

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	30/09/2019
Planning Development Manager authorisation:	TF	01/10/2019
Admin checks / despatch completed	vne	02/10/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	EN	02/10/19

**Application:** 19/00007/FUL **Town / Parish:** Clacton Non Parished

**Applicant:** Mr Kevin McGill - St Helena's Hospice

**Address:** St Helena Hospice Tendring Centre Jackson Road

**Development:** Demolition of existing building and redevelopment of site to provide 40 no. flats with associated parking and ground floor pub/restaurant/retail use.

### 1. Town / Parish Council

Clacton – No Town  
Council

### 2. Consultation Responses

NHS East Essex CCG

I refer to the emails below and your request for confirmation that North East Essex CCG agree in principle to the relocation of St Helena Hospice services from the Tendring Centre to Clacton Hospital. I can confirm that the Hospice team has consulted with the CCG and NHS Property Services (who own Clacton Hospital) about the proposed service relocation. Whilst the CCG do not directly commission all of the services provided from the Tendring Centre, we are in support of the proposed relocation to Clacton Hospital as these services compliment the range of existing health service provision from Clacton Hospital. Furthermore, the relocation to Clacton Hospital will ensure that service users can continue to benefit from ease of access given the proximity to the town centre.

Environmental Protection

Prior to the commencement of any site clearance, demolition or construction works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from the Pollution and Environmental Control. The method statement (Demolition/Construction Management Plan) should include the following;

o Noise Control

- 1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.
- 2) No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.
- 3) The selection and use of machinery to operate on site, and working



practices to be adopted will as a minimum requirement, be compliant with the standards laid out in British Standard 5228:2014.

4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).

5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Local Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.

6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

#### o Emission Control

1) A scheme of measures for the control and suppression of dust emissions shall be submitted to and approved in writing by the Local Planning Authority. Such agreed works shall be implemented in the approved form prior to the commencement of any development of the site and shall be maintained in the approved form until the development is completed and ready to be signed off as complete for the permitted purpose

2) All waste arising from the ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

3) No materials produced as a result of the site development or clearance shall be burned on site. All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.

4) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

#### o Dust Control

1) Dust suppression methods to be employed during construction so as to minimize likelihood of nuisance being caused to neighbouring properties. A scheme of measures for the control and suppression of dust emissions shall be submitted.

In reference to the (proposed Ground Floor Pub/Restaurant/Retail Use) details of any proposed kitchen have not been provided or the use of an extractor/mechanical units mentioned.

In the case extractor/mechanical units are to be installed, the units must satisfy BS4142 assessment i.e. the end use(s) must not be deemed to have "adverse impact" on all nearby noise-sensitive premises. A detailed report of the assessment shall be submitted to EP for approval.

#### Waste Management

Bin store for residential waste to be of an adequate size to accommodate sufficient bulk bins for residual waste serviced on a fortnightly basis along with separate bulk bins for paper/cardboard and plastic bottles, tins and cans, both to be emptied on an alternating weekly basis.



ECC Schools Service

No we wouldn't require contributions on TEN/19/00007

Sarah Cutting  
Infrastructure Planning Officer  
Planning Service  
Place & Public Health  
Essex County Council

ECC Highways Dept

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following mitigation and conditions:

1. Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of footway and provided with an appropriate dropped kerb crossing of the footway.
2. No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6 metres of the highway boundary
3. There shall be no discharge of surface water from the development onto the Highway of West Avenue or Jackson Road for the service delivery/ drop off area.
4. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the proposed block plan, DRWG No. 1962 DE 10-003 Rev. A, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.
5. Each vehicular parking space shall have minimum dimensions of 2.5 metres x 5 metres.
6. Any vehicular parking spaces bounded by walls or other construction and must therefore be provided with extra width 3 metres x 5 metres long, to allow for extra manoeuvrability and entry/exit of people to and from the vehicle.
7. No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials
  - iii. storage of plant and materials used in constructing the development
  - iv. wheel and under body washing facilities
8. As indicated on the proposed block plan DRWG No. 1962 DE 10-003 Rev. A, Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.



9. Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

10. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway/carriageway.

