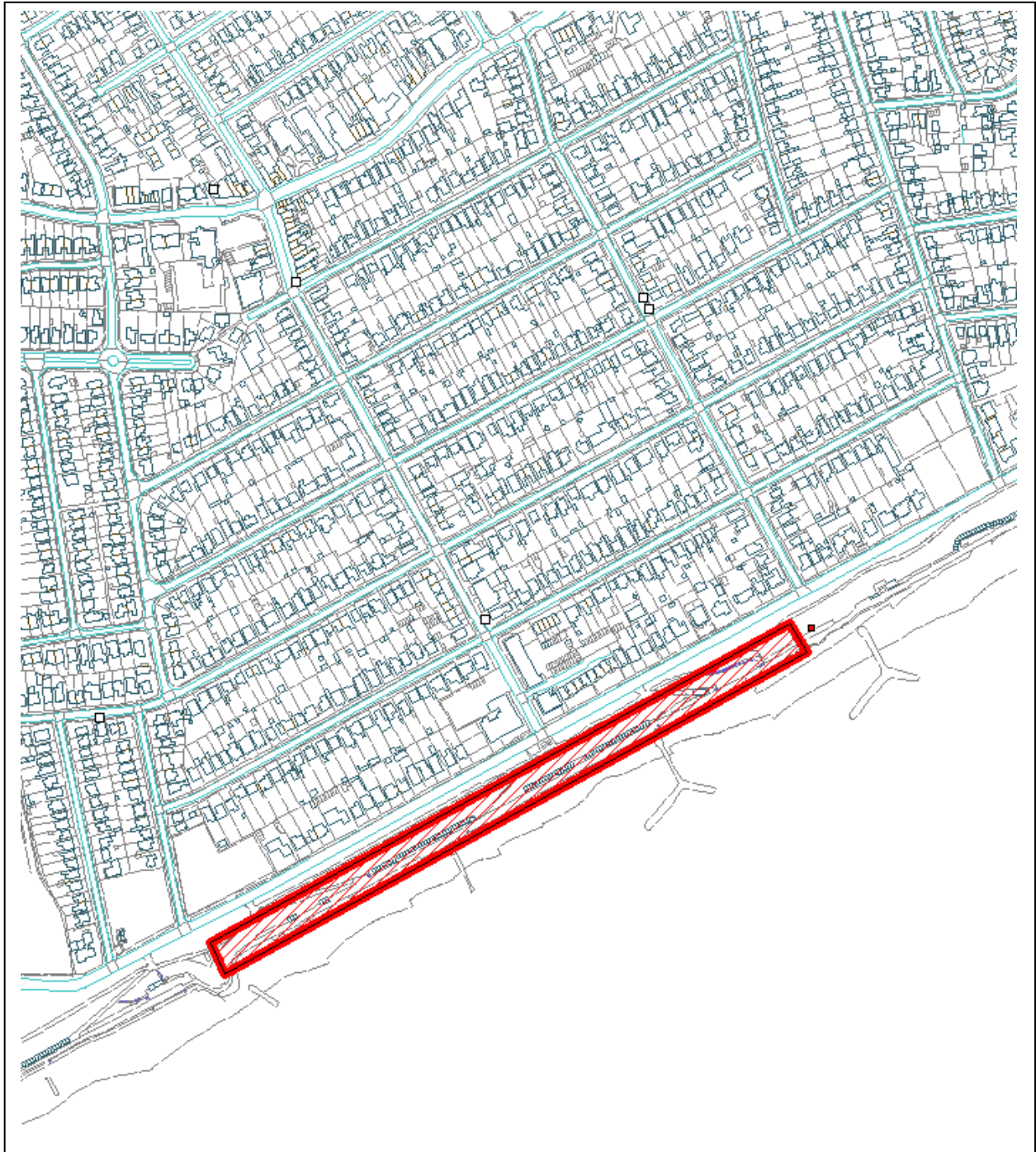


PLANNING COMMITTEE

26th June 2018

REPORT OF THE HEAD OF PLANNING

A.4 PLANNING APPLICATION - 18/00320/FUL - CLIFF SLOPE BETWEEN HAZELMERE ROAD AND QUEENSWAY (PRIORITY AREAS 1 AND 2) ANGLEFIELD AND VICTORIA ROAD (PRIORITY AREAS 3 AND 4), HOLLAND ON SEA



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Application:	18/00320/FUL	Town / Parish: Clacton Non Parished
Applicant:	Tendring District Council - Mr James Ennos	
Address:	Cliff Slope Between Hazelmere Road and Queensway (Priority Areas 1 and 2) Anglefield and Victoria Road (Priority Areas 3 and 4), Holland on Sea	
Development:	Stabilisation and remediation measures for the cliff slope.	

