



Appeal Decision

Hearing Held on 8 October 2019 with site visit made on the same day

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH

an Inspector appointed by the Secretary of State

Decision date: 22nd November 2019

Appeal Ref: APP/P1560/W/19/3226280

Sacketts Grove Caravan Park, Jaywick Lane, Clacton on Sea CO16 7BD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Tingdene Parks Ltd against the decision of Tendring District Council.
- The application Ref 17/02055/FUL, dated 27 November 2017, was refused by notice dated 9 October 2018.
- The application sought planning permission for *variation of conditions 13, 14, 15 of planning application 14/01815/FUL to allow for an extension of time for the details to be submitted to discharge the subject conditions* without complying with conditions attached to planning permission Ref 16/00675/FUL, dated 12 April 2017.
- The conditions in dispute are Nos 1, 2, 3, 4, 5, 6, 9 and 10 which state that: (1) *The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, entitled Location Plan; Landscape Masterplan W1788 MP01 C; Detailed Landscaped Proposals W1788 1001 B; and Detailed Proposals W1788 1002 B.* (2) *No more than 135 single static caravan units as defined in the Caravan Sites and Control of Development 1960 and the Caravan Sites Act 1968 as amended shall be stationed on the site at any time (as shown within the red lined application site area on the Location Plan).* (3) *No caravan shall be occupied between 14th January and 31st March inclusive in any year but during that period may be used for storage of household effects.* (4) *The caravans shall be occupied for holiday purposes only.* (5) *The caravans shall not be occupied as a person's sole, or main place of residence.* (6) *The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.* (9) *The area of open space/amenity space shown on the Landscape Masterplan (drawing no. W1788 MP01 C and as detailed in Condition 7 above) shall be provided prior to the occupation of any of the static caravans hereby approved in accordance with the approved landscaping scheme (approved on 7th December 2016 under reference 16/00582/DISCON) and shall be retained as open space/amenity space thereafter.* (10) *Prior to their occupation, each caravan pitch shall be provided with car parking facilities in accord with Drawing No. 1001 – Hard Surface Finishes as approved on 7th December 2016 under discharge of condition reference 16/00582/DISCON and shall be retained for parking of vehicles thereafter.*
- The reasons given for the conditions are: (1) & (2) *For the avoidance of doubt and in the interests of proper planning;* (3) *To ensure that the accommodation remains in holiday use in support of planning policies aiming to encourage tourism and does not become a permanent residential use;* (4), (5) and (6) *To ensure that approved holiday accommodation is not used for unauthorised permanent residential occupation;* (9) *In the interests of visual amenity and to provide satisfactory levels of open space within the application site in proportion to the numbers of static caravans within the application site;* (10) *To ensure that on street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.*

Decision

1. The appeal is allowed and planning permission is granted for *variation of conditions 13, 14, 15 of planning application 14/01815/FUL to allow for an extension of time for the details to be submitted to discharge the subject conditions* at Sacketts Grove Caravan Park, Jaywick Lane, Clacton on Sea CO16 7BD in accordance with the application Ref 17/02055/FUL dated 27 November 2017, without compliance with condition numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 previously imposed on planning permission Ref 16/00675/FUL, dated 12 April 2017 and subject to the attached schedule of conditions.

Preliminary Matters

2. An emerging plan (EP), the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017), is currently under examination. It is not part of the adopted development plan. As it is not clear the extent to which any objections to its policies are unresolved or the extent to which its policies are consistent with National Planning Policy Framework (the Framework), I give them limited weight and they do not alter my conclusions.
3. The Council has confirmed that reference to education provision in the Decision notice was made in error, as the age-restricted nature of the proposed accommodation (for those aged 50 and above) would not make such provision directly related to the development or fairly and reasonably related in scale and kind to the development. I agree. Instead, the Council says an open space contribution should be made and I have dealt with the issue below.
4. Since the issuing of the Decision, the Council acknowledges it currently cannot demonstrate a 5-year supply of deliverable housing land as required by the Framework, using the standard method of calculation. Under that method, the Council can demonstrate a 4-year supply.
5. It became clear at the Hearing that the appellant had not seen the Habitat Regulations Assessment (HRA) completed by the Council, and also that Natural England had not been consulted on the appeal proposal or the HRA. Accordingly, following the Hearing, I consulted with Natural England and gave the main parties the opportunity to comment on the response received.
6. The appeal proposal seeks to allow for the siting of 104 park homes for occupation on a residential basis in lieu of 116 permitted static holiday caravans. To facilitate this change in occupation, the proposal seeks to vary conditions 1, 2, 9 and 10 attached to 16/00675/FUL which currently control the number and layout of approved caravan pitches on the site and conditions 3, 4, 5 and 6 which control the present holiday use.

