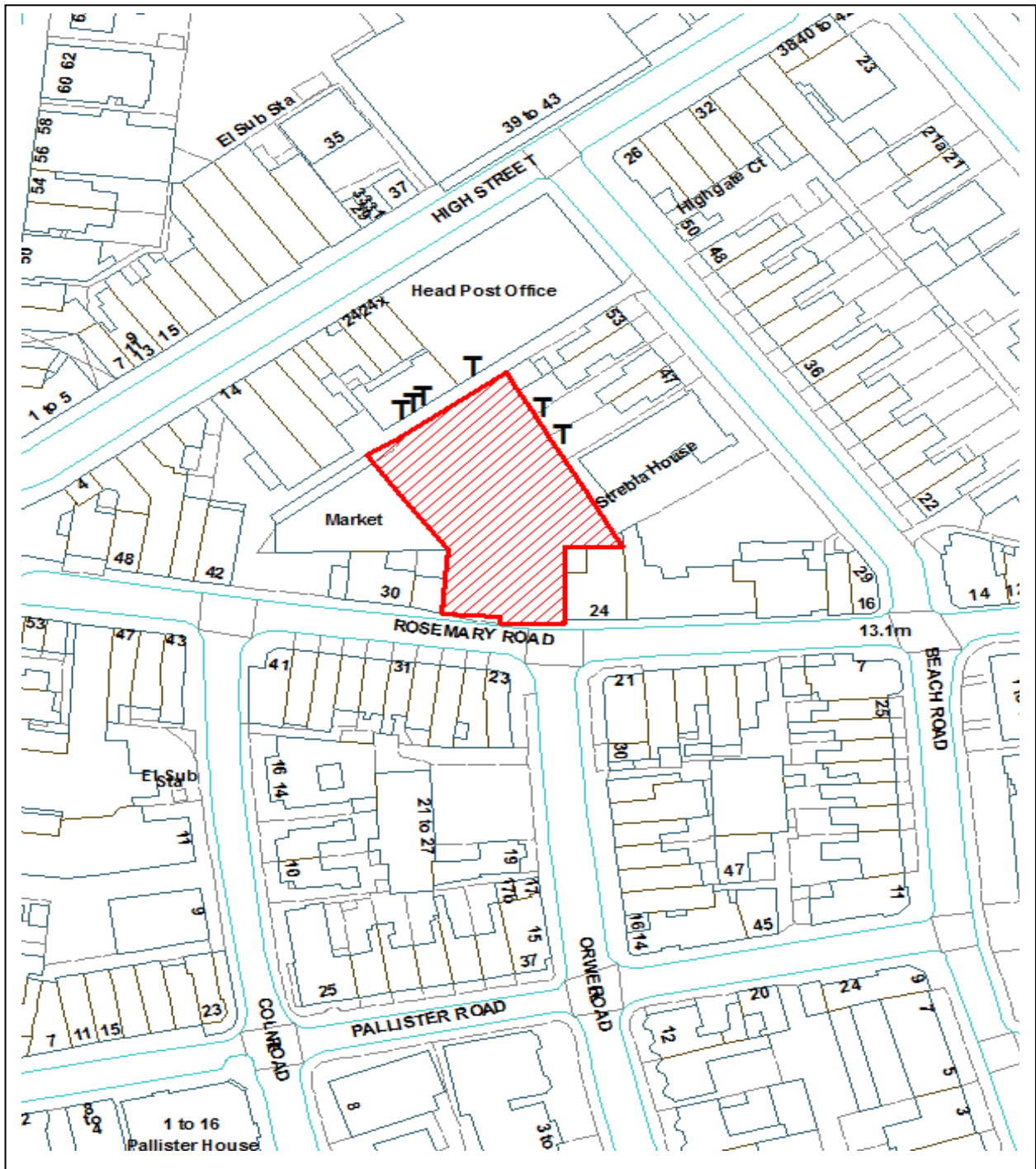


PLANNING COMMITTEE

1 MAY 2018

REPORT OF THE HEAD OF PLANNING

A.3 PLANNING APPLICATION - 15/00578/FUL - 26 ROSEMARY ROAD, CLACTON-ON-SEA, CO15 1NZ



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Application:	15/00578/FUL	Town / Parish: Clacton Non Parished
Applicant:	East West Design & Build Ltd	
Address:	26 Rosemary Road Clacton On Sea CO15 1NZ	
Development:	Demolition of all existing buildings (use classes C1 Hotels, A3 Restaurants, A4 Drinking Establishments and Sui Generis Nightclub). Construction of building fronting Rosemary Road containing three A1 retail/A3 restaurant units at ground floor with 17 holiday flats above; Construction of 34 holiday flats in an up to six storey building to the rear; and construction of basement cycle and car parking access from rear service road (off Beach Road), and egress onto Rosemary Road.	

