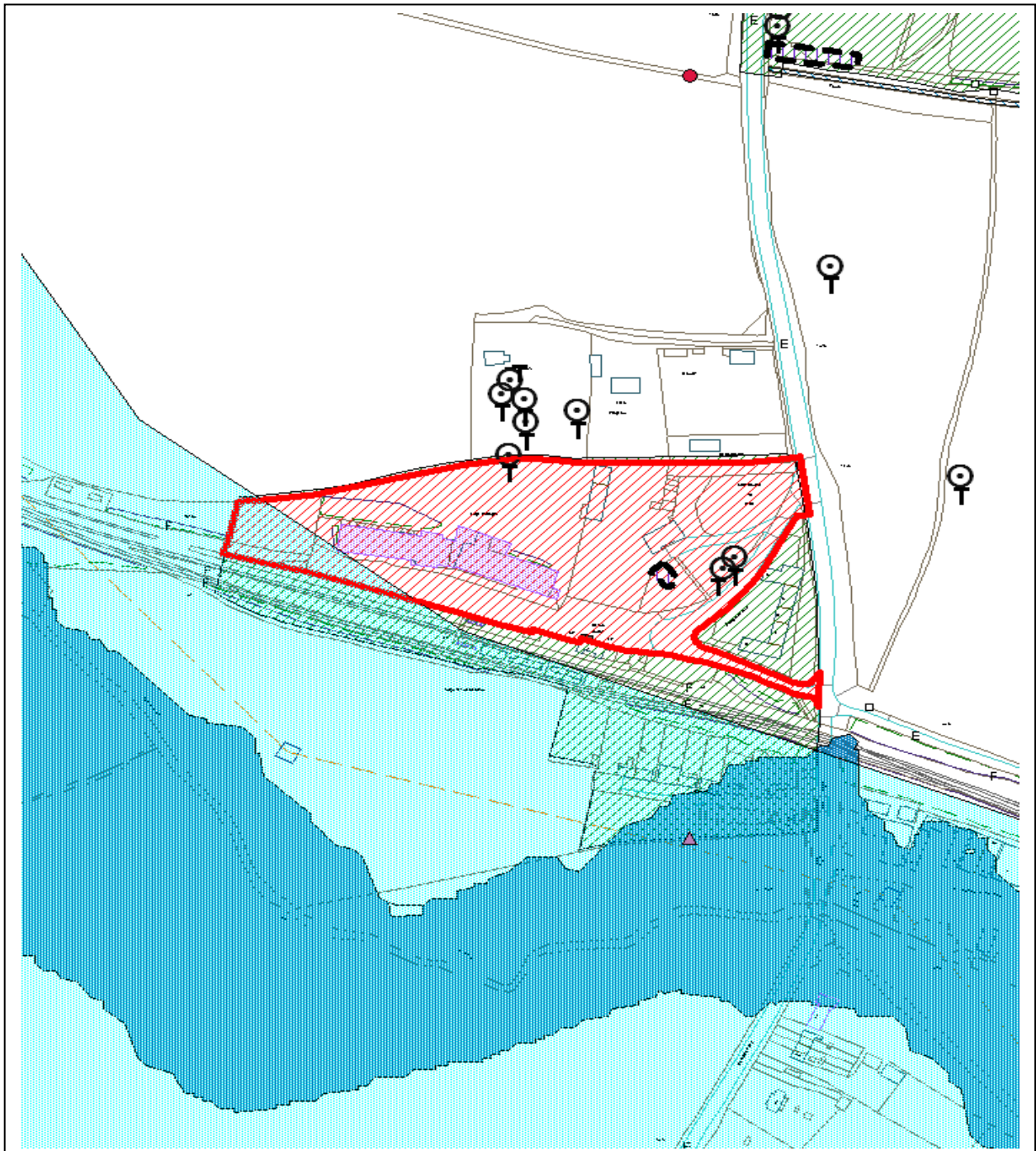


PLANNING COMMITTEE

16 SEPTEMBER 2014

REPORT OF THE HEAD OF PLANNING

A.2 PLANNING APPLICATIONS - 13/01385/FUL and 13/01386/LBC - Land at Thorpe Maltings & Former King Edward VII Public House, Station Road, Thorpe-Le-Soken, CO16 0HY



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Application:	13/01385/FUL 13/01386/LBC	Town / Parish: Thorpe-le-Soken Parish Council
Applicant:	Rosegrade Ltd - Mr Peter Hollis	
Address:	Land at Thorpe Maltings & Former King Edward VII Public House Station Road, Thorpe-Le-Soken, CO16 0HY	
Development:	<p>13/01385/FUL: Conversion of existing Grade II listed maltings building to residential use (creating 31 apartments) including the part demolition, re-building and alteration of the existing structure. Conversion of existing vacant King Edward VII public house to private residential (creating 3 apartments). Demolition of former stable block and development of 20 new dwellings and commercial unit including associated infrastructure and public open space.</p> <p>13/01386/LBC: Conversion of existing Grade II listed maltings building to residential use (creating 31 apartments) including the part demolition, re-building and alteration of the existing structure. Demolition of former stable block (curtilage listed).</p>	

1. Executive Summary

- 1.1 Thorpe Maltings and the former King Edward VII Public House lie immediately north of Thorpe-le-Soken railway station and the associated NCP car park, west of Station Road, within a small cluster of residential and commercial properties located just under 1km to the south of the main village of Thorpe-le-Soken. The Maltings are Grade II Listed but they are in an extremely poor condition due to decades of deterioration and significant parts of the building have either collapsed or have had to be demolished in the interest of public safety. The former stable block which forms part of the listed curtilage of the Maltings is also in a poor state of repair and is unsafe. The former Edward VII Pub is not listed and was last used for commercial storage and packing and three flats with a scrap yard on adjoining land. The remainder of the site is overgrown by vegetation and messy in appearance.
- 1.2 The site is in a prominent and highly visible location just north of Thorpe-le-Soken Railway Station and the buildings can be clearly viewed from the railway station and their dilapidated condition detracts significantly from the appearance of the area. Being such an important and well-used railway interchange and the gateway to our coastal towns, the appearance of this area also reflects badly on the district.
- 1.3 The application proposes part conversion and part demolition of the existing Grade II Listed Thorpe Maltings building to form 31 apartments, the conversion of the former King Edward VII public house into 3 apartments and the construction of 20 new dwellings to the north of the site and a commercial unit. The comprehensive redevelopment of the site includes:
 - the demolition of most of the Maltings' west wing and its re-construction, utilising reclaimed bricks, into a block of residential apartments some ground floor parking spaces at the front (the southern elevation) and private gardens to the rear;
 - retention and restoration of the southern elevation of the Maltings' east wing and central kiln area with redevelopment to the rear to form a block of residential apartments, again with ground floor parking spaces at the front and private gardens to the rear;

- conversion of the former Edward VII Pub into three houses;
- demolition of the former stable block to the rear of the Maltings and its replacement with a row of five houses; and
- construction of a further fifteen new dwellings to the north of the site, accessed via a new road along the northern edge of the site, and a commercial unit adjacent to the existing railway station car park.

