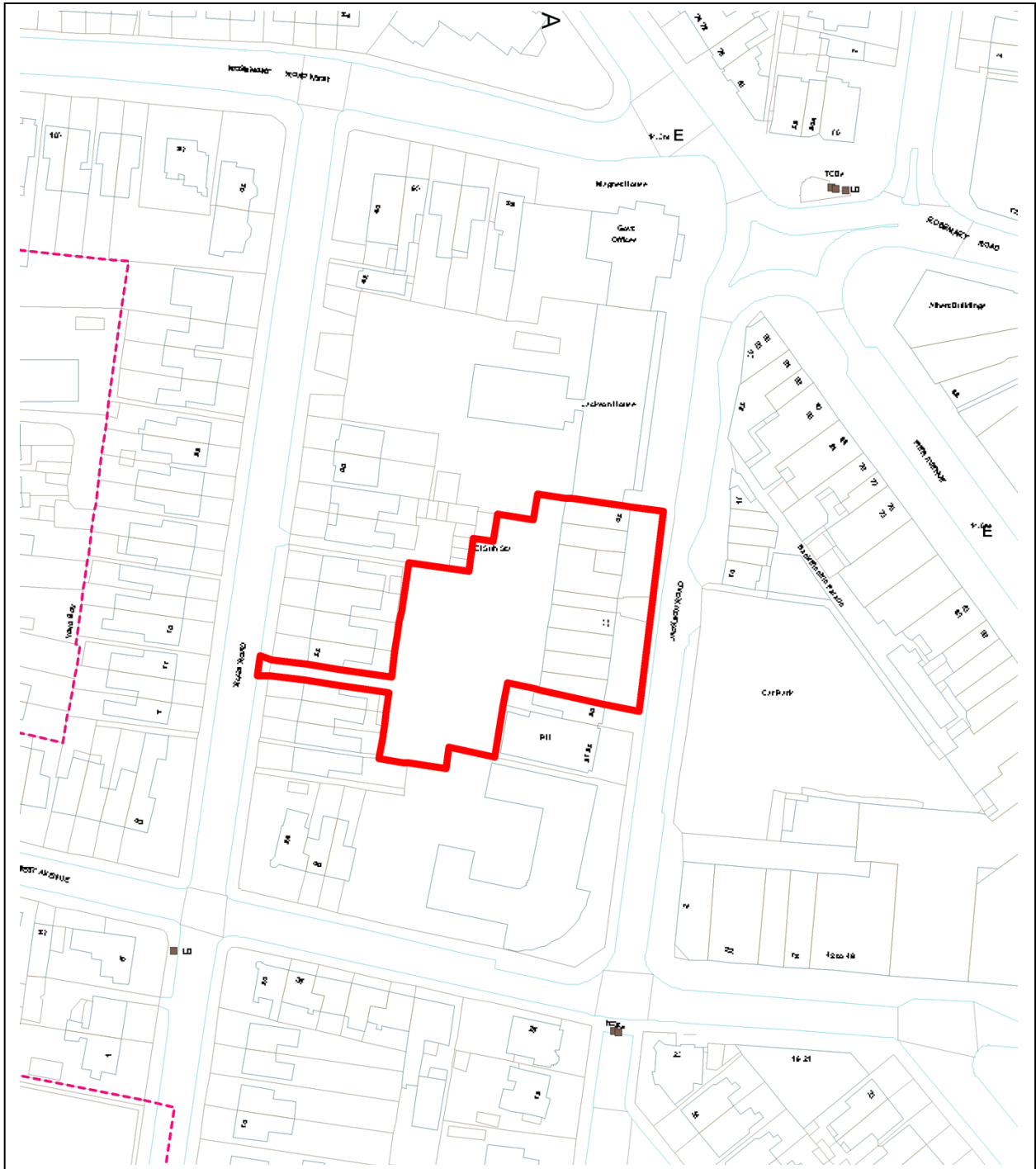


PLANNING COMMITTEE

13 DECEMBER 2011

REPORT OF THE TEMPORARY HEAD OF PLANNING

**A.4 PLANNING APPLICATIONS - 11/00996/FUL - REUNION HOUSE , 35 JACKSON ROAD, CLACTON ON SEA, CO15 1JA**



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<b>Application:</b>	11/00996/FUL	<b>Town / Parish:</b> Clacton Non Parished
<b>Applicant:</b>	Mr K Kandiah	
<b>Address:</b>	Reunion House 35 Jackson Road Clacton On Sea, CO15 1JA	
<b>Development:</b>	Construction of 2 No. 1 bed flats and 6 No. 2 bed flats on the existing roof.	