Informative 1: In main urban areas with frequent and extensive public transport, cycling and walking links, the EPOA Parking Standards recommend that a reduced parking standard provision may be applied to residential developments. A reduced parking standard provision level can be applied to this proposal as it is located very close to regular public transport services and public car parking facilities.

Informative 2: No permanent part of a development shall overhang the highway.

Informative 3: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

Informative 4: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester  
CO4 9YQ

NHS East Essex CCG

Thank you for consulting North East Essex CCG in respect of the above-mentioned application. We have reviewed this application and have made the decision that on this occasion, we will not be providing a response to seek healthcare contribution.

UU Open Spaces

Response from Public Realm  
Open Space & Play

Application Details

Application No: 19/00007/FUL

Site Address: St Helena Hospice Tendring Centre Jackson Road  
Clacton on Sea

Description of Development: Demolition of existing building and redevelopment of site to provide 40no. flats with associated parking



and ground floor pub/restaurant/retail use.

#### Current Position

There is currently a deficit of 41.08 hectares of play in the Clacton/Holland area.

Any further development in Clacton will increase the current play deficit further. To prevent this deficit from growing it would be necessary to provide additional play equipment in the area. The nearest play area to the development site is located at Marine Parade approximately 0.4 miles away

#### Recommendation

Due to the significant lack of play facilities in the area it is felt a contribution towards play is justified and relevant to the planning application. Any contribution would be used to provide additional play equipment:

#### Marine Parade

Housing Services

The application is for 40 flats in the Clacton area where we face the highest demand for housing. The threshold to provide affordable housing is triggered as set out in the NPPF and the emerging local plan which requires affordable housing on sites of 11 or more properties. The requirement is for 30% of the properties to be delivered as affordable housing.

However, the development is for flats and the Council does not wish to take on properties where it will not control the freehold of the building and it is felt that the same would apply to another registered housing provider. Therefore, as opposed to providing affordable housing on-site, the council would prefer an assessed financial contribution .

In terms of assessing the financial contribution, in the event that the council was seeking affordable housing on site at 30% of the total development, the council would seek 8 x 1 bed flats and 4 x 2 bed flats.

Anglian Water Services  
Ltd

#### ASSETS

##### Section 1 - Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.



## WASTEWATER SERVICES

### Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Clacton-Holland Haven Water Recycling Centre that will have available capacity for these flows

### Section 3 - Used Water Network

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.

### Surface Water Disposal

No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority. REASON To prevent environmental and amenity problems arising from flooding.

ECC SuDS Consultee

### Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission based on the following:

#### Condition 1

No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure.
- Limiting discharge rates to a minimum of 50% betterment of the existing brownfield rate for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- A full topographic survey should be provided
- Demonstrate all storage features have a half drain time of less than 24 hours
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

#### Reason

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.



- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

#### Condition 2

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

#### Reason

The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

#### Condition 3

No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

#### Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

#### Condition 4

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

#### Reason



To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

We also have the following advisory comments:

- Please ensure that all water is passing through the flow control and the permeable paving before leaving the site

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

### 3. Planning History

00/00622/FUL	Demolition of redundant police station, 4 no. police houses and court. Redevelopment of site for a Hospice Day Centre	Approved	14.06.2000
01/00555/FUL	Amendment to existing planning approval 00/00622/FUL to retain part of No.36 West Avenue	Approved	06.06.2001
92/00761/FUL	(36 West Avenue, Clacton on Sea) Renewal of consent TEN/949/87 - Police Office	Approved	07.08.1992
92/00934/FUL	(27 West Avenue, Clacton on Sea) Replacement and relocation of staff accommodation	Refused	13.10.1992
93/00047/FUL	(30, 32 and 34 West Avenue, Clacton on Sea) Continuation of use as police office [renewal of permission TEN/1428/81]	Approved	23.02.1993
95/00140/FUL	(Clacton Police Station, West Avenue, Clacton on Sea) Provision of temporary office accommodation at first floor level	Approved	04.04.1995
97/01570/FUL	Change of use to residential purposes	Approved	25.02.1998
99/00659/OUT	Demolition of redundant police station. Redeveloping the site keeping the old court house building for a hospice day centre.	Approved	16.06.1999
90/00128/FUL	Proposed continuation of use as a Police Office for a further period of three years (renewal of TEN/1428/81).	Approved	09.03.1990
15/00398/FUL	Variation of Condition 3 (00/00622/FUL) to facilitate the	Approved	15.05.2015



provision of a small retail outlet on the ground floor reception which will sell donated and branded hospice goods and will be run by the Hospice.