- 1.4 The site is within the 'Thorpe Station and Maltings' Conservation Area which was designated in 1990 and policies in both the Council's adopted and emerging Local Plans give support to proposals that would secure the conservation and re-use of Thorpe Maltings as part of a comprehensive enhancement of the Conservation Area. A Draft Conservation Area Management Plan for the area was produced in 2011 by Essex County Council on behalf of the Council in consultation with English Heritage to help manage the future of the conservation area.
- 1.5 English Heritage had considerable input into the pre-application discussions between the Council and the applicant and accepts that the Grade II Listed Maltings have deteriorated to such a degree that they can no longer be viably restored in a meaningful way that retains their significance. English Heritage objects to the proposal because it will still result in the loss of a considerable part of the Maltings and the associated stable block and has advised that the loss of heritage and significance is such that this proposal should not be considered as a conservation project.
- 1.6 Whilst English Heritage has advised that this development should no longer be considered as a conservation project, the site's prominent location and its current poor condition still warrants a high level of design to enhance the appearance of the area and improve this important and highly visible gateway into the district. The proposal seeks to achieve a good level of design that attempts to retain the character and appearance of the existing Maltings building and deliver a number of local benefits, in particular the significant visual improvement to the appearance of the area.
- 1.7 Whilst the site is located outside the Settlement Development Boundary in the Council's Adopted Local Plan, it is included within the Settlement Development Boundary in the emerging Draft Local Plan, where there is a general presumption in favour of new development (subject to detailed consideration against other relevant policies). Because of this and the site's position adjacent to a railway station it is considered to be a sustainable location in accordance with the emerging Local Plan and NPPF and so the principle of development is supported. The number of units is also supported as there is Parish Council support (and so is in accordance with the emerging Local Plan) and it will help achieve local benefits and help deliver much-needed new housing in Tendring. It is also accepted that the number of dwellings proposed is required to make the scheme economically viable.
- 1.8 Consequently, on balance, subject to the recommended conditions below, the proposal is recommended for approval as detailed below.
- 1.9 This report also covers the associated application for Listed Building Consent (13/01386/LBC) for conversion and part demolition of the Maltings and demolition of the former stable block. On balance, it is recommended that listed building consent is granted.
- 1.10 The proposed development would normally contribute towards affordable housing, education and public open space however an independently assessed viability report confirms that no financial contributions or works are economically viable (but the applicant will be required to fund certain highway improvement works). On balance, given the

reductions in the scale of development in order to achieve an acceptable proposal, approval is recommended subject to a legal agreement to ensure that any future increase in the predicted sale value of the development can be recouped and used for the contributions which should apply to the development.

13/01385/FUL

Recommendation: That the Head of Planning be authorised to grant planning permission for the development subject to:-

(a) Within three months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 (on such detailed terms as the Head of Planning in their discretion considers appropriate) dealing with the following matters:

- Clawback clause to ensure that a fair share of the profit from any future increase in the predicted sale value of the development can be recouped and used for the contributions which should apply to the development as detailed at paragraphs 6.57-6.59 of this report. If development has not commenced within 18 months the viability will have to be reassessed, and again at 3 years if the development has not been completed.

(b) Planning conditions in accordance with those set out below (but with such amendments and additions, if any, to the detailed wording thereof as the Head of Planning in their discretion considers appropriate

Conditions:

1. Standard 3 year time limit for commencement.
2. Development in accordance with submitted plans.
3. Removal of permitted development rights for extensions and outbuildings and gates, walls and fences.
4. Provision of replacement parking spaces for the railway station car park prior to any works that will result in the loss of any existing spaces.
5. No demolition or preliminary ground works shall occur until a programme of archaeological work has been submitted and approved.
6. Samples/details of facing, roofing and surfacing materials.
7. The hereby approved retail unit shall only be used for Use Class A1 and for no other purpose. Withdrawal of permitted development rights of the proposed retail unit – hours of opening and restriction of changes of use.
8. Detailed design of signage and shop front of retail unit to be submitted and agreed prior to commencement of development.
9. Details of water, energy and resource efficiency measures during construction and occupation.
10. Demolition and Construction Management Plan (to include dust and noise control measures, demolition and construction workers parking, wheelwash and underbody cleaning, loading and unloading and turning facilities, and removal and disposal of contaminated material).
11. Hidden historic features to be documented/architectural details salvaged during demolition.
12. Protection of features of architectural and historic interest on the former public house.
13. No demolition or construction work shall take place outside the hours of 07:00 to 19:00 Monday to Friday, and 09:00 to 13:00 Saturdays, and at no time on Sundays and public holidays.
14. Details of permeable surfacing/surface water drainage measures.

15. Car, motorcycle and cycle parking as shown on submitted plans to be provided prior to occupation and retained thereafter.
16. Vehicular access alterations and improved pedestrian facilities to be provided prior to occupation.
17. Details of Transport Information and Marketing Scheme for sustainable transport (green travel pack) and residential travel plan.
18. Prior to occupation of development bollards along the Station Road western side footway and vegetation removed to protect the visibility splay of the main access and lower Station Road access, the relocation of the north and south bound bus stops in Station Road with a hardstand and raised kerbing, yellow bus box and lettering and no waiting plate, bus stop flag, timetable case, wooden shelter and real time passenger information, dropped kerb crossings with tactile paving between the Station Road western side footway and the south bound bus stop also at the lower station access road/Station Road junction.
19. Removal and disposal of contaminated material and further studies/works as requested relating to contamination and gas (in accordance with the recommendations of the Environmental and Gas Monitoring reports)
20. Obscure glazing of bathrooms within the public-facing elevations of the Maltings building to be in place prior to occupation and retained thereafter.
21. Acoustic insulating materials (in accordance with the recommendations of the Acoustic Report) and details of noise barriers around the amenity areas close to Station Road.
22. Planting of 8 specimen trees and details of the measures to be taken to meet the requirements of the Tree Survey and Report.
23. Soft and hard landscaping details and landscape management plan (including for the area of proposed public open space).
24. Details of any external lighting.
25. Removal of permitted development rights for any minor changes or minor alterations to the publicly visible roofs and elevations of the Maltings building and for solar panels on visible roof slopes.
26. The storage of refuse and/or waste shall be provided within the bin stores shown on the submitted plans and shall be provided before the first occupation of the building and shall thereafter be retained as such at all times.
27. Detailed assessments and surveys in accordance with the Ecological Assessment and any subsequent mitigation or compensation, if required.

(c) The Head of Planning be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of three months, as the requirements necessary to make the development acceptable in planning terms had not been secured through S106 planning obligation, contrary to saved policies COM6, HG4 and QL12 of the Tendring District Local Plan (2007) and draft policies SD7, PEO10 and PEO22 of the Tendring District Local Plan Proposed Submission Draft (2012).

13/01386/LBC

Recommendation: That the Head of Planning be authorised to grant listed building consent for the development subject to the following conditions:-

1. Standard 3 year time limit for commencement.
2. Hidden historic features to be documented/architectural details salvaged during demolition.
3. Demolition shall not commence unless and until a contract for the carrying out of the building works for the redevelopment of the site has been made, and planning permission has been granted for the redevelopment for which the contract provides, and a copy of that contract containing timescales for development has been supplied to the Local Planning Authority.
4. No demolition or preliminary ground works shall occur until a programme of archaeological

work has been submitted and approved.

5. No demolition or construction work shall take place outside the hours of 07:00 to 19:00 Monday to Friday, and 09:00 to 13:00 Saturdays, and at no time on Sundays and public holidays.

2. **Planning Policy**

National Policy:

National Planning Policy Framework (2012)

- 2.1 Housing applications should be considered in the context of the presumption in favour of sustainable development. To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, Local Planning Authorities should plan for a mix of housing; identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and where it is identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities.
- 2.2 Local Planning Authorities should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.
- 2.3 Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.
- 2.4 The NPPF adds that Local Planning Authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment and should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. Applicants should describe the significance of any heritage assets affected, including any contribution made by their setting. Where a site has the potential to include heritage assets with archaeological interest, developers should be required to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 2.5 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.
- 2.6 In determining planning applications, Local Planning Authorities should take account of: (i) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; (ii) the positive contribution that conservation of heritage assets can make to sustainable communities including their

economic vitality; and (iii) the desirability of new development making a positive contribution to local character and distinctiveness.

- 2.7 Paragraph 133 states where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 2.8 Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.
- 2.9 Planning decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.

