

DELEGATED DECISION OFFICER REPORT

| AUTHORISATION | INITIALS | DATE |
|--|-----------------|-------------|
| Case officer recommendation: | MP | 07/12/23 |
| Planning Manager / Team Leader authorisation: | ML | 08/12/2023 |
| Planning Technician final checks and despatch: | ER | 08/12/2023 |

Application: 23/01348/ROC **Town / Parish:** Clacton Non Parished

Applicant: Mr Daniel Lane - Lane Homes

Address: Car Park Ravensdale Clacton On Sea

Development: Application under Section 73 of the Town and Country Planning Act, for removal of condition 4 (Occupation of Dwellings) of 19/00920/FUL to allow properties to be sold to all ages groups.

1. Town / Parish Council

Clacton – Non-Parished.

2. Consultation Responses

N/A

3. Planning History

| | | | |
|-----------------|---|----------|------------|
| 17/01493/ADV | Continued display of 4 no. car-park information signs. | Approved | 06.12.2017 |
| 17/01708/FUL | Construction of 9no. almshouse-type two bed dwellings. | Approved | 22.12.2017 |
| 19/00920/FUL | Construction of 9no. almshouse-type dwellings (Revisions to approval 17/01708/FUL) | Approved | 25.09.2019 |
| 19/01500/DISCON | Discharge of conditions 7 and 8 (archaeology) of approved application 19/00920/FUL. | Approved | 22.11.2019 |

4. Relevant Policies / Government Guidance

N/A

Status of the Local Plan

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), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any neighbourhood plans that have been brought into force.

In relation to housing supply:

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').

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.

5. Officer Appraisal

Site Description

The application site, forms part of the car-park to the former Somerfields store at 30 North Road, Clacton, now used in part as a gymnasium and Dominoes Pizza.

The site is a rectangular parcel of land with the Abbey Care Home, a Grade II listed building known as Great Clacton Hall, to the west, a row of lock-up garages to the north, dwellings on Martinsdale to the east and the Grade I listed St John's Church to the south.

The site falls within the Settlement Development Boundary for Clacton-on-Sea within the Adopted Local Plan 2013-2033, and is also adjacent to the Great Clacton Conservation Area.

At the time of the site visit, Officers note that construction of the previously approved nine dwellings is nearing completion.

Planning History

Under planning reference 17/01708/FUL, a scheme for nine Alms-house style dwellings was granted planning permission. However, following this permission being granted, an archaeological evaluation was undertaken where significant remains were uncovered to the south-eastern corner of the site, approximately at the location of plots 7 and 8.

Therefore, under planning reference 19/00920/FUL, permission was granted in September 2019 to revise the layout to ensure the area where plots 7 and 8 were previously, was not developed upon.

Description of Proposal

This application seeks permission for the removal of Condition 4 that was previously attached to planning permission 19/00920/FUL, and reads as follows:

The occupation of the nine dwellings hereby approved shall be limited to persons over the age of 60 years.

Reason - The application has requested provision of accommodation for the elderly and has not therefore provided the required parking and amenity areas normally required for a general housing development scheme.

The submission confirms that the reasoning for this application is that the site has been marketed for approximately 18 months, and all feedback received suggests that persons over the age of 60 years do not necessarily feel the location is appropriate to live in.

Assessment

In this instance it is important to note that there is no planning policy requirement for specialist elderly housing on this site, it was instead suggested within the applicant's supporting submission that the scheme would be highly suitable for those aged 70 and over.

Consequently, as there was no planning policy requirement for the provision of elderly accommodation, there is no need to limit the occupancy of the dwellings to persons over 65 years. As such, there is no justifiable planning purpose for the condition.

Furthermore, within the reasoning for the planning condition, it states there is insufficient parking and private amenity provision. With respect to parking provision, Essex Parking Standards (2009) state that for dwellings with two bedrooms or more there should be provision for two spaces measuring a 5.5m x 2.9m. The supporting plans previously submitted demonstrate a total of nine spaces at the correct measurements. While this is a shortfall, Officers equally acknowledge the site's sustainable location within good walking distance to a range of shops and services. Therefore, the slight shortfall would not be so harmful that it would justify a reason for refusal.

Policy LP4 states that private amenity space should be of a size and configuration that meets the needs and expectations of residents, and which is commensurate to the size of dwelling and the character of the area. In this context, the provision of approximately 50-60sqm of private amenity space for these small residential units is considered to comply with the requirements as outlined within LP4.

Therefore, the homes approved meet all housing standards and policy requirements to allow occupation by people of any age, so there is no justification for their occupation to be incumbered.

The design and layout of the approved development remains as previously approved. It is therefore considered that the proposed removal of the condition is acceptable in principle.

Other Considerations

A Unilateral Undertaking was secured for a financial contribution within planning permission 19/00920/FUL for RAMS, with the contribution then paid in June 2022. Accordingly, there is no requirement for this to be secured on this current application.