19/00007/FUL

Demolition of existing building and redevelopment of site to provide 40 no. flats with associated parking and ground floor pub/restaurant/retail use.

Current

#### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL3 Minimising and Managing Flood Risk

QL6 Urban Regeneration Areas

QL8 Mixed-Uses

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

ER7 Business, Industrial and Warehouse Proposals

ER31 Town Centre Hierarchy and Uses

ER32a Primary Shopping Area

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG3A Mixed Communities

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

COM1 Access for All

COM2 Community Safety



COM3 Protection of Existing Local Services and Facilities

COM6 Provision of Recreational Open Space for New Residential Development

EN1 Landscape Character

EN6 Biodiversity

EN6A Protected Species

EN11A Protection of International Sites European Sites and RAMSAR Sites

TR1A Development Affecting Highways

TR3A Provision for Walking

TR5 Provision for Cycling

TR7 Vehicle Parking at New Development

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

SP1 Presumption in Favour of Sustainable Development

SP2 Spatial Strategy for North Essex

SP3 Meeting Housing Needs

SP4 Providing for Employment & Retail

SP6 Place Shaping Principles

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP1 Improving Health and Wellbeing

HP2 Community Facilities

HP5 Open Space, Sports & Recreation Facilities

PP1 New Retail Development

PP2 Retail Hierarchy

PP5 Town Centre Uses

PP14 Priority Areas for Regeneration

PPL4 Biodiversity and Geodiversity

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice



### **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.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

## **5. Officer Appraisal (including Site Description and Proposal)**

### **Site Description**

The application site is located within the Clacton Town Centre in the Clacton-on-Sea settlement development boundary and associated urban regeneration area. The site comprises of a prominent corner plot with Jackson Road running along its eastern frontage and West Avenue to the south. The site currently accommodates a purpose-built Hospice and Day-Care Centre. The existing



building presents a relatively low profile to both Jackson Road and West Avenue and consists of a red brick and timber clad facade with a large expanse of composite slate roof presenting itself to the corner. To the west of the site are residential properties and to the north are commercial uses with flats above. To the east of the site on the opposite side of Jackson Road are commercial uses associated with the town centre. To the south is a mix of residential and residential institutional uses.

### Proposal

This planning application seeks planning permission for the demolition of the existing hospice centre and the construction of a building consisting of 40 flats and commercial use (Restaurant/Public House) at ground floor.

The proposals provide a total of 40 flats split as follows; 6 x Studio Flats (1 bed), 22 x 1 bed flats and 12 x 2 bed flats. The Ground Floor commercial accommodation of the building facing Jackson Road provides 372 sq. m. of open plan accommodation which can be sub-divided into a number of separate units or operated as a single large space dependent upon market demand.

The proposed layout provides 27 car spaces and 327 sqm. of amenity space. To the rear of the site a landscaped garden for resident's use is proposed and the majority of the units are served by balconies.

### Background Information

Planning permission was granted in 2000 to re-develop the site for a Hospice Day Centre.

This proposal to redevelop the site should be considered in the context of the St Helena's Hospice's overall strategy for the provision of care in the Clacton area.

The supporting information provided with the application confirms that The Hospice facility at Jackson Road, Clacton has been seriously under-used for a considerable period of time and the running and maintenance costs cannot be justified when compared to the level of use.

Currently St Helena's Hospice in Clacton provides a very high level of care to a limited number of people whereas St Helena's current policy is to provide a wider range of care to a much wider range of people.

### Appraisal

#### Principle

The application site falls within the Clacton Town Centre Boundary and Clacton Urban Regeneration Area but outside of any protected retail frontage. Saved and emerging local plan policies allow for the commercial development of town centre sites and mixed use developments such as this with commercial uses at ground level and residential on upper floors are encouraged. In particular the introduction of residential development in town centres is supported by the National Planning Policy Framework (2019) at paragraph 85 (f), which states that planning should recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.