Local Plan Policy:

Tendring District Local Plan (2007)

QL1	Spatial Strategy
QL2	Promoting Transport Choice
QL9	Design of New Development
QL10	Designing New Development to Meet Functional Needs
QL11	Environmental Impacts and Compatibility of Uses
QL12	Planning Obligations
ER37	Small Convenience Stores Outside of Centres
HG1	Housing Provision
HG3a	Mixed Communities
HG4	Affordable Housing in new Developments
HG6	Dwelling Size and Type
HG7	Residential Densities
HG9	Private Amenity Space
COM6	Provision of Recreational Open Space for New Residential Development
COM28	Safeguarding of Civil Technical Sites
EN17	Conservation Areas
EN20	Demolition within Conservation Areas
EN21	Demolition of a Listed Building

EN23	Development within the Proximity of a Listed Building
TR1a	Development Affecting Highways
TR7	Vehicle Parking at New Development
RA2	Thorpe-le-Soken Maltings

Tendring District Local Plan Proposed Submission Draft (2012) (as amended by the 2014 Focussed Changes)

SD1	Presumption in Favour of Sustainable Development
SD4	Smaller Rural Settlements
SD5	Managing Growth
SD7	Securing Facilities and Infrastructure
SD8	Transport and Accessibility
SD9	Design of New Development
SD10	Sustainable Construction
PR01a	Improving the Public Transport Network
PRO6	Retail, Leisure and Office Development
PEO1	Housing Supply
PEO2	Housing Trajectory
PEO3	Housing Density
PEO4	Standards for New Housing
PEO7	Housing Choice
PEO12	Flats, Apartments and Maisonettes
PEO22	Green Infrastructure in New Residential Development
PLA6	The Historic Environment
PLA7	Conservation Areas
PLA8	Listed Buildings
COU8	Thorpe Maltings
COU9	Safeguarding of Civil Technical Site, North of Little Clacton and South of Thorpe-le-Soken

Other guidance:

ECC Parking Standards (2009)

Draft Thorpe-Le-Soken Station and Maltings Conservation Area Appraisal and Management Plan (2011)

3. Relevant Planning History

90/00173/FUL	Demolition of all existing structure and erection of new B1 units.	Withdrawn	11.04.1990
90/00313/FUL	Total or substantial demolition of redundant Maltings building and re-erection of building for residential use.	Withdrawn	11.04.1990
07/00440/LBC	Removal of collapsed roof and floors to make the building safe.	Approved	30.05.2007
08/00312/LBC	Removal of roof and floors and partial demolition of north elevation to make the building safe.	Refused	12.05.2008
08/01010/LBC	Removal of drying towers and collapsed roof and unstable gable to eaves level to make building safe, as amended by information received on 17 July 2008.	Approved	29.08.2008
13/01385/FUL	Conversion of existing Grade II listed maltings building to residential use (creating 31 apartments) including the part demolition, re-building and alteration of the existing structure. Conversion of existing vacant King Edward VII public house to private residential (creating 3 apartments). Demolition of former stable block and development of 20 new dwellings and commercial unit including associated infrastructure and public open space.	Current	
13/01386/LBC	Conversion of existing Grade II listed maltings building to residential use (creating 31 apartments) including the part demolition, re-building and alteration of the existing structure. Demolition of former stable block (curtilage listed).	Current	

4. Consultations

- 4.1 Please see below for a summary of the consultation responses relating to applications 13/01385/FUL and 13/01386/LBC.

English Heritage

- 4.2 Whilst we had originally sought the retention and sensitive conversion of the grade II listed Maltings within the Thorpe-le-Soken Station and Maltings Conservation Area, the severely dilapidated state of the Maltings is such that there would seem to be no possibility of retaining the buildings in any meaningful manner. The formally submitted proposals would

not secure the significance of the Maltings or the conservation area and the scheme should no longer be considered a conservation project. We therefore recommend that the application should be determined by your authority with regard to other planning policies. Furthermore, given the extent of loss of architectural and historic interest that has occurred, we now question whether the area still meets the criteria for designation as a conservation area.

TDC Trees and Landscapes Officer

- 4.3 A Tree Survey and Report has been submitted with the application that has been carried out in accordance with the recommendations contained in BS5837: 2012 Trees in relation to design, demolition and construction. The report accurately describes the health and condition of the trees on the application site and, with the exception of T1 Poplar, makes provision for the retention of viable trees covered by Tree Preservation Orders 89/24 and 92/07. The Tree Protection Plan submitted with the report adequately demonstrates that the development can occur without harm being caused to the trees that are to be retained. Whilst the Poplar (T1) identified to be removed has a positive impact on character and appearance of the area its amenity value could be relatively easily replicated by new planting. The tree report makes reference to the planting of 8 specimen trees and this should be secured by condition. A detailed soft landscaping scheme should be provided showing planting positions of these trees and other associated shrub and hedge planting. In addition to the soft landscaping condition a further condition should be attached to any consent that may be granted to ensure that the requirements of the Tree Survey and Report are fully complied with and that detail of specialist construction techniques for any development within the Root Protection Areas of retained trees is provided. As the development is situated with a conservation area and will impact on the setting of a listed building it will be necessary for the applicant to provide a top quality hard and soft landscaping scheme that will enhance the setting of the listed building and improve the character and appearance of the conservation area.
- 4.4 Please see below for a summary of the consultation responses relating to application 13/01385/FUL.

Environment Agency

- 4.5 Anglian Water Services confirms that it would accept discharge to their sewer at the rate set out in the pre-development report and so we are now in a position to withdraw our previous holding objection, subject to the a condition being imposed requesting a surface water drainage scheme, to prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and for the lifetime of the development.

Natural England

- 4.6 No objection but general advice has been provided to help assess the proposal. The site includes an area of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities Act 2006.

TDC Building Control

- 4.7 The provision for access for fire-fighting appliances should be clearly defined.

TDC Environmental Health

- 4.8 Pollution and Environmental Control require new up to date relevant contaminated land surveys, sampling and reports carried out for the site to enable us to make further comments. Please impose the complete set of contaminated land conditions.

TDC Regeneration

- 4.9 Preference would be for a convenience shop/café/coffee shop that serves the needs of the residents in the new units as well as commuters using the station.

Anglian Water

- 4.10 There are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary. The foul drainage from this development is in the catchment of Clacton-Holland Haven STW that will have available capacity for these flows. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection. The preferred method of surface water disposal would be to a sustainable drainage system (SUDs) with connection to sewer seen as the last option. Anglian Water would recommend the provision of condition to secure a surface water management strategy prior to commencement and that no hard standing areas are constructed until the works have been carried out in accordance with the surface water strategy.

ECC Archaeology

- 4.11 No comment received.

ECC Highways

- 4.12 Would not wish to raise an objection subject to the following conditions: prior to the commencement of development there will need to be provision of a wheel cleaning facility within the site and revised drawing showing dropped kerb crossing with tactile paving at the central island crossing in Maltings Road at its junction with Station Road, and no occupation of the development shall take place until the junction of the site access with Station Road is designed as shown on latest plans, bollards along the Station Road western side footway are provided and vegetation removed to protect the visibility splay of the main access and lower Station Road access, the north and south bound bus stops in Station Road are relocated with a hardstand and raised kerbing, yellow bus box and lettering and no waiting plate, bus stop flag, timetable case, wooden shelter and real time passenger information, dropped kerb crossings with tactile paving between the Station Road western side footway and the south bound bus stop also at the lower station access road/Station Road junction, a residential travel plan and residential travel information packs. In making this recommendation it is assumed that the proposal site internal layout would not be laid out and constructed to adoptable standards and that the applicant would not offer it to the Highway Authority for adoption.

UK Power Networks

- 4.13 No comment received.

Essex Wildlife Trust

- 4.14 No comment received.

