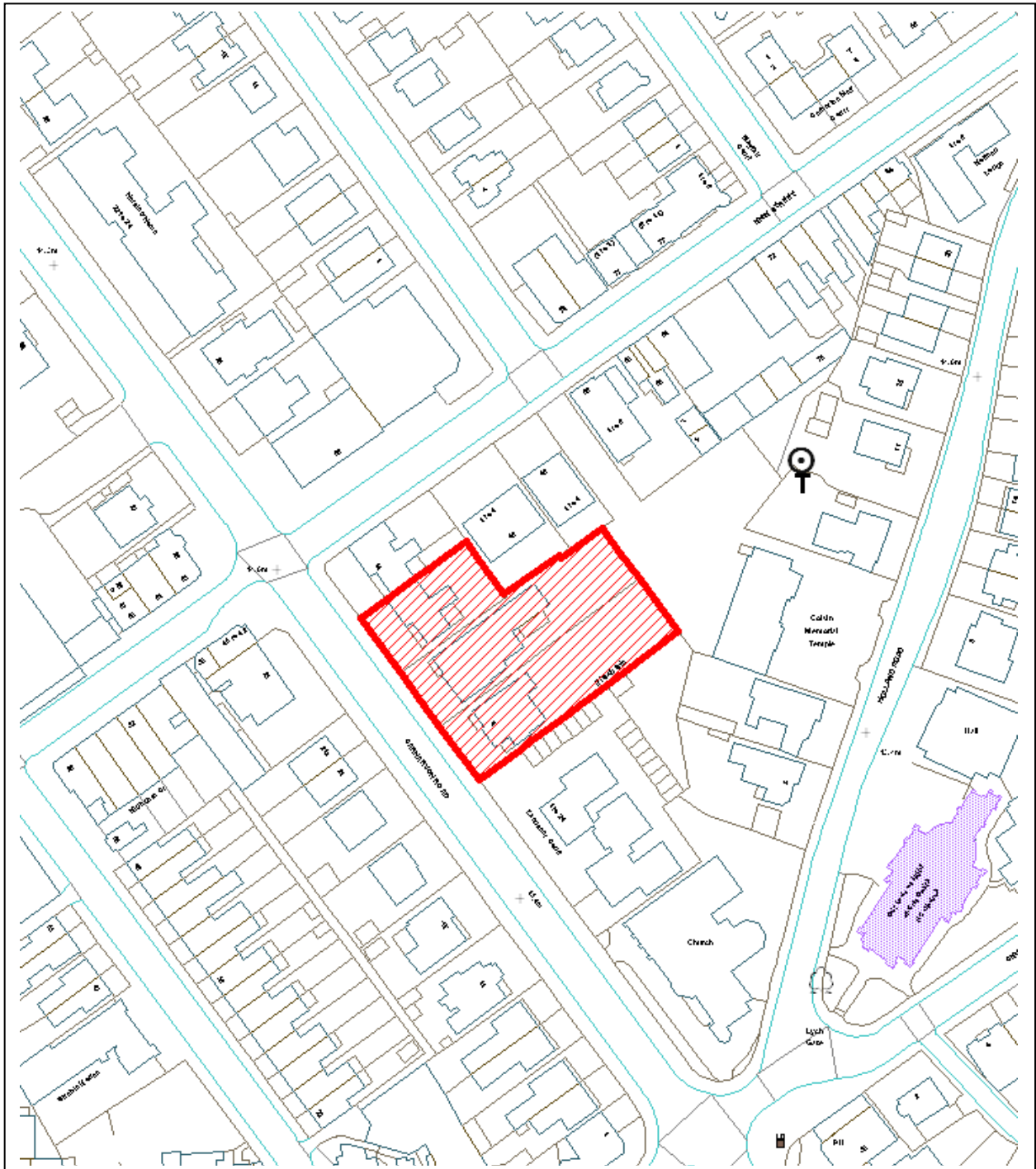


PLANNING COMMITTEE

8 FEBRUARY 2012

REPORT OF THE TEMPORARY HEAD OF PLANNING

A.3 PLANNING APPLICATION - 11/01366/FUL - 8 - 12 CARNARVON ROAD, CLACTON-ON-SEA, ESSEX, CO15 6PH



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Application:	11/01366/FUL	Town / Parish: Clacton Non Parished
Applicant:	McCarthy and Stone Retirement Lifestyles Ltd	
Address:	8 - 12 Carnarvon Road, Clacton-on-Sea, CO15 6PH	
Development:	Erection of 32 retirement housing apartments with vehicular access from Carnarvon Road, associated parking and landscaping.	

1. Executive Summary

- 1.1 This application proposes replacing three Edwardian / Victorian villas with a new building containing 32 flats of sheltered accommodation for the elderly. 23 of the units would be one-bedroom flats and 9 would be two-bedroom flats. This application is identical to a concurrent appeal which the Council has objected to on the grounds of poor design and an absence of contribution towards affordable housing.
- 1.2 As with the appeal proposal, the first reason for refusal is that the design is of inadequate quality. This is especially the case as the site currently contains attractive buildings contemporary with Clacton's Victorian / Edwardian origins that make a positive contribution towards the local character. The proposed replacement does not maintain or improve the character and quality of the area.
- 1.3 The second reason for refusal is that the applicant has failed to satisfactorily address the issue of affordable housing, where an independent assessment by the District Valuer (DV) has concluded that the development could support £470,000 worth of contributions and still remain profitable. At this time, the applicant has neither refused nor agreed to a legal agreement that would secure this contribution but they do not accept the DV's position. The recent submission by the applicants of a new viability assessment and of related proofs of evidence relating to the concurrent appeal has not allowed sufficient time for the Council's consultants to properly assess this information and respond to it. It is unclear at the time of writing whether a 'without prejudice' offer from the applicants of £150,000 towards off-site affordable housing is still 'on the table'. Negotiations remain ongoing and the situation is likely to change between the time of writing this report and Planning Committee day.
- 1.4 The current application proposes a design which is in conflict with national policy and the development plan. The application is before members, having been referred by Ward Member Councillor Paul Honeywood.

