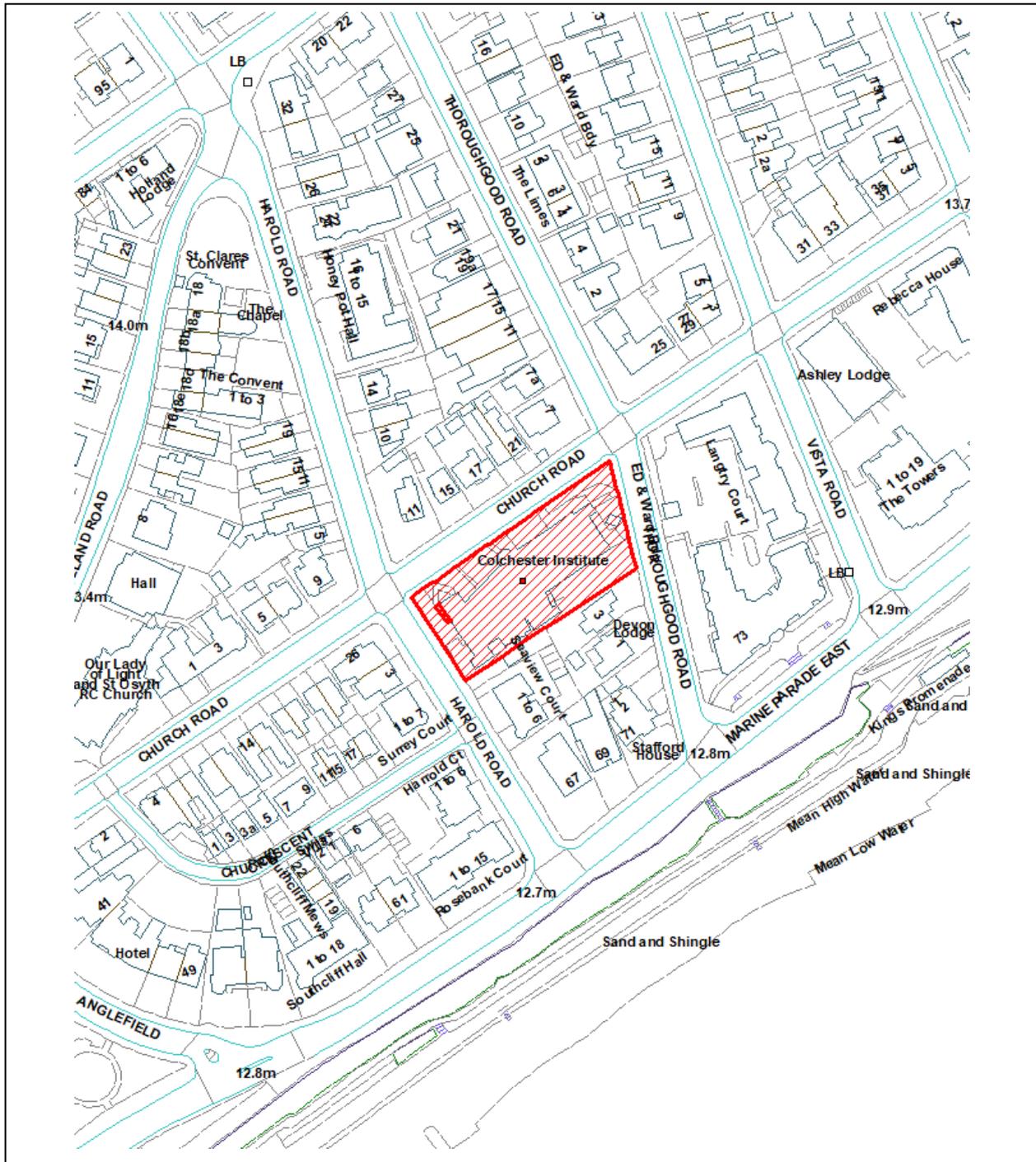


PLANNING COMMITTEE

5 July 2022

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

**A.2 PLANNING APPLICATION – 21/02027/FUL – THE COLLEGE COLCHESTER INSTITUTE
CHURCH ROAD CLACTON ON SEA**



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Application: 21/02027/FUL

Town / Parish: Clacton Non Parished

Applicant: Churchill Retirement Living

Address: The College Colchester Institute Church Road Clacton On Sea CO15 6JQ

Development: Redevelopment for retirement living accommodation for older people (sixty years of age and/or partner over fifty five years of age) comprising 61 retirement apartments including communal facilities, access, car parking and landscaping.

1. Executive Summary

- 1.1 The application is referred to the Planning Committee following the member referral request of Pier Ward Councillor Paul Honeywood, due to concerns over parking provision and highways impact, and the effect of the proposal on the living conditions of existing residents. The application is the subject of a current non-determination appeal, listed to be considered by the Inquiry procedure lasting for 6 days in September 2022. When the appeal was submitted the jurisdiction of the Council to determine the application was removed. Therefore, the purpose of this report is to obtain Members resolution as to whether or not they would have approved the application had they been in a position to determine it. Members should note that an extension of time for the submission of the Council's Statement of case for the appeal has been agreed until Friday 15 July 2022.
- 1.2 The proposal attracted objection from Essex County Council Heritage and the Local Highway Authority. The former consider that the proposal would result in less than substantial harm to the Conservation Area, the latter that there is inadequate parking provision and circulation space. In addition, there would be some limited impact on the living conditions of adjoining neighbours. However, the proposal is acceptable in principle and there are very considerable benefits to regeneration, and in the re-use of a deteriorating brownfield site for much needed specialist housing delivery. These are considerations which are afforded strong Local Plan policy support. Furthermore, officers consider that the public benefits clearly outweigh the less than substantial heritage harm and resultant development plan conflict. Officers further consider that a technical conflict with the Parking SPD would not give rise to unacceptable highway safety impacts, or residual cumulative impacts on the highway network that would be severe. As such, in applying the appropriate local and national planning policy tests, the appeal should not be defended on highways grounds. All other detailed technical matters including a holding objection from the Lead Local Flood Authority would be capable of being addressed through the use of appropriately worded planning conditions. Overall, officers conclude that the benefits would very clearly outweigh the harms and development plan/Parking SPD conflict.
- 1.3 The proposal is accompanied by a viability report, attesting that the proposal would be unviable with Local Plan Policy requirements for 30% affordable housing provision. This is to be the subject of an independent appraisal prior to the inquiry, the outcome of which will determine whether or not affordable housing contributions could be provided. Ultimately, if the appeal proceeds, this will be a matter for the Secretary of State appointed Inspector to determine.

Recommendation:

That the Assistant Director for Planning be authorised to confirm that, had the Council as Local Planning Authority been able to determine the application, it would have resolved to grant planning permission for the development subject to the following:

- a) **The results of an independent viability appraisal, completion by the applicant of a legal undertaking as part of the appeal (and/or other proceeding) under the provisions of section 106 of the Town and Country Planning Act 1990, dealing with the following matters to include:**
- **Financial Contribution towards RAMS**
 - **Affordable Housing Provision**
 - **NHS contribution**
 - **Open Space contribution**
- b) And the conditions stated in section 8.2.
- c) Or otherwise resolved to refuse planning permission should the results of the viability appraisal not be concluded to the Assistant Director's satisfaction.

Should the recommendation above be agreed, ultimately this would be the case presented to the appeal unless the appeal is withdrawn. Should the appeal be withdrawn, this resolution would be considered the resolution delegated to the Assistant Director for Planning to carry forward to resolution.

2. Planning Policy

2.1 The following Local and National Planning Policies are relevant to this planning application:

National Planning Policy Framework July 2021 (the Framework)

National Planning Practice Guidance (The PPG)

Tendring District Shared Strategic Section 1 Local Plan (January 2021)

Tendring District Section 2 Local Plan (January 2022)

Relevant Section 1 Policies

SP1	Presumption in Favour of Sustainable Development
SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP3	Spatial Strategy for North Essex
SP4	Meeting Housing Needs
SP6	Infrastructure and Connectivity
SP7	Place Shaping Principles

Relevant Section 2 Policies

SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design
HP1	Improving Health and Wellbeing
HP2	Community Facilities
HP3	Green Infrastructure
HP5	Open Space, Sports and Recreation Facilities

LP1	Housing Supply
LP2	Housing Choice
LP3	Housing Density and Standards
LP4	Housing Layout
LP5	Affordable Housing
PP12	Improving Education and Skills
PP14	Priority Areas for Regeneration
PPL1	Development and Flood Risk
PPL4	Biodiversity and Geodiversity
PPL5	Water Conservation, Drainage and Sewerage
PPL8	Conservation Areas
PPL9	Listed Buildings
PPL10	Renewable Energy Generation and Energy Efficiency Measures
CP1	Sustainable Transport and Connectivity
CP2	Improving the Transport Network
CP3	Improving the Telecommunications Network
DI1	Infrastructure Delivery and Impact Mitigation

Supplementary Planning Guidance

Essex County Council Development Management Policies 2011 (the Highways SPD)

Essex County Council Parking Standards Design and Good Practice Guide 2009

Essex Design Guide

RAMS SPD

Open Space SPD

Open Spaces Strategy

Status of the Local Plan

- 2.2 Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

In relation to housing supply:

- 2.3 The Framework requires Councils 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 of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, Paragraph 11 d) of the Framework requires granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (what is often termed the 'tilted balance').
- 2.4 The Local Plan fixes the Council's housing requirement at 550 dwellings per annum. On 19 October 2021 the Council's Strategic Housing Land Availability Assessment (SHLAA) updated the housing land supply position. The SHLAA demonstrates in excess of a six-and-a-half-year supply of deliverable housing land. On 14 January 2022 the Government published the Housing Delivery Test (HDT) 2021 measurement. Against a requirement for 1420 homes for 2018-2021,

the total number of homes delivered was 2345. The Council's HDT 2021 measurement was therefore 165%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to applications for housing.