1. Executive Summary

- 1.1 This application was originally considered at Planning Committee on 22nd September 2015 comprising a proposal for 26 flats and two retail units which included retention of the façade fronting Rosemary Road. Members deferred the application to discuss amendments to overcome concerns relating to retention of the façade of the Villas, parking and the relationship of the rear block to dwellings to the East.
- 1.2 The application then returned to Planning Committee on 5th January 2016. The proposal had been amended (23 flats and two retail units) to include complete demolition as the façade was beyond retention, as confirmed by the Council's structural engineers. The rear block had been reduced in height to three storeys and moved 3.6 metres further from the boundary to address the relationship to existing dwellings to the East. The parking layout had also been changed and included two disabled spaces. The application was recommended for approval by Officers subject to completion of a S106 legal agreement to provide financial contributions towards affordable housing and public open space, and 12 conditions. Members resolved to grant planning permission in accordance with the recommendation, which included provision that the Head of Planning be authorised to refuse planning permission in the event that the legal agreement had not been completed within six months i.e. by 5th July 2016.
- 1.3 The existing buildings were demolished in around February 2016 under Building Notice as they posed a serious safety risk. The site has been cleared and fenced.
- 1.4 Following the Planning Committee resolution to approve, the applicant stated the S106 contributions would render the proposal financially unviable and they intended to submit a viability assessment to confirm this and to also amend the proposal to add five additional flats. However, the applicant has now submitted an alternative proposal which has been subject to full re-consultation prior to returning to Planning Committee for determination.
- 1.5 The application proposes demolition of all existing buildings (this has already occurred but requires retrospective planning permission), construction of building fronting Rosemary Road containing three A1 retail/A3 restaurant units at ground floor with 17 holiday flats above; construction of 34 holiday flats in a six storey building to the rear; and construction of basement cycle and car park with access from the rear service road (off Beach Road) and egress onto Rosemary Road. The applicant has confirmed this is their final proposal and state this level of development is required to make the proposal viable, however no viability assessment has been provided to confirm this statement.

- 1.6 The application site lies partly within the Clacton Seafront Conservation Area, where the Council is required by law to have special regard to the desirability of preserving or enhancing the character or appearance of the area, or its setting. National planning policy requires great weight to be given to the conservation of heritage assets.
- 1.7 The proposal seeks retrospective permission for complete demolition of all of the buildings on the site which were beyond economic repair, as confirmed by the Council's structural engineers. The Rosemary Road frontage buildings comprised the former Osborne Hotel and the two adjacent houses, which together were among the first parts of Clacton-on-Sea to be developed. The buildings were not listed for their special architectural or historic interest nationally but were undesignated heritage assets of significance locally both in terms of the early historic development of the planned resort and their traditional appearance.
- 1.8 The retrospective demolition of all existing buildings is considered acceptable, as previously accepted by Members, as it resulted in the demolition of a problem structure that did not preserve or enhance the special qualities of the Clacton on Sea Conservation Area; and eradicated the anti-social behaviour associated with the vacant property.
- 1.9 The proposal for 51 holiday flats and three new retail/restaurant units represents a substantial financial investment into Clacton town centre which would contribute towards the Districts tourist accommodation in a sustainable town centre location, along with three new retail/restaurant units and their associated employment opportunities which would, in themselves, add to the vitality and vibrancy of the town centre. There is therefore no objection to the principle of the uses proposed.
- 1.10 The proposed redevelopment comprises two buildings. A four storey front building facing Rosemary Road, and a six storey rear building. The buildings are of plain design and solely constructed of brick. The detailed design is considered to represent a significant dilution to the quality of the previous flatted scheme, and is not considered to represent good design. These buildings would appear as bulky, incongruous features in the street scene out of character with the scale and detailed design of surrounding development to the serious detriment of visual amenity. The proposal would therefore fail to preserve or enhance the character and appearance of the Clacton Seafront Conservation Area.
- 1.11 The rear six storey building steps down to two storey only 3m away from the rear garden boundaries of houses at 47, 49, 51 and 53 Beach Road. This results in a very tall, bulky building to the serious detriment of the outlook of these properties. The proposed second floor balconies are only 4.5m from the rear boundary of the gardens of these properties resulting in serious loss of privacy. The communal winter garden at fourth floor level would also overlook these dwellings, and to a lesser extent the two balconies on the sixth floor.
- 1.12 The proposal is considered acceptable in relation to parking provision, highway safety. The redevelopment would result in the loss of two Lime trees subject to Tree Preservation Order 15/00006/TPO. However, the proposal to plant 19 new trees within the site would compensate for the loss of the two protected trees.
- 1.13 ECC SUDs Team have issued a holding objection on the grounds of an inadequate surface water drainage strategy which does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. At the time of writing this report additional information has been submitted by the applicant. Comments have been requested from ECC SUDs Team and it is hoped these can be provided prior to Planning Committee. An update will be provided at the meeting/on the update sheet. An inadequate surface water drainage strategy therefore forms a recommended reason for refusal at this time.

Recommendation: Split decision: A) Approve demolition of all existing buildings. B) Refuse construction of building fronting Rosemary Road containing three A1 retail/A3 restaurant units at ground floor with 17 holiday flats above; Construction of 34 holiday flats in an up to six storey building to the rear; and construction of basement cycle and car parking access from rear service road (off Beach Road), and egress onto Rosemary Road.

A) Demolition approval condition:

- 1. Details of boundary treatments to be submitted for approval within 2 months, and to be retained and maintained as approved until the site is redeveloped.**

B) Redevelopment reasons for Refusal:

- 1. The National Planning Policy Framework (2012) states good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.**

Saved Policy QL9 of the Adopted Tendring District Local Plan (2007) states all new development should make a positive contribution to the quality of the local environment and protect or enhance local character. Planning permission will only be granted where new development relates well to its site and surroundings particularly in relation to its height, scale, massing, and design. Saved Policy QL11 seeks to ensure that the scale and nature of development is appropriate to the locality. These requirements are also included in Draft Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The surrounding area is characterised by a wide variety of architectural styles and construction materials with buildings generally being of two storeys but with numerous examples of 2.5 and three storey properties. The eastern neighbour at No. 28 Rosemary Road is 3.5 storeys and the western neighbour at No. 24 Rosemary Road is two storey. Surrounding development is generally of more traditional design with decorative features such as bay windows, dormer windows, and a combination of brick, render and stonework. The proposed buildings are much plainer with little variation in fenestration and are solely constructed of brick.

When viewed from the west the front building would be clearly visible above the roofs of the neighbouring buildings which are all two storey and of domestic scale with hipped or pitched roofs. In contrast, the fourth floor element comprising part of flat numbers 16 and 17 would appear as a bulky, incongruous feature in the street scene out of character with the height, scale and detailed design of surrounding development to the serious detriment of visual amenity.