Saved policy COM3 relates to the protection of existing services and community facilities. The policy states that the loss of such facilities is acceptable providing, amongst other criteria, that there is adequate provision of similar facilities within reasonable walking distance (800m). To meet this criterion an email has been received from the NHS programme director which confirms that the hospice facilities are to be relocated to Clacton Hospital as these services compliment the range of existing health service provision.

The hospital is within walking distance of the application (400m) and therefore the relocation of hospice facilities to Clacton Hospital will ensure that service users can continue to benefit from ease of access given the proximity to the town centre.



As a result the principle of a mixed commercial/residential development is accepted in this location and the proposal meets the criteria set out in saved policy COM3 (Protection of Community Facilities).

### Scale/Appearance

The current building is of a design that whilst appropriate for a hospice fails to make a positive contribution to the street scene. This corner of Jackson Road and West Avenue is a location which can make a strong and positive impression on the local area. Whilst the design of the existing building does not engage with the surrounding area, a distinctive leisure use at ground floor level with outdoor seating will assist in revitalising the area by providing a more active frontage.

The intention of the massing of the building steps is to step down from 6-storeys at the corner of West Avenue and Jackson Road to a height compatible with the neighbouring buildings along each frontage. The elevation to West Avenue would be 3 storey in height and is separated to the nearby residential properties, which are predominantly 2 storey in scale, by the site access, parking area and the carriageway. There is also an example of a 3 storey property directly opposite the site fronting onto West Avenue. As a consequence the drop in scale on this frontage respects the character and height of properties in the vicinity.

On the corner the building would rise to 5 storeys with an inset 6th storey to the roof. A relatively high and prominent corner element is appropriate for this location as it would mirror the taller structures at the northern end of Jackson Road and provide a termination to this frontage.

The Jackson Road frontage would drop to 4 storey in height with a 5 storey element adjacent to the northern boundary located in a setback location. The adjacent building to the north is, when viewed from Jackson Road, a 4 storey property and as a result the proposed relationship is compatible.

In respect of the appearance of the development the overall mass and bulk of the building has been successfully broken up by the introduction of projecting sections either finished in coloured cladding or white render set forward of a brown/red brick main section. The use of rendered balconies with steel railings also assists in breaking up the overall form of the building and, with the careful selection of materials for the projecting elements would give the development a contemporary appearance. The character of the area is mixed with Edwardian buildings to the south and west and more recent 70's, 80's and 90's buildings situated to the north along Jackson Road and to the east. The move towards a more contemporary style of building would therefore not look out of place in this location which consists of a mixture of building ages and styles.

Within the development a landscaped courtyard area is proposed and along both frontages of the development the building is suitably set back to allow for the introduction of tree planting to assist in enhancing the overall appearance of the development.

If this scheme is built Clacton will have a well-designed and contemporary building which will represent an enhancement to the Town Centre/Urban Regeneration Area. It will set a good benchmark and hopefully act as a stimulus for other developments in the Clacton Town Centre.

### Layout

Access to the car parking and amenity space for the flats is via West Avenue and the Bar/Restaurant premises will be serviced from the Jackson Road frontage. The commercial use can therefore be separated from the residential use, preserving the amenity of the residential accommodation.

The site layout includes provision for refuse bins and bicycles serving the residential accommodation. Separate bin storage is provided for the Ground Floor Bar/Restaurant use. Both residential and commercial refuse will be collected from West Avenue and Jackson Road.



In terms of amenity space provision the majority of the flats have access to balconies (34 out of 40) along with access to 327 sqm of roof terraces. This provision comfortably accords with the requirements of saved policy HG9. It must also be noted that a landscaped courtyard area to the rear is proposed for residents too.