Recommendation: Refuse

Reasons for Refusal:

1. It is the policy of the Local Planning Authority, as contained within saved Policy QL9 of the adopted Tendring District Local Plan (2007), and Part A of Policy DP1 of the Local Development Framework Core Strategy And Development Policies Proposed Submission Document (October 2010) that new development proposals should be of a high standard of design and not constitute an incongruous form of development in the local street scene. The above policies are given greater emphasis through Planning Policy Statement 1: Delivering Sustainable Development, which seeks to ensure that design is high quality, appropriate in its context, and takes the opportunities available for improving the character and quality of an area. The Draft National Policy Framework

carries through this approach, stating that developments need to “respond to local character and reflect the identity of local surroundings” and be “visually attractive as a result of good architecture”.

The existing site is occupied by three buildings of attractive appearance, and rich detailing. They contribute positively to the rhythm, character and sense of place of this historic part of Clacton through their appearance, age, plot width, siting within their plot, scale and proportion. By contrast, the proposed flats present bland mediocrity in its design with little detail or articulation. In its appearance, detailing, form, positioning, scale and proportion, it is harmful to the appearance of the site and to the character of the street scene. For these reasons, the proposal conflicts with the requirement of the above policies and advice.

2. PPS3: Housing outlines the Government’s commitment to providing high quality housing for people who are unable to access or afford market housing. It requires that Local Planning Authorities set out the range of circumstances in which affordable housing will be required and the proportion of new residential development that shall be required. The Local Planning Authority has set out its requirements through saved Policies QL12 and HG4 of the Tendring District Local Plan (2007) which states that 40% of new dwellings shall be made available in the form of affordable housing in settlements of over 3000 population, and that shall apply to developments of 15 or more dwellings. This development is located in a settlement of over 3000 people and is for 32 dwellings. As such it meets the thresholds and affordable housing is required.