Main Issues

7. The main issues in this appeal are:
 - whether the proposed residential development would be appropriately located;
 - the effect of the proposal on Habitats sites, namely the Colne Estuary Special Protection Area (SPA) and Ramsar site and Essex Estuaries Special Area of Conservation (SAC); and

- whether the proposal would make adequate provision for healthcare, open space and affordable housing.

Reasons

Location

8. Sacketts Grove Caravan Park lies outside but abuts the Jaywick settlement development boundary as defined in the Tendring District Local Plan 2007 (LP). The proposal would therefore constitute residential development outside of the settlement boundary under the adopted development plan.
9. Paragraph 15 of the Framework says that the planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.
10. Policy QL1 of the LP directs the majority of new development towards locations within settlement boundaries. While I note the Council's view that the thrust of the Policy is consistent with the aim of the Framework to actively manage patterns of growth, it is out-of-date for the purposes of paragraph 11 as the Council presently accepts it cannot demonstrate a 5-year supply of deliverable housing sites using the standard model.
11. I give limited weight to the Council's argument that the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent LP Examination, as the Framework requires the standard method to be used. I have been directed by the Council to the Appeal Decision concerning Edenside, Frinton (APP/P1560/W/18/3196412) but note that the Inspector found, as I have done, that Policy QL1 was out-of-date with the Framework since a 5-year housing supply could not be demonstrated using the standard method. I agree with the Inspector that this does not mean that the Policy should be given no weight, and that weight should be assigned to any conflict with it taking into account all the circumstances.
12. I have also been directed by the Council to appeal decisions in Thorrington Road and Plough Road, Great Bentley (APP/P1560/W/17/3183678; 3183695 and 318363). However, in those appeals the Council could demonstrate a 5-year housing land supply using the standard method and so accordingly Policy QL1 was not considered to be out-of-date with the Framework.
13. The Framework, in Paragraph 103, says that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. It is accepted in the agreed Statement of Common Ground (SOCG) that the proposed dwellings would be situated in a sustainable location regarding proximity to local shops, services and facilities including safe and convenient access to local public transport links. There is a bus stop on Jaywick Lane, within reasonable walking distance of Sacketts Grove Caravan Park, providing regular services to nearby Clacton on Sea. Accordingly, I find that the development would be suitably located and in accordance with the Framework in these regards.

14. The appeal proposal for a slightly fewer number of park homes in lieu of 116 permitted static holiday caravans would not appear materially different to an observer, and it is agreed in the SOCG that the park homes would be acceptable in terms of their appearance, layout and design and would not raise any adverse planning issues regarding character and impact. I agree with those conclusions.
15. Additionally, all of the proposed park homes including those furthest from the settlement boundary would be within the line of the substantial new residential development to be constructed at the adjacent Rouses Farm site which has been approved by the Council notwithstanding that the new dwellings would be outside of the settlement boundary.
16. For these reasons, the proposed dwellings would be appropriately located. Although there would be conflict with Policy QL1 through being located outside of the settlement boundary, I give that conflict very limited weight due to the Policy being out-of-date with the Framework in respect to the shortfall of housing land supply accepted by the Council and when taken together with the proposal's close proximity to the boundary, lack of harm caused by its siting and its good access to services, facilities and public transport links. The proposed development would also be in accordance with the Framework.