### Residential Amenity

The siting and scale of the development along with the position of the proposed balconies/roof terraces has been designed to reduce the impact upon surrounding residents. The reduction in scale along the West Avenue frontage to 3 storey is comparable to the existing arrangement and with the existing gap being retained for access parking purposes any impact upon the closest properties on the northern side of West Avenue in terms of outlook, light received and privacy would be minimal. The balconies located the closest to the existing dwellings to the west would be screened by a brick structure to restrict views westwards. In addition the balconies and windows to the rear west facing elevation of the building would retain a separation distance of over 27m to the rear gardens of the properties to the west, thereby according with the Essex Design Guide separation distance guidance and limiting overlooking. Two west facing windows in the 3 storey element closest to West Avenue will be situated within 15m of the shared boundary with no. 38 West Avenue, as such obscure glazing will be secured to avoid any potential for overlooking to occur. The flat roof areas closest to the neighbours are not proposed to be used as roof gardens and again a condition will be used to restrict access to these areas.

In terms of the impact upon properties on the southern side of West Avenue, the separation distance combined with the reduction in the scale of the building on this frontage means that any impact upon the resident's amenity would be acceptable.

To the north there are flats situated in the upper floors of the adjoining property at 23 Jackson Road. The facing flank of that building does contain several windows which serve these flats. However, the majority of these windows are secondary in nature and already suffer from reduced outlook and limited light due to the high ridge of the existing hospice building. Whilst it is acknowledged that some of these windows may suffer a slight reduction in outlook and light due to the relocation of the building further away from this facing flank, the secondary nature of the windows and the current situation the impact is not considered to be significantly adverse as to warrant a refusal of planning permission.

Overall the impact of the proposed development upon existing residents living around the site is considered to fall within acceptable tolerances.

### Highway Considerations

From a highway and transportation perspective the impact of the proposal is acceptable to ECC-Highways subject to the following mitigation and conditions:

- Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of footway and provided with an appropriate dropped kerb crossing of the footway.
- No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6 metres of the highway boundary
- There shall be no discharge of surface water from the development onto the Highway of West Avenue or Jackson Road for the service delivery/ drop off area.
- The proposed development shall not be occupied until such time as the vehicle parking area indicated on the proposed block plan, DRWG No. 1962 DE 10-003 Rev. A, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays.
- Any vehicular parking spaces bounded by walls or other construction and must therefore be provided with extra width 3 metres x 5 metres long, to allow for extra manoeuvrability and entry/exit of people to and from the vehicle.
- No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority.



- As indicated on the proposed block plan DRWG No. 1962 DE 10-003 Rev. A, Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.
- Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport.

These requirements where not reflected on the submitted plans will be secured by conditions.

27 no. parking spaces are provided for the 40 flats. In main urban areas such as this with frequent and extensive public transport, cycling and walking links, the EPOA Parking Standards recommend that a reduced parking standard provision may be applied to residential developments. A reduced parking standard provision level can be applied to this proposal as it is located very close to regular public transport services and public car parking facilities. It must also be noted that the majority of the flats are 1 bedroom units and as a result vehicle ownership is likely to be low. In terms of the commercial use at ground floor the development provides for a pick up/dropping off area and due to the town centre location there is sufficient on-street parking and car parks in the locality to serve potential customers.

### Drainage

A surface water drainage scheme has been submitted for the development which proposes that the external areas are constructed as permeable surfacing with a porous sub-base. This will then be sealed below by an impermeable membrane to form a tank. The sub-base will both attenuate surface water and will improve the quality of the water leaving the site.

The proposed buildings have a series of stepped flat roofs. It is proposed to drain the roof water to the rear of the buildings from where it will be piped through catch pit manholes before discharging through diffuser units within the subbase of the external paving into sewers.

ECC-SUDs Team has reviewed the information and has confirmed no objections to the strategy. Anglian Water has confirmed that their facilities have capacity to cater for the likely foul water flows emanating from the development.

### RAMS

Following Natural England's recent advice and the introduction of Zones of Influences around all European Designated Sites (i.e. Ramsar, Special Protection Areas and Special Area of Conservation). Within Zones of Influences (which the site falls within) Natural England are requesting financial contributions to mitigate against any recreational impact from new dwellings.