Whilst it has been satisfactorily demonstrated that on-site provision of affordable housing is not practicable in this instance, it has not been satisfactorily demonstrated that the development cannot sustain a financial contribution towards off-site provision. As it has not been possible to put in place a legal agreement to secure such contributions, the proposal presents an unacceptable conflict with local policy and national advice.

2. Planning Policy

National Policy:

- PPS1 Delivering Sustainable Development
- PPS3 Housing
- PPS5 Planning for the Historic Environment

Local Plan Policy:

Tendring District Local Plan 2007

- HG1 Housing Provision
- HG3 Residential Development Within Defined Settlements
- HG4 Affordable Housing in New Developments
- HG9 Private Amenity Space
- HG14 Side Isolation
- QL3 Minimising and Managing Flood Risk

- QL9 Design of New Development
- QL10 Designing New Development to Meet Functional Needs
- QL11 Environmental Impacts and Compatibility of Uses
- QL12 Planning Obligations
- TR1A Development Affecting Highways

Core Strategy and Development Policies Proposed Submission Draft

- DP1 Design of New Development
- CP4 Transport and Accessibility
- CP7 Flood Risk, Coastal Change and Water Conservation
- DP4 Private Amenity Space for Residential Development
- DP17 Affordable Housing in New Developments

Other guidance:

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

3. Consultations

Environmental Health	-	No comments.
Regeneration	-	No comments.
Principal Tree and Landscape Officer	-	No objection subject to conditions.
Anglian Water Services Ltd	-	No objection subject to conditions.
Essex County Council Highways	-	No objection subject to conditions.
Environment Agency	-	No comments.

4. Assessment

4.1 The main planning considerations are:

- Application Context;
- Design and Appearance;
- Whether or not the buildings are a 'Heritage Asset' as defined by PPS5;
- The future of the buildings if planning permission were not given;
- Affordable Housing;
- Public Open Space;
- Impact on Neighbours' Amenities;
- Highway Safety and Parking;
- Amenity Space; and,
- Neighbour Comments.

Application Context

- 4.2 This application is running concurrently to an appeal relating to an identical application – 11/00571/FUL. That appeal is due to be determined at a public inquiry scheduled for 14-16th February 2012. The Council has provided reasons for refusal to the Planning Inspectorate under delegated powers. These are identical to those recommended in this report. As the applications are identical, various assessments and ongoing negotiations relating to 11/00571/FUL apply equally to this application.
- 4.3 The application site consists of 3 properties, numbers 8, 10 and 12 Carnarvon Road. The applicant has submitted a 'Report and Valuation' by Nicholas Percival, Chartered Surveyors in support of the application. This document identifies No. 8 as a 10-bedroom, three-storey, Edwardian house. No.10, of very similar design is stated as being a former Edwardian House, having been divided into 4 self-contained flats (2 x 1-bedroom and 2 x 3-bedroom). No. 12 is stated as being a 5-bedroom single residential dwelling dating from around 1890.
- 4.4 Each of the properties has several parking spaces and generous back gardens – particularly 8 and 10 Carnarvon Road which each have in excess of 450 square metres which is exceptional for a town centre site although should not be considered excessive in the context of the large size of these houses.
- 4.5 To the south of the site are the unsympathetic and bland 5-storey flats of Landseer Court. To the north west of the site is the attractive and contemporary Victorian villa of 14 Carnarvon Road. Behind the site and in the north east are the grounds of the Colvin Memorial Temple, whilst directly to the north are two-storey flats of a bland design.
- 4.6 Despite some unsympathetic replacements and additions, the remainder of Carnarvon Road retains enough of its original villas of Victorian / Edwardian origin to comprise a distinct local character. The buildings on the application site form part of a row of 4 such Victorian / Edwardian villas and consequently make a very valuable contribution towards this distinct local character. All three are attractive, richly detailed buildings with 8 and 12 being unlike any other building in Clacton in their design and detailing. Several modern replacements, although of lesser architectural worth, at least retain a plot width, scale, form and rhythm sympathetic to the local character.