Habitats sites

17. The site is approximately 5km from the Colne Estuary SPA and Ramsar site and less than 2km from the Essex Estuaries SAC. As such, it lies within the 9.7 km Zone of Influence (ZoI) associated with European Habitats sites identified in the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). Within this ZoI, residents of new housing are considered likely to regularly visit relevant designated sites for recreation and which is likely to have a significant effect (either alone or in combination with other schemes) on the Habitats sites unless it is properly mitigated. The Council has undertaken an Appropriate Assessment (AA) under the Habitats Regulations¹ and completed a HRA. The AA took into account generic advice it received from Natural England for larger scale residential developments within the ZoI².
18. The AA concluded that residential use of 104 park homes would trigger a proportionate financial contribution towards offsite visitor management measures for the Habitats sites as mitigation to avoid impacts from the development in combination with other plans and projects. The RAMS has identified a series of habitat management measures and advises that a tariff of £122.30 per dwelling would fund these measures.
19. A Unilateral Undertaking (UU) has been submitted offering these contributions and the Council has agreed that the terms of this are acceptable. Even the visits generated by one dwelling would be likely to have an incremental impact on the Habitats sites and in these circumstances the contribution would be necessary, directly related to the development and fair and reasonable in scale and kind. I am therefore satisfied, in undertaking my own AA as the decision-maker in this appeal, that the proposed contributions would be both necessary and legitimate in this case.

¹ Conservation of Habitats and Species Regulations 2017

² Natural England's recommendations for larger scale residential developments within the Essex Coast RAMS zone of influence (100 units +, or equivalent, as a guide)

20. The HRA also concluded in line with Natural England's advice, since the proposal was for a larger scale residential development of 100 units or more, that in addition to the financial contribution towards off-site measures there should be on-site measures to contain the majority of recreation within and around the development site boundary away from the Habitats sites. At the time of the Council's AA, it was not clear to the Council what such on-site mitigation might comprise. During the appeal, the appellants have provided further information which I have taken into account in undertaking an AA.
21. The dry basin attenuation area to be provided by the proposal would be a reasonably large semi-natural area suitable for recreation, particularly when taken together with adjacent land proposed for planting in the southern part of the appeal site, and would be suitable as a place for exercising dogs off-lead. Additionally, a planted dog-walking route is proposed along the northern, western and southern boundaries of the site. The route would be supplemented by direct access to the public right of way running across the northern boundary of the appeal site and then beyond onto a circular route comprised within the wider public network but not part of the Habitats sites. The appellant has confirmed the provision of appropriate signage and information to promote these areas of recreation, and of dog waste bins. Long term management and maintenance of these measures would be secured through associated costs being recovered as a component of the contractual pitch fee.
22. Accordingly, taken all these measures into account, I am satisfied that the totality of on-site and off-site mitigation would result in the proposal not adversely affecting the integrity of Habitats sites. As such it would not be in conflict with Policies EN6 and EN11a of the LP which seek to protect the integrity of European Designated Sites. The proposal would not be in conflict with the Habitats Regulations or the Framework.

Healthcare

23. NHS East Essex Clinical Commissioning Group (CCG) have commented that the proposal is likely to have an impact on the services of one main GP practice and one branch surgery operating within the vicinity of the appeal site and which do not have capacity for the additional growth resulting from the development. As a consequence, a Healthcare Impact Assessment (HIA) was carried out by the CCG to provide the basis for calculating an appropriate developer contribution towards capital funding to increase capacity within the GP catchment area.
24. The HIA concludes that a £24,600 financial contribution should be sought towards the creation of additional floor space at the Great Elms Health Centre (including its branch surgery). The appellant's UU addresses this requirement by confirming agreement to a payment of £236.54 per caravan (which based on 104 caravans equates to £24,600).
25. I find that in securing this financial contribution towards healthcare which would otherwise be adversely impacted by the development, the planning obligation is necessary to make the development acceptable in planning terms, is directly related to the development; and fairly and reasonably related in scale and kind to the development. Therefore the proposed development would not be in conflict with Policy HP1 of EP which seeks to obtain contributions towards new or enhanced health facilities from developers where new housing

development would result in a shortfall or worsening of health provision. It would also be in accordance with the Framework.