Legal advice has been sought in relation to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) which supports the view that Tendring District Council can seek financial contributions in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). A Habitat Regulations Assessment has therefore been undertaken to confirm that the mitigation will be the RAMS level contribution as recommended by Natural England. It is therefore considered that this contribution is sufficient to mitigate against any adverse impact the proposal may have on European Designated Sites. The contribution is secured by legal agreement. There is therefore certainty that the development would not adversely affect the integrity of European Designated Sites in accordance with policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

### Legal Obligations

A legal agreement has been completed which secures the following;

- Affordable Housing contribution of £399,000 (Housing Dept have confirmed that the Council does not wish to take on properties where it will not control the freehold of the building and it is felt that the same would apply to another registered housing provider. Therefore, as opposed to providing



affordable housing on-site, the council would prefer an assessed financial contribution based on a provision of 8 x 1 bed and 2 x 4 bed flats).

- Public Open Space contribution towards enhancements at the Marine Parade Play Area
- RAMS contribution as discussed above.

Both the NHS and ECC-Education Department have confirmed that no contributions will be sought for this development.

### Other Considerations

6 letters of objection and a petition signed by 4 households (10 signatories) has been received outlining the following concerns;

- Impact upon daylight to existing properties (sufficient distance and drop down in scale to neighbouring properties ensures that any impact upon light received would not so adverse as to warrant a refusal)
- Damage/blockages to sewerage system are likely (Anglian Water have confirmed that the foul drainage from this development is in the catchment of Clacton-Holland Haven Water Recycling Centre that will have available capacity for these flows)
- Severe disruption during building phase (A full Construction/Demolition Statement will be secured by way of condition to limit the impact upon residents of nearby properties)
- Lack of consultation (neighbour's letters and a site notice has been erected in accordance with the Council's publication protocol)
- Lack of infrastructure (healthcare) in the area (NHS comments confirm that there is not a requirement to secure a healthcare payment on this site. As such existing healthcare facilities are considered to be sufficient to absorb the additional residents)
- Parking and congestion are already an issue in the area (ECC-Highways are satisfied with the parking provision which can be reduced in this location due to the nearby public transport links/town centre facilities)
- Site could become undeveloped and be an eyesore
- Noise from commercial use (details of any future extraction equipment and opening hours are to be controlled by condition to limit the noise emanating from the commercial uses)
- Loss of hospice use (use will be absorbed by the nearby Clacton Hospital)
- Devaluation of properties (not a material planning consideration)
- Noise and dust during construction phase (as stated above a Construction/Demolition Method Statement will limit the impact in this regard)

## **6. Recommendation**

Approval

## **7. Conditions**

- 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 No development shall be commenced until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.

Reason - The development is publicly visible and therefore sympathetic materials are a visually essential requirement.

- 3 Prior to the commencement of any above ground works, a scheme of hard and soft landscaping works for the site shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include any proposed changes in ground levels and



also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in relation to design, demolition and construction."

Reason - To enhance the visual impact of the proposed works.

- 4 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason -To enhance the visual impact of the proposed works.

- 5 No development shall commence, including any groundworks, until a Demolition/Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Demolition/Construction Method Statement shall provide for:

- safe access to/from the site;
- the parking of vehicles of site operatives and visitors;
- the loading and unloading of plant and materials;
- the storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control the emission of dust and dirt during demolition and construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- details of hours of deliveries relating to the demolition and construction of the development;
- details of hours of site clearance or construction;
- a scheme to control noise and vibration during the demolition and construction phase, including details of any piling operations.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason - In the interests of residential amenity.

- 6 Prior to the commencement of any A3 or A4 Use Class [as defined in the Town and Country Planning (Use Classes) Order 1987 (As Amended)] within the commercial unit hereby approved, full details of the flue or extract unit for the kitchen serving that use, shall be submitted to and approved in writing by the Local Planning Authority, and the use shall not be operated until the approved extract system has been provided in accordance with the approved details. The approved system shall thereafter be so maintained in the agreed form, and no other extract system shall be used.

Reason - In the interest of the visual amenity of the locality, and to ensure the protection of the residential amenities of the occupants of the surrounding residential properties.

- 7 Prior to the occupation of any of the proposed units, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of footway and provided with an appropriate dropped kerb crossing of the footway.



Reason - To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety.

- 8 No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6 metres of the highway boundary.

Reason - To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

- 9 There shall be no discharge of surface water from the development onto the Highway of West Avenue or Jackson Road from the service delivery/ drop off area.