## 1. Executive Summary

- 1.1 This application went before Planning Committee on 18<sup>th</sup> October, having been referred by Councillor Paul Honeywood due to highways / other traffic issues, negative impact on neighbours, and lack of amenity space. Members deferred determination to allow the Council's Pollution and Environmental Control team to assess whether the development would require changes to existing extraction systems of ground floor café/takeaway uses. This assessment has now been completed and has shown that no such changes would be required and that the proposed flats would suffer no unacceptable smells or noise levels.
- 1.2 The development complies with the development plan. It provides new residential accommodation in a location that would enhance the vitality of the town centre. The design would be complementary to the existing and adjacent buildings and tree planting would ensure an overall improvement to the appearance of the site. Parking for the existing uses and proposed new flats is well in excess of what would normally be expected of such a town centre site and amenity space provision exceeds policy requirements. Back-to-back distances of 35 metres with properties on Ellis Road are commensurate with the next-door Jackson House development and meet with the recommendations of the Essex Design Guide, ensuring there is no material loss of privacy. The development presents no highway safety issues as no new access or additional parking is proposed, and in any case, both the access and Ellis Road generally are of an acceptable standard of safety. The completion of a Unilateral Undertaking means that the applicant has met their obligations to contribute towards the Council's provision of public open space.

### **Recommendation: Approve**

#### **Conditions:**

- **Time Limit**
- **Approved Plans**
- **Implementation of tree planting**
- **Approval of materials**
- **Implementation of cycle shelter**
- **Implementation of bin store**

#### **Reason for approval**

This development complies with the development plan and with the objectives of the Clacton Town Centre Area Action Plan Preferred Options Consultation (April - June 2010). It provides new residential accommodation in a location that would enhance the vitality of the town centre. The design would be complementary to the existing and adjacent buildings and tree planting

would ensure an overall improvement to the appearance of the site. Parking for the existing uses and proposed new flats is well in excess of what would normally be expected of such a town centre site and amenity space provision exceeds policy requirements. Back-to-back distances of 35 metres with properties on Ellis Road are commensurate with the next-door Jackson House development and meet with the recommendations of the Essex Design Guide, ensuring there is no material loss of privacy. Takeaway / café uses on the ground floor do not result in unacceptable odours with current extraction arrangements and background noise levels are within acceptable bounds. The development presents no highway safety issues as no new access or additional parking is proposed, and in any case, both the access and Ellis Road generally are of an acceptable standard of safety. The completion of a Unilateral Undertaking means that the applicant has met their obligations to contribute towards the Council's provision of public open space.

## 2. Planning Policy

### National Policy:

National Planning Policy Framework: Consultation Draft

PPS3            Housing

### Regional Planning Policy:

SS1            Achieving Sustainable Development

ENV7           Quality in the Built Environment

### Local Plan Policy:

QL9            Design of New Development

QL10           Designing New Development to Meet Functional Needs

QL11           Environmental Impacts and Compatibility of Uses

COM6           Provision of Recreational Open Space for New Residential Development

HG9            Private Amenity Space

TR1A           Development Affecting Highways

### Other guidance:

Essex Car Parking Standards

Essex Design Guide

## 4. Consultations

Highway Authority -	No objection
Pollution and Environmental Control -	No objection.

## **5. Assessment**

Reunion House is a three-storey building with 8 shops on the ground floor and two storeys of offices above. The site includes a 64 space car park accessed off Ellis Road and a paved frontage. An additional storey to create 8 flats ( 2 x 1-bed and 6 x 2-bed ) is proposed.

