

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	05/10/1010
Planning Development Manager authorisation:	TF	05/10/2020
Admin checks / despatch completed	DB	05/10/20
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	05/10/2020

Application: 19/01266/FUL **Town / Parish:** Clacton Non Parished

Applicant: Bilaman Limited

Address: 10 Connaught Gardens East Clacton On Sea Essex

Development: Use of existing Coach House as a 1 bedroom dwelling and the erection of a terrace of 3 no. dwelling houses, each with associated gardens and parking facilities (including alterations to the layout and parking of/for the existing care home).

1. Town / Parish Council

Clacton – non parished area.

2. Consultation Responses

Essex County Council
Heritage
07.10.2019

The application is for the erection of a terrace of 5 no. dwelling houses with associated parking facilities.

ORIGINAL COMMENTS

The above concerns 10 Connaught Gardens. The structure proposed to be demolished (termed the Coach House) and its host dwelling appear to originate from between 1898 and 1923 based on cartographic evidence, being possibly Edwardian based on a stylistic analysis, and due to evident quality and heritage value can be considered non-designated heritage assets.

The proposed demolition of the Coach House is certain to cause a total loss of a non-designated heritage asset, its historic fabric and its significance. The proposed erection of a three storey terrace in the curtilage of a historic building is also considered to have a negative impact on its setting, where the size, scale and massing of the proposed development is considered to dominate its historic context. Noting the lack of a heritage statement, where recommendations for its submission are set out in paragraph 189 of the NPPF, the application provides limited information on the effect of the proposal on the heritage assets located on site, the impact on which is likely not to have been taken into consideration when devising the scheme. As the scheme proposes considerable harm to the significance of a number of non-designated heritage assets, paragraph 197 of the NPPF is relevant where this is recommended to be given full weight. It is also encouraged for the applicant to seek pre-application advice.

Essex County Council
Heritage
31.03.2020
**FOLLOW UP
COMMENTS**

Please see my comments below, I have referenced the District Council's supplementary planning guidance: 'The Gardens Clacton Area of Special Character' (1990) as contained within the Local Plan (2007). I presume this is still active however please correct me if this is not the case :

I am in agreement with Nina's previous consultation comments identifying both structures on the site as non-designated heritage assets and that the proposed demolition of the Coach House would result in the total loss of the buildings historic fabric and its significance.

The applicant has rightly identified that the property falls within the curtilage of the District Council's supplementary planning guidance: 'The Gardens Clacton Area of Special Character' (1990) as contained within the Local Plan (2007). The Foreword to this document states the following: This policy statement will be a major material consideration in the determination of planning applications within the Gardens Area. Its primary intention will be to safeguard the identified special character of the area.

This document gives detailed guidance for development with Policy Criterion (i), (ii), (iv), (v) and (vi) relevant to the proposed scheme. These Criteria are particularly clear on the nature of development that would be acceptable. The current scheme in my opinion completely contradicts all three of these criteria and I am unable to support it on these, and the other heritage grounds raised by Nina in her letter.

I therefore consider the proposed massing and design of the scheme to be detrimental to the setting of the main house and very harmful to the Coach house through its demolition. I also consider that the proposal will compromise the special character of the Area of Special Character in the ways specifically guarded against through the above mentioned criteria.

Notwithstanding these issues, and taking the specific guidance policies identified above into account, there is scope for some small scale development of a mews style property at the location of the property at plot, or at the site of an existing building between the Coach House and the main house that the applicant proposes to demolish in their scheme. Such a scheme should be subservient to both the Coach House and the main house and be no higher than 1.5 stories in height, the same as the height of the Coach House. It should also be of appropriately detailed materials and form with respect to the existing non-designated heritage structures, as set out in the 1990 Special Character document.

Essex County Council
Heritage
06.07.2020
**COMMENTS TO DRAFT
AMENDMENT**

Comments in response to draft amendments

Built Heritage Advice pertaining to an application for: Demolition of Coach House and erection of a terrace of 5no. dwelling houses with associated parking facilities.

Following the submission of new amendments the proposals are a positive step, there however the following issues are identified:

The uneven sill heights of the first floor windows give the building an awkward appearance, the proposed formal architrave to the flanking bays (numbers 2 and 4), would also contribute to this awkwardness. Such a formal door treatment would detract from the hierarchy of the site, and that of the main house of 10 Connaught Gardens.