The proposed rear building at up to six storeys high and with a substantial bulk at fourth and fifth storey height would be an incongruous feature in the area clearly visible through gaps and above surrounding rooflines from Rosemary Road, Beach Road, High Street, and Colne Road resulting in material harm to visual amenity and out of keeping with the scale and character of surrounding development. This harm is exacerbated by both proposed buildings being of excessive height and bulk, and at the western side being separated by only 10.5 metres thereby increasing their prominence in the street scene. The proposed development therefore fails to make a positive contribution to the

quality of the local environment and protect or enhance local character.

2. The National Planning Policy Framework (2012) states Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. 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, including securing its optimum viable use.

Saved Policy EN17 of the Adopted Tendring District Local Plan (2007) states development within a conservation area must preserve or enhance the character or appearance of the conservation area including the relationship between buildings, and the height, siting, form, massing, proportions, elevation, design, and materials. Development outside a conservation area should be refused where it would prejudice the settings and surroundings of the conservation area or harm the inward or outward views.

Draft Policy PPL8 (Conservation Areas) of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) states proposals will only be permitted where they have 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; and e. any important views into, out of, or within the Conservation Area.

The Conservation Area Character Appraisal (2006) for this area considers, amongst other things, that: “The special character of Clacton Seafront Conservation Area is derived from its seaside architecture and formal planned street pattern. The Area is the heart of the coastal resort and includes Victorian and Edwardian seaside buildings that were part of the early planned development of the resort ...” The Appraisal also says that Orwell Road“ is of great interest. This character is enhanced by views northwards to Sandles Inn, of strong period character with an attractive mid-Victorian campanile”.

The demolished building on the site was previously a positive feature within the Clacton Seafront Conservation Area and represented an undesignated heritage asset. Any redevelopment of this important site should also enhance, or at least preserve, the character and appearance of the conservation area. However, as detailed above the height, bulk and detailed design of the proposed redevelopment would result in material harm to visual amenity, out of keeping with the scale and character of surrounding development failing to preserve or enhance the character and appearance of the Clacton Seafront Conservation Area.

In this case the proposed development would result in less than substantial harm to the heritage asset Clacton Seafront Conservation Area. The public benefits of the proposal are the provision of employment and tourist accommodation which would not outweigh the significant harm to the character and appearance of the Clacton Seafront Conservation Area.

3. Paragraph 17 of the National Planning Policy Framework (NPPF) states that planning should always seek to secure a high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Saved Policy QL11 of the Adopted Tendring District Local Plan (2007) and Draft Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017) states development will only be permitted if it would not have a materially damaging impact on the privacy, daylight or other amenities of occupiers

of nearby properties.

The eastern side of the proposed rear building is two storeys high with balconies on the roof and is sited a minimum 3 metres from the rear garden boundaries of No.s 47, 49, 51 and 53 Beach Road which are two storey semi-detached houses. The building then rises to four storeys with the glazed winter garden on the roof, and then six stories with balconies. This results in a very tall, bulky building to the serious detriment of the outlook of the residents at 47, 49, 51 and 53 Beach Road. The proposed balconies at second floor level are only 4.5m from the rear boundary of the gardens of these properties resulting in serious loss of privacy. The communal winter garden at fourth floor level would also overlook these dwellings, and to a lesser extent the two balconies on the sixth floor.

The proposal is situated approx. 3.2 metres from the boundary with properties in the High Street (Nos. 18-20 and 24), which comprises of commercial units with flats above. Due to the height of the proposal and the orientation the proposal results in an increase in overlooking, loss of sunlight/daylight and results in an overbearing impact which would significantly detrimental residential amenity.

The proposal is therefore contrary to the above policies.

4. Paragraph 103 of The National Planning Policy Framework (2012) requires Councils, when determining planning applications, to ensure flood risk is not increased elsewhere.

Draft Policy PPL1 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017) states that all development proposals should include appropriate measures to respond to the risk of flooding on and/or off site. Furthermore Draft Policy PPL5 states that all new development must make adequate provision for drainage and sewerage and should include Sustainable Drainage Systems as a means of reducing flood risk, improving water quality, enhancing the Green Infrastructure network and providing amenity and biodiversity benefits.

An inadequate surface water drainage strategy has been provided which does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. The proposal does not therefore demonstrate that flood risk will not be increased as a result of the proposal contrary to the provisions of the National Planning Policy Framework.

2. Planning Policy

National Policy:

National Planning Policy Framework (2012)

Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

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, including securing its optimum viable use.

Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

National Planning Policy Guidance

Local Plan Policy:

Tendring District Local Plan (2007)

- QL1 Spatial Strategy
- QL2 Promoting Transport Choice
- QL6 Urban Regeneration Areas
- QL8 Mixed Uses
- QL9 Design of New Development
- QL10 Designing New Development to Meet Functional Needs
- QL11 Environmental Impacts and Compatibility of Uses
- ER3 Protection of Employment Land
- ER25 New Hotels and Guest Houses
- ER31 Town Centre Hierarchy and Uses
- ER32a Primary Shopping Area
- COM1 Access for All
- COM5 Residential Institutional Uses
- COM31a Sewerage and Sewage Disposal
- EN13 Sustainable Drainage Systems
- EN17 Conservation Areas
- EN20 Demolition within Conservation Areas
- TR1a Development Affecting Highways
- TR5 Provision for Cycling
- TR7 Vehicle Parking at New Development
- CL7 New Town Centre Retail and Mixed-Use Development
- CL8 Specialist Shop/Café Area