Open space and play

26. The Council has said there is a deficit of 41.08 hectares of play in the Clacton/Holland area and that any additional development in Clacton will increase demand on already stretched facilities. The nearest area of open space outside of the appeal site is Rush Green Recreation Ground. To ensure the facilities are adequate and able to cope with additional usage from occupiers of the development, the appellant's UU secures payment of an 'Open Space and Play Contribution' towards improvements to its play area. The contribution of £1690 per caravan is consistent with the Council's 'Provision of Recreational Open Space for New Development SPD (May 2008)' as the proposed park homes are likely to be 2-bedroomed.
27. I find that in securing this financial contribution towards open space and play which would otherwise be adversely impacted by the development, the planning obligation is necessary to make the development acceptable in planning terms, is directly related to the development; and fairly and reasonably related in scale and kind to the development. Therefore the proposed development would not be in conflict with Policy COM6 of the LP which seeks that that new residential development should contribute to the provision and/or enhancement of open space in areas where there is a deficiency in provision, or poor quality of, open spaces. It would also be in accordance with the Framework.

Affordable Housing

28. Policy HG4 of the LP sets out the cases where the Council will expect 40% of new dwellings, (including conversions) to be made available in the form of affordable housing to be normally provided on site. The appeal proposal meets the criteria in terms of size of development, although the park homes proposed would not meet the Framework's definition of affordable housing as housing for sale or rent, for those whose needs are not met by the market³. Accordingly, off-site provision secured through an appropriate financial contribution in lieu can be robustly justified in line with Paragraph 62 of the Framework.
29. According to the officer report on the appeal proposal, the Council's 2013 viability evidence demonstrates that 40% affordable housing is unlikely to be viable in Tendring and that between 10% and 30% is more realistic.
30. The Council independently instructed BNP Paribas Real Estate to produce an Affordable Housing and Economic Viability Assessment (the BNP report) in respect of the proposal, and did not request input or information from the appellant as part of that process. Planning Practice Guidance⁴ says that the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including the transparency of assumptions behind evidence submitted as part of the viability assessment.
31. In the Introduction and Terms of Reference of the BNP report, its authors are clear that they have 'approached our viability assessment using the same methodology that we would appraise a traditional market housing scheme

³ The Framework, Annex 2, Glossary

⁴ Paragraph: 008 Reference ID: 10-008-20190509

- (i.e. construction, sale of units and disposal of pitch fees). However, this approach does not recognise the nature of the proposal and the particular development economics involved.
32. The proposal does not necessitate the construction or sale of dwellings but rather is concerned with permission for the siting and occupation of park homes, which are legally-defined caravans, for year-round residential use. The park homes would be movable personal possessions, or chattels, of the owner. Owners of park homes would be free under this proposal, in arrangement with the park operator, to site a unit in their possession on the developer's land with acquisition of a statutory site licence and payment of a pitch fee. An owner would also be able to remove his or her unit. A site licence does not bestow legal or equitable interest in the land occupied and accordingly no proprietary interest in the land is sold, leased or tenanted. The pitch fees are regulated by statute and include an element for the recharge for the costs and maintenance of the common parts of the overall site, including recourse to a First Tier Tribunal in the event of perceived failings by the site operator, and in these respects are not analogous to ground rent income.
33. Although the siting of park homes would involve built infrastructure, development required by the conditions of a caravan site licence has planning permission by virtue of Class B to Part 5 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). It is not part of the permission applied for in the appeal proposal.
34. The BNP report methodology does not reflect the above essential differences between the proposal and a traditional 'bricks and mortar' market housing scheme. As the proposal does not involve homes to be built, but rather a change in use in occupation of the land as discussed above, the conclusion that £2.17 million should be required of the developer based on associated assumptions around the value of the completed development is not appropriate. A planning obligation sought to secure this financial contribution would not be necessary to make the development acceptable in planning terms, and would not be fairly and reasonably related in scale and kind to the development. Accordingly, it would not be compliant with Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended) (the CIL tests).
35. At the Hearing, the Council provided me with a copy of the Warfield Park Appeal Decision⁵ which I have considered carefully. The Inspector in that appeal found that an affordable housing contribution would be appropriate in respect to proposed change of use for siting of mobile homes, although neither the amount or the basis for its calculation are specified in the Decision. Further, the issue was not a main issue in dispute between the parties and it is not clear whether the Inspector received and considered argument and evidence as to the viability differences between the siting and occupation of park homes and traditional 'bricks and mortar' housing developments in coming to her Decision.
36. Nevertheless, as the appeal proposal before me involves new dwellings I agree with the Inspector in the Warfield Park Appeal that an affordable housing contribution is appropriate subject to compliance with the CIL tests. The appellant has submitted a UU securing a contribution of £308, 576.32 based on the monthly income from 104 pitch fees, which in my judgement is the only