3. Relevant Planning History

00/00590/FUL	Extensions and roofing (Variation to planning permission 99/01908/FU).	Approved	25.05.2000
99/01908/FUL	New lift and lobby structure, new pitched roof on whole lecture block.	Approved	15.03.2000
03/00533/FUL	Telecommunications: 8.7m wall mounted flagpole, 2 antennas and GRD shroud, 1 Gable mounted antenna and 1 0.2m transmission dish with equipment cabin and ancillary development.	Approved	11.06.2003
04/00023/FUL	Gas storage facility.	Approved	22.03.2004
12/01409/FUL	Addition of glazed front extension to cafe area.	Withdrawn	11.02.2013
13/00474/FUL	Proposed additional storage area with a rear door opening onto existing path.	Approved	01.07.2013
15/01040/FUL	Single storey extension associated external landscaping works.	Approved	16.09.2015
21/30048/PREAPP	Proposed conversion of main 4 storey building into approximately 22 apartments of a mix of one and two bedrooms, with a mansard style roof on the main building to provide further residential units, 4 apartment Undertaking external renovations / enhancements to improve the visual outlook of the building. This is to include providing as many of the apartments with balconies. Proposed demolishing of the two storey attached building and erect a 4 storey building to provide a mix of 1 and 2 bedroom apartments, approximately 16 in total. The building is provided with existing vehicular accesses and areas of hardstanding. The proposed development will be provided with a minimum of 18 spaces. Secure cycle storage will be provided, along with bin stores.	Not pursued – closed.	

21/30081/PREAPP

Proposed redevelopment to form retirement housing

Referred to below

4. Consultations

Anglian Water Services Ltd
10.01.2022

ASSETS

Section 1 - Assets Affected

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Clacton-Holland Haven Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

Section 3 - Used Water Network

This response has been based on the following submitted documents: Flood Risk and Drainage Technical Note 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.

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

Anglian Water has reviewed the submitted Flood Risk and Drainage Technical Note and can confirm that the strategy outlined is acceptable to us. We require these documents to be listed as approved plans/documents if permission is granted. Note to applicant - Surface Water Hierarchy evidence will need to be submitted at 106 application stage.

Section 5 - Suggested Planning Conditions

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

Surface Water Disposal (Section 4)

No condition required. We require these documents to be listed as approved plans/documents if permission is granted. Note to applicant - Surface Water Hierarchy evidence will need to be submitted at 106 application stage.

ECC Urban
Design
Advisor
18.02.2022

Overall, whilst the principle of this development is accepted in redeveloping the land into a usable living space for the elderly, we have some concerns regarding some aspects of the overall approach to the built form, particularly in regard to the historical precedence and character of the local context. As a result, we have indicated in this response areas of the development which require further consideration and design development in order to meet the high expectations and opportunities this redevelopment presents from an urban design perspective.

Site Layout & Landscape

We have significant concerns regarding the proposed access strategy for the development. The main pedestrian arrival point is located to the south-west of the building along Harold Road. For a building of this magnitude the proposed access seems underwhelming and a missed opportunity, especially when considering the symmetrical design of the Church Road elevation.

We would have expected the proposals to include a more prominent entrance to set the character and welcome residents and visitors to a new residential community. The main entrance located within the rear elevation is completely hidden away from the street scene and surrounded by the car park to the east. We also have reservations over directing pedestrians around the western perimeter of the boundary in order to access the main street (Church Road) and further amenities towards the north-east. It is suggested to review multiple access zones, where a more prominent arrival space into the site is located along Church Road, supplemented by secondary entrances along the side elevations.

The proposals illustrate that the existing vehicular access point will be maintained along Thoroughgood Road with car parking for approximately 20 spaces. It is understood that due to the nature of this building being a retirement living apartment block as opposed to a traditional care home, there is a reduced need for parking due to low levels of staff, combined with the town centre location. We recommend reviewing the adopted parking standards and providing a justification for the proposed approach, considering the policy requirement, sustainable location, access to sustainable transport and the quantum of residential apartments (including visitor spaces).

There also seems a missed opportunity to enhance the quality of the external spaces on site by providing a carefully considered landscape strategy, with planting and materials specified to ensure safe and quality spaces are provided for residents. The current landscape proposals appear to be minimal in terms of their impact upon on site; we have concerns over the usability of the offset green wedges around the perimeter of the building. The inclusion of more street furniture to increase opportunities of social areas will help to reinforce this strategy, creating more substantial outdoor spaces for residents.

In addition, boundary treatments to the primary frontage of the site will be important to tie into the overall approach of the architecture, to ensure that the quality of the built form is enhanced through the use of hard materials for any raised walls along with suitable boundary planting, as opposed to standard fencing.

Built Form & Massing

The scheme is proposing a retirement living building to include 61 no apartments to replace the derelict college institute building that is currently located on site. As outlined above, our main concern relate to how the proposed development fits within the surrounding context of the site, which requires greater justification into the massing and detailed elements to ensure it ties in successfully with the key architectural characteristics of the conservation area.

It is clear that the proposals are seeking to emulate the adjacent Grade II listed building, and whilst this approach is welcomed it is considered that the current elevations do not satisfy the level of detail and articulation expected for this type of development in this location. It is important to consider this scheme as providing a precedent for new development coming forward within the conservation area in the future, as well as referencing surrounding new developments undertaken in a similar traditional approach that have been designed well.

There is an opportunity to increase the variation within the proposal, as the current building appears very consistent across each elevation. For example, whilst it is understood that the use of gables is prominent within the local area, we question why greater variation in gable heights have not been used to signify key entrance points or vistas of the site.

We also have concerns regarding the proposed form and massing which appears too excessive in, particular towards the western boundary. The current building has a stepped down approach in height from 4 storeys at the east to 2 storeys at the west. As a result, we have concerns that the proposal of a 4-storey building across the whole site fundamentally impacts the relation between this development and its historical surroundings. The massing strategy and material selection of the building should be carefully considered and discussed with the heritage consultant as to what would be most appropriate within the setting of the Listed building and Conservation Area. We would seek further justification of this approach.

As outlined above, the entrance to the main building appears rather underwhelming when considering the prominence this elevation will have on the street scene. Buildings of this nature are usually characterised by a highly detailed grand entrance porch which welcomed residents and visitors into the main lobby/communal area of the retirement apartment block. Due to the number of future residents who will be walking from the public transport amenities to the north and town centre to the east, it is considered that the primary routes and desire lines would be leading to the Church Road elevation. We would seek a clear justification why a prominent entrance along Church Road has not been explored to enhance to the main elevation.

Summary

Overall, it is considered that this scheme requires some further justification in regard to the built form, with a clear design rationale as to how it responds to the local heritage constraints and town centre context of the site. It is questioned that more could be done in terms of enhancing its connections with the town centre and prominence on the main street scene, and further exploration and/or justification behind these strategies are required. The external spaces are currently insufficient and miss a number of opportunities to create and enhance the provision of green space, planting and boundary treatments to create usable

social spaces would help to substantiate the overall quality of the scheme.

Historic
England
07.02.2022

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

Housing
Services

No comment recorded.

Essex
County
Council
Heritage
04.01.2022

The site is located within the Clacton Seafront Conservation Area and within the setting of several designated and non-designated heritage assets.

I do not support this application. I do consider there is opportunity for redevelopment of this site, which enhances the character and appearance of the Conservation Area, however this has not been realised in this proposal.

The massing and scale of the proposal is inappropriate to its context. Whilst there is existing height at the site, this does not extend across the full site. The height of the new building sits incongruous with the neighbouring buildings in Church Road. The height of the building draws reference from buildings down Thoroughgood Road which are less relevant in experience of the streetscape in this part of the Conservation Area. The views provided are also not from street level and as such do not accurately provide an impression of the proposal's impact. I recommend accurate visual representations should be provided from agreed viewpoints.

I also do not support the design of the proposal. The existing nineteenth century buildings (from which this design draws influence) present much more interesting elevations which include several planes through the incorporation of bay windows and other features. The proposed elevations are largely flush, and whilst gables have been added, the result is a poor pastiche of the quality architecture in the Conservation Area.

The proposal fails to preserve or enhance the character and appearance of the Conservation Area. This harm should be considered under paragraph 202 of the NPPF. The application is also not considered compliant with paragraph 197 (c) and 206 of the NPPF.

Should this application be approved I recommend conditions are attached requiring samples of all external materials. With regard to brick, these should be presented on sample boards with pointing mortar. The brick should also be stipulated in an appropriate brick bond (not stretcher bond). Conditions should be added for details of windows and doors (not in UPVC) also.

ECC
Highways
Dept.
02.02.2022

From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:

The Highway Authority will protect the principle use of the highway as a right of free and safe passage of all highway users. Although the site is in a town centre location with local railway and other public transport facilities available, the overall parking provision for the density of the application is considered to be inadequate for the application as proposed.