1. Executive Summary

- 1.1 This application is reported to Planning Committee because Tendring District Council is the applicant.
- 1.2 The application proposes stabilisation and remediation measures to two stretches of cliff slope in Holland-on-Sea. The works are required as a priority to stabilise these large sections of cliff identified as failing or unstable. The Clacton and Holland-on-Sea frontage is an important recreational resource for local communities, tourists and for a variety of events. The existing slope failures have resulted in some of the footpaths along the slopes being closed for health and safety reasons.
- 1.3 The various works comprise installing drainage to help reduce water pressure within the slopes; removal and replacement of damaged walls; regrading; landscaping; sheet piling; retaining walls; and access ramps and footpaths. The base/toe of the cliff slopes already benefit from existing coastal protection.
- 1.4 The works are divided into four Priority Areas (PA). The works proposed in PA1 and PA4 will have minimal change to the existing landscape once vegetation grows back. The works proposed in PA2 will result in significant changes with partial loss of Greensward, a new access ramp for wheelchairs and pushchairs, and substantial new planting. The works within PA3 include the regrading of the slope to 24° and also the movement of the slopes landwards by up to 4 metres into the existing Greensward resulting in the existing grass at the top of the slope being removed and a new footpath constructed further landwards.
- 1.5 The Clacton Seafront Conservation Area includes the western part of PA 4 from Anglefield to St Paul's Road and includes all land up to the shoreline. There are also some Grade II listed buildings/lighting on the opposite side of Marine Parade East within the proximity of the proposed works.
- 1.6 The greenwards/cliff top grass verges are designated as existing recreational open space under saved Policy COM7 and safeguarded local green spaces under emerging Policy HP4.
- 1.7 No adverse comments have been received from the Environment Agency, Natural England or Essex County Council Archaeology. 299 neighbour letters have been sent out plus site notices posted, with no public comments received.
- 1.8 The proposal is considered acceptable in relation to design and visual impact, impact on natural environment, heritage impact, and residential amenity as detailed within the report and is therefore recommended for approval.

Recommendation: Approve

Conditions:

1. Standard 3 year time limit for commencement
2. Accordance with approved plans
3. Phase 2 surveys for reptiles and terrestrial invertebrates prior to commencement of development within each of the phased priority areas.
4. Secure recommendations of the Preliminary Ecological Appraisal
5. Construction Management Plan
6. Implementation of soft landscaping

2. Planning Policy

National Planning Policy Framework (NPPF)

94. 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.

109. The planning system should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes, geological conservation interests and soils.

113. Local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.

114. Local planning authorities should: maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes and improve public access to and enjoyment of the coast.

Local Plan

Tendring District Local Plan (2007)

QL9: Design of New Development

QL10: Designing New Development to Meet Functional Needs

QL11: Environmental Impacts

COM1: Access For All

COM7: Protection of Existing Recreational Open Space

EN1: Landscape Character

EN6: Biodiversity

EN6a: Protected Species

EN11b: Protection of National Sites: Sites of Special Scientific Interest, National Nature Reserves, Nature Conservation Review Sites, Geological/Geomorphologic sites

EN17: Conservation Areas

EN23: Development within the Proximity of a Listed Building

TR1a: Development Affecting Highways

TR3a: Provision for Walking

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

SP1: Presumption in Favour of Sustainable Development

SPL3: Sustainable Design

HP4: Safeguarded Local Greenspace

PPL3: The Rural Landscape

PPL8: Conservation Areas

PPL9: Listed Buildings

PPL4: Biodiversity and Geodiversity

CP1: Sustainable Transport and Accessibility

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. Part 1 was examined in January 2018 with the Inspector's report awaited and whilst its policies cannot yet carry the full weight of adopted policy, they 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

02/01689/FUL	Engineering works to re-grade the cliff slope	Approved	23.10.2002
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4. Consultations

Building Control	Not a Building Regulations issue.
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Environment Agency

No objection. In agreement with the conclusions of the Preliminary Ecological Appraisal. Provided that the recommendations for further surveys for reptiles and invertebrates are undertaken we have no objection to the proposal. The proposed works are located on a frontage that is managed under the Coastal Protection Act 1949 by Tendring District Council. Therefore, a Flood Risk Activity Permit is not required for the works.

