

EN17 Conservation Areas

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

SP1 Presumption in Favour of Sustainable Development

SPL3 Sustainable Design

PP8 Tourism

PPL8 Conservation Areas

PP9 Hotels and Guesthouses

Local Planning Guidance

Essex Design Guide

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The building appears to be of early 20th century construction with a painted render finish. There is an eclectic mix of buildings in the locale with significant variations in design, age and size; most of them however are hotels. Most of the hotels have some form of feature which identifies its entrance whether that feature be a covered porch canopy or pergola and, as recently as 2014 showing the area was enclosed with an ornate wall.

Description of Proposal

The application proposes erecting an open sided/open fronted timber pergola comprising a covered walkway. The structure would extend the full width of the building, project forwards approximately 4.2m and be a little under 3m in height. It is intended to reinstate an external eating-area following the opening of a new restaurant within the hotel.

Principle

The site is located within the Development Boundary therefore there is no principle objection to the proposal, subject to the detailed considerations discussed below.

Design & Appearance

The Government attach great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design.

Saved Policies QL9, QL10 and QL11 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Emerging Policy SP1 reflects these considerations.

The height, width, design and external materials of the proposed development would respect the character of the host dwelling and wider streetscene in general.

Conservation Area

Heritage assets range from sites and buildings of local historic value to those of the highest significance. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. The character of an area is made up not only by individual buildings but also their relationship to each other and the sense of place that they create. The setting of a building is therefore a material consideration when assessing the suitability of development proposals in Conservation Areas.

Paragraph 192 of the NPPF requires the Local Planning Authority, when determining applications for development, to take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness.

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Policy EN17 of the Saved Plan (Development within a Conservation Area) requires that development must preserve or enhance the character or appearance of the Conservation Area. Development will be refused where it would harm the character or appearance of the Conservation Area, including historic plan form, relationship between buildings, the arrangement of open areas and their enclosure, grain, or significant natural or heritage features. Emerging Policy PPL8 reflects this consideration.

The special character of Clacton Seafront Conservation Area is derived from its seaside architecture and formal planned street pattern. Orwell Road contains possibly the most complete idea remaining of the original character of these blocks. This is largely because of the survival of

original features associated with the Edensor Nursing Care Home, a combination of former hotel buildings with a flat-roofed three storey extension at the southern end. These buildings retain their original frontage walls and gate piers and are a positive element in the street scene.

Whilst the previous boundary wall is not being reinstated it is unlikely that this feature was original – as such the proposal by reason of its scale, use and design would preserve the character and appearance of the Conservation Area.

Impact to Neighbouring Amenities

The NPPF, at paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

As a result of the forward siting, subservient and open nature of the development there is no significant additional risk of loss of privacy, daylight or harm to the amenities of any of the adjacent neighbours.

Highway Issues

At present there is an area of paved hardstanding forward of the building's façade though signs on the face of the building prohibit guests from parking in this area and, in conjunction with evidence available as recently as 2014 showing the area was enclosed with an ornate wall, little objection can be raised in regards to any loss of parking provision.

Other

Policy QL6 : Urban Regeneration Areas

The following areas are identified on the Local Plan Proposals Maps as Urban Regeneration Areas: a) Clacton Seafront and Town Centre b) i. West Clacton ii. Jaywick c) Dovercourt Town Centre and adjoining areas d) Harwich e) Walton Seafront and Town Centre f) Brightlingsea Waterfront; and g) Mistley Waterfront and Village. Within these Urban Regeneration Areas permission will be granted for development that reinforces and/or enhances the function, character and appearance of the area and contributes towards regeneration and renewal. In particular, the Urban Regeneration Areas will be the focus for:

- i. Investment in social, economic and transportation infrastructure; and
- ii Initiatives to improve vitality, environmental quality, social inclusion, economic prospects, education, health, community safety and accessibility.

Emerging Policy PP8 reflects these considerations.

It is considered that the proposal will reinforce and/or enhance the function of the area by reinstating the outdoor seating/eating area which, in turn, will contribute to the vitality of the area.

Tourism and Leisure Uses Proposals

In recognition of tourism's importance locally the Council encourages development which will provide new attractions and facilities. Such development proposals will however, need to be judged against the impact they have on the local environment including their traffic implications. Policy ER16 states that tourism and leisure uses will be permitted provided that:

- a. the development is accessible to all potential visitors and users
- b. there is suitable vehicular and public transport access to the site and parking provision, especially where the proposal is likely to generate large traffic volumes. Proposals should be located close to the main road network and link to other public rights of way wherever possible

- c. the type of use proposed would not cause undue disturbance by reason of noise. Uses creating high levels of noise should be located well away from residential property and sensitive wildlife areas
- d. there will not be an adverse effect on agricultural holdings and the proposal would not result in an irreversible loss of high quality agricultural land; and
- e. where appropriate opportunities are taken to improve damaged and despoiled landscapes and enhance the landscape character of the area There is therefore no conflict with the above policy.

The property is an established hotel within in area of similar established uses, the proposal is to reinstate a historic development.

Town Centre Hierarchy and Uses

The town centres are conveniently located for the majority of the District's population and are also the focal point for public transport. It is the Council's intention that they be protected and remain the economic and social focus for the whole community.

Development involving the provision of town centre uses must be properly related in their scale and nature to the hierarchy set out below:

Major Town Centre:

Clacton-on-Sea

Town Centres:

Dovercourt, Frinton-on-Sea, Walton-on-the-Naze, Brightlingsea, Manningtree, Harwich

District Centres:

Old Road Clacton, Great Clacton, The Triangle Frinton, Holland-on-Sea

Local Centres:

Upper Dovercourt, Broadway Jaywick, Bockings Elm Clacton, High Street Thorpe-le-Soken Clacton and Spring Roads St Osyth, Station Road Alresford, Clacton Road Elmstead Market, Plough Road Great Bentley, The Street Little Clacton.

Development proposals which adversely affect the vitality, viability and the urban or rural regeneration objectives associated with each centre will not be permitted. All options in town centres should be thoroughly assessed before edge of centre locations and out of centre sites are considered for town centre uses. The nature and scale of development should reflect the size and role of particular centres including townscape and retail catchment considerations.

The site is located within Clacton on Sea and is of a use which would not adversely affect the vitality, viability and the urban or rural regeneration objectives associated with a major town centre. The nature and scale of development reflects the size and role of Clacton Town Centre and the townscape of the area. The modest extension to an existing hotel is therefore acceptable.

6. Recommendation

Approval – Full

7. Conditions / Reasons for Refusal

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Block Plan, Proposed Side Elevations, Proposed Front Elevation and Site Plan, received 2nd May 2019 and Site Plan Showing Pergola, Site Plan Showing Support Posts For Pergola, received 16th May and Block Plan Showing Block Paved Area received 23rd May 2019.

Reason - For the avoidance of doubt and in the interests of proper planning.

8. Informatives

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Are there any letters to be sent to applicant / agent with the decision?		NO
Are there any third parties to be informed of the decision?		NO