Network Rail

- 4.15 Prior to the commencement of any works on site, developers must advise Network Rail to inform them of their intention to commence works. This must be undertaken a minimum of 6 weeks prior to the proposed date of commencement. Due to the close proximity of the site

to Network Rail's operational railway infrastructure, Network Rail recommends the developer contacts us prior to any works commencing on site. Network Rail is currently in discussion with the developer regarding access rights to the site and any alterations that may be made to the access road as a result of the proposal.

Essex Police

4.16 No comment received.

Renewable Energy

4.17 No comment received.

Thorpe-le-Soken Parish Council

4.18 Has no objection but would like to make the following comments: we are aware that there will be a strain on the infrastructure and all services within the village. Already the sewerage in the village is in crisis therefore we would like to know if Thorpe-le-Soken would benefit from any section 106 money that may be received. A local resident who lives in Malting House has drawn our attention to the proposed new layout and siting of a joint access with Malting House. Although Malting House does not own the access, they have a legal right to use it and are concerned that a lot more traffic would be passing adjacent to their property.

5. Representations

13/01385/FUL

5.1 7 letters of objection (4 from one objector) have been received and are summarised as follows:

- Concerns about the safety of the proposed access point off Station Road and the impact of the proposal on an existing right of way that exists over a strip of land to the north of the site that currently is used to access this property.
- Concern about the provision of the new bus stop (in terms of the impact this may have over existing properties).
- There is wildlife on site and so it might have some nature conservation value.
- Possible issues with existing infrastructure to cope with additional surface water flooding.
- There is likely to be contamination on the site from the previous uses.
- Concerns about the potential loss of railway station car parking – the proposed replacement spaces must be implemented before works commence – and the lack of visitor spaces, as this will cause problems as people will not pay to park.
- Two trees within a common boundary between the site and neighbouring properties would need canopy trimming and root protection measures.
- Concern about the proposed 1.5m fencing along the northern boundary – the boundary should be amended to reflect the current height of the existing hoarding (2.4m) – and the remainder of the boundary should be robust to prevent unauthorised access to neighbouring land.
- Signage should be provided at the entrance of the neighbouring property to prevent access.
- Abellio Greater Anglia (as operators and long term leaseholders of the station and car park) and Network Rail (as freeholder) have had a constructive dialogue with the developer on these proposals. AGA supports the principle of the application and the benefits that the scheme will bring to the appearance and presentation of the station area. However, it recognises that there are still a number of detailed issues relating to land ownership and potential land transfer that will have to be resolved before the

development can continue. We also note that although the proposals include relocation of some station car parking to a new position beyond the current limit of land leased by AGA, there is currently no agreement on how this important element of the proposal might be funded and delivered. Without this element of the project, there would be a net reduction in the amount of car parking available for railway customers, which would not be acceptable to AGA.

13/01386/LBC

5.2 No specific comments received.

6. Assessment

6.1 The main planning considerations are as follows:

- Legislative requirements;
- Principle of development;
- Heritage impact;
- Design;
- Parking, access and highway safety;
- Residential amenity and amenity space;
- Financial contributions; and
- Other issues.

Proposal

6.2 The application proposes the comprehensive redevelopment of the complex of buildings falling within the Thorpe Station and Maltings Conservation Area which includes the Grade II Listed Maltings building, former stable block to the rear and the former King Edward VII Public House. The development would involve the demolition of a large part of the Maltings, building with retention of some elements, and its re-construction into 31 apartments on three floors with parking spaces at the front and to the west and private gardens to the rear of the ground floor properties. The proposal includes the proposed demolition of the former stable block to the rear and its replacement by a row of 5 modern houses. The former public house is being retained but will be converted into 3 houses. The proposal also includes the construction of a further 15 new residential properties within the site, (predominantly to the rear of the Maltings and around the former public house, served by a new access road along the northern edge of the site) and a new retail unit immediately north of the existing railway station car park. Overall, 54 residential units would be created within the site.

6.3 The proposal comprises the following two separate applications:

6.4 **13/01385/FUL:** Conversion of existing Grade II listed maltings building to residential use (creating 31 apartments) including the part demolition, re-building and alteration of the existing structure. Conversion of existing vacant King Edward VII public house to private residential (creating 3 apartments). Demolition of former stable block and development of 20 new dwellings and commercial unit including associated infrastructure and public open space.

6.5 **13/01386/LBC:** Conversion of existing Grade II listed maltings building to residential use (creating 31 apartments) including the part demolition, re-building and alteration of the existing structure. Demolition of former stable block (curtilage listed).

Site Location

- 6.6 The site is in a prominent and highly visible location immediately north of the Thorpe-le-Soken railway station, which serves the seaside resorts of Clacton-on-Sea, Frinton-on-Sea and Walton-on-the-Naze, and west of Station Road, Thorpe-le-Soken.
- 6.7 The existing Maltings buildings have been vacant for a number of decades but were previously in employment use and are in a very poor state of repair. Many parts of the original building have had to be demolished in the interests of public safety, which has contributed to the site's deterioration in recent years. The grounds of the former King Edward VII Public house, which includes the stable block to the rear, was last used as a scrap yard and is in a very poor condition. The former public house itself contained three flats but this is now empty. Whilst its surroundings are in a poor condition the building itself is in a relatively good state of repair. Being immediately adjacent to such an important and well-used railway interchange and the gateway to our coastal towns, the appearance of this area also reflects badly on the district.
- 6.8 The site is outside the Settlement Development Boundary as defined within the Council's Adopted Local Plan but is within the boundary in the emerging new Local Plan that has been drawn around the small cluster of properties in this area and is being referred to as 'Thorpe Station and Maltings' and defined as a 'Smaller Rural Settlement' in the new Local Plan.
- 6.9 The site lies within the Thorpe Station and Maltings Conservation Area, which owes its designation predominantly to the presence of the Grade II Listed Maltings building and its historical significance to the local maltings industry.

Legislative requirements

- 6.10 A Conservation Area is an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. The application site lies within the Thorpe Station and Maltings Conservation Area. The Maltings itself and the former stable block within its curtilage are Grade II Listed.
- 6.11 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act imposes a statutory duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest. Section 72 imposes a statutory duty on the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

Principle of development

- 6.12 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a material consideration in this regard.
- 6.13 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. The 2012 Local Plan: Proposed Submission Draft, as amended by the 2014 Local Plan: Pre-Submission Focussed Changes, remains as the Council's 'emerging' Local Plan.