Design and Appearance

- 4.7 Having failed to accept advice given by officers regarding pre-application submissions on 15th July 2010, and 21st January 2011, arrangements were made to put a third pre-application submission before the Essex Design Initiative (EDI). Before this could be finalised, formal application 11/00571/FUL was submitted and the EDI instead assessed this application, meeting to visit the site, hear presentations from the applicant's representatives and assess the proposals on 14th June 2011. The EDI is an independent panel of four architects / urban designers. Their report of 5th July concluded that the proposal was unacceptable in design terms.
- 4.8 Specifically, the EDI observed that the existing buildings on the site were of a high quality and that there was a strong local character created by the regular rhythm of villa type houses along Carnarvon Road. The majority of buildings on Carnarvon Road are Victorian and Edwardian villa houses, which contribute strongly to the urban fabric of this part of Clacton. The existing buildings on site "exhibit some very high quality design features and excellent detail, all sharing common characteristics that tie them in to the urban fabric of the street. They are some of the better buildings on Carnarvon Road and have enormous character in their own right as well as lending it to the street scene."

- 4.9 Whilst the existing buildings are not protected as Listed Buildings or as part of a Conservation Area, their quality and contribution to local character demands a replacement proposal that at least equals the contribution they make in terms of its architectural quality and character.
- 4.10 The EDI report goes on to assess whether or not the proposed building achieves this and concludes that it does not. In particular, the following criticisms were made of the building's design;
- The access through the proposed building frontage to the rear parking court is incongruous with the local character.
 - The projecting elements of the flats extend beyond the front building lines of the adjacent buildings of 14 Carnarvon Road and Landseer Court, making the proposed development out of alignment with the street and out of character.
 - The proposed building projects beyond neighbouring rear building lines, resulting in an imposing end elevation and corner as viewed from High Street to the north-west of the site.
 - The elevations lack detail and articulation.
 - There is inadequate space between the proposed building and 14 Carnarvon Road.
 - The cascade of various roof heights and forms fails to achieve a harmonious transition between the adjacent two and five-storey buildings that flank the site.
 - The design fails to incorporate any local references, including its use of materials.
 - Supposed attempts to reflect traditional bay windows through a modern interpretation have failed to achieve these objectives as they differ from the bay windows of the villa houses in their proportions, layout, dimensions and projection.
- 4.11 Together, these considerations mean that the building presents a 'go anywhere design' that appears to 'follow the plan' rather than present careful, well-designed architecture. The result is an overly bulky and poorly detailed building that would harm local character. The proposed flats would not be good enough were the site empty. In the context of the very positive contribution the existing buildings make towards the appearance of the site and local character, the proposed flats fall well short of the design quality that should reasonably be expected.
- 4.12 The applicant did amend plans following the EDI's comments and these amended plans are submitted as part of the current planning application. These amendments altered the entrance to show a dropped kerb and a slightly narrower width access road. They also showed air source heat pumps in fenced enclosures and an amended south-east elevation that included render panels and a change in the window format. These changes do not address the fundamental concerns raised by the EDI and shared by officers.

Whether or not the buildings are a 'Heritage Asset' as defined by PPS5.