It is also noted that the site plan annotates the coach house as "To be demolished". I assume that this is a drawing error as the building is not shown dashed in the same manner as the other building identified to be demolished.

Essex County Council
Heritage
17.09.2020
LATEST COMMENTS

Should the above issues of the sills and door architrave be addressed, the annotation labelling the coach house to be demolished corrected, and the proposals submitted as part of a complete application I would be supportive. Specification of proposed finish materials doors and fenestration could also be included or resolved by condition.

Built Heritage Advice pertaining to an application for: Use of existing Coach House as a 1 bedroom dwelling and the erection of a terrace of 3 no. dwelling houses, each with associated gardens and parking facilities (including alterations to the layout and parking of/for the existing care home).

This letter should be read in addendum to my letter of 6th June 2020,

I am unopposed to this application subject to the following conditions:

- Rainwater goods shall be of black painted or powder-coated metal and shall be permanently maintained as such.
- Prior to commencement, samples and a schedule of all proposed finish materials shall be provided to the local planning authority for approval in writing, and shall be permanently maintained as such. Materials shall be to match those existing materials of the Coach House
- A schedule of the proposed windows and doors showing details and sections at a scale of 1:5 shall be submitted to the local planning authority for approval in writing.

ECC Highways Dept
24.09.2019
ORIGINAL COMMENTS

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

1. Prior to occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.
Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

2. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

3. 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 Carriageway / Footway / Highway Boundary 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 in accordance with policy DM1.

4. No development shall take place, including any ground works or demolition, until a Construction Method Statement 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 underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1.

5. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, 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 in accordance with Policy DM8

6. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

7. The Cycle / Powered Two-wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle / powered two-wheeler parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

8. Prior to occupation of the proposed dwelling, 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 in accordance with policies DM9 and DM10.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative 1: 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 2: 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 or by post to:

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

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

ECC Highways Dept
10.10. 2019

AMENDED COMMENTS

Additional comments received 10th October 2019.

Many thanks for sending through these additional comments. As the final number of rooms are to drop below 18 due to the internal changes I am satisfied with the parking arrangements proposed.

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

1. Prior to occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

2. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

3. 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 Carriageway / Footway / Highway Boundary 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 in accordance with policy DM1.

4. No development shall take place, including any ground works or demolition, until a Construction Method Statement 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 underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1.

5. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, 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 in accordance with Policy DM8

6. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

7. The Cycle / Powered Two-wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle / powered two-wheeler parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

8. Prior to occupation of the proposed dwelling, 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 in accordance with policies DM9 and DM10.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative 1: 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 2: 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 or by post to:

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The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

ECC Highways Dept
05.10.2020
LATEST COMMENTS

Please note a site visit was not been undertaken due to the recent COVID-19 restrictions; however, I am familiar with the previous application and the observations below are based on submitted material, google earth image dated October 2014.

It is noted that the scheme has been reduced back from the original proposal and the revised scheme still creates an area specifically devoted for parking for the Care Home which is capable of accommodating approximately 13 vehicles; therefore:

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

1. Prior to occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

2. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1. (Continued....)

3. Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be widened/ constructed to a width of 5.5 metres for at least the first 6 metres from the back of Carriageway / Footway / Highway Boundary 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 in accordance with policy DM1.

4. No development shall take place, including any ground works or demolition, until a Construction Method Statement 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 underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1.

5. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, 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 in accordance with Policy DM8

6. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

7. The Cycle / Powered Two-wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle / powered two-wheeler parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

8. Prior to occupation of the proposed dwelling, 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 free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative:

1: 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.