The proposal if permitted would set a precedent for future similar developments which would likely lead to inappropriate parking detrimental to the general safety of all highway users and undermine the principle of seeking to discourage on-street parking in the locality.

The proposal is therefore contrary to policy DM1 and DM8 contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

1 The proposal appears to show 20 off-street parking spaces for the new 61 retirement apartments, where the Parking Standards Design and Good Practice September 2009 stipulates a minimum one space per dwelling for a development of this type. This would potentially lead to increased kerbside parking stress in the vicinity of the development site.

2 The Highway Authority raises concerns over the constrained parking spaces they appear to fail to be provided sufficient manoeuvring or circulatory space for pedestrians. In particular there seems to be a lack of Blue Badge and/or visitor parking spaces provided, for a development this type. The restricted width of the car spaces proposed is likely to impede manoeuvring for drivers/ passengers should they have mobility problems.

3 As far as can be determined from the submitted plans the proposal fails to provide sufficient off-street parking spaces with dimensions in accord with current Parking Standards, each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres. This will lead to vehicles being left parked in the adjacent highway already heavily used as it is close to the beach and other amenities and popular in the summer months, potentially adding additional kerbside stress, obstruction or congestion contrary to highway safety and Policy DM1 and DM8.

4 There appears to be a lack of Cycle / Powered Two-wheeler parking being provided in accordance with the EPOA Parking Standards and in accordance with Policy DM8. These facilities shall be secure, convenient, covered and provided prior to occupation and retained at all times.

The Highway Authority may consider a revised application which addresses the issues raised above.

NHS East
Essex CCG
30.12.2021

2.0 Existing Healthcare Position Proximate to the Planning Application Site

2.1 The proposed development is likely to have an impact on the services of 4 GP practices including 2 branch surgeries operating within the vicinity of the application site. These GP practices and branch surgeries do not have capacity for the additional growth resulting from this development.

2.2 The proposed development will be likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. As the commissioner of primary care services, North East Essex CCG would therefore expect these impacts to be fully assessed and mitigated.

3.0 Review of Planning Application

3.1 North East Essex CCG acknowledge that the planning application does not

appear to include a Health Impact Assessment (HIA) or propose any mitigation of the healthcare impacts arising from the proposed development.

3.2 A Healthcare Impact Assessment (HIA) has been prepared by North East Essex CCG to provide the basis for a developer contribution towards capital funding to increase capacity within the GP Catchment Area.

4.0 Assessment of Development Impact on Existing Healthcare Provision

4.1 The existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 140 residents and subsequently increase demand upon existing constrained services.

4.2 The primary healthcare services directly impacted by the proposed development and the current capacity position are shown in Table 1.

Table 1: Summary position for primary healthcare services within 2km catchment (or closest to) the proposed development

Premises	Weighted List Size ¹	NIA (m ²) ²	Capacity ³	Spare Capacity (NIA m ²) ⁴
East Lynne Medical Centre	9,706	341.55 ²	4,981	-324.01
St. James Surgery - Including branch surgery (Church Square Surgery)	17,450	689.04 ²	10,049	-507.53
Ranworth Surgery	10,527	298.30 ²	4,350	-423.53
Old Road Surgery - Including Branch surgery (Clacton Road Surgery)	9,825	533.89 ²	7,786	-139.85
North Road Surgery (Branch) – Including Main Practice (North Clacton Medical Group – Crusader)	13,931	834.01 ²	12,163	-121.23
Kennedy Way Medical Centre (Branch) – Including Main Practice and other branch surgeries of Clacton Community Practice (Green Elms, Nayland Drive & Kennedy Way Medical Centre)	20,825	1724.83 ²	25,154	296.79
Total	82,264	4,421.62	64,483	1,219.36

Notes:

1. The weighted list size of the GP Practice based on the Carr-Hill formula, this figure more accurately reflects the need of a practice in terms of resource and space and may be slightly lower or higher than the actual patient list.
2. Current Net Internal Area occupied by the Practice
3. Based on 120m² per 1750 patients (this is considered the current optimal list size for a single GP within the East DCO). Space requirement aligned to DH guidance within "Health Building Note 11-01: facilities for Primary and Community Care Services"
4. Based on existing weighted list size

5.0 Healthcare Needs Arising From the Proposed Development

5.1 At the earliest stage in the planning process it is recommended that work is undertaken with NHS England and Public Health England to understand the current and future dental needs of the development and surrounding areas giving consideration to the current dental provision, current oral health status of the area and predicted population growth to ensure that there is sufficient and appropriate dental services that are accessible to meet the needs of the development but also address existing gaps and inequalities.

5.2 Encourage oral health preventative advice at every opportunity when

planning a development, ensuring that oral health is everybody's business, integrating this into the community and including this in the health hubs to encourage and enable residents to invest in their own oral healthcare at every stage of their life.

5.3 Health & Wellbeing Statement

As an Integrated Care System it is our ambition that every one of the one million people living in Suffolk and North East Essex is able to live as healthy a life as possible and has access to the help and treatment that they need in the right place, with good outcomes and experience of the care they receive.

Suffolk and North East Essex Integrated Care System, recognises and supports the role of planning to create healthy, inclusive communities and reduce health inequalities whilst supporting local strategies to improve health, social and cultural wellbeing for all aligned to the guidance in the NPPF section 91.

The way health and care is being delivered is evolving, partly due to advances in digital technology and workforce challenges. Infrastructure changes and funds received as a result of this development may incorporate not only extensions, refurbishments, reconfigurations or new buildings but will also look to address workforce issues, allow for future digital innovations and support initiatives that prevent poor health or improve health and wellbeing.

The NHS Long term plan requires a move to increase investment in the wider health and care system and support reducing health inequalities in the population. This includes investment in primary medical, community health services, the voluntary and community sector and services provided by local authorities so to boost out of hospital care and dissolve the historic divide between primary and community health services. As such, a move to health hubs incorporating health and wellbeing teams delivering a number of primary and secondary care services including mental health professionals, are being developed. The Acute hospitals will be focussing on providing specialist treatments and will need to expand these services to cope with additional growth. Any services which do not need to be delivered in an acute setting will look to be delivered in the community, closer to people's homes.

The health impact assessment (HIA) submitted with the planning application will be used to assess the application. This HIA will be cross-referenced with local health evidence/needs assessments and commissioners/providers own strategies so to ensure that the proposal impacts positively on health and wellbeing whilst any unintended consequences arising are suitably mitigated against.

5.4 The development would give rise to a need for improvements to capacity, in line with emerging STP Estates Strategy; by way of refurbishment, reconfiguration, extension, or potential relocation for the benefit of the patients of Ranworth Surgery & East Lynne Surgery or through other solutions that address capacity and increased demand as outlined in 5.3 - Health & Wellbeing Statement. For this a proportion of the cost would need to be met by the developer.

- 5.5 Table 2 provides the Capital Cost Calculation of additional primary healthcare services arising from the development proposal.

Table 2: Capital Cost calculation of additional primary healthcare services arising from the development proposal

Existing Primary Care Premise	Additional Population Growth (61 dwellings) ⁵	Additional floorspace required to meet growth (m ²) ⁶ <small>MUST BE TO TWO DECIMAL PLACES</small>	Spare Capacity (NIA) ⁷	Capital required to create additional floor space (£) ⁸
East Lynne Medical Centre	70	4.81	-324.01	£17,500
Ranworth Surgery	70	4.81	-423.53	£17,500
Total	140	9.62	-747.54	£35,000

Notes:

5. Calculated using the Tendring District average household size of 2.2 taken from the 2011 Census: Rooms, bedrooms and central heating, local authorities in England and Wales (rounded to the nearest whole number).
6. Based on 120m² per 1750 patients (this is considered the current optimal list size for a single GP within the East DCO). Space requirement aligned to DH guidance within "Health Building Note 11-01: facilities for Primary and Community Care Services"
7. Existing capacity within premises as shown in Table 1
8. Based on standard m² cost multiplier for primary healthcare in the East Anglia Region from the BCIS Public Sector Q1 2020 price & cost Index, adjusted for professional fees, fit out and contingencies budget (£3,872/m²), rounded to nearest £100.

5.6 A developer contribution will be required to mitigate the impacts of this proposal. North East Essex CCG calculates the level of contribution required, in this instance to be £35,000. Payment should be made before the development commences.

5.7 North East Essex CCG therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation.

6.0 Conclusions

6.1 In its capacity as the primary healthcare commissioner, North East Essex CCG has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development.

6.2 The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development.

6.3 Assuming the above is considered in conjunction with the current application process, North East Essex CCG would not wish to raise an objection to the proposed development. Otherwise the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.

6.4 The terms set out above are those that North East Essex CCG deem appropriate having regard to the formulated needs arising from the development.

6.5 North East Essex CCG is satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the NPPF.

6.6 North East Essex CCG look forward to working with the applicant and the Council to satisfactorily address the issues raised in this consultation response and would appreciate acknowledgement of the safe receipt of this letter.

UU Open
Spaces
07.01.2022

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

Recommendation

A contribution is relevant and justified to this planning application, although the application is for retirement properties, the residents will require access to useable open space. Therefore the contribution received would be used to make improvements at the public gardens on Clacton seafront.