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

- SP1 Presumption in Favour of Sustainable Development
- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design
- PP1 New Retail Development
- PP2 Retail Hierarchy
- PP8 Tourism
- PP9 Hotels and Guesthouses
- PP14 Priority Areas for Regeneration
- PPL1 Development and Flood Risk
- PPL5 Water Conservation, Drainage and Sewerage
- PPL8 Conservation Areas
- CP1 Sustainable, Transport and Accessibility

Other guidance:

Clacton Seafront Conservation Area Character Appraisal

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. Part 1 was examined in January 2018 with the Inspector's report awaited and whilst its policies cannot yet carry the full weight of adopted policy, they can carry some weight in the determination of planning applications. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

3. Relevant Planning History

13/00573/FUL	Alterations to building, including new roof coverings, alteration to roof pitch over villas, new windows including rebuild of bay windows, new shopfront entrances and windows.	Approved	16.07.2013
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4. Consultations

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

The sewerage system at present has available capacity for these flows via a gravity regime. 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.

The surface water strategy submitted is unacceptable and recommend they consult with ECC Suds. Recommend a condition securing a surface water management strategy.

ECC Highways Dept This Authority has assessed the highway and transportation impact of the proposal and does not wish to raise an objection subject to the following:

Prior to occupation of the development, the egress at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by the site maximum in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular

traffic and retained free of any obstruction at all times.

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

Each new property shall be provided with 2 parking spaces and each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Any vehicular hardstanding which is bounded by walls or other construction shall have minimum dimensions of 3.4 metres x 5.5 metres for each individual parking space, retained in perpetuity.

Prior to the commencement of the development the details of the amount, location and design of cycle/powered two wheeler parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved facility shall be secure and shall be provided prior to occupation of the development and retained for that purpose at all times.

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

ECC SuDS

Issue a holding objection based on the following:

- Inadequate Surface Water Drainage Strategy

The Drainage Strategy submitted with this application does not comply with the requirements set out Essex County Council's Full Drainage Checklist. Therefore the submitted drainage strategy does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the submitted strategy fails to:

- Fully consider the discharge hierarchy
In order to determine that infiltration is not viable on site, further information regarding the neighbouring site infiltration testing is required. It should be demonstrated where this is in relation to the proposed development and evidence provided to demonstrate the infiltration testing results.
- Sufficiently limit run off rate
Run off rate should be limited to the 1 in 1 year greenfield rate. However, where this is below 1l/s, it would be acceptable for run off to be limited to 1 l/s due to potential for blockage.
- Accurately calculate the storage volumes.
Storage volumes have been calculated based on the incorrect discharge rates, this should be revised in accordance with the above comments.
- Provide sufficient water quality treatment
It should be demonstrated that water quality treatment is sufficient for the whole site as outlined in the CIRIA SuDS Manual C753.

Tree & Landscape
Officer

The site contains 2 Large Leaved Limes (*Tilia platyphyllos*) which are situated close to the rear boundary of a property fronting Beach Road.

One of the trees is a mature specimen that appears to be in reasonable condition. It is a significant feature in its setting and contributes to the appearance of the area. Its amenity value is reduced because of the position of the tree however the immediate area is not well populated with trees and consequently this increases its amenity value. The second tree has been pollarded and is significantly less prominent in the street scene

The trees are afforded formal legal protection by Tendring District Council Tree Preservation Order 15/06/TPO.

In terms of the impact of the development proposal on the tree it appears that the implementation of the proposed layout would necessitate the removal of the protected trees. Whilst this, in itself, is not desirable, the proposed site layout shows 19 new trees to be planted as part of the soft landscaping associated with the development of the land.

If the planting shown on the Ground Floor Layout Plan - No 202 were to be secured by a condition attached to any planning permission that may be granted then there would be a significant increase in the location tree population that would compensate for the removal of the protected trees.

TDC Environmental Protection

Request a condition securing approval of a Demolition/Construction Management Plan in order to minimise potential nuisance to nearby existing residents caused by construction works. Provide advice in relation to noise control, emission control, and lighting control.

5. Representations

5.1 No representations have been received in relation to the amended proposal for holiday flats.

5.2 The previous flatted proposal received 22 objections and one letter of comment detailed below:

- The two villas to the left of the former Osborne Hotel are the first two houses built in Clacton on Sea – the original Peter Bruff development. These buildings are therefore of tremendous historical importance to the town. It is difficult to see how any credibility could be attached to a so called conservation area where these two buildings in particular have been demolished. Whereas I understand the need to update and modernise, why can the original frontage not be retained and redevelopment take place behind the scenes. Failing that, these buildings must be retained as they are for future generations to appreciate the historic significance.
- Heritage assets to Clacton's history that should not be demolished
- Façades should be retained and restored
- Parking should be accessed from the rear
- Any permitted new build should echo the original buildings
- Another generic faceless modern development
- Property has been deliberately left to deteriorate
- Should serve notice on the owners to make repairs

6. Assessment

The main planning considerations are:

- Principle of development
- Heritage Impact
- Design
- Highways, access and parking
- Residential amenity
- Drainage and flooding
- Trees