2: 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 or by post to:

SMO1 – Development Management Team
Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester
CO7 7LT

3: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

3. Planning History

18/30181/PREAPP	Erection of a two storey building containing 8no. one bedroom flats, with associated parking facilities.	12.11.2018
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4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG14 Side Isolation

HG3 Residential Development Within Defined Settlements

CL17 'The Gardens' Area of Special Character

HG9 Private Amenity Space

HG13 Backland Residential Development

COM6 Provision of Recreational Open Space for New Residential Development

EN6 Biodiversity

EN11A	Protection of International Sites European Sites and RAMSAR Sites
TR1A	Development Affecting Highways
TR7	Vehicle Parking at New Development
Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)	
SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design
HP5	Open Space, Sports & Recreation Facilities
LP1	Housing Supply
LP2	Housing Choice
LP4	Housing Layout
LP8	Backland Residential Development
PPL4	Biodiversity and Geodiversity
PPL12	The Gardens Area of Special Character, Clacton-On-Sea
CP1	Sustainable Transport and Accessibility

Local Planning Guidance

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

The Gardens Clacton Area of Special Character

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, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities 'Garden Communities' proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector's advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. 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 (which applies until such time that the figures in the new Local Plan are adopted).

In addition, the actual need for housing (as set out in the emerging Local Plan) 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, as recently endorsed by the Local Plan Inspector. Therefore, in weighing the benefits of residential development against the harm, the Inspector's endorsement of the lower housing requirement figure is a strong material consideration which tempers the amount of weight that can reasonably be attributed to the benefit of additional new housing to address the perceived shortfall – given that, against the Local Plan housing requirement there is, in fact, a surplus of supply as opposed to a shortfall.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application relates to Dunedin Residential Care Home, 10 Connaught Gardens East, Clacton on Sea; specifically the land to the rear accessed via the existing access and through the car parking area currently serving the care home. The site currently forms part of the large curtilage serving the home.

The site lies within the Clacton on Sea Settlement Development Boundary and also within the defined 'The Gardens' Area of Special Character.

Description of Proposal

The application follows a pre-application enquiry for the erection of a 2 storey building to provide 8 flats. Detailed plans were not provided and the advice provided by the planning officer at the time was basic given the limited information supplied with the pre-application enquiry. Although the

proposed block detailed the 'demolition of dwelling' no other details of this building were provided and no elevations were supplied.

This current application originally proposed the demolition of the building and the erection of a terrace of 5, 3 storey dwellings with associated gardens and parking (not 2 storey as sought in the pre-application enquiry). The access to the development is through the existing parking area serving the care home.

Officers had strong concerns with the height, density and scale of development due to the location of the site within 'The Gardens' Special Character Area and the setting of the host building which is of historic and architectural merit due to its age and design. In addition, at the time of the officer site visit for this current application, it was observed that the building to be demolished could also be historically and architecturally important. The main building and existing outbuilding could therefore be deemed non-designated heritage assets. Essex County Council Place Services Historic Environment Team were consulted accordingly. ECC Heritage's comments of 7th October 2019 confirmed that the structure proposed to be demolished (termed the Coach House) and its host dwelling appear to originate from between 1898 and 1923 based on cartographic evidence, being possibly Edwardian based on a stylistic analysis, and due to evident quality and heritage value can be considered non-designated heritage assets.

Furthermore, the application attracted a referral to Planning Committee by Councillor S. Honeywood on the following grounds;

- Inappropriate back garden development.
- Height and physical presence of the building is out of keeping with the area.
- Overall negative impact on the "The Gardens" area.
- Potential to overlook nearby First Avenue properties

Following the submission of a Heritage Statement and lengthy negotiations, the application has now been amended to retain and convert the existing Coach House building into a 1 bedroom dwelling and the erection of a terrace of 3 no. 2 bedroom, 2 storey dwellings each with associated gardens and parking facilities (including alterations to the layout and parking of/for the existing care home).

Consequently, the committee referral has now been withdrawn and Councillor S. Honeywood is happy for officers to proceed with a recommendation of approval.

Assessment

The main planning considerations are:

- Principle of Development;
- Layout, Scale and Appearance (including Impact on Non-Designated Heritage Assets and Special Character Area);
- Residential Amenities;
- Access and Parking;
- Trees and Landscaping;
- Legal Obligations - Open Space/Play Space Contribution;
- Legal Obligations - Recreational Impact Mitigation; and,
- Representations.

Principle of Development

The site lies within the Settlement Development Boundary for the area as defined within both the adopted Tendring District Local Plan 2007 and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 now incorporates the application site.

Saved Policy HG3 of the adopted Local Plan deals with residential development within defined settlements stating that, within the defined development boundaries of towns and villages, residential development will be permitted provided it satisfies amenity, design, density, environmental, highway, local housing needs and sustainability criteria, as appropriate, and can take place without material

harm to the character of the local area. Proposals for development of infill plots should ensure that the scale, design and intensity of any new building are in harmony with existing surrounding development.