Tree &
Landscape
Officer
22.12.2021

The site frontage facing Church Road contains a few specimen trees that soften the appearance of the existing building when viewed from street level. The trees are a Maple, a Sycamore, a Purple Leaved Plum and a Rowan. The grounds contained a few isolated shrubs that add little to the appearance of the site.

In order to show the extent of the constraint that the trees on the land, and adjacent land, are on the development potential of the land the applicant has provided a detailed tree survey and report. This information is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction ' Recommendations.

Although the Sycamore (T1) and the Norway Maple (T6) of the tree report have reasonable amenity value their shape, form and condition are such that they do not merit retention. None of the trees on the application site, or adjacent land, meet the criteria under which they merit formal legal protection by means of a Tending District Council Tree Preservation Order.

The applicant has also submitted a drawing entitled Landscape Strategy that sets out the broad scope of the soft landscaping, including tree planting, that would be carried should the planning application be approved

The development would, if approved result in an increase in the number of trees in the locality and the associated soft landscaping would be likely to bring about an improvement to the appearance of the public realm.

Details of the soft landscaping proposals shown on plan number JBA 21-277 SK02 Landscape Strategy should be secured by a planning condition.

ECC SuDS
Consultee
20.01.2022

Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we wish to issue a holding objection to the granting of planning permission based on:

- Sufficient storage should be provided to ensure no internal flooding as a result of the development during all storm events up to and including the 1 in 30 year storm event and 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. Modelling should be provided for all events up to 1 in 100 plus 40% climate change to evidence this.
- The appropriate level of treatment should be provided for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.

Essex
Police
Designing
out Crime
Office
18.01.2022

Security forms a key part of a sustainable and vibrant development and Essex Police considers that it is important that this site is designed incorporating the maximum achievable benefit of crime prevention through environmental design for which Secured By Design (SBD) is the preferred enabler, in this case Secured by Design - Homes.

SBD is the national official police security initiative that works to improve the security of building and their immediate surroundings to provide a safe and secure environment to help reduce the opportunities for crime and minimise the fear of crime, as referenced in the NPPF, 'Promoting Healthy and Safe Communities'.

Whilst there are no apparent concerns with the layout of this site, Essex Police recommend that the developer seeks to achieve the Secured by Design - Homes accreditation in respect of all relevant aspects of this proposed development, Achieving the award will demonstrate to residents that their security has been considered and incorporated "by design" to the current approved, and therefore proven effective, standard.

We would welcome the opportunity to consult with the developer to provide a safe and secure environment for this development and would invite them to contact us via designingoutcrime@essex.police.uk.

5. Representations

5.1 Four third-party representation were received. Objection raised therein on material planning grounds may be summarised as follows:

- Overlooking, loss of light and privacy (Nos. 3 and 7 Thoroughgood Road) – the proposal will extend out further than the existing building.
- Lack of parking for future residents and staff – parking would overspill – there should be at least one space per flat/less units.
- Original walling in the conservation area should be retained.
- Concern over demolition and construction management, and working hours/days.
- A colony of pigeons would be displaced.

5.2 Pier Ward Councillor Paul Honeywood has expressed concerns over the highways impact and the effect of the development on the living conditions of existing residents.

6. Assessment

Background

6.1 Framework Paragraph 39 states that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.

6.2 A pre-application enquiry was submitted to the Council in March of 2021 and two meetings with officers were held. At the first meeting informal officer advice given [on initial proposals which differ from the formal application] can be summarised as follows:

- The proposal was acceptable in principle.
- Massing and scale were considered to be too great.

- The proposal would be harmful to the Conservation Area and setting of nearby Listed Buildings – the proposals would need to be informed by a Heritage Assessment.
 - The design was inappropriate.
 - While the County Council charge separately for pre-application advice, parking provision was very light. Separate consultation with ECC Highways was recommended.
 - It was agreed to be a use falling within the C3 Use Class, and so Local Plan affordable housing policy requirements would apply.
 - Contributions under the RAMS SPD would be required.
- 6.3 Following the first meeting it was agreed that a further meeting would be beneficial, to include ECC Heritage. At this second meeting officer concerns were echoed and detailed conservation advice was given. This included that; balconies should be removed from the Harold Road/Church Road elevations; the building should be set back from Church Road with usable amenity space provided to the front, and; reference to older buildings in the conservation area should be made. Because the pre-application advice service allows for up to three meetings, it was recommended that revised plans be submitted for further consideration and a further meeting was offered. Notwithstanding this offer, a further pre-application meeting was not pursued and the current application [which is materially different from the pre-application scheme] was submitted.
- 6.4 During the course of considering the application, as set out in full under consultations above, objections were received from ECC as Local Highway Authority, ECC Place Services Heritage, and ECC as Lead local Flood Authority. Concerns were also expressed by ECC Urban Design. These were raised with the applicant. Because the application is accompanied by a viability report, details were also supplied of the Council's approach to independent viability appraisal and an undertaking to pay the Council's reasonable costs was required and sought.
- 6.5 In March of this year the Council received revised plans and further drainage information, followed shortly after by notification in accordance with the Rosewell Review, confirming that a non-determination appeal was to be submitted requesting the Inquiry procedure in order to protect the applicant's contractual position with the purchase of the site. An extension of time request to consider the revised/additional information and report the matter to the Committee was not responded to, and no undertaking to pay the Council's reasonable costs in seeking an independent appraisal was received. The revised plans have not been accepted and the scheme before Members is as submitted.

Site Context

- 6.6 The application site is located on Church Street within Clacton-on-Sea Conservation Area (the Conservation Area) and extends between Harold Road and Thoroughgood Road on either side. The site has road frontages to all three streets. The existing building is of part four storey, part two storey construction, with a single storey rear offshoot. The former college building is externally clad in beige brick, with some cladding, and roofed in grey profiled-metal sheeting. To the east of the site is the Grade II Listed Grand Hotel. To the north, south and west are a mixture of dwellings and a number of flatted developments. To the southwest of the site at the end of Church road is the Grade II Listed Our Lady of Light and Saint Osyth Church, and its Grade II Listed Lychgate.

Proposal

- 6.7 Full planning permission is sought for the construction of 61 apartments (41 one bed and 17 two bed) for occupancy by those over sixty and cohabitating partner over fifty-five, including communal facilities, car parking and landscaping. The site measures 0.25 hectares and the proposed building would be of four storey construction with two, three storey projecting bays to the front and a three storey rear projection, together with an attached single storey refuse store. Lifts to all floors would be accommodated. The ground floor would include an owners lounge,

coffee bar, reception and office. Storage facilities for mobility scooters would be provided, together with 20 car parking spaces (from the submitted block plan) notwithstanding the description of the proposal above. Vehicular access to the site would be from Thoroughgood Road. Materials proposed include red and white brick, red, brown and dark grey roof tiles, and reconstituted stone in yellow and mid-grey bands, heads and cills.

6.8 The application is supported by the following:

- Full plans and elevations
- Statement of Community Involvement
- Planning Statement
- Design and Access Statement
- Heritage Assessment
- Ecological Assessment
- Flood Risk and Drainage Technical Note
- Affordable Housing and Viability Report
- Design Character Board
- Landscape Strategy
- Arboricultural Assessment
- Tree Protection Plan (for retained trees)

Principle of Development

6.9 The proposal is located in an edge of centre location within the Settlement Development Boundary (SDB) of Clacton-on-Sea which is a Strategic Urban Settlement at the top of the Settlement Hierarchy. Under Policy SPL2 within SDBs there is a general presumption in favour of new development. The proposal is therefore in accordance with the spatial strategy established under Section 1 Policy SP3 and Section 2 Policies SPL1 and SPL2, and is acceptable in principle.

Housing Provision

6.10 Section 1 Policy SP4 Meeting Housing Needs sets out the District's minimum housing requirement. From the above Status of the Local Plan Section the Council has a comfortable 5-year supply of housing land and the titled balance does not apply to proposal for new housing. Notwithstanding the Council's strong housing land supply position, the proposal would deliver an efficient re-use of the site in a sustainable location and bring a benefit in the context of Framework Paragraph 60, which sets out the Government's objective of significantly boosting the supply of homes.

6.11 The proposal is for age-restricted general market housing. Notwithstanding the proposed age restriction on leases, the applicant states that the average age of purchasers is 78 years old, with the average age of all occupiers being late 80s. Amongst other things, Section 2 Policy LP2 Housing Choice states that the Council will support the development of residential accommodation aimed at meeting the future needs of older residents. The supporting information with the application highlights the need for under occupation among the elderly to be addressed, downsizing being key to tackling the national housing crisis, and the need for an increased supply in retirement housing.

6.12 Guidance on housing for older and disabled people set out within the PPG includes Paragraph: 001 Reference ID: 63-001-20190626, which states:

"The need to provide housing for older people is critical. People are living longer lives and the proportion of older people in the population is increasing. In mid-2016 there were 1.6 million people aged 85 and over; by mid-2041 this is projected to double to 3.2 million. Offering older

people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems. Therefore, an understanding of how the ageing population affects housing needs is something to be considered from the early stages of plan-making through to decision-taking.”

- 6.13 PPG Paragraph: 016 Reference ID: 63-016-20190626 states that in assessing planning applications for specialist housing for older people:

“Decision makers should consider the location and viability of a development when assessing planning applications for specialist housing for older people. Local planning authorities can encourage the development of more affordable models and make use of products like shared ownership. Where there is an identified unmet need for specialist housing, local authorities should take a positive approach to schemes that propose to address this need.”