Context

- 6.1 The application site lies wholly within the settlement development boundary for the urban settlement of Clacton-on-Sea in both the saved and draft Local Plans. The frontage of the site to Rosemary Road lies within the designated Clacton Seafront Conservation Area, with the northern boundary of the area being drawn tightly to the rear elevations of the now demolished main frontage buildings.
- 6.2 In the saved Local Plan the site is designated as Town Centre Boundary under Policy ER31, Primary Shopping Area under Policy ER32a, Urban Regeneration Area under Policy QL6, Specialist Shop/Café Area under Policy CL8, New Town Centre Retail and Mixed-Use Development under Policy CL7, and Control of Residential Institutional Uses under Policy COM5.
- 6.3 In the draft Local Plan the site is designated as Town Centre Boundary under Policy PP2 but the other designations have been removed reflecting the fact that this site lies on the edge, but outside of the core shopping area of Clacton Town Centre, and a more flexible approach to uses is appropriate as advocated by the NPPF.
- 6.4 The existing buildings have been demolished and the site is fenced. Fronting Rosemary Road to the immediate east lies a four storey building (No. 24 Rosemary Road) with shops at ground floor and the fourth floor within the mansard roof. To the immediate west is a two storey terrace (No. 28 Rosemary Road). The demolished building had a fourth storey tower but the main bulk was three storeys (similar in height to the western neighbour) and stepped down to a lower three storey element (the villas) next to the two storey eastern neighbour.
- 6.5 The eastern site boundary adjoins properties fronting Beach Road. The western site boundary abuts the Covered Market building and the northern (rear) site boundary is to the service road which is accessed off Beach Road and Rosemary Road. Backing on to the service road are the rears of shops fronting High Street.

Principle of Development

- 6.6 The existing buildings were located within the Clacton Seafront Conservation Area and their demolition therefore requires planning permission, this is assessed under Heritage Impact below and deemed to be acceptable.
- 6.7 The proposal for three Use Class A1 (retail)/Use Class A3 (café/restaurant) units for the full ground floor Rosemary Road frontage is as previously deemed acceptable in the flatted

proposal. The site lies within the Town Centre Boundary and represents an appropriate use for this location.

- 6.8 The 51 proposed holiday flats (48 one-bedroom and three two-bedroom) are self-contained flats with living room, kitchen/dining room and bathroom. Saved Policy ER25 New Hotels and Guest Houses supports the provision of serviced tourist accommodation and states in assessing such proposals the Council will take into account: a) the suitability and previous use of the building or site; b) the character of the surrounding area; c) parking and highway considerations; and d) design implications including site coverage, scale, proportions, materials and privacy.
- 6.9 In relation to Saved Policy ER25 a) the existing buildings have been demolished but they did comprise a mixed use including hotel accommodation. This town centre and seaside resort site is therefore acceptable for the proposed use as holiday flats. Regarding Saved Policy ER25 b), the character of the surrounding area is mixed with predominantly retail uses on the ground floor and residential use above. The use as holiday flats is therefore considered to be compatible with the character of the area and would provide a wide variety of shops, activities and public transport links for the occupiers of the holiday flats. Saved Policy ER25 c) and d) are addressed in the report below, with the impact upon parking and highway safety deemed to be acceptable. However, as detailed within the report below, the design and scale of the proposed buildings are considered unacceptable and harmful to the privacy of properties fronting Beach Road and this represents a recommended reason for refusal. Draft Policy PP9 Hotels and Guesthouses supports proposals for new hotels and guesthouses within defined centres such as this.
- 6.10 The use as holiday flats is therefore acceptable in this sustainable town centre location within the Districts largest coastal town. Conditions would need to be imposed on any planning permission to restrict the use to holiday accommodation to prevent permanent residential use as the application has not been assessed on this basis and such a change would be likely to require a S106 legal agreement to provide affordable housing, public open space contribution, education contribution, and healthcare contribution. Consideration would also need to be given to parking and private amenity space provision for permanent residential use.

Heritage Impact

- 6.11 The frontage of the site to Rosemary Road lies within the designated Clacton Seafront Conservation Area, with the northern boundary of the area being drawn tightly to the rear elevation of the demolished main frontage buildings.
- 6.12 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act imposes a statutory duty on the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. This statutory duty relates both to the land which is within the area and that outside, but which affects the setting of the area (the land to the rear of the demolished main frontage buildings).
- 6.13 Paragraph 134 of the NPPF states “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, including securing its optimum viable use”.
- 6.14 Saved Policy EN17 states development within a conservation area must preserve or enhance the character or appearance of the conservation area including historic plan form, relationship between buildings, and the height, siting, form, massing, proportions, elevation,

design, and materials. Development outside a conservation area should be refused where it would prejudice the settings and surroundings of the conservation area or harm the inward or outward views.

- 6.15 Saved Policy EN20 (Demolition within Conservation Areas) states proposals must retain buildings that make a positive contribution to the character or appearance of a conservation area and demolition will only be permitted where: a) evidence demonstrates that the building is beyond economic repair (unless caused by deliberate neglect); or b) it is demonstrated viable alternative uses cannot be found; and c) redevelopment would preserve the area's character and produce substantial benefits that outweigh the loss of the building. Demolition will not be approved in the absence of detailed plans for the site's redevelopment and conditions or planning obligations will be imposed to ensure construction within a specified time period and/or satisfactory landscaping of the site.
- 6.16 Draft Policy PPL8 (Conservation Areas) states proposals will only be permitted where they have 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; and e. any important views into, out of, or within the Conservation Area. Proposals for new development involving demolition must demonstrate why they would be acceptable, particularly in terms of the preservation and enhancement of any significance and impact upon the Conservation Area.
- 6.17 The Conservation Area Character Appraisal (2006) for this area considers, amongst other things, that: "The special character of Clacton Seafront Conservation Area is derived from its seaside architecture and formal planned street pattern. The Area is the heart of the coastal resort and includes Victorian and Edwardian seaside buildings that were part of the early planned development of the resort ..." (p.1) No. 26 Rosemary Road, originally The Osborne Hotel, and then known as Sandles Inn described in the Appraisal as having an "attractive and valuable façade" (p.6).
- 6.18 The Appraisal also says that Orwell Road (running at a right-angle to the south of Rosemary Road) "is of great interest. This character is enhanced by views northwards to Sandles Inn, of strong period character with an attractive mid-Victorian campanile" (p.5). It adds, "Less happy is the unfortunate building to the right, the lowest-common-denominator-design of which is a negative feature in the street [scene]" (p. 10.).
- 6.19 At the time this application was submitted in 2015 the building had deteriorated significantly and was being monitored fortnightly by structural engineers. It was originally hoped the façade could be retained. However the façade was pulling away from the building and became a serious danger to pedestrians and vehicles using Rosemary Road and a decision was taken by the Council's Structural Engineers that it should be demolished and this occurred in February 2016 under a Building Notice.
- 6.20 The existing building and scaffolding had been an unsightly feature which had not preserved or enhanced the special qualities of the Clacton on Sea Conservation Area for a significant period of time. The vacant property was also a persistent source of anti-social behaviour with drug use and fires which further weakened the deteriorated structure. The building was demolished under a Building Notice due to its unsafe condition. It is considered that due to the seriously deteriorated building being an unsightly feature within the conservation area that its demolition is acceptable, subject to the approval, maintenance and retention of satisfactory boundary treatment until re-development of the site. A condition has been imposed as there is existing fencing, however without an approved redevelopment it is unknown how long the site will remain vacant and the Council needs to ensure that an acceptable boundary treatment is provided until the site is redeveloped, following a future grant of planning permission.