⁵ APP/R0335/W/16/3163349

relevant revenue directly related to the development. This is based on a 30% affordable housing contribution, which I find to be appropriate given the Council's 2013 viability evidence. The appellant has said that a capitalisation multiplier of 4 years adjusted for annual inflation is valuation practice in the industry, and the Council did not challenge this when given the opportunity at the Hearing. For these reasons, the UU would secure a financial contribution which meet the CIL tests in that it is necessary to make the development acceptable in planning terms, is directly related to the development and fairly and reasonably related in scale and kind to the development. The proposed development would be conflict with Policy HG4 of the LP as a contribution equivalent to 30% affordable housing would be provided rather than 40%, but I give this conflict very limited weight due to the Council's 2013 viability evidence.

Other Matters

Traffic/highway safety

37. The appellant says that the Highways Authority has accepted that the proposed development would not create any material difference in traffic and trip rates associated with the site. The Council has not commented on this, or included the matter as a Reason for Refusal. Further, although the occupation of the proposed park homes would create the potential for additional traffic over a greenfield site, the proposal represents a reduction in the number of caravan units approved under the current planning permission. I give that consideration significant weight and find that the proposal would not cause harm by way of traffic or highway safety.

Drainage

38. Interested third parties have raised concerns around drainage at the appeal site. Essex County Council as Lead Local Flood Authority (LLFA) were consulted on the proposal as statutory consultee and consultants working on their behalf have assessed and advised on the proposed surface water drainage strategy for the proposal. They have recommended 3 conditions. The Council has said in the SOCG that there are no adverse issues in terms of flood risk or drainage on the appeal site, subject to those conditions. I am satisfied that the conditions would prevent harm and are necessary and reasonable.

Housing Land Supply

39. The Council and the appellant agree that the housing supply policies of the LP are out-of-date when considered against the Framework, since the Council cannot demonstrate a 5-year housing land supply. The Council can demonstrate a 4-year supply of deliverable housing sites, albeit it says that the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination of the LP and therefore that reduced weight should be given to the delivery of new housing to help with the deficit.
40. The appeal scheme would not have an impact on protected areas or assets listed in footnote 6 of the Framework and therefore, the tilted balance in Paragraph 11d) is engaged as an important material consideration. This states that planning permission should be granted unless the adverse impacts of the

proposal would significantly and demonstrably outweigh its benefits when assessed against the policies in the Framework taken as a whole.

41. The delivery of 104 homes would be a benefit of the appeal scheme given the Framework's aim to make a more efficient use of land and significantly boost the supply of housing, which the Council are currently not doing due to the housing supply deficit. The supply of housing under the appeal proposal would be significant, and even were I to accept the level of housing need is as stated by the Council, the delivery of 104 homes affords significant weight in favour of the proposal.
42. I have found that the appeal proposal would not create adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the application of Paragraph 11 indicates that permission should be granted.

Conclusion

43. For the above reasons, the appeal is allowed. I will grant a new planning permission accordingly.
44. In the new planning permission I will vary condition Nos 1, 2, 9 and 10 associated with 16/00675/FUL which currently control the number and layout of approved caravan pitches on the site. I will remove condition Nos 3, 4, 5 and 6 associated with 16/00675/FUL which control the present holiday use.
45. I will remove condition Nos 12, 13, 14, 15 associated with 16/00675/FUL and replace them with the 3 new conditions suggested by the Council and Essex County Council which, as agreed by the main parties at the Hearing, supersede the drainage-related conditions of 16/00675/FUL.
46. In addition, the guidance in the Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. As I have no information before me that condition No 11 (bus stop improvement works) has been discharged, I shall impose it. In the event it has in fact been discharged, that is a matter which can be addressed by the parties.