- 6.14 Framework Paragraph 69 acknowledges that small and medium sized sites can make an important contribution to meeting housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should support the development of windfall sites through their policies and decisions, giving great weight to the benefits of using suitable sites within existing settlements for homes.
- 6.15 For the above local and national planning policy reasons, officers would advise that the provision of age-restricted housing on a windfall site of this size should therefore be afforded great weight.

Regeneration

- 6.16 The site is located within the Clacton Town Centre and Seafront Priority Area for Regeneration, as identified on the Proposals Map under Policy PP14. This policy states that the area will be a focus for investment in social, economic and physical infrastructure and initiatives to improve vitality, environmental quality, social inclusion, economic prospects, education, health, community safety, accessibility and green infrastructure. The existing building is vacant and in rapidly deteriorating condition, attracting incidents of anti-social behaviour. In its current condition the site detracts from the environmental quality of the locality and poses a potential risk to community safety.
- 6.17 The proposal would bring about the comprehensive re-development of the site which would contribute, in part, to addressing the above policy objectives. As Paragraph 120 c) of the Framework includes, planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs. Paragraph 124 d) states that planning policies and decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change. The spending of local occupants in the town centre and these positive regeneration aspects of the proposal ought to be given very considerable weight.

Character and Appearance

- 6.18 Paragraph 126 of the Framework states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.19 Policy LP4 criterion h) requires that development delivers new dwellings that are designed to high standards of architecture, which respect local character and which together with a well-

considered site layout, create a unique sense of place, whereas criterion k) requires compliance with all other requirements of the Local Plan.

- 6.20 The first bullet of Policy SP7 states that new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Policy SPL3 Part B criterion c) states that development must respect or enhance local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features.
- 6.21 Having regard to the existing 1970's building it is of little architectural merit, and in its current deteriorating condition detracts significantly from the character and appearance of the area. The proposal is for a replacement building of a similar form and scale to other four storey developments in the local area, and takes its cues from the established architecture. The proposal would follow the established building line and create active frontages onto surrounding roads. Notwithstanding the above comments from ECC Urban design, the most appropriate entrance would be from the car park. The proposal would represent a significant visual enhancement in pure character and appearance terms, and there would be no undue policy conflict. Having regard to the building that it would replace, the proposal would be sufficiently attractive to comply the requirements of the Framework.

Heritage

- 6.22 The site is located within the Clacton Seafront Conservation Area, within the setting of a number of listed buildings. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of "preserving or enhancing the character or appearance" of the Conservation Area. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), special regard must be paid to the desirability of preserving listed buildings potentially affected by the proposals, or their settings or any features of special architectural or historic interest which they may possess. Following Paragraph 193 of the Framework, great weight should be given to the conservation of these heritage assets.
- 6.23 Policy PPL8 states that new development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area, especially in terms of:
- a. scale and design, particularly in relation to neighbouring buildings and spaces;*
 - b. materials and finishes, including boundary treatments appropriate to the context;*
 - c. hard and soft landscaping;*
 - d. the importance of spaces and trees to the character or appearance; and*
 - e. any important views into, out of, or within the Conservation Area.*
- 6.24 Policy PPL9 states that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric. Where a proposal will cause harm to a listed building, the relevant paragraphs of the Framework should be applied dependent on the level of harm caused.
- 6.25 Policy PP14 states that the Council will seek to preserve or enhance the heritage assets of Priority Regeneration Areas, including the at risk conservation areas (which includes Clacton Seafront).
- 6.26 Framework Paragraph 197 states that in determining applications, local planning authorities should take account of:

- a) *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) *the desirability of new development making a positive contribution to local character and distinctiveness.*

6.27 Historic England has stated that they do not wish to comment on the application. ECC Heritage have expressed concerns over the massing and scale of the proposal which they consider to be inappropriate to its context - although there is existing height to the building to be demolished, this does not extend across the full site, and the building would be incongruous with dwellings opposite the site. Furthermore, ECC Heritage object to the design because the external elevations are largely flush, and they consider the proposal represents a '*poor pastiche of the quality architecture in the Conservation Area*'. The conclusion is drawn that the proposal fails to preserve or enhance the character and appearance of the conservation area. No concern is raised in relation to the setting of Listed Buildings in the area, although comment is made with regard to the setting of non-designated heritage assets (dwellings on the opposite side of Church Road). However, the response concludes that should the application be approved, conditions are recommended to require samples of all external materials, sample boards with pointing (stipulating that there shall be an appropriate brick bond (not stretcher bond)). Conditions are also recommended to require details of windows and doors which should not be UPVC.

6.28 The existing gross internal floor space (GIA) is stated as being 3053 sq.m² against a proposed GIA of 4472 sq.m², with a resultant net increase of 1419 sq.m². As ECC Heritage observe, this is due to the larger spread of the proposed building and its envelope across the site. Having given special attention to the conservation of the conservation area, it is considered that the effect would not be significant, resulting in less than substantial harm. There would be no direct harm from the increased mass and spread of the proposed building to the significance of the Grade II Listed Grand Hotel, the Grade II Listed Our Lady of Light and Saint Osyth Church, or its Grade II Listed Lychgate. Moreover, there would be benefits that would flow from the removal of the existing building which currently detracts from the character and appearance of the area and the setting in which the above heritage assets are enjoyed. While the spread of the building across the site and its overall mass would be increased, its main ridge height would be lower than that of the existing college building. For these reasons, the change to the Conservation Area would be moderate on the 'less than substantial scale'. Nevertheless, great weight should be given to both the conservation of the conservation area and the less-than substantial harm identified by ECC Heritage.

6.29 As set out at Paragraph 7.7.8 of the Section 2 Local Plan, the Council's Local List has yet to be published. ECC Heritage consider there to be a number of non-designated heritage assets affected by the proposal – dwellings opposite the site. However, even accepting that there is the potential to affect non-designated heritage assets, their setting is already heavily compromised by the existing building, which would be removed and replaced with a building that were more sympathetic to its surroundings. It is not considered that the proposal would result in harm to their setting simply by virtue of its increased massing and scale.

6.30 Following the Council's expert heritage consultee comments, the proposal would result in less than substantial harm to the conservation area, by virtue of its larger spread across the site, and due to concerns over the pastiche design. As such, there would be a degree of conflict with Policy PPL8 a) and the conservation objectives of Policy PP14. Under the above statutory duty and following Paragraph 199 of the Framework, great weight should be given to the asset's conservation, irrespective of whether any harm amounts to less than substantial harm.

6.31 Paragraph 202 of the Framework includes that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Consideration of this is returned to under Heritage Balance and Planning Balance below.

Highway Safety/Parking

6.32 Paragraph 104 of the Framework states that transport issues should be considered from the earliest stages of development proposals, amongst other things, so that: a) the potential impacts of development on transport networks can be addressed; c) opportunities to promote walking, cycling and public transport use are identified and pursued, and e) parking and other transportation considerations are integral to the design of scheme. Paragraph 110 states that it should be ensured that appropriate opportunities to promote sustainable transport modes can be, or have been taken up. Also, that safe and suitable access to the site can be achieved for all users and that the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance.

6.33 Paragraph 105 states that the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

6.34 Paragraph 111 of the Framework makes clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network would be severe.

6.35 Within this context, Paragraph 112 states that applications for development should:

a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

6.36 National planning policy is reflected in Section 2 Policy CP2 Improving the Transport Network, which states that proposals will not be granted planning permission if there would be an unacceptable impact on highway safety, or if the residual cumulative impact on the road network would be severe. Amongst other things, Policy SPL3 requires that access to the site is practicable and the highway network will, following any required mitigation, be able to safely accommodate the additional traffic the proposal will generate and not lead to severe traffic

impact. The design and layout of the development should maintain and/or provide safe and convenient access for people with mobility impairments. Adequate vehicle and cycle parking should be provided. The ninth bullet of Policy SP7 requires all new development includes parking facilities that are well integrated as part of the overall design.

- 6.37 The parking concerns of representations received are fully acknowledged. Similar accommodation in the area with low levels of parking provision is said to result in visiting care workers, who may visit multiple times a day, being unable to park close by, and this can restrict the time they have allocated per visit to spend with those in need of their care while they walk to the site. ECC as Local Highway Authority (the highway authority) object due to a shortfall in parking provision, because of concern over parking space sizes and circulatory space, and in the absence of parking facilities for cycles/powerd two-wheeler parking.
- 6.38 The proposal is for 61 apartments, 17 of which would be two bed, the remaining being one bed units. Although the application form states that there are currently no parking spaces, there would appear to be approximately 7 to the rear of the existing building. From submitted drawing no. 40039CL-PA02, the proposal incorporates 20 spaces, which would equate to approximately 0.33 spaces per apartment (rounded up). This would well below the Parking SPD requirement of one space per dwelling - the resultant shortfall in provision would be 41 spaces.
- 6.39 However, the site is located within a sustainable location close to the centre of Clacton where the development would be well placed to be served by public transport infrastructure. The site was formerly in use as a college campus building, and that of itself would generate a significant number of vehicular movements associated with the comings and goings of staff, students, servicing and deliveries. Furthermore, in view of its location and the type of age restricted accommodation proposed, it is unlikely that all future occupants would have a car. There is on street parking available in the locality, and the North Essex Parking Partnership confirm that there are significant amounts of 24 hour limited waiting spaces along the sea-front, that summer parking is well catered for, and that there is no recorded pressure for residents parking permits in the area. The use of conditions could require a revised parking layout to address circulatory and pedestrian access concerns, and the provision of safe and secure storage for cycles. The proposal already incorporates covered mobility scooter parking for people with mobility impairments.
- 6.40 Therefore, notwithstanding the technical conflict with the Parking SPD and thereby Policies DM1 and DM8 of the Highways SPD, bringing all these factors together in terms of use and location there is a careful judgement to be made on what is a reasonable level of parking. On balance, it is not considered that the proposal would create unacceptable highway safety impacts or residual cumulative impacts on the highway network that would be severe, even during the peak holiday season months. As such, in accordance with Policy CP2 and Framework Paragraph 111, officers would advise that a putative reason for refusal on highway grounds would be unlikely to succeed at appeal.