Design

- 6.21 The NPPF confirms good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.
- 6.22 Saved Policy QL9 states all new development should make a positive contribution to the quality of the local environment and protect or enhance local character. Planning permission will only be granted where new development relates well to its site and surroundings particularly in relation to its height, scale, massing, and design. Saved Policy QL10 states that provision shall be made for functional needs including vehicle parking. Saved Policy QL11 seeks to ensure that the scale and nature of development is appropriate to the locality.
- 6.23 The surrounding area is characterised by a wide variety of architectural styles and construction materials. In negotiating the flatted scheme it was considered a more traditional approach in terms of detailing and materials would sit most comfortably in the street scene along Rosemary Road.
- 6.24 The proposed redevelopment comprises two buildings. The 'front' building sits on the back edge of the pavement of Rosemary Road and lies wholly within the Clacton Seafront Conservation Area. The 'rear' building is sited towards the back of the site with a proposed landscaping strip along the boundary with the rear service road.
- 6.25 It is stated the buildings will be constructed to a Code 4 Standard for sustainable houses and incorporates provision for renewable energy low water consumption, together with integrated mechanical heat recovery. All materials will be equal to Green Guide 'A Ratings' subject to the Green Guide for material specifications.
- 6.26 The front building is four storeys in height with the ground floor set back slightly. The design reflects the vertical emphasis of individual houses which is a common feature in the very mixed street scene. The front elevation above ground floor level creates one three storey block of two windows per floor, then steps back to an identical block but with the top floor set back behind a deep balcony giving the appearance of three storeys from street level. The previous proposal for flats comprised a natural slate mansard roof which helped to reduce the bulk of the top floor. Although the proposal largely addresses the reduction in height between the two immediate neighbours, the set back element at fourth floor is substantially taller than the immediate two storey neighbour. The set back ensures the fourth floor begins approximately level with the ridge of the neighbouring building so in the immediate street scene it would not appear overly tall. However, when viewed from the east it would be clearly visible above the roofs of the neighbouring buildings which are all two storey and of domestic scale with hipped or pitched roofs thereby reducing the bulk of the buildings. In contrast, the fourth floor element comprising part of flat numbers 16 and 17 with its flat roof would appear as a bulky, incongruous feature in the street scene out of character with the scale and detailed design of surrounding development to the serious detriment of visual amenity.
- 6.27 The depth of the current proposal has also increased from the flatted scheme. The flatted scheme was more reflective of the scale of the demolished building at the western end with a three storey element only projecting a small distance beyond the rear of the neighbour which was more reflective of the scale of the demolished villas. The current proposal adds

further depth and an additional storey above the immediate neighbour resulting in an oppressive scale which is contrary to the prevailing scale of neighbouring buildings. The bulk of the proposal at the eastern end is also increased in comparison to the flatted scheme, corner rear balconies would reduce this harm but, particularly in conjunction with the rear block, the proposal would also appear excessively bulky in relation to neighbouring development in views from the east.

- 6.28 The previous proposal for flats was of a more traditional design and reflected decorative features such as timber bay windows, dormer windows and a combination of brick, render and stonework with natural slate to the roof which are all features of the immediate area. The current proposal is much plainer with identical large windows with louvers to the front elevation and is solely constructed of brick. The rear elevation comprises a vast featureless glazed central stairwell across all levels. The ground floor front elevation is also very plain with no detailing to the shop fronts and large shuttered doors to the vehicular and pedestrian access onto the street. This is considered to represent a significant dilution to the quality of the previous flatted design, and is not considered to represent good design, particularly within a conservation area where high quality design is essential in order to preserve, or ideally enhance, the character and appearance of the conservation area.
- 6.29 The height, bulk and detailed design of the front building is therefore considered unacceptable, resulting in material harm to visual amenity and out of keeping with the scale and character of surrounding development. It would therefore fail to preserve or enhance the character and appearance of the Clacton Seafront Conservation Area.
- 6.30 The rear building also has a strong vertical emphasis, stepping up from two storey at the eastern side, to four storey, then five storey, then an off centre sixth storey with projecting window feature, before reducing to five storey at the western side next to the Covered Market. The height of this building is considered extremely excessive. On original submission in 2015 a four storey block was confirmed by Officers to be too high in this location and the rear building considered acceptable by Officers and Members for the flatted scheme comprised three storeys. The predominant scale of buildings in the immediate area is two storey with numerous 2.5 and three storey buildings. The immediate neighbour to the east is four storey however the mansard roof design makes this of comparable scale to the older three storey buildings. In stark contrast the proposed building at up to six storeys high and with a substantial bulk at fourth and fifth storey height would be an incongruous feature in the area clearly visible through gaps and above surrounding rooflines from Rosemary Road, Beach Road, High Street, and Colne Road. The detailed design is very similar to the front building, constructed of brick with large areas of glazing but very plain and failing to represent good design.
- 6.31 The height, bulk and detailed design of the rear building is therefore considered unacceptable, resulting in material harm to visual amenity and out of keeping with the scale and character of surrounding development. It would therefore fail to preserve the setting of the Clacton Seafront Conservation Area. This harm is exacerbated by both proposed buildings being of excessive height and bulk, and at the western side being separated by only 10.5 metres thereby increasing their prominence in the street scene.
- 6.32 Paragraph 134 of the NPPF states “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, including securing its optimum viable use”. In this case the proposed development would result in less than substantial harm to the heritage asset Clacton Seafront Conservation Area. The public benefits of the proposal are the provision of employment and tourist accommodation which would enhance the economy of this seaside town. However, these benefits would not outweigh the significant harm to the character and appearance of the Clacton Seafront Conservation Area.