- 6.14 On 25th March 2014, the Council decided that further substantial revisions to the emerging plan will be required before it is submitted to the Secretary of State to be examined by a Planning Inspector. These revisions will aim to ensure conformity with both the NPPF and the legal 'duty to cooperate' relating mainly to issues around housing supply and so much of the content of the existing draft emerging Local Plan will be carried forward. A new Local Plan Committee is overseeing this work with a view to a new version of the plan being published for consultation in early 2015.
- 6.15 Whilst the site is outside the Settlement Development Boundary in the Council's Adopted Local Plan, it has been included within the boundary in the emerging new Local Plan that has been drawn around the small cluster of properties referred to as 'Thorpe Station and Maltings' and defined as a 'Smaller Rural Settlement' and so infill growth within the boundary is in accordance with emerging Policy SD5 (Managing Growth) (it should be noted that there is Parish Council support – which would be required for schemes involving 10 or more dwellings). This new boundary attracted relatively few objections, which means that the Council can apply some weight to this designation and therefore the principle of development can be accepted in this location as being in accordance with the emerging Local Plan. The location can also be considered to be environmentally sustainable in terms of the three strands of sustainability set out in the NPPF, due to it being adjacent to a busy railway station and located on a main bus route and because the proposal will involve the use of previously-developed land.
- 6.16 Additionally, both the adopted and emerging Local Plans contain site-specific policies relating to Thorpe Maltings that support the principle of development but only in the context of conserving the Maltings and bringing about the overall enhancement of the conservation area. Policy RA2 in the adopted plan states: *"The conservation and re-use of Thorpe-le-Soken Maltings will be supported as part of a comprehensive enhancement of the Thorpe Station and Maltings Conservation Area. Acceptable uses within the overall development scheme will include offices or small business premises and housing"*. Policy COU8 of the emerging Local Plan states: *"The conservation and re-use of Thorpe Maltings will be supported as part of a comprehensive enhancement of the Thorpe Station and Maltings Conservation Area in accordance with the guidance and design principles contained in the adopted Conservation Area Management Plan for the area, alongside other relevant policies in this Local Plan."* The principle of development is therefore accepted but this needs to be carefully considered in terms of the impact of the proposal on the conservation of the area and other policy requirements in both the saved and emerging Local Plans and the NPPF. The detailed consideration of this is set out below.
- 6.17 The proposed scheme is predominantly residential, with just a single retail unit proposed to the south of the site adjacent to the railway station car park. In terms of land use, the site was last in industrial and employment use where saved Local Plan Policy ER3 would usually apply. However, this is a general employment policy that applies across the whole district and which is of very limited relevance in this case given the site-specific policies referred to above. Furthermore, most of the buildings on the site in their dilapidated state are no longer suitable for employment use without major investment and refurbishment. The Maltings building was also specifically designed for its intended use and contains features that would be difficult to adapt to a new employment use. The proposed retail unit is considered to be in accordance with saved Policy ER37, which states that proposals for small convenience stores of up to 150sqm floorspace outside of existing centres, within the defined settlement boundary, will be permitted provided that they would not be detrimental to the vitality and viability of a nearby centre. The new unit would specifically serve the proposed new residents and would help serve users of the adjacent railway station and its small size is unlikely to have any significant impact on the existing village centre, which is located approximately 1km to the north. A condition will be imposed to ensure the unit is only used for Use Class A1 (retail) and to ensure any change from this is properly assessed

through a separate planning application. Details will also need to be submitted about its design.

Heritage impact

- 6.18 The site lies within the Thorpe Station and Maltings Conservation Area and contains the Grade II Listed Maltings building and the former public house and stable block, which are undesignated assets that make positive contributions to the conservation area. Due to the poor state of the site, the Maltings Buildings and overall Conservation Area are on the Essex Heritage at Risk Register.
- 6.19 The significant views of the site are from the publicly accessible areas to the south and east and from views from the surrounding landscape. A Heritage Impact Assessment has been provided to justify the proposal. Officers are satisfied that the application satisfactorily assesses the significance of all affected heritage assets and that the appropriate historic environment records have been assessed, in accordance with the requirements of the NPPF.
- 6.20 There has been much discussion over the years between the Council and the landowner, in consultation with other interested partners, in particular English Heritage, over the future of the Maltings site and there is a strong desire for the site to be brought back into a suitable use in a way that conserves the existing character and appearance of the area. The policies in both the saved and emerging Local Plans that relate to this site make it clear that any scheme on this site will be expected to preserve or enhance the character and appearance of the existing area. However, it is clear from their objection that English Heritage objects to the scheme and advises that it can no longer be considered as a conservation project, due to the loss of historic fabric involved, particularly to the Grade II Listed Maltings building, and consequential loss to the historic significance of the area. In light of this major objection from a statutory consultee, it is therefore important to carefully assess the proposal against the relevant policies in the saved and emerging Local Plans that relate to the historic environment and the requirements of the NPPF (particularly paragraph 133) in order to reach a balanced decision as to whether the benefits of the scheme outweigh the impacts. There must also be consideration of whether the amount of development proposed is necessary, given that the primary objective of conserving the Maltings in its current form is not capable of being achieved by this proposal.
- 6.21 The Council has a statutory duty to protect or enhance the historic environment and there are policies in both the adopted and emerging Local Plans aimed at achieving this. Furthermore, the NPPF sets out clear guidelines on how proposals that relate to the historic environment should be addressed. The Council's Conservation Area Appraisal describes the significance of the area and in 2011 the Council developed a Draft Conservation Area Management Plan (CAMP) providing advice on how the character and appearance of the Conservation Area can be protected or enhanced. In particular, it encourages the restoration and conservation of the Maltings building and retention of the former stable block and public house, accepting that a modest amount of additional new development may be appropriate to help generate the necessary level of funding to bring about the improvements to the site. Whilst the document has never been formally adopted and so carries little weight, it still provides useful guidance on what is considered to be the significance of the site and how the conservation area could be managed and so is a helpful tool in helping to assess the proposal and should be taken into consideration.
- 6.22 Saved Policy EN17 states development within a conservation area must preserve or enhance the character or appearance of the conservation area including historic plan form, relationship between buildings, and the height, siting, form, massing, proportions, elevation, design, and materials. The proposal involves the demolition and rebuilding of most of the original Maltings building and only the retention of the southern façade of the eastern range

of the building and elements of the southern façade of the central kiln section, which will be incorporated into a rebuilt building comprising 31 apartments. Consequently most of the original historic fabric and significance will be lost but the proposal does attempt to replicate the overall character and appearance of the existing Maltings building in terms of height, siting, form, massing, elevation, design and materials. The western range will be rebuilt slightly higher than the existing and set back slightly further but it is accepted that if this is to be rebuilt then it should be built to modern standards to enable suitable access and provide the necessary car parking spaces to the front. If the principle of rebuilding this part of the building is to be accepted then the primary requirement is to retain the overall character and external appearance of the building, particularly the southern and eastern elevations and elements of the site that are viewable from public areas within the conservation area and the wider surrounding landscape.

- 6.23 The proposal also proposes the demolition of the unlisted stable block to the rear of the Maltings and its replacement with a row of modern houses. Whilst this element of the proposal is contrary to the guidance contained in the Draft CAMP – which states that the stable block should be retained due to the contribution it makes to the overall character and appearance of the conservation area – it is accepted that it is structurally unsound and its restoration would not be economically viable. The design of the modern row of houses attempts to echo elements of the design and appearance of the stable block but it is located further south to provide sufficient room for the new access road. The proposal also involves improvements to the former public house and the additional modern houses take design cues from the existing Maltings. On balance, the proposal is therefore considered to be in accordance with saved Policy EN17 in that whilst there will be a loss of original historic fabric, through its design the proposal attempts to replicate the overall character and appearance of the area by retaining the overall design of the Maltings and ensuring new elements within the site are compatible with their surroundings and are sensitively designed.
- 6.24 As the proposal involves the partial demolition of a listed building, saved Policy EN21 must be taken into consideration. Policy EN21 states that there will be a presumption in favour of the preservation of Listed Buildings and proposals to demolish in whole, or in part, a listed building will only be permitted in exceptional circumstances. The NPPF (in paragraph 133) goes further to state that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. The response from English Heritage makes it clear that the proposal should no longer be considered as a conservation project as it 'would not contribute at all to the conservation of heritage assets in a manner appropriate to their significance'. This is mostly attributable to the loss of original historic fabric from the proposed redevelopment of the Grade II Listed Maltings building (and demolition of the former stable block – which although itself is unlisted, can be argued falls within the curtilage of the Maltings and is a building that is identified in the Draft CAMP as contributing positively to the character or appearance of the conservation area). In order to meet both Local Plan policy and the requirements of the NPPF, the Council needs to be satisfied that the public benefits of the scheme outweigh the major loss of significance to this site.
- 6.25 The most obvious major benefit of the scheme is the improvement it will bring to this currently untidy site that is in a highly prominent and visible position adjacent to a busy transport interchange that serves the nearby popular seaside resorts of Clacton-on-Sea, Frinton-on-Sea and Walton-on-the-Naze. Whilst it is understood that where there is deliberate neglect of or damage to a heritage asset that the deteriorated state of the heritage asset should not be taken into account in any decision, the site has deteriorated significantly over a number of decades and despite repeated discussions taking place as to how to restore the Maltings and changes being made to policy to reflect the sustainability of

the site for development, the current appearance of the site is significantly poor and reflects badly on the district as a whole. Another benefit of the scheme is that it will provide 54 new residential units in a sustainable location, which will help contribute to the district's overall housing need, which is important considering that the Council currently does not have a five year supply of housing and so housing need is a major factor that ought to be taken into consideration.