The main planning considerations are:

- Principle of Development
- Parking and Highway Safety
- Amenity of Neighbours
- Impact of noise and fumes on proposed flats
- Amenity Space
- Design and Landscaping
- Public Open Space
- Objections

### **1. Principle of development**

1.1 This development complies with the development plan and with policy AAP7 of the Clacton Town Centre Area Action Plan Preferred Options Consultation (April - June 2010) which states that within Clacton Town Centre, new housing development as a supporting element of mixed-use will be encouraged on Jackson Road. The document states that injecting housing into the mix of uses adds to town centre vitality, enables activity to stretch beyond daytime office and shopping hours, and increases safety through natural surveillance. In this context, the proposal is in line with the current Council vision for this site.

### **2. Parking and Highway Safety**

2.1 The site benefits from a dedicated car park of 64 spaces at the rear, accessed off Ellis Road. At the time of two site visits by the case officer this car park was less than half full. The parking spaces serve the existing 1000 square metres of offices and 8 shops of Reunion House. The Council has no adopted minimum parking standards for offices or shops, only maximum standards. Many town centre shops and offices have no on-site private parking.

2.2 Although the Council's adopted parking standards would require 16 spaces (2 spaces for each 2-bedroom flat, 1 space for each 1-bedroom flat and 2 visitor spaces) for such a development in a non-town centre location, it states that reductions of the vehicle parking standard may be considered if there is development within an urban area (including town centre locations) that has good links to sustainable transport.

2.3 The application site is within the town centre where it is common for flats above commercial properties to have no parking at all. The close proximity of services, shops and public transport links in the town centre make such locations attractive to those without cars and surrounding on-street parking restrictions ensure that car ownership is often not a realistic option. The proposal would therefore have been acceptable had no parking been provided.

2.4 Notwithstanding this, the applicant proposes re-allocating the existing car park to provide 10 spaces for the flats (8 allocated and 2 visitor) leaving 54 spaces for the offices and shops. This is more than adequate in view of the above. In addition, cycle storage for 10 bicycles is proposed.

- 2.5 Because no new parking or access facilities are proposed, objectors concerns of increased traffic do not comprise a reason for refusal. Existing parking and access facilities could be more intensely used without the need for planning permission. In any case, the highway authority confirm that “The proposed development at Reunion House will not impact on Ellis Road, causing a detriment to highway safety as this road is considered capable of accommodating the anticipated additional vehicle movements from and to the site.”
- 2.6 The highway authority has provided the following detailed assessment of the site and surrounds; “Both sections of Ellis Road are relatively straight in alignment, being constructed to a width between 8.3m - 8.5m. It has a wide footway on both sides of approximately 3m in width. There is also a system of street lighting all of which is considered to be in a serviceable condition and is regularly inspected by the Highway Authority. Due to the construction and alignment of Ellis Road it is capable of accommodating all vehicle types, cars and light and heavy goods vehicles (service and delivery vehicles).Junction protection by means of a Traffic Regulation Order (TRO) exists at the junctions with Rosemary Road West, West Avenue and the junction with Beatrice Road. In addition a further TRO exists along Ellis Road for a distance of approximately 85m from the junction of Rosemary Road West to the access provided for Jackson House. These TRO’s are defined as No Waiting At Any Time (NWAAT) (double yellow lines) which assists with providing good visibility for all vehicles using the vehicular accesses along this section of Ellis Road and maintains the junctions clear of parked vehicles. A waiting restriction exists on the lower end of Ellis Road in the vicinity of the Police Station which restricts on street parking between 09:00hrs and 18:00hrs.
- 2.7 In addition, the highway authority highlight that of the 6 recorded collisions in the vicinity of Ellis Road, only one was on Ellis Road itself and all were attributable to driver error “with no fault attributed to the highway infrastructure or vehicular ingress or egress from any access.”

### **3. Amenity of Neighbours**

- 3.1 Although the rear elevations of the proposed flats will face the rear elevations and the back gardens of Ellis Road properties, this will be at a distance of 35 metres. This is in line with the back-to-back distance for flats recommended by the Essex Design Guide that has been adopted by the Council and impact on overlooking is therefore within acceptable bounds. In any case, the existing offices already face those properties. At this distance the loss of light resulting from an additional storey (an additional 3.3 metres in height) would not be materially harmful.