Highways, access and parking

- 6.33 The existing vehicular access is to the rear of the site from the service road behind the covered market. The flatted proposal included a new means of vehicular access from Rosemary Road via an entrance in the building, to a small parking area.
- 6.34 The current proposal includes a large basement carpark of 35 car parking spaces and 10 motorcycle spaces. Vehicular ingress is from the rear service road and egress onto Rosemary Road with a car lift at both ends. The basement also includes two pedestrian lifts ensuring that all floors are accessible. It is stated the cycle storage within the central courtyard is covered in a two-tier bike rack system providing 56 cycle spaces, no elevations of the bike storage have been provided but this could form a condition of any approval.
- 6.35 The parking standards for C1 hotels require a maximum of one space per bedroom (maximum 54 spaces in this case), but acknowledges a lower provision of vehicle parking may be appropriate in urban areas (including town centre locations) where there is good access to alternative forms of transport and existing car parking facilities.
- 6.36 The Highway Authority has no objection to the proposal subject to conditions requiring 1) vehicular visibility splays at the egress onto Rosemary Road 2) no unbound materials within 6 metres of the highway boundary 3) each property to be provided with two parking spaces of 2.9mx5.5m 4) Any parking space which is bounded by walls or other construction shall be minimum 3.4mx5.5m 5) details of the amount, location and design of cycle/powered two wheeler parking facilities and 6) Residential Travel Information Packs. They also provide informatives confirming the developer will be expected to pay for any necessary amendment to the Traffic Regulation Order together with provision of the associated signing and lining to alter the parking bays in the vicinity of the site egress onto Rosemary Road.
- 6.37 Requested conditions 1) 2) and 5) are considered necessary in the interests of highway safety. Condition 3) exceeds the requirements of the parking standards, particularly as 48 of the holiday flats are one-bedroom. As holiday flats, and restricted by condition as such, the demand for parking in this sustainable town centre location will be reduced and it is considered that the proposed 35 car parking spaces are sufficient. The proposed parking spaces do not meet the dimensions specified within 3) or 4) but are the minimum bay size (2.5mx5m) and located within the town centre. In some cases the spaces could be increased in depth so a condition could be imposed on any approval to agree the parking layout to ensure spaces of maximum dimensions. In relation to 6) as a non-residential proposal it would be unreasonable to request residential travel packs.
- 6.38 No provision is made for parking of staff and users, or the loading and unloading of vehicles serving the retail elements. Although this represents a deficiency in terms of current standards, it reflects the existing pattern of retail use in Rosemary Road and the historic form of development in the locality. Limited on-street parking exists in adjacent roads and the site is a short walk from the High Street public car park, mainline railway station, bus stops and a wide range of services in the Town Centre. In this case a relaxation of the normal car parking standards is considered appropriate in regard to the total number of spaces. The 56 covered cycle storage spaces would also support the sustainability of the scheme.

Residential amenity

- 6.39 Paragraph 17 of the National Planning Policy Framework (NPPF) states that planning should always seek to secure a high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 6.40 Saved Policy QL11 of Saved Plan and Policy SPL3 of the Plan states development will only be permitted if it would not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.
- 6.41 In respect of the amenities of the future occupiers of the holiday flats there is a large communal amenity area between the two blocks with landscaping, seating and cycle parking. Seven flats in the front building and four flats in the rear building have large private balconies (two of these flats have two private balconies each). At fourth floor the rear building also has a communal glazed winter garden. As these are holiday flats there is no policy requirement to provide private amenity space.
- 6.42 Existing residential occupiers are adjacent to the site in Rosemary Road (flats), Beach Road (houses and flats) and in High Street (flats) over shops. Both immediate neighbours fronting Rosemary Road have no openings on their facing flanks.
- 6.43 Both buildings have been designed to preserve the 45 degree overshadowing lines as specified in the Essex Design Guide and would not therefore result in significant loss of daylight to neighbouring properties. This has resulted in a stepped design to both buildings with the stepped areas largely utilised as balconies. The floor and any planting or screening added to the balconies on the front building would further reduce outlook for neighbouring occupiers but on balance given the town centre location this is not considered to be so harmful as to justify a refusal on the grounds of loss of outlook to neighbouring properties. The demolished building was also substantially deeper than the proposed front building.
- 6.44 The front building has no openings on the eastern elevation and only three high level windows (at third and fourth floor height) on the western elevation ensuring no overlooking from within the holiday flats to the neighbouring properties. The third floor front balcony will give views over the neighbouring roofs to the west and of the street along Rosemary Road therefore resulting in no material loss of privacy. On the rear corners are two balconies at first, second and third floor level. These would overlook the communal amenity area and at the closest point be 10.5 metres from the proposed rear building. This will allow overlooking between the proposed front and rear buildings but in this town centre location, for a holiday let use this is not considered to result in such significant harm to the amenity of future occupiers of the holiday flats to justify refusing planning permission on these grounds. The balconies at the western corner of the building would require privacy screens along their western side to prevent direct overlooking back into the rear first floor windows of 28 Rosemary Road. This could be addressed by condition. The corner balconies at the eastern end would also require partial privacy screens on their eastern side to prevent direct overlooking back into the rear first, second and third floor windows of 28 Rosemary Road. Close views would then only be afforded of the large parking areas to the north east and the blank end wall of the two storey rear element of Strebla House (flats) which abuts the north eastern side boundary. Only oblique views would be provided to the closest south facing windows of this part of Strebla House due to the orientation of that property thereby preserving the privacy of those residents. The roof of this two storey part of Strebla House would restrict some views from the first and second floor balconies to the rear gardens of 47, 49, 51 and 53 Beach Road and with a minimum distance to the rear boundary of around 24 metres it is not considered that significant overlooking from these balconies to the rear gardens of 47-53 Beach Road would result.