Emerging Policy SPL2 states that within the Settlement Development Boundaries, there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local plan policies.

In this instance, the site also lies within 'The Gardens' Special Character area as defined within both the adopted and emerging Local Plans meaning that adopted Policy CL17 and emerging Policy PPL12 are of particular relevance to the consideration of this application.

Due the historic and architectural merit of The Coach House building and main care home building known as 'Dunedin', these buildings are considered non-designated heritage assets.

Layout, Scale and Appearance (including Impact on Non-Designated Heritage Assets and Special Character Area)

Paragraph 8 of the National Planning Policy Framework 2019 (NPPF) sets out the overarching objectives for achieving sustainable development, one being the environmental objective. Saved Policy QL9 of the Tendring District Local Plan (2007) and Policy SPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) seeks to ensure that development is appropriate in its locality.

Saved Policy HG13 deals with 'backland' residential development stating that proposals for the residential development of 'backland' sited will be permitted where, amongst other things, the site lies within the development boundary and would not be out of character with the area. These sentiments are carried forward within draft Policy LP8 of the emerging Local Plan.

Saved Policy CL7 of the adopted Tendring District Local Plan (2007) states that development within 'The Gardens' area of east Clacton shall have particular regard to the special character and appearance of the area. These sentiments are carried forward within draft Policy PPL12 of the emerging Local Plan.

The site lies adjacent to Connaught Close, a residential development comprising a block of flats directly adjacent to the development site. Furthermore, the Coach House is located to the rear of the site meaning that the proposal will not be sandwiched amongst existing built form. On this basis, the setback siting of the development cannot be considered harmful to the character of the area.

The much reduced scheme will appear as a small terrace of traditional alms-house style dwellings with the historic Coach House retained being crucial to the acceptability of the development overall. The height, density and detailed design of the new dwellings will appear sympathetic to the setting of the Coach House and main care home building. Essex County Council Historic Environment Team raise no objections subject to conditions which will be imposed where necessary. The detailed materials and finishes will also contribute to the sympathetic appearance of the development in its special character area context. Furthermore, soft landscaping will be secured to enhance the appearance of the development.

Residential Amenities

Paragraph 127 of the NPPF states that planning should always seek to secure a good standard of amenity for all existing and future occupants. In addition, Policy QL11 of the Tendring District Local Plan (2007) 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. Emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017) supports these objectives. Furthermore, Policy HG14 states that a minimum of 1 metre should be retained to boundaries in order to safeguard the amenities of neighbouring residents. In addition, Saved Policy HG9 sets out the minimum standards for private amenity space provision.

Plots 1 and 3 retain 1 metre side isolation, with the Coach House being sited over 4 metres from the shared boundary with Plot 1. Each dwelling has a rear garden area just over 11 metres in depth meaning that the development and properties fronting First Avenue to the east will retain a back to back distance of over 40 metres (Essex Design Guidance suggested 25 metres is an acceptable distance to safeguard residential amenities).

The reduction to 4 units overall (including the retention of the Coach House), the reduction in height to 2 storeys and spacing around the properties will provide a development that will achieve an internal layout and separation distances that will not detract from the amenities of any nearby dwellings or the future occupiers of the proposed dwellings.

Each property is served by a private garden area that meets or exceeds the 75sqm minimum standards set out with HG9 whilst over 275 sqm of garden area will be retained for the residents of the care home.

Due to the position of the adjacent properties in Connaught Close and their parking court, overlooking to the private garden areas of the new dwellings will be minimal. Nonetheless, any potential purchasers will be fully aware of the relationship of the adjacent dwellings when viewing the properties.

Access and Parking

Paragraph 108 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted if amongst other things; access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and the design and layout of the development provides safe and convenient access for people. The sentiments of this policy are carried forward within draft Policy SPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

The Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces is required. Parking spaces should measure 5.5 metres by 2.9 metres and garages, if being relied on to provide a parking space, should measure 7 metres by 3 metres internally.

Each dwelling is served by 2 parking spaces of the appropriate dimension whilst 13 parking spaces are retained to serve the care home.