Confirmation has been provided by ECC Archaeology that a programme of archaeological monitoring has been provided, as well as a report on the archaeological investigation. Consequently, they confirm that Conditions 9 and 10 of planning permission 19/0020/FUL can be fully discharged.

Clacton-on-Sea is non-parished, no comments are required.

There has been one letter of objection received, raising concerns that there is insufficient parking provision. In answer to this, this point has been addressed within the main body of the report above.

6. Recommendation

Approval.

7. Conditions

- 1 **CONDITION:** The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard

(except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

19/00920/FUL:

Drawing numbers 1923/1, 1923/2, 1923/3, 1923/4, 1923/5, 1923/6, 1923/7, and documents titled 'Location Plan' and 'Planning/Heritage & Design & Access Statement'.

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

- 2 CONDITION: The access hereby approved shall have a bound material surface and shall be laid out for a minimum distance of 5 metres from the edge of the carriageway prior to first use. The bound material as implemented shall then be retained thereafter.

REASON: In the interests of highway safety to prevent hazards caused by loose materials on the highway.

- 3 CONDITION: The precise details of the external facing materials shall be in full accordance with those submitted and approved by the Local Planning Authority within planning reference 20/00821/DISCON.

Reason: In the interests of the visual appearance of the area.

- 4 CONDITION: Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B, C and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no provision of extensions, roof alterations, buildings, enclosures, swimming or other pools shall be erected except in accordance with drawings showing the design and siting of such building(s) which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

REASON: The site is not of sufficient size to accommodate dwellings of an increased size and the restricted size of the plots is such that any other developments need to be fully assessed.

- 5 CONDITION: The programme of archaeological geophysical evaluation shall be in full accordance with the details as submitted, and approved by the Local Planning Authority, within planning reference 19/01500/DISCON.

REASON: An archaeological evaluation has revealed possible medieval burial remains and structural features which relate to the adjacent Church and/or the manorial site of Great Clacton Hall. There is therefore further potential for below ground archaeological deposits.

- 6 CONDITION: The programme of archaeological excavation and monitoring shall be in full accordance with the details as submitted, and approved by the Local Planning Authority, within planning reference 20/00821/DISCON.

REASON: An archaeological evaluation has revealed possible medieval burial remains and structural features which relate to the adjacent Church and/or the manorial site of Great Clacton Hall. There is therefore further potential for below ground archaeological deposits.

- 7 CONDITION: The details of protective fences for existing trees on site shall be in full accordance with those approved within planning reference 20/00821/DISCON. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Any trees dying or becoming severely damaged as a result of any failure to comply with these requirements shall be replaced with trees of appropriate size and species during the first planting season, or in accordance with such other

arrangement as may be agreed in writing with the Local Planning Authority, following the death of, or severe damage to the trees.

REASON: To ensure the protected tree on site is not damaged during the construction of the proposed dwellings.

- 8 CONDITION: The scheme of hard and soft landscaping works shall be in full accordance with the details as submitted, and approved by the Local Planning Authority, within planning reference 20/00821/DISCON.

REASON: To ensure an acceptable visual impact of the proposed works.

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

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

- 10 CONDITION: The details of new windows, rooflights, doors and their surrounds shall be in full accordance with those details submitted and approved by the Local Planning Authority within planning reference 20/00821/DISCON.

REASON - The application relates to the curtilage of a listed building and therefore such details are necessary in order to preserve and enhance the historic character and integrity of that building.

8. Informatives

Positive and Proactive Statement:

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

9. Equality Impact Assessment

In making this recommendation/decision regard must be had to the public sector equality duty (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 that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected

characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

| Protected Characteristics * | Analysis | Impact |
|--|---|---------|
| Age | The proposal put forward will not likely have direct equality impacts on this target group. | Neutral |
| Disability | The proposal put forward will not likely have direct equality impacts on this target group. | Neutral |
| Gender Reassignment | The proposal put forward will not likely have direct equality impacts on this target group. | Neutral |
| Marriage or Civil Partnership | The proposal put forward will not likely have direct equality impacts on this target group. | Neutral |
| Pregnancy and Maternity | The proposal put forward will not likely have direct equality impacts on this target group. | Neutral |
| Race (Including colour, nationality and ethnic or national origin) | The proposal put forward will not likely have direct equality impacts on this target group. | Neutral |
| Sexual Orientation | The proposal put forward will not likely have direct equality impacts on this target group. | Neutral |
| Sex (gender) | The proposal put forward will not likely have direct equality impacts on this target group. | Neutral |
| Religion or Belief | The proposal put forward will not likely have direct equality impacts on this target group. | Neutral |

The proposal overall shall have a neutral impact.

Consultations undertaken with the affected communities or groups has not taken place.