- 6.26 Whilst the restoration and conversion of the existing Maltings building would be the preferred approach and is the approach contained in the saved and emerging Local Plans and Draft CAMP, it is now accepted by officers and English Heritage that the building is beyond economic repair, which helps justify its partial demolition and subsequent redevelopment that is the subject of the planning application (and application for Listed Building Consent). In considering the loss of this against the public benefits of the scheme, on balance, officers accept that the benefits of the scheme outweigh this loss. It is also accepted that the proposed rebuilt Maltings building has been designed in a way to replicate the existing character and appearance of the existing building as much as reasonably practical and amendments have been made throughout the design process to address concerns raised and to ensure the proposal meets other policy and design requirements.
- 6.27 With regards to the stable block, Policy EN20 (Demolition within Conservation Areas) states proposals must retain buildings that make a positive contribution to the character or appearance of a conservation area. Whilst the loss of this building is regrettable it is accepted that it is also beyond economic viable repair. On this basis the proposal is considered to be in accordance with saved Policies EN21 and EN20 but justification for any demolition requires the proposed redevelopment to actually take place and therefore it is necessary to impose a condition requiring that no demolition can occur until a contract has been let for the carrying out of the building works for the redevelopment. This will ensure that redevelopment of the site is tied to, and would follow, demolition therefore preventing the creation of a long term cleared site which would be seriously detrimental to the appearance of the Conservation Area.
- 6.28 The appropriate archaeological assessments have also been undertaken where it has been concluded that the archaeological potential of the site is considered to be low given its rural location, lack of previously discovered sites and the high degree of ground disturbance arising from post-medieval and modern activities. However it has not been possible to conclusively determine that there are no archaeological remains on the site as a whole and so it will be necessary to impose a condition requiring that no demolition or preliminary ground works shall occur until a programme of archaeological work has been submitted and approved.
- 6.29 The proposal involves the removal of a tree that is protected by a TPO and is considered to make a positive contribution to the character and appearance of the conservation area (and therefore also protected by this status) but its amenity value could be relatively easily replicated by new planting (the tree report makes reference to the planting of 8 specimen trees and this should be secured by condition). Additionally, a top quality hard and soft landscaping scheme that will improve the character and appearance of the area will be required by condition.

Design

- 6.30 A high level of design is required by policies in both the saved and emerging Local Plans and the NPPF, which state, amongst other things, that proposals for new development should make a positive contribution to the immediate local environment and protect or enhance local character, be compatible with their surroundings, meet practical access requirements and be designed in a way that minimises any adverse environmental impacts.

There have been lengthy discussions with the applicant regarding design and layout during the preparation of the Draft CAMP, at pre-application stage and during the consideration of this application, and numerous revisions have been made to the scheme throughout the process to address concerns raised and meet specific policy and design requirements.

- 6.31 With regards to the Maltings building, the proposal involves the retention of the southern façade of the eastern range and elements of the southern façade of the central kiln area. However, the western range of the maltings building is proposed to be demolished and rebuilt but set back slightly and so will not precisely follow the existing footprint of the building and the change in floor heights would impact on the overall character and appearance of the building. Whilst this was initially raised as a major concern with the applicant, officers are now satisfied that if the principle of rebuilding the western range is to be accepted then it makes sense to rebuild it to reflect more modern access standards and to ensure the ground floor level is at ground floor height and floor heights meet modern standards. This will also enable sufficient space to be created for vehicular parking at the front of the building.
- 6.32 The proposal attempts to retain the existing character and external appearance of the Maltings building in terms of bulk, height, form, roof form and character, materials and appearance of the elevations of the publicly viewable elements of the Maltings complex from the south and east. In particular, the proposal recreates the central kiln roof which, until recently, was a dominant feature of the building and was visible from afar. The only notable differences between the current appearance and proposed appearance include a new glazed link between the central kiln area and eastern range, minor adjustments to some of the window and door openings (in particular in the central kiln area) and the insertion of windows and Juliette balconies in the new kiln roof. There was some concern initially about some of these new elements in terms of the cumulative impact they would have on the overall character and appearance of the publicly viewable parts of the façade but officers now support these since the scheme is no longer being considered strictly as a conservation project.
- 6.33 The depth of the rebuilt Maltings building will be much less than the current building. Whilst this was initially queried, officers now accept that the existing depth of the building combined with shallow floor heights presents design problems and it would not be practical or economically viable to create habitable spaces and to retain the depth of the building. The scheme has been revised to ensure that the remaining section of the northern wall of the eastern range is to be retained (albeit at a reduced height) and is incorporated into the design and layout of the rear gardens of this part of the scheme.
- 6.34 The design and appearance of the proposed new rear façade of the building (north-facing elevation) is more contemporary but has taken design cues from the existing building.
- 6.35 The former stable block to the rear of the Maltings and the former public house is being replaced by a row of modern houses in a different position to the existing stable block. The primary concern was the impact the loss of this building would have on the overall character and appearance of this part of the conservation area. However, officers are satisfied that the building is beyond repair and it is not economically viable to be saved. The design of the modern row of houses takes design cues from the stable block and the Maltings and will help generate new homes required to fund the works on the remainder on the site. There was also a concern about the layout and arrangement of the front amenity and parking areas of this replacement row of houses as it was thought it should try to replicate the current intimate courtyard character that exists around the current stable block. However, it is accepted that this is not practical and would result in the loss of much-needed amenity and parking space, which is already less than what would be required generally across the scheme.

- 6.36 The new buildings throughout the site have been designed to be domestic in scale whilst also reflecting the industrial heritage of the site and the character and appearance of the Maltings building, in particular in terms of materials, colour and reflecting specific elements such as the gable ends and vertical pier design that exists on the exterior of the Maltings. The layout of the site broadly reflects the indicative layout set out in the Draft CAMP. The only notable major difference being (apart from the issues already mentioned in this report) the position of the new access road adjacent to the former public house but this is required to meet access standards.
- 6.37 There was initially some concern about the high number of units being proposed (in particular the new builds) and whether they were necessary given the amount of original historic fabric being lost and relatively little restoration/conservation taking place. This is now more relevant given that English Heritage advises that the scheme can no longer be considered as a conservation project. However, evidence has been submitted demonstrating that economic viability is an issue and the new builds are necessary to make the overall scheme viable. Despite the scheme no longer being considered as a conservation project, a high level of design is still being proposed using conservation-standard materials in key areas throughout the site. This will still be expected (and samples of materials will be requested by condition) despite the scheme no longer being considered a conservation project to ensure the final scheme is of a high quality. Economic viability is considered further later on this report in relation to financial contributions. The number of units was also brought into question as there was also some initial concern about the potential impact of the new units to the north of the site in design terms and whether they would have an impact on the setting of the listed building and the overall character and appearance of the conservation area. However, if this is now no longer being considered as a conservation project, these units no longer present a major concern. The primary concern in design terms was that they should not be publicly visible from the south, over the top of the Maltings roof, which is the principle view into the site that ought to be preserved and officers are now satisfied that this will not be the case.
- 6.38 It is considered that the palette of materials proposed throughout the scheme represents a balance between the traditional local vernacular and contemporary architecture resulting in a building which will respect the character and scale of surrounding development while creating new buildings of architectural interest to replace the currently dilapidated buildings and messy, overgrown site. Samples of the proposed materials will be required by condition and it is recommended permitted development rights for solar panels and any other changes or minor works on the publicly visible elevations and roof slopes of the Maltings building are removed so the Council can control these in the interests of preserving the character and appearance of the area. It is also recommended permitted development rights relating to extensions and outbuildings and fences, gates and walls throughout the site are also removed.
- 6.39 The development proposes 54 dwellings comprising 8 one-bedroom, 16 two-bedroom, 25 three-bedroom and 5 four-bedroom units. This mix of units is broadly consistent with the mix of dwellings encouraged under emerging Policy PEO7 but the proposal does not provide any affordable or 'Council Housing' (but a suitable number of 1-bed and 2-bed properties are being proposed). Officers are satisfied with the evidence that has been submitted justifying why economic viability is an issue for this scheme and therefore why no affordable housing can be provided.
- 6.40 The level of development proposed represents a density of approximately 103 dwellings per hectare. The type of dwellings provided is heavily influenced by the physical constraints of the site and the need to retain the existing character and appearance of the Maltings building and so this high density is suitable, particularly also given the site's proximity to a busy railway station, where higher densities are supported in principle.