Landscaping

- 6.41 The first bullet of Policy SP7 states that new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Policy SPL3 Part B criterion c) states that development must respect or enhance local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features. Amongst other things, criterion d) of Part B requires that the design and layout of development maintains or enhances important existing site features of landscape value.
- 6.42 ECC Urban Design have commented that there is a missed opportunity to enhance the quality of external spaces by providing a carefully landscape strategy. However, the proposal is accompanied by a Landscape Strategy Masterplan. The Council's landscape officer has

considered this and in summary comments, while a Sycamore and Norway Maple on the site have reasonable amenity value, their shape form and condition are such that they do not merit retention. Furthermore, that none of the trees on the application site meet the criteria for formal protection by means of a Tree Preservation Order. If approved, the landscape officer concludes that there would be an increase in the number of trees in the locality and the associated soft landscaping would be like to bring about an improvement to the appearance of the public realm.

6.43 Subject to the conditions, the proposal would not conflict with the above policy requirements.

Living Conditions

6.44 The final bullet of Policy SP7 requires that all new development protects the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking. Policy SPL3, Part B criterion e), requires that buildings and structures are designed and orientated to ensure adequate daylight, outlook and privacy for future and existing residents. Part B, criterion f), necessitates provision is made for adequate private amenity space. Part C, criterion a), requires that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

6.45 Amongst other things, Framework Paragraph 119 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

6.46 Paragraph 174 provides that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality.

6.47 Paragraph 130 f) includes that planning decisions should ensure that developments create places that are safe, inclusive and accessible, and which promote health and well-being with a high standard of amenity for existing and future users.

6.48 Objection has been received from neighbouring residents. The objection is considered to be based on the spread of the proposed building that would extend further across the site, giving rise to concerns of overlooking, loss of privacy, and loss of light. In considering these concerns, it is agreed that a degree of overlooking may result from a distance and the nature of users of the site for education looking out is different from the proposed residential use. However, the ridge height of the main body of the building would be lower than the 4 storey element of the existing college building. It is not therefore considered that the proposal would give rise to any unacceptable significant loss of privacy, daylight or sunlight for existing occupants.

RAMS and Biodiversity

6.49 Local Plan Policy PPL4 requires that sites designated for their international, European and national importance to nature conservation will be protected from development likely to have an adverse effect on their integrity. The policy states that as a minimum there should be no significant impacts upon any protected species.

6.50 The site is situated within the Zone of Influence of internationally important sites for biodiversity covered by the Essex Coast RAMS SPD, which requires a financial contribution to fund mitigation measures. In order to mitigate the effect of the proposal on these designated sites and comply with the Conservation of Habitats and Species Regulations 2017, in accordance with Policies SP2, PPL4 and the RAMS SPD a per-unit financial contribution would be necessary.

- 6.51 Policy SPL3, Part A criterion d), requires that the design and layout of development maintains or enhances site features, including ecological value. The preamble to Policy PPL4 states that where a development might harm biodiversity an ecological appraisal will be required to be undertaken, and the potential for harm should be considered and addressed in any application.
- 6.52 Paragraph 174 d) of the Framework requires that planning decision should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Paragraph 180 d) states that opportunities to improve biodiversity in and around developments should be integrated as part of their design.
- 6.53 The application is supported by the requisite Ecological Assessment. The assessment concludes that no ecological features that would affect the principle of development have been identified, and that no adverse impacts to any statutory or non-statutory sites or species are anticipated. In order to deliver a net gain in biodiversity, the proposal incorporates landscape planting to benefit wildlife and the provision of bird and bat boxes. As the landscape officer comments, there would be a net increase.
- 6.54 Subject to a conditional requirement for precise details and implementation, there would be no harm to protected species of their habitat, a net gain in biodiversity at the site, and no conflict with the above biodiversity policies.
- 6.55 The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). This protection would, in part, address third-party concern about displacement of pigeons. It would not however be reasonable to seek to control where the local pigeon population might roost during construction works, as this would fail the legal tests for the use of conditions.

Drainage and Flood Risk

- 6.56 Policy PPL1 states that all development proposals should include appropriate measures to respond to the risk of flooding on and/or off site and that on sites of 1ha or more, development proposals must be accompanied by a Flood Risk Assessment. Furthermore, all major development proposals should consider the potential for new Blue and Green Infrastructure to help mitigate potential flood risk and include such Green Infrastructure, where appropriate.
- 6.57 Policy PPL5 requires that all new development must make adequate provision for drainage and sewage treatment and should include sustainable drainage systems (SuDS). Applicants should explain and justify the reasons for not using SuDS if not included in their proposals. Furthermore, proposals for development must demonstrate that adequate provision exists for sewage disposal. Policy SPL3, Part B criterion g), requires that development reduces flood risk and integrates sustainable drainage within development, creating amenity and enhancing biodiversity.
- 6.58 Paragraph 167 of the Framework provides that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.
- 6.59 The proposal is located within Flood Zone 1 and is not known to be susceptible to flooding. The submitted Flood Risk and Drainage Technical Note concludes that the development will be safe from flooding throughout its lifetime, and that it will actively reduce the flood risk to properties within the downstream catchment. The proposal would make use of on-site attenuation (existing ground conditions precluding soakaways). All drainage would be designed in accordance with the Building Regulations and the Construction Industry Research and Information Association (CIRIA) SuDS Manual C753, and would become the responsibility of the building operator. Beyond the 100-year critical storm, exceedance runoff would be directed towards any residual areas of open space and/or car parking, where any above ground storage could be utilised.

- 6.60 There is a technical objection from ECC as Lead Local Flood Authority who were required to be consulted. In summary, the objection is based on the need to demonstrate sufficient storage to ensure no internal flooding and 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. Modelling should be provided to evidence this, and the appropriate level of treatment should be provided for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753. Best practice guidance is offered.
- 6.61 The applicant has responded with further information. However, because an extension of time was not agreed and an appeal lodged instead this additional information has not been considered formally. Nevertheless, officers consider that given the information available a planning condition is reasonable to require a revised SuDS scheme that would be capable of addressing the objection, in order to comply with the above policies.

Education

- 6.62 The proposal would result in the loss of a former educational facility. Policy PP12 Improving Education and Skill states that Proposals involving the redevelopment of educational facilities will be considered against Policy H2 Community Facilities. This policy in turn states that the loss of existing community or cultural facilities will be resisted, unless replacement facilities are provided which meet the needs of the local population, or necessary services can be delivered from other facilities without leading to or increasing any shortfall in provision. Or, alternatively, if it has been demonstrated that there is no longer a community need for the facility or demand for another community use on site.
- 6.63 The submitted planning statement states that the College undertook a review of all the institute's facilities to assess their requirements and whether they were required for the future of the institution. Through this site review it was concluded that site was out of date in the facilities it could provide to the college and was no longer fit for purpose. All the activity that took place at the site could be accommodated within the other campus's more adequately. The application building was therefore released and sold by Colchester Institute in March 2021, having been marketed since autumn 2020. No evidence of this marketing exercise was submitted with the application.
- 6.64 However, the applicant states that in terms of the other campus sites the Colchester campus is the largest of the Colchester Institutes sites, and boasts a wide range of refectories, a brand new fitness gym, a sports hall, a library and Learning Resources Centre, and a large number of classrooms with interactive presentational facilities. The campus benefitted from a multi-million pound re-development in 2009, focussing mainly on Music and Performing Arts, Engineering, and Construction. In September 2012 the new Higher Education Centre for degree students was opened and this later became the University Centre Colchester building. They also state that the Braintree Campus is Colchester Institute's second largest campus which has been comprehensively redeveloped in the past three years, with all buildings and learning spaces and workshops, studios and classrooms appointed to the very highest standards.
- 6.65 Because of this the application states that the Clacton-on-Sea site became surplus to requirements. The building as an educational facility was no longer required and was therefore sold. The appellant states that it is clear from the above that there was no longer a need for the Clacton site and therefore the development complies with the above Local Plan requirements.
- 6.66 While the application was not supported by evidence of marketing for alternative education or community use, it is not an unreasonable conclusion to draw that the existing dated building is not fit for modern educational purposes. It has been demonstrated that the necessary education services can be delivered from other facilities, without leading to, or increasing, any shortfall in provision. Furthermore, in view of its scale and the investment that would be required, it would be unrealistic to expect a community use to come forward. Therefore, notwithstanding the

absence of any evidence of marketing, it is not considered it would have been reasonable to have refused planning permission for this policy reason. Being for occupation by older people, it is not considered that the proposal would be likely to increase demands for education infrastructure in the locality.