Natural England

No concerns re potential impacts on designated sites but recommend that the Preliminary Ecological Appraisal is updated to remove incorrect reference to the site being within a SSSI. Have not assessed this application for impacts on protected species but have published Standing Advice which you can use to assess impacts on protected species.

The lack of comment from Natural England on other aspects of the natural environment does not imply that there are no impacts, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the LPA to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process.

**Essex County Council
Archaeology**

The Historic Environment Record does contain a number of records relating to the use of the coastal region for the placement of defences during the Second World War and, along this stretch of coast, a number of various forms of defence have been recorded. It is possible that below ground remains associated with the coastal defences may survive within the slope and may be encountered during the works. The impact of the works proposed would be minimal and would not require archaeological investigation. There is no recommendation for any archaeological investigation for the above application.

The proposed works lie along a stretch of coast which contains two geological SSSIs. The Holland on Sea cliffs SSSI, contain Anglian gravels from the former route of the Thames River before it was diverted southwards. The second SSSI lies further to the south at Clacton which is one of the principal prehistoric sites in Europe and a site of considerable international importance. The proposed works are likely to expose part of the cliffs that contain sediments which have geological/sedimentological interest and should there be opportunity for recording and/or sampling of the exposed sections this would be beneficial to the stratigraphic sequence of this part of the coast which contains internationally significant geological sequences. It would be considerate to contact the local geological group, GeoEssex, with the proposals before they are implemented.

5. Representations

- 5.1 299 neighbour letters have been sent out plus site notices posted, with no public comments received.

6. Assessment

- 6.1 The main planning considerations are: Principle of development; design and visual impact, impact on natural environment, heritage impact, and residential amenity.

Site location

- 6.2 The proposal is divided into two sections of cliff slope. Priority Areas (PA) 1 and 2 are located between Hazelmere Road and Queensway. PAs 3 and 4 are located between Anglefield and Victoria Road. The cliffs slope steeply down to the beach with existing footpaths and ramps, public toilets and beach huts within or adjacent to the site.
- 6.3 Built development in the form of dwellings, care homes, tourist accommodation and shops/restaurants lie to the north on the opposite side of the cliff top roads of Kings Parade and Marine Parade East.
- 6.4 The Clacton Seafront Conservation Area includes the western part of PA 4 from Anglefield to St Paul's Road and includes all land up to the shoreline. There are also some Grade II listed buildings/lighting on the opposite side of Marine Parade East within the proximity of the proposed works.
- 6.5 The greenwards/cliff top grass verges are designated as existing recreational open space under saved Policy COM7 and safeguarded local green spaces under emerging Policy HP4.

Summary of proposal

- 6.6 The application proposes stabilisation and remediation measures to two stretches of cliff slope in Holland-on-Sea. The works are required as a priority to stabilise these large sections of cliff identified as failing or unstable. The aim of this Scheme is to provide remediation works, which will be sustainable for at least 50 years.
- 6.7 The works are split into four priority areas (PA) with PA1 (Kingscliff) and PA2 likely to commence first and PA3 and PA4 dependant on remaining funding.
- 6.8 The various works comprise installing drainage to help reduce water pressure within the slopes; removal and replacement of damaged walls; regrading; landscaping; sheet piling to a maximum of 2.5 metres high; concrete retaining walls; and access ramps and footpaths. The base/toe of the cliff slopes already benefit from existing coastal protection.
- 6.9 The works within PA1 (Kingscliff) include removal of the toe wall and the diversion of existing drainage behind the beach huts, so all 42 huts could need to be removed to allow access. Access to the beach huts within the site boundary will not be allowed whilst the works are being undertaken. This message has been issued to the beach hut owners that will be affected. Sheet piling will be installed behind the huts to a maximum of 2 metres high. Construction of the new pedestrian ramp and repairs to the beach hut pavement will then follow.
- 6.10 PA2 relates to the existing failure of the concrete facing on the slopes at Kingscliff. Works involve installation of an access ramp to allow wheelchairs, pushchairs and mobility scooters easier access; embankment slope cut footpath construction; construction of

retaining walls (less than 2m in height); the Greensward at the top of the cliff will require regrading resulting in the footpath taking a straight line rather than the current location. This results in a small reduction in the Greensward but this loss is adequately compensated for by the significant improvements to the public access down to the beach and the need to stabilise the cliff wall.