Essex County Council Highways raise no objection to the development subject to conditions which will be imposed where relevant having regard to the scale of development.

Trees and Landscaping

Saved Policy EN1 of the adopted Local Plan (2007) relates to landscape character and states that development management will seek to conserve features which contribute to local distinctiveness, which includes important hedgerows and trees.

The front garden of the application contains overgrown shrubs comprising; *Elaeagnus*, *Arbutus* and a small Yew tree. The group has a pleasant softening impact on the appearance of the area but does not merit retention. To the side and rear of the building the garden the application site is relatively well populated with small trees with some larger trees set back into the main body of the garden.

It is clear from the proposed layout that the implementation of the development proposal would result in the removal of several trees situated on the land.

The largest tree is a coniferous species ' *Cupressus macrocarpa* which is situated close to the existing Coach House. The tree is not a 'choice' species and its growing position is such that it makes little contribution to the public realm. The only other tree of merit on site is an early mature Blue Cedar (*Cedrus atlantica* 'Glauca'). Neither tree makes such a contribution to the amenities of the locality that they merit retention or protection by means of a tree preservation order.

Other trees identified for removal are two small Hollies adjacent to the side access gate in order to facilitate the creation of the new access road, a row of golden hedging conifers on the eastern boundary and a few dead fruit trees. None of these or any other trees on the land merit retention or formal legal protection.

A planning condition should will be imposed to secure details of new soft landscaping. The soft landscaping should aim to enhance and soften the appearance of the completed development.

Legal Obligations - Open Space/Play Space Contribution

Policy COM6 of the adopted Tendring District Local Plan 2007 states that for residential development below 1.5 hectares in size, developers shall contribute financially to meet the open space requirements of the development in proportion to the number and size of dwellings built. These sentiments are carried forward within emerging Policy HP5.

In line with the requirements of saved Policy COM6 and emerging Policy HP5 the Council's Open Space Team have been consulted on the application to determine if the proposal would generate the requirement for a financial contribution toward public open or play space.

There is currently a deficit of '17.68 hectares of equipped play/open space in Clacton-on-Sea. Any additional development in Clacton will increase demand on play facilities further. The nearest play area to the application site is located at Eastcliff Recreation Ground. This play area is designated as a Local Equipped Area for Play and a Neighbourhood Equipped Area for Play and provides equipment for children of all ages.

To cope with any additional development this play area will need to be up dated. Any contribution received would be used to improve the play area at Eastcliff.

A completed unilateral undertaking has been received to secure this financial contribution ensuring that the development complies with the Saved Policy COM6 and Draft Policy HP5.

Legal Obligations - Recreational Impact Mitigation

Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation.

The application scheme proposes a residential on a site that lies within the Zone of Influence (Zol) being approximately 7200 metres from the Essex Estuaries SAC and Colne Estuary SPA and RAMSAR sites. New housing development within the Zol would be likely to increase the number of recreational visitors to the Essex Estuaries and Colne Estuary and in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation.

A completed unilateral undertaking has been received to secure this financial contribution. This will ensure 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.

Representations

The site is located within the non-parished area of Clacton on Sea.

5 letters of objection have been received in response to the original scheme. The concerns raised can be summarised and addressed as follows (officer response in italics);

- Unacceptable backland development.
- Too tall.
- Out of keeping with The Garden special character.
- Light pollution.
- Overlooking and loss of privacy from 3 storey height.
The development has been greatly reduced in scale and height. The principle of development, it's siting and impact have all been addressed in the main report above.

- Additional traffic and harm to highway safety.
- Disruption during building works.

No objections have been received from Essex County Council Highway Authority and the submission and approval of a Construction Method Statement will safeguard residential amenities.

- Noise and disturbance from additional properties.

The area of land could currently be used as amenity space for residents of the home and the use of the space for new residents of the dwellings is not materially different and could not be considered harmful in terms of noise and disturbance.

- Will introduce anti-social behaviour.
There is nothing to suggest that the development will introduce anti-social behaviour. Nonetheless, this is a matter for the police and not a planning matter.