Healthcare Provision

- 6.67 Section 2 Local Plan Policy DI1 Infrastructure Delivery and Impact Mitigation requires that all new development should be supported by and have access to the necessary infrastructure. The Glossary defines this as including healthcare provision, and, where a development proposal requires additional infrastructure capacity, Policy DI1 requires financial contributions towards new or expanded facilities and the maintenance thereof.
- 6.68 Policy HP1 Improving Health and Wellbeing states that the Council will work to improve the health and wellbeing of residents in Tendring by working in partnership with the NHS and Public Health England (PHE), to ensure residents can access high quality primary and secondary health care services. The submission of a Health Impact Assessment (HIA) is required for all development sites delivering 50 or more dwellings (Policy HP 1 (e)). The policy states that this should be carried out in accordance with the advice and best practice published by PHE. Policy HP1 (f) requires mitigation towards new or enhanced health facilities from developers where new housing would result in a shortfall or worsening of health provision.
- 6.69 In responding to consultation, NHS East Essex Care Commissioning Group (NEECCG) comment that the proposed development is likely to have an impact on the services of 4 GP practices, including 2 branch surgeries operating within the vicinity of the application site. These GP practices and branch surgeries do not have capacity for the additional growth resulting from this development. The proposed development would be likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area, and specifically within the health catchment of the development. NEECCG expects these impacts to be fully mitigated.
- 6.70 While the planning application does not appear to include a HIA or propose any mitigation of the healthcare impacts arising from the development, NEECCG have prepared a HIA to provide the basis for a developer contribution towards capital funding to increase capacity within the GP Catchment Area. NEECCG's assessment of the development's impact on existing healthcare provision is that existing GP practices do not have the capacity to accommodate the additional growth resulting from the proposed development. The development would give rise to a need for improvements to capacity, by way of refurbishment, reconfiguration, extension, or potential relocation for the benefit of the patients of Ranworth Surgery and East Lynne Surgery, or through other solutions that address capacity and increased demand. For this a proportion of the cost would need to be met by the developer. NEECCG calculate that a contribution of £35,000 would be required, prior to the commencement of development, in the form of a planning obligation. Subject to such an obligation to meet the healthcare infrastructure needs of the development, NEECCG would not wish to raise an objection to the proposed development.
- 6.71 Subject to a financial contribution towards healthcare provision the proposal would accord with the requirements of Policies HP1 and DI1 in this regard. Such a contribution would be necessary to make the development acceptable in planning terms, it would be directly related to the development, and it would be fairly and reasonably related in scale and kind – it would therefore pass the CIL tests for obligations as set out at Framework Paragraph 56.

Renewable Energy/Energy Conservation

- 6.72 The Council has declared a climate emergency and in order to contribute towards addressing climate change, Section 2 Policies PPL10 and SPL3 require development proposals consider renewable energy generation and energy conservation measures. For residential development

proposals involving the creation of one or more dwellings, Policy PPL10 expects detailed planning applications to be accompanied by a 'Renewable Energy Generation Plan' (REGP) setting out the measures that will be incorporated into the design, layout, and construction, aimed at maximising energy efficiency and the use of renewable energy. Measures such as solar photovoltaics and electric car charging facilities should be considered.

- 6.73 Because it was submitted prior to the adoption of the Section 2 Local Plan, the application is not accompanied by a REGP. However, the proposal incorporates solar panels on the roof (on an internal roof slope) and the proposal incorporates low energy lighting that would be sensor operated. Subject to conditions to require precise details and implementation of the solar panel array, the proposal would comply with the above policies. It is understood that the Requirements of Approved Document S of the Building Regulations, which took effect on 15 June 2022, now require the provision of infrastructure for the charging of electric vehicles (Requirement S1) as part of the development, and so a condition in this regard unnecessary.

Open Space

- 6.74 Policy HP1 g) requires that for proposals of 50 or more dwellings the Council will work to improve health and wellbeing by ensuring increased contact with nature and access to the District's open spaces, and offering opportunities for physical activities through the Haven Gateway Green Infrastructure and Open Space Strategies. Accessible open spaces that reflect current and future needs of present and future generations is a strand of the overarching social objective of the Framework.
- 6.75 Policy HP5 requires that for proposals of more than 11 dwellings or on sites greater than 1.5ha 10% open space is provided on site. This policy also states that If new development would be better served by existing or proposed open spaces within an accessible distance (having regard to the standards set out in the Open Spaces Strategy or any future update), a financial contribution in lieu of on-site provision may be sought through a s106 legal agreement, or an appropriate alternative mechanism towards any necessary improvement or expansion of existing, or the delivery of new, open spaces and/or sports facilities.
- 6.76 The submitted Landscape Strategy Masterplan details a south-facing rear outdoor seating area and green space to the edge of the site along the surrounding street frontages, together with patio areas to serve ground floor units. These areas are likely to offer a reasonable degree of outdoor amenity space for future occupants to be able to enjoy fresh air, daylight and sunlight, albeit that they are somewhat limited in extent.
- 6.77 The Council's Open Space consultee has identified a deficit of 41.08 hectares of Play and Open Space in the Clacton/Holland area, which is significant. Although the proposal is not for family accommodation, it is considered likely that future occupants may wish to use the public gardens on Clacton seafront in view of their accessibility within walking/mobility scooter distance. While somewhat dated, the Council's Open Space and Play SPD provides a useful guide to the likely level of contributions. Contributions towards maintaining and improving the seafront gardens would be directly related to the development, fairly and reasonably related in scale and kind, and would be required to make the development acceptable in accordance with Policy HP5 and the infrastructure delivery requirements of Policy D11.
- 6.78 Policy HP5 also states that where residential developments have the potential to give rise to adverse impacts on internationally important habitat sites (Ramsar, SPA and SAC) through increased recreational disturbance, the Council may require, as part of any mitigation programme, the provision of larger areas of high quality natural and semi-natural open space to absorb day-to-day recreational activities such as routine dog walking to reduce the frequency of visits made to nearby designated sites. In order to serve this function, such an open space must be of a suitable size and include circular walks of sufficient length for daily dog walking, dogs-

off-lead areas and waste bins. However, in view of the urban location of the development it is not considered to be reasonable or necessary to require such provision.

Affordable Housing Viability Matters

- 6.79 Framework Paragraph 34 (Development Contributions) states that plans should set out the contributions expected from development, including setting out the levels and types of affordable housing provision required. The Section 2 Local Plan has recently been found sound and was adopted with a 30% affordable housing policy requirement under Policy LP5 for proposals involving the creation of 11 or more homes.
- 6.80 Framework Paragraph 58 states, amongst other things, that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage.
- 6.81 The application is accompanied by a viability report, which attests that the profit level as a percentage of gross development value cannot stand to deliver affordable housing policy requirements. As Framework Paragraph 58 goes on to state, the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.
- 6.82 Notwithstanding the failure to provide an undertaking to pay the Council's reasonable costs in commissioning an appraisal of the viability report, it is to be the subject of an independent appraisal in order to present the Council's case at the inquiry. The recommendation is therefore subject to this provision in order to comply with the above policies.

Other Matters

- 6.83 There would be economic benefits during construction. However, these would be temporary and therefore attract little weight. Because the proposal is for independent living accommodation, employment benefits arising directly from the proposal would similarly be limited and therefore also attract little weight. Concern over retention of any historic walling raised by a third-party is a matter that would be capable of being address by way of a planning condition, to require precise details prior to the commencement of development.

Conditions

- 6.84 Recommended conditions should be provided for the appeal. A time limit for commencement and plans list conditions are necessary. Over and above those already referred to in the above report, conditions are recommended in accordance with consultee comments. In addition, it would be reasonable and necessary to require submission of a demolition and construction management plan, in the interests of highway safety and local amenity and having considered representations. Working and delivery hours should be restricted. A condition to require prior approval of an external lighting scheme is necessary and finished levels should be agreed. Because the benefits of the proposal have been considered on the basis of age restricted accommodation, a condition should restrict occupancy to the age-restricted accommodation applied for. In order to ensure that the site is free from contamination and suitable for the proposed use conditions should require the assessment of potential contamination, remediation and verification. They should also require the reporting and remediation of any unexpected contamination found. Details of all railings and boundary treatment should be required, together with rainwater goods, in order to protect the character and appearance of the conservation area.

Heritage Balance

- 6.85 Less than substantial harm to the conservation area has been identified by ECC Heritage. In accordance with the duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, special attention must be paid to the desirability of “preserving or enhancing the character or appearance” of the Conservation Area. Under Framework Paragraph 199, great weight must be given to the identified harm. The Council must therefore consider whether the harm is outweighed by the public benefits of the scheme in accordance with Framework Paragraph 202.
- 6.86 In terms of public benefits, officers have identified significant benefits in terms of reusing a brownfield windfall site in the delivery of housing for older people, together with significant benefits in terms of regeneration. These public benefits of the scheme are considered to clearly outweigh the less than substantial harm identified to the conservation area.

