naze Park Road, Walton-on-the-Naze, CO14 8JZ		
Development:	Extension to temporary period of relocation for 8 beach huts to remain on Jubilee Ground (with remaining 9 beach huts to be replaced within empty beach hut plots in various locations).		

1. Executive Summary

- 1.1 The application is before the Planning Committee as Tendring District Council are the applicant.
- 1.2 The proposal involves the further temporary siting of eight beach huts following the initial temporary permission for a total of 17 beach huts in June 2022, which expired in August 2023. Of those 17 beach huts, 9 have since been relocated, but a further temporary permission is sought in order to allow time for the completion of cliff stabilisation works. The remaining eight beach huts are to be moved back to their original location upon completion of these works.
- 1.3 The proposal is not considered to result in significant harm to an area of land allocated as Safeguarded Open Space, and will not harm existing trees, highway safety or the amenities of any local residents.

Recommendation: Approval

- 1) That the Head of Planning and Building Control be authorised to grant planning permission subject to the 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,
- 2) The informative notes as may be deemed necessary.

2. Planning Policy

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
- SP3 Spatial Strategy for North Essex
- 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
- HP4 Safeguarded Local Greenspace
- PP14 Priority Areas for Regeneration
- PPL4 Biodiversity and Geodiversity
- CP1 Sustainable Transport and Accessibility

Local Planning Guidance:
Essex Design Guide

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), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any neighbourhood plans that have been brought into force.

Neighbourhood Plans

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

3. Relevant Planning History

21/01687/FUL	Proposed temporary relocation of (x17) beach huts from Eastcliff to the edge of Jubilee Field.	Approved	17.06.2022
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4. Consultations

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/>.

Essex County Council Ecology

25.09.2023

Thank you for consulting Place Services on the above application.

No ecological objection

Summary

We have reviewed the submitted information relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures.

We are satisfied that there is sufficient ecological information available for determination of this application.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

ECC Highways Dept

20.09.2023

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority.

5. Representations

- 5.1 Frinton and Walton Town Council recommend approval.
- 5.2 There have been no other letters of representation received.

6. Assessment

Site Description

- 6.1 The application site is a section of the Jubilee Ground, which is a recreation ground and play area, which lies adjacent to the Walton-on-the-Naze seafront and to the south of Naze Park Road, within the parish of Walton-on-the-Naze.
- 6.2 The wider site consists predominantly of open grassed land with a play area to the north-west of the eight beach huts, which themselves are set in two banks of four and enclosed with 1 metre high fencing. The wider character of the area is urban in nature, with residential properties to the north, east and west.
- 6.3 The site falls within the Settlement Development Boundary for Walton-on-the-Naze within the adopted Local Plan 2013-2033, and is allocated as Safeguarded Open Space, and also falls within a Priority Area for Regeneration. Adjacent to the south is Flood Zones 2 and 3, but the site itself is outside of this designation.

Planning History

- 6.4 In June 2022, under reference 21/01687/FUL, retrospective planning permission was granted for the temporary relocation of 17 beach huts from Eastcliff (via East Terrace) to the current application site at Jubilee Field. Condition 2 of this planning permission stated that the period of this permission shall expire on 16th August 2023, at which time the beach huts and fencing shall be removed.
- 6.5 The application was granted a temporary planning permission on the basis that it was estimated the works at East Terrace would be completed within 12 months. However, the current submission is accompanied by a Planning Statement which confirms the works have yet to be carried out to the cliff, and it remains unsafe for the beach huts to be moved back to their original location. However, of the previously allowed 17 beach huts, 9 have now been relocated in empty beach hut plots at various alternative locations.

Description of Proposal

- 6.6 This application, therefore, seeks planning permission for the retention of the remaining eight beach huts until such time as the cliff stabilisation works have been completed where the beach huts were originally located.
- 6.7 The proposal seeks a temporary permission for a total of three years, in order to allow sufficient time for the cliff stabilisation works to be completed, and more specifically to allow sufficient time to secure the necessary funding to facilitate these works.

Principle of Development

- 6.8 Paragraph 92 of the NPPF requires planning policies and decisions to aim to achieve healthy, inclusive and safe places which amongst others should, enable and support healthy lifestyles, especially where this would address identified local health and well-being needs, for example through the provision of coastal beach huts. Paragraph 93 states that in order to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should amongst others, plan positively for the provision and use of shared spaces, community facilities (such as sports venues and open spaces) and other local services to enhance the sustainability of communities and residential environments.
- 6.9 Notwithstanding that there would be a temporary reduction in usable, publicly-accessible community space by way of the location of the beach huts, the principle of development is in line with the aims of the NPPF as it would mean the continuation of facilities for beach hut users whilst vital works are carried out in another part of the District that would in turn enhance coastal community provision. The proposal is therefore considered to be acceptable in principle subject to detailed local plan policy considerations.