### **4. Impact of noise and fumes on proposed flats**

- 4.1 Being situated on a busy road, above offices and takeaway / café premises, there is the potential for the new flats to offer poor quality living conditions or alternatively for extensive remediation work to become necessary to surrounding premises. The Council’s Pollution and Environmental Control team has consequently undertaken a noise and odour assessment at the site. This survey has concluded the following;
- Noise levels were within Noise Exposure Category ‘A’ (the lowest level) and was therefore acceptable.
  - There were no discernable odours on the roof where the balconies are proposed.
  - Existing ventilation equipment at Cherie’s Café and Dominos Pizza is adequate and would not need to be replaced as a result of this development.

## **5. Amenity Space**

- 5.1 Policy HG9 of the adopted local Plan requires either a minimum of 5 square metres of balcony area for flats or maisonettes above ground floor level. The applicant proposes terraced areas of minimum 10 square metres and therefore well in excess of policy requirements.

## **6. Design and Landscaping**

- 6.1 The proposed design respects the character of the existing building, reflecting the simplicity, rhythm and repetitiveness of the elevations. The additional storey provides a visual step down between the six-storey building of Jackson House to the north and the three-storey buildings to the south. The Clacton Town Centre Area Action Plan Preferred Options Consultation (April - June 2010) identifies that in this location, "new development is generally appropriate up to 4-5 storeys, befitting the central location and street width."
- 6.2 The Council's architectural consultant is satisfied with the design.
- 6.3 The overall design is complemented and enhanced by the proposal to plant 4 semi-mature Silver Birch trees along the building's frontage. These mean that overall the appearance of the site will be better than it is now. The trees will add to those Silver Birches and Limes Trees already planted as part of the Clacton town centre enhancements and will present improvements to the extent and character of the public realm as envisaged by the Clacton Town Centre Area Action Plan Preferred Options Consultation (April - June 2010).
- 6.4 The highway authority requests a condition that would require their approval for the precise location of the proposed trees and method of root containment within the site. Such a condition has more to do with highway maintenance than highway safety as trees located directly within the public highway are not uncommon or, managed properly, a highway hazard. Consequently its imposition is not justified.

## **7. Public Open Space**

- 7.1 Policy COM6 of the adopted Local Plan requires a financial contribution towards the Council's provision of public open space to serve the needs of future residents of the flats. A Unilateral Undertaking and Monitoring fee to satisfy these requirements has been received.

## **8. Objections**

- 8.1 7 letters of objection have been received and 1 further letter making observations. Concerns raised include harm from increased traffic and loss of light and privacy to Ellis Road properties. These matters have been addressed in the preceding sections of this report. Other concerns raised are summarised and then addressed as follows;

1. Disruption to shop tenants trading during business hours. The trees would interfere with Cherie's Café seating area.

*Both these matters are private matters between the shop tenants and their landlord – the applicant. Building is an inevitable part of the development process and the applicant has set out the measures they intend to implement to minimise disruption during that process. The trees will help achieve an attractive sitting out area rather than harm the seating area.*

2. Tree leaves are litter

*Leaves are an inevitable result of trees and although it is possible they may necessitate shop owners having to undertake occasional sweeps in the autumn, this does not outweigh their wide-ranging benefits.*

3. Cars parked in the forecourt would affect trading and detract from the open plan approach to the shops.

*Objections to forecourt parking appear to relate to a typo in the DAS originally submitted which referred to "the provision of forecourt parking" instead of "the provision of forecourt planting". The DAS was subsequently amended to correct the error. There is no forecourt parking.*

4. "Social tenants could cause noise and rubbish"

*This application is not for affordable housing. Even if it were, there is no reason to suppose that such tenants in particular would cause noise and rubbish.*

5. There are already many empty flats for sale in the area

*The demand for and availability of such properties is a matter for the market to decide. The planning policy team confirm that "Flats are ideal for a town centre location and there is the demand and need for one/two bedroom units in Clacton."*

6. Loss of light to Ellis Road properties and increased congestion on Ellis Road

*These matters are assessed within the preceding sections of this report.*

7. This plan was considered some years ago and was thrown out.

*This is not the case.*

#### Background Papers.

None.