Planning Balance

- 6.87 As set out within Framework Paragraph 47, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan unless material planning considerations indicate otherwise. The starting point for considering the application is therefore the development plan.
- 6.88 For the foregoing reasons, it is recommended that great weight must be given to the conservation of the conservation area, the less-than substantial harm identified and the consequent conflict with the development plan. Harm set out above is given limited weight, in terms of the effect of the proposal on the living conditions of neighbours, consequent conflict with the development plan, and the technical conflict with the Parking SPD.
- 6.89 Subject to conditions and an obligation in accordance with Policies SP2, PPL4 and the RAMS SPD, the proposal would not harm sites of international importance for biodiversity conservation or protected species. Subject to an obligation in accordance with Policies HP1, HP5 and DI1, it would also deliver the required open space and healthcare infrastructure requirements. Subject to viability appraisal, the proposal would not conflict with affordable housing policy requirements. The development would not be at risk from or result in problems of flooding, and energy conservation and renewable energy generation policy requirements would be met. These are all ordinary development plan policy requirements and are therefore neutral factors in the planning balance. Because the economic benefits during construction would be temporary and employment benefits would be limited, limited weight should be given to these considerations.
- 6.90 Against the identified harms, great weight should be given to the provision of housing for older people on a medium sized windfall site, substantial weight should be given to the value of reusing a suitable brownfield site for the provision of homes, and very considerable weight should be given to the regeneration benefits. There is strong support for these considerations in the development plan and the Framework. Taken as a whole, in principle, the proposal would comply with the development plan and national policy.
- 6.91 Nevertheless, the identified harms would bring the proposal into conflict with policies aimed at protecting heritage assets and the living conditions of neighbours. It would also result in a technical conflict with the parking SPD. However, officers conclude that the combined weight that should be given to the public benefits of the scheme outweighs the harm and that the planning balance falls in favour of the proposal.

7 Conclusion

- 7.1 For the above reasons, had members had the opportunity to determine the application, officers would therefore have recommended approval subject to the necessary obligations and conditions set out below.

8 Recommendation

- 8.1 That the Committee resolve that they would have approved the application, and agree the following as part of the Council's case (subject to independent viability appraisal):

Completion of a section 106 legal agreement to address the following:

CATEGORY	TERMS
Affordable Housing Contribution	Subject to viability appraisal.
NHS contribution	£35,000 – prior to commencement.
Education contribution	NA
Financial contribution towards RAMS.	In accordance with the RAMS SPD
Open Space	In accordance with the guidance provided by the Open Space SPD

8.2 Conditions and Reasons

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. Unless otherwise required by condition below, the development hereby permitted shall be carried out in strict accordance with the following approved plans and documents:

Drawing No: 40039CL-PA01 Location Plan
Drawing No: 40039CL-PA02 Site Plan
Drawing No: 40039CL-PA03 Ground Floor Plan
Drawing No: 40039CL-PA04 First Floor Plan
Drawing No: 40039CL-PA05 Second Floor Plan
Drawing No: 40039CL-PA06 Third Floor Plan
Drawing No: 40039CL-PA07 Roof Plan
Drawing No: 40039CL-PA08 Elevation Sheet 1
Drawing No: 40039CL-PA09 Elevation Sheet 2
Drawing No: 21140-4 Tree Protection Plan
Drawing No: JBA 21-277 SK02 Landscape Strategy
Flood Risk and Drainage Technical Note

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

3. No development shall commence until a demolition and construction management plan has been submitted to, and approved in writing by, the Local Planning Authority. The Plan shall include details of:

1. A programme of demolition and construction works;
2. Methods and phasing for demolition and construction works;
3. Locations of temporary site buildings, compounds, construction material and plant storage areas;
4. Parking of vehicles of site operatives and visitors;
5. Loading and unloading of plant and materials;
6. Demolition and construction traffic management;
7. Wheel washing facilities;
8. Measures to control the emission of dust and dirt during construction; and

9. A scheme for recycling/disposing of waste resulting from demolition and construction works.

The development shall take place in accordance with the approved demolition and construction management plan.

Reason: In the interests of highway safety and to protect the general amenity of the locality.

4. No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include a survey of the extent, scale and nature of contamination and the potential risks to human health.

Reason: In order to ensure that the site is free from contamination and suitable for the proposed use.

5. No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development is occupied.

Reason: In order to ensure that the site is free from contamination and suitable for the proposed use.

6. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

Reason: In order to ensure that the site is free from contamination and suitable for the proposed use.

7. No development shall take place until surface water drainage works shall have been implemented, in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. The details shall include the following:

1. Sufficient storage should be provided to ensure no internal flooding as a result of the development during all storm events up to and including the 1 in 30 year storm event and 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. Modelling should be provided for all events up to 1 in 100 plus 40% climate change to evidence this.

2. The appropriate level of treatment should be provided for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.

Reason: In order to ensure that the site is satisfactorily drained.

8. No development including demolition shall take place until details of all boundary treatment (to be either removed or erected) has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and in order to protect the character and appearance of the conservation area.

9. No development of external walls shall take place until sample panels of all new facing brickwork and feature bands showing the proposed bricks/stone, face-bond and pointing mortar, and heads and cills samples have been provided on site and approved in writing by the local planning authority. The approved sample panels/samples shall be retained on site until the work is completed and the development shall be carried out in accordance with the approved sample panels/samples.

Reason: In the interests of visual amenity and in order to protect the character and appearance of the conservation area.

10. No roofing works shall commence until details of the materials to be used in the construction of the external surfaces of the roof have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and in order to protect the character and appearance of the conservation area.

11. No external windows or doors shall be inserted within the development until details of their materials, design and appearance, including cross-sectional, glazing bar and profile details, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and in order to protect the character and appearance of the conservation area.

12. No rainwater good (gutters, downpipes and brackets) shall be affixed to the development until details of their design and materials have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and in order to protect the character and appearance of the conservation area.

13. No above ground works shall take place until details of the precise number and locations of bird and bat roost features on the building and/or within the grounds of the development has been submitted to, and approved in writing by, the Local Planning Authority. The development shall take place in accordance with the approved details which shall be retained thereafter.

Reason: In the interest of nature conservation and biodiversity.

14. No above ground works shall take place until full details of the proposed photovoltaic array to the roof have been submitted to, and approved in writing, by the Local Planning Authority. The development shall take place in accordance with the approved details which shall be retained thereafter.

Reason: In the interests of addressing climate change and in order to comply with Policy PPL10.

15. No above ground works shall take place until full details of refuse storage and management have been submitted to, and approved in writing, by the Local Planning Authority. The development shall take place in accordance with the approved refuse storage and management details thereafter.

Reason: In the interests of the proper waste management and residential amenity.

16. No above ground works shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the proposed building, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.

Reason: In the interests of visual amenity and in order to protect the character and appearance of the conservation area, and to protect neighbouring residential amenity.

17. Details of any external lighting shall be submitted to and approved in writing by the local planning authority prior to first use. Development shall be carried out in accordance with the approved details.

Reason: In the interests of preventing unnecessary light pollution and in order to protect neighbouring residential amenity from glare.

18. The age restricted dwellings hereby permitted shall be occupied only by:

1. Persons of 60 years or over.
2. Persons of 55 years or over living as part of a single household who is a spouse or partner of a persons of 60 years or over.

Reason: For the avoidance of doubt and because the proposal has been considered against the development plan, and national planning policy and guidance on this basis.

19. No development, working on the site or delivery of materials shall take place at the site except between 0730 hours to 1800 hours weekdays or 0800 to 1300 hours Saturdays. No development, working on the site or delivery of materials shall take place on Sundays, Bank Holidays or Public Holidays.

Reason: In order to protect neighbouring residential amenity.

20. Notwithstanding the details shown Drawing No: 40039CL-PA02, Site Plan, hereby approved, prior to first use a revised layout for parking of vehicles, mobility scooters and cycles, turning and access shall have been implemented in accordance with details which shall have been submitted to and approved in writing by the local planning authority. Thereafter the parking, turning and access layout shall be retained and kept free of obstruction for its intended use at all times.

Reason: In the interests of highway safety.

21. Soft landscaping shall take place in accordance with Drawing No: JBA 21-277 SK02 Landscape Strategy. Any such vegetation removed without the Local Planning Authority's consent, or which die or become, in the Authority's opinion, seriously damaged or otherwise defective during a period of five years following occupation shall be replaced and/or shall receive remedial action as required by the authority. Such works shall be implemented as soon as is reasonably practicable and, in any case, replacement planting shall be implemented by not later than the end of the following planting season, with planting of such size and species and in such number and positions as may be agreed with the Authority in writing.

Reason: In order to ensure satisfactory landscaping, in the interests of biodiversity, visual amenity and the character and appearance of the conservation area.

22. Retained trees shall be protected in accordance with Drawing No: 21140-4 Tree Protection Plan.

Reason: In order to ensure that retained trees are protected, in the interests of biodiversity, visual amenity and the character and appearance of the conservation area.

8.3 Informatives

Informatives are not attached by Inspector's to their appeal decision letters and it is not therefore necessary set these out here for the purposes of this report.

9 Additional Considerations

Public Sector Equality Duty (PSED)

- 9.1 In making your decision you must have regard to the PSED under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions to:
- 9.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- 9.3 B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and
- 9.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 9.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.
- 9.6 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 9.7 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

- 9.8 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 9.9 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 9.10 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Finance Implications

- 9.11 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.

10 Background Papers

- 10.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.