Safeguarded Open Space

- 6.10 Policy HP4 states development that would result in the loss of the whole or part of areas designated as Safeguarded Open Space will not be permitted unless the site is replaced by the provision of a new site of at least equal quality/size, it has been demonstrated there is no longer a demand for the site or it is not appropriate for other open space functions, and would not result in the loss of an area important to visual amenity.
- 6.11 The proposed beach huts are sited in an area allocated as Safeguarded Open Space within the recently Adopted Local Plan. However, on this occasion, Officers acknowledge that the works are a temporary rather than permanent measure, to allow time for cliff stabilisation works to be carried out. In any case, the siting of the beach huts is on the edge of the Safeguarded Open

Space and would not result in any short-term harm to the use of the land, and would also not prevent use or access to the paths and play area. Therefore, Officers do not consider that there would be such a degree of harm that it warrants recommending a reason for refusal.

Appearance, Layout and Scale

- 6.12 Paragraph 126 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.13 Policy SP7 states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Policy SPL3 seeks to provide new development which is well designed and maintains or enhances local character and distinctiveness. The development should relate well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials and should respect or enhance local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features.
- 6.14 The proposal is sited in close proximity to the seafront in a location where beach huts or similar types of coastal development could reasonably be expected. As such the placement of the beach huts appears consistent to the surrounding character and appearance of the area.
- 6.15 The overall size of the development is not excessive, having been reduced by approximately half in comparison to the scheme supported under permission 21/01687/FUL. Whilst the beach huts are clearly visible from a number of public viewpoints given the surrounding open land, the development is a temporary measure and does not block any coastal views.

Highway Safety

- 6.16 Policy CP1 seeks new development that is sustainable in terms of transport and accessibility and therefore should include and encourage opportunities for access to sustainable modes of transport, including walking, cycling and public transport.
- 6.17 The location within the Jubilee Ground is accessible by various modes of transport and is well located within Walton on the Naze, and Essex Highways Authority have raised no objections following consultation. As such the proposal is considered to be acceptable on highways grounds.
- 6.18 There is adequate public car parking provision close to the site on Naze Park Road and within a public car park 250 yards along the nearby Old Hall Lane. Whilst it is accepted that there will be a slight continued intensification of the use of the nearby parking facilities, this would not be significant, and would be temporary in any case. Given this, and that the site is considered to be highly accessible as discussed above, it is considered the development would not have a detrimental impact on highway or pedestrian safety.

Impact to Neighbouring Amenities

- 6.19 The NPPF, at paragraph 130, states that development 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 users. Policy SP7 of the Tendring District Local Plan 2013-2033 requires that all new development protects the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking.
- 6.20 The use of beach huts within this location is considered to be a low-key use that would have minor, if any, impacts on nearby residential or public amenity. The nearest residential site is

approximately 30 metres from the development and it is considered that the living conditions of the residents of that property are unaffected. Therefore, it is considered that the proposal would not have a harmful impact on the neighbouring occupiers in the surrounding residential areas.

Trees and Landscaping

- 6.21 No trees or other significant vegetation would be adversely impacted by the development proposal. However, it is accepted that there will be damage caused by the development to a section of the existing grass area of Jubilee Ground. However, the proposal is for a temporary permission only, and the site would be returned to its original state upon the removal of the huts.

7. Conclusion

- 7.1 This retrospective application would see the extension to the temporary siting of eight beach huts following the initial permission granted in June 2022. The principle of development is acceptable as it allows the continuation of facilities for beach hut users whilst cliff stabilisation works are carried out that in turn enhances coastal community provision. Furthermore, the proposal would not result in long-term harm to land allocated as Safeguarded Open Space, and there is also not considered to be any significant harm in respect of neighbouring amenities, existing trees, or to highway safety. As such the proposal is considered to comply with local and national planning policies and is therefore recommended for approval.

8. Recommendation

- 8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives.

8.2 Conditions and Reasons

- 1 CONDITION: The period of this permission for the temporary change of use of land to allow siting of a maximum of eight beach huts shall expire on 25 October 2026, by which date the beach huts and fencing hereby permitted shall have been removed.

REASON: A temporary planning permission is only acceptable in this sensitive and prominent location in order to allow a temporary location for the hut while cliff stabilisation works conclude.

- 2 CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below.

Documents titled 'Temporary Relocated Beach Hut Location Plan', 'Temporary Relocated Beach Hut Block Plan' and 'Planning Statement'.

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

NOTE/S FOR CONDITION:

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

- 3 CONDITION: Upon the cessation of the hereby permitted development, all beach huts and fencing shall be removed from Jubilee Ground and the site and its landscape features returned to its condition prior to the commencement of the approved development.

REASON: To ensure the reinstatement and protection of coastal views and landscape in the interests of visual amenity and local biodiversity.

8.3 Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Note: This permission is considered on the basis of being a retrospective permission and has already commenced. On this basis a condition on time for commencement has not been applied and further reference made to the planning condition for a temporary time period.

Highways Informatives:

i. All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall 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

ii. On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

iii. 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.

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. It is noted that the huts are sited on land owned by the Council, but any revenue or connection that the Council may have in this regard is not given any material weight as Local Planning Authority and/or the planning decision recommended and as may be made.

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/>.