- 4.13 Government guidance in PPS5 is that the positive contribution of heritage assets to local character and sense of place should be recognised and valued. A heritage asset is defined as "A building, monument, site, place, area or landscape positively identified as having a degree of significance meriting consideration in planning decisions. Heritage assets are the valued components of the historic environment. They include designated heritage assets....and assets identified by the Local Planning Authority during the process of decision making....".
- 4.14 Numbers 8, 10 and 12 Carnarvon Road are not statutorily listed buildings or locally listed buildings. Nor are they within or adjacent to a Conservation Area. However, PPS5 makes it plain that buildings can be a heritage asset without having such formal designation, although clearly, without such designation, their significance in PPS5 terms is less. In this case, the buildings are a heritage asset because they have a "degree of significance"

meriting consideration in planning decisions. The fact that the applicants considered it worth commissioning a report on the matter and that this report discusses the issues over 22 pages in itself demonstrates that the buildings have a degree of significance. The buildings are contemporary with the Victorian / Edwardian origins of Clacton-on-Sea and have a number of attractive contemporary features. The precise “degree of significance” is open to some interpretation. However, PPS1 and adopted Local Plan policies in any case requires that good design should “take the opportunities available for improving the character and quality of an area” regardless of whether or not the term ‘heritage asset’ is applied to it. The key issue is whether the proposed development is acceptable in design terms in the context of the positive contribution towards architectural quality in the street and to local character made by existing buildings.

- 4.15 The applicant has submitted a document entitled ‘Building and PPS 5 Assessment’, produced by Beardmore Urban. It is not entirely clear what the brief given to Beardmore Urban was in relation to this report. It is apparent that Beardmore Urban had no sight of the specific proposed scheme to replace existing buildings when writing their report.
- 4.16 Although the applicant’s report in places describes the buildings as being architecturally ordinary and of no particular merit, other parts of the report acknowledges that “There is no doubt that at least two of the buildings (numbers 8 and 10) have a number of examples of fine detailing, with a commendable attention to detail”....“They have “a solidity and balance that gives the primary scale of the main facades a clear street presence”. It also states “Many of the details are well designed and crafted”. It further acknowledges that “In the light of their age and that part of the late Victorian / Edwardian development of the town, they may arguably be said to make a modest contribution to the appearance of the locality in terms of maintaining the ambiance created by its historical consistency”. The report acknowledges that “It could be argued that numbers 8-12...may be of interest in terms of their contribution to the wider townscape in general”. It also states that “a suitable replacement building or buildings of similar size and form and of a high quality design would have much the same effect from these viewpoints”. Officers agree with these points, noting that the replacement building is not of a similar size or form or of a high quality design to the existing buildings.

The future of the buildings if planning permission were not given.

- 4.17 The applicant claimed in an email of 11th August that if planning permission were not given, the buildings are liable to deteriorate, most likely becoming a negative visual feature in the process. No reason is given for this assertion. In practice it is considered unlikely that their condition would be allowed to significantly deteriorate as this would not be in the owner’s interests. Whilst it is accepted that 8 and 10 would benefit from external decoration, the submitted survey gives no indication that extensive repairs are required that would be uneconomical to undertake.
- 4.18 Many of Clacton’s Victorian / Edwardian villas are large, confined buildings with very small areas of amenity space and no private parking. These characteristics limit their attractiveness as family homes and their potential for alternative use. In contrast, numbers 8, 10 and 12 Carnarvon Road do not suffer these constraints. Each has between 2 and 4 parking spaces and all three have generous garden areas. These features together with their location within the town centre, and close to the seafront and shopping centre offer great potential for continued use as dwelling houses and potentially alternative use.
- 4.19 Alternative uses for the buildings (such as conversion to flats or offices) would require express planning permission. No such proposals have been explored through pre-application discussions with the Planning Department or through formal planning applications. Furthermore, no details of unsuccessful marketing of the buildings have been

submitted and so there is no reason to assume that there will be pressure on the Local Planning Authority to accept future proposed uses that it considered undesirable.

- 4.20 This application should be judged on its planning merits and no regard should be given to any speculation as to what might, or might not happen in the future.