- 6.41 Specific details of the design and appearance of the retail unit (in particular proposed signage and lighting) are currently unknown and so these will need to be submitted and assessed separately. This will be imposed by condition in the interests of ensuring the design would not materially impact the character and appearance of the area and amenity of the proposed new properties and existing properties close to the site.
- 6.42 Details of water, energy and resource efficiency measures during construction and occupation will be secured by condition.
- 6.43 On balance, the proposal is considered to be in accordance with general policies relating to design in both the saved Local Plan (Policy QL9) and emerging Local Plan (Policies SD9 and SD10) and the NPPF.

Parking, access and highway safety

- 6.44 A Transport Statement has been provided to help support the proposals. It states that despite the perceived safety issues of the current access, there is no reason to suppose that the proposed development will compromise the level of safety on the highway. It also states that the site is highly accessible by modes of transport other than the private car, being adjacent to a busy railway station and located on a bus route. The main village of Thorpe-le-Soken is about a 12 minute walk away. The assessment also states that the proposed development is predicted to generate between 50-60 people trips and about 30 2-way vehicle movements within the morning and afternoon peak hours. No assessment of the permitted uses of the site have been undertaken to predict the net increase of trips from the proposals but officers agree that this level of trip generations will not materially impact on the highway network or the public transport systems.
- 6.45 Main vehicular access to the site will be via the existing northern access to the site from Station Road, but the existing access and road will be altered to improve access and safety and meet highway standards. Improvements are also required to the southern access via Station Road as the proposal will also lead to an intensification of use of this. Following detailed discussions, the scheme has been modified and the Highway Authority now has no objection to the scheme subject to conditions being imposed, as detailed above, but this is based on the assumption that none of the internal site layout will be laid out and constructed to adoptable standards and that the applicant would not offer it to the Highway Authority for adoption. This includes the provision of dropped kerb crossing with tactile paving across the altered access, bollards along the Station Road western side footway and removal of vegetation to protect the visibility splay of the altered access, relocation of and improvements to the two existing bus stops along Station Road, a residential travel plan and residential travel information packs for new residents at the developer's expense. The applicant will need to work with the adjoining landowner (Network Rail) and notify them of any works that might affect their land (it is noted the application area includes land in separate ownership to the south and that the decision of this application does not affect legal ownerships or existing rights of access).
- 6.46 The number of parking spaces proposed by the scheme is slightly less than what is required by the adopted parking standards but the site lies in a sustainable location in very close proximity to a busy train station, is within reasonable walking distance from the main village and lies on a bus service to local shops and facilities. Additionally, there appears to be no visitor spaces provided for the residential element of the scheme but the site lies adjacent to a public car park (although it is accepted this is a pay and display car park). On balance, the proposed parking provision is considered adequate in this instance.
- 6.47 The application area includes land currently used by the railway station for car parking but it is important to point out that this is in separate ownership to the remainder of the site. Whilst the proposal includes the provision of additional land to the west of the Maltings

building to compensate for the parking spaces that would be lost to the south of the Maltings, there is currently no agreement on how this element of the proposal would be funded and delivered. A condition will therefore be imposed to ensure that no demolition or development can take place that would result in the loss of any car parking space used by the railway station until the compensatory spaces are delivered. Whilst the inclusion of the land to the south as part of the comprehensive redevelopment of the area is the preferred approach, this application needs to be considered on its merits and the improvement of this area could come forward separately and be considered at a later stage.

- 6.48 The issue raised by the owner of the adjoining residential property to the north of the site regarding the potential impact of the proposed development over the legal right of way that exists on land within the application area that is currently used to access that property is understood but this is a legal matter and cannot be addressed by this planning application. It is considered that the proposal would still provide sufficient vehicular access to the property via the new road proposed. Alternatively, the property owner will need to consider applying separately to create a new access independent of this site to the north, which will be assessed separately and on its own merits.

Wildlife and nature conservation

- 6.49 Officers have previously confirmed that the proposal does not represent Environmental Impact Assessment development.
- 6.50 An Ecology Appraisal has been provided which concludes the development will not adversely affect any statutory or non-statutory designated sites. However, the assessment does conclude that there is potential for the site to be utilised by protected species and so further, more detailed, specific surveys would be required prior to any demolition or other works commencing. This will be imposed by condition, which also accords with the general advice offered by Natural England in their response (which also states that an area of priority habitat, as listed in Section 41 of the Natural Environmental and Rural Communities Act 2006, extends into the site on land north of the Maltings building).
- 6.51 A condition will also be imposed to ensure that any significant harm resulting from development is adequately mitigated or, as a last resort, compensated for and that any specific measures identified in the existing accompanying Ecological reports/surveys, and as a result of any future reports/surveys that might be needed, are fully complied with.
- 6.52 A Tree Survey and Report has been submitted with the application and accurately describes the health and condition of the trees on the application site and, with the exception of a Poplar tree, makes provision for the retention of viable trees covered by Tree Preservation Orders 89/24 and 92/07. The Tree Protection Plan submitted with the report adequately demonstrates that the development can occur without harm being caused to the trees that are to be retained. Whilst the Poplar (T1) identified to be removed has a positive impact on character and appearance of the area its amenity value could be relatively easily replicated by new planting. The tree report makes reference to the planting of 8 specimen trees. A condition will be imposed to ensure the requirements of the Tree Survey and Report are fully complied with. A condition will also be imposed to secure a detailed soft landscaping scheme showing planting positions of these trees and other associated shrub and hedge planting.

Flood Risk

- 6.53 The site does not fall within any Flood Zone but a Flood Risk Assessment (FRA) has been provided in order to demonstrate the acceptability of the proposals to demonstrate that surface water can be managed on site in order to not increase the risk to others. The FRA has since been further revised to address initial concerns raised by the Environment

Agency about surface water flooding, but these issues have since been addressed and the scheme is now considered to be acceptable in terms of flood risk, subject to a condition being imposed to secure a surface water drainage scheme prior to commencement of development, as requested by the Environment Agency.