- 6.11 Slope regrading within PA3 also results in the movement of the slopes landwards by up to 4 metres into the existing Greensward resulting in the existing grass at the top slope being removed and a new footpath constructed further landwards. Although this change will have an impact on the look of the frontage it is required to ensure the cliff is more stable.
- 6.12 PA4 involves regrading and installation of ground anchors. A geotextile will be placed over the top of the anchor and top soil and a seed mix placed above. The anchors could, depending on the system, protrude from the top soil but will result in minimal visible change.

Principle of development

- 6.13 The greenwards/cliff top grass verges are designated as existing recreational open space under saved Policy COM7 and safeguarded local green spaces under emerging Policy HP4. These policies state that development proposals will not be permitted that would prejudice the use or involve the loss of recreational open space.
- 6.14 Proposed works within PA2 and PA3 include regrading and footpath relocation which will result in loss of some of the existing cliff top informal recreational space. This is most significant within PA3 where the movement of the slopes landwards is by up to 4 metres into the existing Greensward. However, this loss is adequately compensated for by the significant improvements to the public access down to the beach, the need to stabilise the cliff wall, and the provision of enhanced landscaping to make the wider public space more attractive. The remaining cliff top grassed areas are still large and highly usable for informal recreation.
- 6.15 The works are proposed by the Council in relation to responsibility for coastal protection and in light of surveys confirming the instability of the cliffs. The works are therefore required for public safety reasons but are located within an area of landscape, ecological and geological sensitivity where the detail of the proposal is assessed below. The works are not related to flood protection.

Design and visual impact

- 6.16 Policies QL9, QL10 and QL11 in the adopted Local Plan and Policy SPL3 in the emerging Local Plan set out the criteria against which all development proposals are judged, including requirements for development to be well designed, appropriate to their surroundings and undertaken with minimal adverse impacts.
- 6.17 Footpaths will be constructed in black/red asphalt concrete with tactile warning paving as required. Handrails will be stainless steel. No lighting is included within the proposals.
- 6.18 Detailed landscaping proposals are included with topsoil to be seeded (with Slender Creeping Red Fescue, Perennial Ryegrass, Hard Fescue, Tall Fescue, and Creeping Bent); wildflowers; shrubs (Common Broom, Hawthorn, Common Gorse, Dwarf Gorse, Bell Heather, Common Heather, Dyer's Broom, Purple Moor Grass, Tufted Hair Grass and Great Mullein); and trees (3 Scots Pine, 2 Stone pine, 1 Holm Oak and 1 White Poplar).
- 6.19 The works are divided into four Priority Areas (PA). The works proposed in PA1 and PA4 will have minimal change to the existing landscape once vegetation grows back. The works proposed in PA2 will result in significant changes with partial loss of Greensward, a new

access ramp for wheelchairs and pushchairs, and substantial new planting. The works within PA3 include the regrading of the slope to 24° and also the movement of the slopes landwards by up to 4 metres into the existing Greensward resulting in the existing grass at the top slope being removed and a new footpath constructed further landwards.

- 6.20 The detailed design is considered acceptable subject to conditions to secure implementation of the proposed soft landscaping.