Affordable Housing

- 4.21 Policy HG4 of the local plan states that 40% of new dwellings shall be made available in the form of affordable housing in settlements of over 3000 population, and that shall apply to developments of 15 or more dwellings. This development is located in a settlement of over 3000 people and is for 32 dwellings. As such it meets the thresholds and affordable housing is required.
- 4.22 The applicant argues that, in view of the business model and nature of development, it would be impractical to provide affordable housing on-site. In considering application 11/00571/FUL, Development Team accepted this argument, concluding that an off-site financial contribution should be payable instead.
- 4.23 The applicants submitted a viability appraisal identical to that submitted in support of application 11/00571/FUL. This concluded that the development could not afford to make a financial contribution towards the Council's provision of affordable housing. To test whether these conclusions were correct, an independent assessment of the applicant's viability appraisal was commissioned from the District Valuer (DV). Their report concluded that the development could support £470,000 of contributions. Draft heads of terms for a S106 agreement that would secure this contribution were sent to the appellants / applicants on 4th November but to date this has not been returned.
- 4.24 On 6th January, the applicant made a 'without prejudice' offer of £150,000. On 9th January they submitted a fresh viability assessment that used different figures, adopted different approaches and arrived at different conclusions to their previous submissions. This viability assessment was undertaken by an external consultant (Alder King) whilst previous analysis had been produced by McCarthy & Stone using the HCA toolkit.
- 4.25 The Council's consultants (the DV) has not, at the time of writing, been able to provide the Council with a full assessment of this new report.
- 4.26 The appellant's proofs of evidence for the concurrent appeal were received by the Council on 20th January. These include detailed explanation and justifications in relation to the Alder King Viability Assessment and the appellant's position. These have been made available to the DV to look at and the Council awaits their response. The DV and Alder King have stated their intention to meet so as to work out areas of agreement / disagreement and potential compromise.
- 4.27 At the time of writing, it was unclear whether the applicant's 'without prejudice' offer of £150,000 was still 'on the table' or how this sum had been arrived at.

Public Open Space.

- 4.28 Policy COM6 of the local plan normally would require applications for residential development to make a financial contribution towards the Council's provision of public open space. Development Team have considered this matter in relation to 11/00571/FUL and concluded that although there is a local deficit of public open space, this deficit is specifically for childrens' play areas. As the proposed flats are for retirement accommodation, they will not generate increased need for childrens' play area and

therefore it is not appropriate to require either on-site provision or financial contributions towards the provision of such.

Impact on Neighbours' Amenities

- 4.29 The proposal steps down sufficiently so as to have no material impact on the property to the north west – 14 Carnarvon Road, which in any case is a commercial property last used as a beauty, nails and tanning studio.
- 4.30 To the south east, are the flats of Landseer Court. The intervening parking area of Landseer Court ensures that the side elevations of this and the proposed flats are a minimum of 12 metres apart. Whilst the side-facing windows on the north west elevation of Landseer Court would suffer some loss of light and outlook, 12 metres side separation is more than would usually be expected in such a dense town centre location. In any case the existing building of 9 Carnarvon Road is a tall three-storey structure. In this context, the additional height and proximity of the proposed building when compared to the existing building is not so significant as to justify a refusal. Facing windows on the proposed flats either serve bathrooms or are secondary bedroom windows. In either case, they could be conditioned obscure-glazed and fixed shut to prevent overlooking.
- 4.31 To the north east, only the flats of 46 and 48 High Street have the potential to be materially affected. The stepping down of the proposed building towards the north east ensures that there would be no material loss of outlook or light and the orientation of windows ensure that overlooking only occurs at angles so oblique as to cause no material loss of privacy compared to that which already exists.