Residential amenity and amenity space

- 6.54 The proposed development is not considered to result in any significant negative impact upon the residential amenity of occupiers of any existing properties in terms of loss of light or overlooking as there is adequate separation between the proposed properties and the nearest existing properties located around the perimeter of the site. A condition will be imposed to secure details of any external lighting to ensure this does not have an impact on surrounding properties.
- 6.55 The scheme has been designed to maintain privacy for the new residents through the use of appropriate fencing and landscaping and through careful positioning and the design of the residential units but it is accepted that the design has been significantly influenced by the physical constraints of the site and the overall design objective to enhance the area whilst retaining the character and appearance of the existing Maltings building. The residential units in the Maltings building will directly overlook the railway station, railway line and the NCP car park used to serve the railway station to the south. Therefore, a condition will be imposed to secure obscure glazing on all the bathroom windows that face into the publicly accessible areas (the public car park and area in front of the proposed new retail unit) to ensure the privacy of the new residents of the Maltings building. Fencing and landscaping around the private amenity areas around the site is of an adequate height to ensure privacy and prevent overlooking. However, a condition will also be imposed to remove permitted development rights that exist relating to gates, walls and fences in the interest of ensuring there is no further harm to the appearance of the area as a result of changes to individual properties over time.
- 6.56 Conditions are recommended to restrict the hours of demolition and construction and to secure details of the method of demolition in order to minimise dust pollution and disturbance from construction traffic in the interests of preserving residential amenity and users of the railway station car park.
- 6.57 An acoustic assessment has been provided in relation to noise and vibration from the railway station, railway line and nearby Station Road affecting the proposed dwellings. The need to retain the character and appearance of the Maltings building and retain its current position means there is little flexibility with its design but the report concludes that vibration levels at the site were very low and acceptable internal and external noise levels can be achieved subject to using appropriate acoustic insulating materials (as specified in the report) and ensuring noise barriers are designed around the amenity areas close to Station Road, where practicable. These will be secured by condition to ensure the amenity of future occupants of the development.
- 6.58 The proposal includes an area of public open space and play area to the south of the former public house. This area is shown as safeguarded open space in both the saved and emerging Local Plans and so the inclusion of this area is welcomed as an integral part of the scheme as it will offer new play facilities for the new residents of the development, particularly as the scheme cannot offer a financial contribution for additional open space due to economic viability reasons.
- 6.59 The majority of the proposed units have access to private amenity space or communal areas of amenity space of varying sizes. Each of the town houses in the Maltings building will have private rear amenity areas (which will be accessed via the first floor due to varying site levels) and front amenity areas, whereas the apartments have access to communal

areas. All the other new dwellings have separate private amenity areas. Whilst not all the spaces meet the minimum requirements of saved Policy HG9 or the standards set out in the emerging Local Plan, given the complex design requirements for this scheme, physical constraints of the site such as varying ground levels on the site and the need to promote efficient use of this brown field site it is considered that the proposed provision of amenity space is acceptable in this instance subject to a condition requiring details of the communal landscaped gardens and how these areas will be managed in the future.

Financial contributions

- 6.60 The application is accompanied by a viability assessment stating that only the essential highway works can be provided by the scheme and that no other financial contributions or works are viable. The viability appraisal has been independently assessed and is deemed to be acceptable subject to a legal agreement to ensure that a fair share of the profit from any future increase in the predicted sale value of the development can be recouped and used for the contributions which should apply to the development as detailed below.
- 6.61 In accordance with local plan policy and the development creating additional pressure on existing infrastructure the proposed development should provide 1) a financial contribution towards additional primary education places as requested by Essex County Council, 2) 25% affordable housing in accordance with draft Policy PEO10 (Council Housing), and 3) Public Open Space in accordance with saved Policy COM6 and draft Policy PEO22 as there is an identified deficit in both equipped play and formal open space in the Parish. As discussed above the scheme will be expected to fund and deliver a number of highway improvements but these will be provided at the applicant's expense and a condition will be imposed to secure them prior to occupation of the development.
- 6.62 On balance, given the desire to secure a high quality design in order to bring about much needed visual improvements to the area and improve this prominent site adjacent to a busy railway station and the findings of the independent financial assessment, the proposal is considered acceptable subject to a legal agreement to ensure that any future increase in the predicted sale value of the development can be recouped.

7. Other issues

- 7.1 Navigation beacon – The site falls within a safeguarded area that lies around the nearby important civil aviation navigation beacon and technical site. Policies in both the saved and emerging Local Plan state that development that would materially impact on the function of this technical site should be refused. However, only a portion of the site falls within this and as none of the proposed buildings will be higher than the existing Maltings building or will be located any further westwards, the proposal is not considered to have a material impact on the function of this safeguarded area.
- 7.2 Contamination/gas – Due to the heavy industrial activity that has taken place on the site including the more recent activities associated with the scrap yard and vehicle salvage business that operated from the area of land around the former public house, conditions will be imposed to secure up to date and relevant contaminated land surveys, sampling and reports to be carried out prior to the commencement of any development, including the implementation of appropriate soil-gas protection measures, in accordance with the recommendations of the Environmental Reports and Gas Monitoring Report that accompanied the application.

8. Conclusion

- 8.1 This site is located in a prominent and highly visible location north of the busy Thorpe-le-Soken railway station that serves the popular seaside resorts of Clacton-on-Sea, Frinton-

on-Sea and Walton-on-the-Naze. The site is in a very poor state of repair as large parts of the Maltings building have deteriorated in recent years and much of it is structurally unsound and not safe. Much discussion has taken place over the years as to how the site could be restored in order to restore the Grade II Listed building and Conservation Area but the current proposals involve the demolition and rebuilding of most of the Maltings building and loss of the former stable block that is within its setting. The proposal also provides for the construction of a number of new dwellings, a new retail unit and the conversion of the former public house to generate the necessary funds to deliver the development. Based on advice from English Heritage, this proposal is no longer considered as a conservation project in the strictest sense due to the amount of historic fabric being lost and the subsequent loss of significance, but it is acknowledged that the scheme presents an opportunity to secure a good level of design to enhance this area that seeks to retain the overall character and appearance of the Maltings Building and industrial character of the site.

- 8.2 Usually the Council would not support the loss of a Grade II Listed Building, but having regard to the length of time the site has been in such a poor condition, its prominent position and lack of a viable solution to conserve the building, it is considered that the community benefits that the scheme offers outweigh the loss of this heritage asset and so is considered to be in accordance with the provisions of the NPPF and the draft Tendring District Local Plan, which advocate greater flexibility when considering development proposals. Officers therefore recommend the approval of listed building consent for the demolition and redevelopment of the Maltings Building.
- 8.3 In no longer treating the proposal as a conservation project, the primary concerns are whether the principle of development is acceptable, the overall design of the scheme and whether it will impact on the surrounding area. The site lies in a sustainable location and the scheme will represent a significant visual improvement to the area, whilst retaining visual reference to the existing Maltings building and retaining the former public house. The scheme will also deliver much-needed new homes close to a busy railway station and a small employment area.
- 8.4 Officers are satisfied with the design as it attempts to retain the visual appearance and character of the existing Maltings building (as much as possible whilst delivering a scheme that is economically viable) and retains the former public house. The loss of historic fabric in the Maltings building and the former stable block is regrettable but it is accepted that the condition of these buildings means their restoration is not economically viable. The additional dwellings will complement the other elements of the site and provide an acceptable mix of new homes.
- 8.5 The scheme does not provide the full number of parking spaces or level of private amenity space that is usually required by the Local Plan but this is accepted given the site's sustainable location, physical restrictions of the site and complex design requirements – in particular the need to reflect the site's existing character and appearance.
- 8.6 Further studies will need to be carried out to fully assess the impact the proposal may have on the nature conservation value of the site and suitable mitigation and as a last resort compensatory measures will need to be agreed and implemented.
- 8.7 The proposed development would normally contribute towards affordable housing, education and public open space however an independently assessed viability report confirms that no contributions can be provided (but some public open space is being provided on site and highway improvements will be secured by condition, which will need to be funded by the applicant). On balance, given the need to secure improvements to this site it is accepted that viability is an important issue and so to achieve an acceptable proposal, approval is recommended subject to a legal agreement to ensure that a fair share of the

profit from any future increase in the predicted sale value of the development can be recouped and used for the contributions which should apply to the development.

- 8.8 Subject to the recommended conditions, the proposal is also considered acceptable in terms of flood risk, residential amenity, and highway safety and so is recommended for approval.

Background Papers

None