Andrew Walker

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, entitled Site Plan, and Layout Plan drawing no. W1788 MP01 Revision D.
2. No more than 104 park homes as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended shall be stationed on the site at any time (as shown within the red lined application site area on the Location Plan).
3. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be implemented before any of the park homes hereby approved are occupied or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. The approved landscaping details are those discharged by letter dated 7th December 2016, reference 16/00582/DISCON, and include:

Tree Survey, prepared by B. J. Unwin Forestry Consultancy, dated March 2016.

Drawing No. SADDRPA-MAR16 - Root Protection Areas Plan

Drawing No. SADDSh-MAR16 - Theoretical Shading Plan

Drawing No. 1003 Revision B - Phasing Plan.

Drawing No. 1002-Sh 1 of 2 - Detailed Planting Plan.

Drawing No. 1002-Sh 2 of 2 - Detailed Planting Plan.

Drawing No. 1001 - Hard Surface Finishes

Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

4. No park home hereby approved shall be occupied until the approved screen walls and fences shown on Drawing No. 1001 - Hard Surface Finishes and approved by letter dated 7th December 2016 under discharge of condition reference 16/00582/DISCON have been erected prior to the park home to which they relate being first occupied and thereafter be retained in the approved form.
5. The area of open space/amenity space shown on the Landscape Masterplan (drawing no. W1788 MP01 D) shall be provided prior to the occupation of any of the park homes hereby approved in accordance with the approved landscaping scheme (approved on 7th December 2016 under reference 16/00582/DISCON) and shall be retained as open space/amenity space thereafter.
6. Prior to their occupation, each park home shall be provided with car parking facilities in accordance with details to be submitted to and approved in writing by the local planning authority. The approved car parking shall be retained for parking of vehicles thereafter.

7. No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority.

The scheme should include but not be limited to:

- Limited discharge rates from the site to 8.6l/s for the 1 in 1 year and 1 in 100 year rainfall events;
- Detailed engineering drawings of each component of the drainage scheme;
- A final drainage plan which details exceedance and conveyance routes throughout the site, FFL and ground levels, and location and sizing of any drainage features;
- The scheme should take into account surcharge levels within the receiving watercourse and the effect on attenuation storage. Given that surcharge levels are higher than the base of the attenuation basin, details on how flood water ingress from downstream will be prevented;
- The detailed design should feature a non-return valve.

The scheme shall subsequently be implemented prior to occupation.

8. No works shall take place until details are provided on how management company services for maintenance of shared drainage features shall be funded and managed for the lifetime of the development.
9. The applicant or any successor in title must maintain yearly logs of the drainage maintenance which should be carried out in accordance with the approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.
10. Prior to the occupation of any of the park homes, the north bound bus stop adjacent to the site's vehicular access shall be improved by the provision of level entry kerbing, new post and flag, (the precise location of which shall be first agreed in writing by the Local Planning Authority). Any adjustments in levels, surfacing and any accommodation works to the footway and carriageway channel being provided entirely at the applicant's/developer's expense.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Trevor Faulkner	Planning Team Leader
Gary Guiver	

FOR THE APPELLANT:

Gary Duthie	Tingdene Parks Ltd
David Middleton	Savills (UK) Limited
Martin Edwards	Cornerstone Barristers

INTERESTED PERSONS:

June Hindle	Chairperson, Sacketts Grove Park Residents Association
Dennis Wood	

DOCUMENTS

- 1 Clacton – Colchester X76 & Clacton Town bus times (Hedlingham buses).
- 2 Letter dated 16 August 2019 (Ref: 17/02055/FUL) from Trevor Faulkner to Planning Inspectorate regarding Essex Coast Recreational disturbance and Mitigation Strategy (RAMS) with attached Habitat Regulation Assessment (HRA) Record.
- 3 Planning Obligation dated 7 October 2019.
- 4 Appeal Decision APP/R0335/W/16/3163349.
- 5 Appellant's Closing Submissions.