- 6.45 The rear building in the flatted scheme was three storeys high and a minimum 5.4 metres from the rear boundary of the two pairs of semi-detached houses in Beach Road. The proposed rear building is two storeys high with balconies on the roof and is minimum 3 metres from the rear boundary of the properties in Beach Road. The building then rises to four storeys with the glazed winter garden on the roof, and then six stories with balconies. This stepped approach reduces loss of light to the neighbouring properties but results in a very tall, bulky building to the serious detriment of the outlook of the residents at 47, 49, 51 and 53 Beach Road. The proposed balconies at second floor level are only 4.5m from the rear boundary of the gardens of these properties resulting in serious loss of privacy. Such overlooking could not be addressed by privacy screens as at this height and in this location privacy screens running the full depth of the building would be very prominent and further add to the bulk of the building. The communal winter garden at fourth floor level would also overlook these dwellings, and to a lesser extent the two balconies on the sixth floor. The west side elevation contains high level windows at sixth floor thereby preventing overlooking and two balconies at sixth floor which are set in 1.7m from the edge of the building thereby limiting any overlooking due to the significant height. The sixth floor also contains a projecting glazed feature on its front (south) elevation but due to the substantial height any overlooking would not be significant.
- 6.46 The proposal is situated approx. 3.2 metres from the boundary with properties in the High Street (Nos. 18-20 and 24), which comprises of commercial units with flats above. Due to the height of the proposal and the orientation the proposal results in an increase in overlooking, loss of sunlight/daylight and results in an overbearing impact which would significantly detrimental residential amenity.
- 6.47 TDC Pollution request a condition securing approval of a Demolition/Construction Management Plan in order to minimise potential nuisance to nearby existing residents caused by construction works. The site is now cleared but a construction management plan will be necessary to minimise dust and noise disturbance to neighbouring residents during construction. This could be secured by condition on any approval.

Drainage and flooding

- 6.48 Paragraph 103 of the NPPF requires Councils, when determining planning applications, to ensure flood risk is not increased elsewhere. Although the site is in Flood Zone 1 (low risk), the NPPF, Policy QL3 in the adopted Local Plan and Policy PPL1 in the emerging Local Plan still require any development proposal on sites larger than 1 hectare to be accompanied by a site-specific Flood Risk Assessment (FRA). This is to assess the potential risk of all potential sources of flooding, including surface water flooding, which might arise as a result of development. The site is less than 0.2 hectares but comprises a 'major' development and Essex County Council (ECC) as Lead Local Flood Authority are therefore statutory consultees.
- 6.49 A Drainage Strategy has been provided with the application. The site lies within Flood Zone 1 and is therefore at low risk of flooding from rivers and the sea. Surface water from the development must be adequately managed to prevent runoff and risk of flooding elsewhere.
- 6.50 ECC SUDs Team have issued a holding objection on the grounds of an inadequate surface water drainage strategy which does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. At the time of writing this report additional information has been submitted by the applicant. Comments have been requested from ECC SUDs Team and it is hoped these can be provided prior to Planning Committee. An update will be provided at the meeting/on the update sheet. An inadequate surface water drainage strategy therefore forms a recommended reason for refusal at this time.

- 6.51 The application form confirms that foul sewage would be disposed of via the existing mains sewer. Anglian Water confirms that there is sufficient wastewater and foul sewerage capacity for the development. They confirm the surface water strategy is unacceptable and request a condition covering this issue, however this is being considered by ECC SUDs Team as detailed above and currently represents a reason for refusal.

Trees

- 6.52 Tree Preservation Order 15/00006/TPO relates to two protected lime trees along the north east boundary close to the rear boundary of properties fronting Beach Road.
- 6.53 One of the trees is a mature specimen that appears to be in reasonable condition. It is a significant feature in its setting and contributes to the appearance of the area. Its amenity value is reduced because of the position of the tree however the immediate area is not well populated with trees and consequently this increases its amenity value. It is also clearly visible through a large gap from Beach Road. The second tree has been pollarded and is significantly less prominent in the street scene.
- 6.54 As a large basement parking area is proposed the two protected Lime trees will have to be removed to facilitate the redevelopment. Whilst this is unfortunate, 19 new trees are proposed to be planted as part of the soft landscaping associated with the development of the land. Subject to a condition on any planning permission securing this new tree planting within a wider soft landscaping proposal this would compensate for the removal of the protected trees.

Other considerations

- 6.55 Given the condition of the site and its Town Centre location it is considered unlikely that any protected species would be present on site and a Phase 1 habitat survey was not therefore requested.

Background Papers

None