Highway Safety and Parking

- 4.32 The Highway Authority raises no objection subject to conditions. Although there will be an intensification in vehicles accessing the site, there will be a consolidation of accesses which brings with it its own benefits to highway safety.
- 4.33 Parking does not meet adopted standards. 32 retirement dwellings generates a requirement for 32 car parking spaces, 4 cycle parking spaces and 16 mobility scooter parking spaces. A total of 13 car parking spaces (including 2 disabled spaces) are proposed in a parking courtyard situated to the rear of the building – a deficit of 19 spaces.
- 4.34 Notwithstanding the above, adopted parking standards do allow for reductions of the vehicle standard within town centres or urban areas that have good links to sustainable transport. In this case, the site is within the town centre, close to the train station and buses and just a couple of minutes walk away from Clacton's shopping centre and other services. It is therefore in a highly sustainable location where it is common that flats have no parking facilities at all. Coupled with this, the applicants have produced a document entitled "Report on Transport Impact of the Proposed Development" that concludes that the parking provision proposed is adequate to meet demand. McCarthy & Stone have considerable experience in meeting the needs of their specific client group and it is considered unlikely that they would wish to propose less parking spaces than they would require. In this context, levels of parking proposed are adequate.
- 4.35 Ten cycle spaces are shown on submitted plans and this more than meets the requirement of parking standards. Parking for just 6 mobility scooters is shown – 10 less than required by adopted standards, however more could easily be achieved through conditions, so this does not comprise a reason for refusal.

Amenity Space

- 4.36 Policy HG9 of the local plan requires a minimum of 25 square metres of communal amenity space for flatted developments. This would make the requirements 800 square metres. This development provides 600 square metres amenity space at the rear of the building.
- 4.37 Although this is below policy requirements, it is considerably larger than would normally be expected a flatted development in the town centre. Added to this, the site is very close to the seafront and includes internal amenity space such as the residents' lounge and laundry room. Furthermore, the applicants point out that the average age of a McCarthy & Stone resident is 78 years of age. As such, the primary purpose of amenity space is for the pleasant outlook it provides and for sitting out in. The proposed area of amenity space is more than large enough to provide this function. In this context, a rigid application of normal policy requirements would not be appropriate.

Neighbour Comments

- 4.38 Two letters of support and two letters of objection have been received. One of the letters of support simply states that "Provided that the number of parking places is sufficient I have no objections to this application. The sooner it starts the better." The other letter of support is from the current owner of 12 Carnarvon Road and sets out their reasons for wishing to sell, whilst observing that Carnarvon Road is a good location for the proposed development.
- 4.39 The objections raised that have been have already been addressed in the preceding sections of this report are as follows;
- Demolition of No. 12 will reduce attractiveness of locality as it is in good condition and an attractive example of its type, and matches no 14 in style.
 - The proposed development is too large.
 - Insufficient car parking
 - Highway safety and traffic problems
 - Development will cut light to Landseer Court flats
 - Development will breach the existing building line.
- 4.40 Objections raised not previously addressed are outlined as follows and addressed in italics.
- The water mains, drainage and electricity supply are already under severe stress due to the number of flats now built in the locality. The development will add to the load on the public water main and drainage.

Anglian Water has advised that existing foul drainage and sewerage infrastructure has the capacity to handle flows generated by this development. Anglian Water has requested a condition be imposed requiring the submission of a scheme to deal with surface water / flood risk. It is unclear what the objector's letter means when it states that water mains is under stress, but Anglian Water have made no such observations. Similarly, it is unclear what the objector's letter means when it states that electricity supply is under severe stress. There is no reason to suppose that the scheme will have a detrimental affect on the national grid or on the specific line to Landseer Court.
 - There is no provision for emergency and trader's vehicles.

Emergency and traders vehicles would need to wait in the public highway, which is normal in the case of flatted or commercial developments in the town centre. The highway authority has raised no objection on this basis.

- Car park will be very near Landseer Court's garden, require tree felling, spoiling an attractive garden.

The Council's Tree and Landscaping Officer has assessed the site and concluded that none of the trees affected by the proposal warrant protection by means of a Tree preservation Order and that the scheme offers potential for new soft landscaping and tree planting that will compensate visually for any trees harmed as a result of the development.

- Noise, dust and traffic problems created by demolition and re-development.

A degree of disruption is an inevitable consequence of the development process and not in itself a reason for refusal. Conditions could be imposed to ensure that such disturbance was within acceptable bounds.