Reason - To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

- 10 The proposed development shall not be occupied until such time as the vehicle parking area indicated on the proposed block plan, DRWG No. 1962 DE 10-003 Rev. B, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason - To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided.

- 11 Prior to the first occupation of the development the cycle storage area shall be provided in accordance with the details shown on the proposed block plan DRWG No. 1962 DE 10-003 Rev. B. The approved facility shall be secure, convenient, covered and retained at all times.

Reason - To ensure appropriate cycle parking is provided in the interest of highway safety.

- 12 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason - In the interests of reducing the need to travel by car and promoting sustainable development and transport.

- 13 Prior to first occupation of the proposed development, the communal recycling/bin/refuse store and collection points for both residential and commercial units shall be provided in accordance with the details shown on the approved plan no. 1962 DE 10-003 B and retained as approved thereafter.

Reason - In the interests of amenity and to minimise the length of time a refuse vehicle is required to wait within and cause obstruction of the highway, in the interests of highway safety.

- 14 Unless otherwise agreed in writing with the Local Planning Authority, the floors between the ground floor commercial units and the first floor flats shall be adequately soundproofed in accordance with a scheme of soundproofing which shall previously have been submitted to the Local Planning Authority for approval in writing. The approved scheme shall be carried out, in its entirety, before the flats are first occupied and shall be retained thereafter.

Reason - To safeguard the residential amenities of future residents of the flats.

- 15 Notwithstanding the provisions of Article 3, Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-



enacting that Order with or without modification), the ground floor commercial unit shall be used for no other purpose than those within Class A1, A3 or A4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any Statutory instrument and re-enacting that Order with or without modification).

Reason - To ensure that uses which would be inappropriate to this site due to its mix with new residential dwellings and proximity to existing residential dwellings.

- 16 Prior to the first use of the ground floor commercial use full details of the intended public opening hours shall be submitted to and approved in writing by the Local Planning Authority. The approved opening hours shall then be adhered to at all times.

Reason - In the interests of residential amenity.

- 17 No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure.

- Limiting discharge rates to a minimum of 50% betterment of the existing brownfield rate for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.

- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.

- A full topographic survey should be provided

- Demonstrate all storage features have a half drain time of less than 24 hours

- Final modelling and calculations for all areas of the drainage system.

- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.

- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.

- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reasons -

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

- To ensure the effective operation of SuDS features over the lifetime of the development.

- To provide mitigation of any environmental harm which may be caused to the local water environment

- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

- 18 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall subsequently be implemented as approved.

Reason - Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased



runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

- 19 No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason - To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

- 20 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason - To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

- 21 The development hereby permitted shall be carried out in accordance with the following approved plans;

- 1962-DE10-003B
- 1962-DE20-001B
- 1962-DE30-001B
- 1962-DE30-002B
- 1962-DE10-002B
- 1962 DE30-005A

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

## **8. Informatives**

### **Positive and Proactive Statement**

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.

### **Highway Informatives**

No permanent part of a development shall overhang the highway.

On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.



The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester  
CO4 9YQ

#### Environmental Informative

##### - Noise Control

- 1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.
- 2) No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00(except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Friday. 0800-1300 on Saturdays with no working of any kind permitted on Sundays or any Public/Bank Holidays.
- 3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:1984.
- 4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
- 5) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

##### - Emission Control

- 1) All waste arising from the demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
- 2) No materials produced as a result of the site development or clearance shall be burned on site. All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.
- 3) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

##### Lighting control

- 1) Any lighting of the site under development shall be located, designed and directed [or screened] so that it does not cause avoidable intrusion to adjacent residential properties/constitute a traffic hazard/cause unnecessary light pollution outside the site boundary. "Avoidable intrusion" means contrary to the Code of Practice for the Reduction of Light Pollution issued by the Institute of Lighting Professionals.

Adherence to the above will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

The applicant is reminded that this permission is linked to a planning obligation under Section 106 of the Town and Country Planning Act 1990.

<b>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</b>	YES	NO
<b>Are there any third parties to be informed of the decision? If so, please specify:</b>	YES	NO