Impact on natural environment

- 6.21 The application site does not include any land subject to nature designations. Natural England confirms no concerns regarding potential impacts on designated sites.
- 6.22 A Preliminary Ecological Appraisal (PEA) has been submitted to provide an initial assessment of the ecological constraints and opportunities. This incorrectly states the site lies within the Holland on Sea Cliff geological Site of Special Scientific Interest (SSSI) and an addendum to the report is awaited to correct this error.
- 6.23 The PEA confirms the site provides suitable habitat for terrestrial invertebrates, nesting birds, reptiles, and small wild mammals.
- 6.24 The PEA states in relation to reptiles: Further surveys are recommended to establish whether reptile species are present on site. If reptiles are found to be present, further population size class surveys may be required. Any reptiles on site may then need to be translocated prior to works being undertaken. Reptiles are active between the months of March and October. However, periods of hot weather should be avoided when surveying. Therefore, surveys should be carried out during April, May and September where possible in order to increase the reliability of the results. Works which may break ground, or disturb potential reptile hibernacula should be avoided between October and March. Where this cannot be avoided an ecological watching brief may be required. This will ensure that works do not disturb hibernation reptiles.
- 6.25 The PEA states in relation to terrestrial invertebrates: It is recommended that further surveys for terrestrial invertebrates are carried out on suitable habitats across the site. A specialist entomologist will be required to undertake surveys on these habitats, in order to identify the potential presence of any protected species of invertebrate that may be using the site.
- 6.26 The PEA states in relation to birds: It is recommended that any vegetation clearance works within areas of Tamarisk, scrub, scattered trees or coastal heathland are programmed to be undertaken outside of the main breeding bird season (March to August inclusive). This will reduce the risk of disturbance or harm to any breeding birds, their active nest or young. Where this is not possible, a suitably qualified ecologist would be required to check for the presence of breeding birds immediately prior to the commencement of clearance works. Where any active nests are found, a buffer zone would need to be cordoned off around the nest to safeguard the nest itself, and any young within it. It would be required for this to remain in place until the young have all fledged and left the nest and the immediate area surrounding it.
- 6.27 Recommendations are also provided regarding best practice for badgers, birds, otter, water vole, hedgehogs and rabbits (which are protected from certain cruel acts under Wild Mammals (Protection) Act 1996).
- 6.28 The applicant confirms that reptile and terrestrial invertebrate surveys have already been undertaken for PAs 1 and 2 which raise no concerns with translocation and habitat

enhancement proposed. These have not yet been submitted for consideration but will be required by the condition detailed below.

- 6.29 Conditions are recommended to secure the Phase 2 surveys for reptiles and terrestrial invertebrates as detailed within the PEA, prior to commencement of development within each of the phased priority areas. It is recognised that there could be a substantial delay before implementation of PAs 3 and 4 so any surveys undertaken prior to determination would likely be out of date at the time of implementation. A condition is also recommended to secure the recommendations and species specific best practice advice in relation to other species which may be present within, or close to the site.
- 6.30 The Environment Agency confirms agreement to the conclusions of the PEA provided that the recommendations for further surveys for reptiles and invertebrates are undertaken.
- 6.31 Essex County Council Archaeology states it is possible that below ground remains associated with the Second World War coastal defences may survive within the slope and may be encountered during the works but the impact of the works proposed would be minimal and would not require archaeological investigation. The proposed works lie along a stretch of coast which contains two geological SSSIs. The proposed works are likely to expose part of the cliffs that contain sediments which have geological/sedimentological interest and they state it would be considerate to contact the local geological group, GeoEssex should there be opportunity for recording and/or sampling of the exposed sections. An informative will be added to this effect.
- 6.32 Subject to the recommended conditions the proposal is therefore considered acceptable in relation to biodiversity and archaeology.

Heritage impact

- 6.33 The NPPF states Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 6.34 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.35 The Clacton Seafront Conservation Area includes the western part of PA 4 from Anglefield to St Paul's Road and includes all land up to the shoreline. The works proposed in this area above the cliff top involve regrading the cliff and moving it landwards around 4 metres with a new footpath and handrail. This will clearly impact upon the character and appearance of the Clacton Seafront Conservation Area. However, once the works are complete and the slopes are revegetated it is considered that the impact would not be significant and would preserve the character and appearance of the Clacton Seafront Conservation Area.
- 6.36 There are also some listed buildings/lighting on the opposite side of Marine Parade East which are all listed at Grade II: Former Colchester Institute 'Main' Building, and Row of 16 Street Lights S of Esplanade; and between the two areas of works are: 5 street lights south side of Esplanade between Lancaster Gardens and Connaught Gardens; and 101 The Moot Hall. Given the separation provided by the road and associated verges/greensward the proposed works would preserve the setting of these listed buildings/lighting.

Residential amenity

- 6.37 A Preliminary Construction Management Plan has been provided relating to issues such as public safety, amenity, operating hours, noise and vibration controls, air and dust management, waste and materials re-use, and traffic management. A condition will be imposed to secure a final Construction Management Plan in the interests of amenity and highway safety.
- 6.38 All dwellings are separated from the proposed works by the coastal road and existing greenswards or verges. There will obviously be disruption, noise and construction traffic during the extensive works however given the physical separation distance and the fact that much of the work will be over the crest of the cliff slope, this disturbance would not be significant.

Background Papers

None.