2 further letters of objection were received in response to the amended scheme. The concerns raised can be summarised and addressed as follows (officer response in italics);

- Already busy road.
The revised proposal reduces the number of units each of which will be provided with 2 parking spaces ensuring on-street parking in the adjoining streets does not occur. Essex County Council Highways Authority raise no objections.
- Set a harmful precedent for the demolition of the main building and development of the whole site.
The main building is considered a non-designated heritage asset and its demolition would not be supported. Any future planning application would be considered on its merits at the time of the application.
- Historically important Coach House should be retained.
The amended scheme ensures the Coach House is retained.

Conclusion

After discussion and careful negotiation with ECC Historic Environment Team and the agent, the proposed amended scheme is considered acceptable and will not result in any material harm to visual amenity, the character of the area or the non-designated heritage assets. The application is recommended for approval subject to conditions.

6. Recommendation

Approval - Full

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 The development hereby permitted shall be carried out in accordance with the following approved plans:

1928/2 E	Amended Block Plan
1928/6	Amended Floor Plans and Front Elevation
1928/7	Amended Side and Rear Elevations
1928/8	Coach House Floor Plan and Elevations

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

- 3 No above ground works shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include any 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 - In order to enhance and soften the appearance of the development in the interests of visual amenity and The Gardens Special Character Area.

- 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 ensure the adequate implementation and maintenance of the approved landscaping scheme for a period of five years in the interests of the special character of the area and the quality of the development.

- 5 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), there shall be no additions or alterations to the dwellings or their roofs, nor shall any buildings, enclosures, swimming or other pool be erected except in accordance with drawings showing the design and siting of such additions and/or building(s) which shall previously have been submitted to and approved, in writing, by the local planning authority.

Reason - It is necessary for the Local Planning Authority to be able to consider and control further development in the interests of visual amenity and residential amenities.

- 6 Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no provision of fences, gates, walls or other means enclosures, shall be erected forward of the new build dwellings hereby approved except in accordance with drawings showing the design and siting of such enclosures which shall previously have been submitted to and approved, in writing, by the Local Planning Authority by way of a planning application.

Reason - In the interests of visual amenity and highway safety.

- 7 All new parking areas and areas of hardstanding shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area within the site area.

Reason - In the interests of sustainable development and to minimise the risk of surface water flooding.

- 8 The removal of any vegetation for site access/site clearance shall only be carried out outside of the bird nesting season (March to August inclusive).

Reason - To ensure the protection of birds potentially nesting on site.

- 9 No unbound material shall be used in the surface treatment of the vehicular access/ driveway throughout.

Reason - To avoid displacement of loose material onto the highway in the interests of highway safety.

- 10 There shall be no discharge of surface water onto the Highway.

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.

- 11 No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority.

The 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;
- 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 and 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 - To ensure that on-street parking of construction vehicles in the adjoining streets does not occur, to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and to ensure working conditions are sympathetic to residential amenities.

- 12 Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres, while each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans (including the allocated spaces for the care home), 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 encourage the use of garages and parking spaces for their intended purpose and to discourage on-street parking, in the interests of highway safety.

- 13 Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be widened/ constructed to a width of 5.5 metres for at least the first 6 metres from the back of Carriageway / Footway / Highway Boundary 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.

- 14 The Cycle / Powered Two-wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

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

- 15 Rainwater goods shall be of black painted or powder-coated metal and shall be permanently maintained as such.

Reason - In the interests of the visual amenity and the quality of the development in the setting of a non-designated heritage asset.

- 16 No above ground works 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. Materials shall be to match those existing materials of the Coach House

Reason - In the interests of the visual amenity and the quality of the development in the setting of a non-designated heritage asset.

- 17 Prior to any above ground works, drawings to a scale of not less than 1: 20 fully detailing the new windows, doors and their surrounds shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include materials, cross sections for glazing bars, sills, heads (as applicable), method of opening and method of glazing. The approved works shall be installed/carried out in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of the visual amenity and the quality of the development in the setting of a non-designated heritage asset.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Legal Agreement Informative - Open Space/Play Space Contribution

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: Public Open Space

financial contribution in accordance with Policy COM6 of the adopted Tendring District Local Plan (2007) and Policy HP5 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Legal Agreement Informative - Recreational Impact Mitigation

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Highways Informatives

1: 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.

2: 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 or by post to:

SMO1 – Development Management Team
Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester
CO7 7LT

3: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Building Control Informative

Access and turning for a fire fighting appliance must be provided.