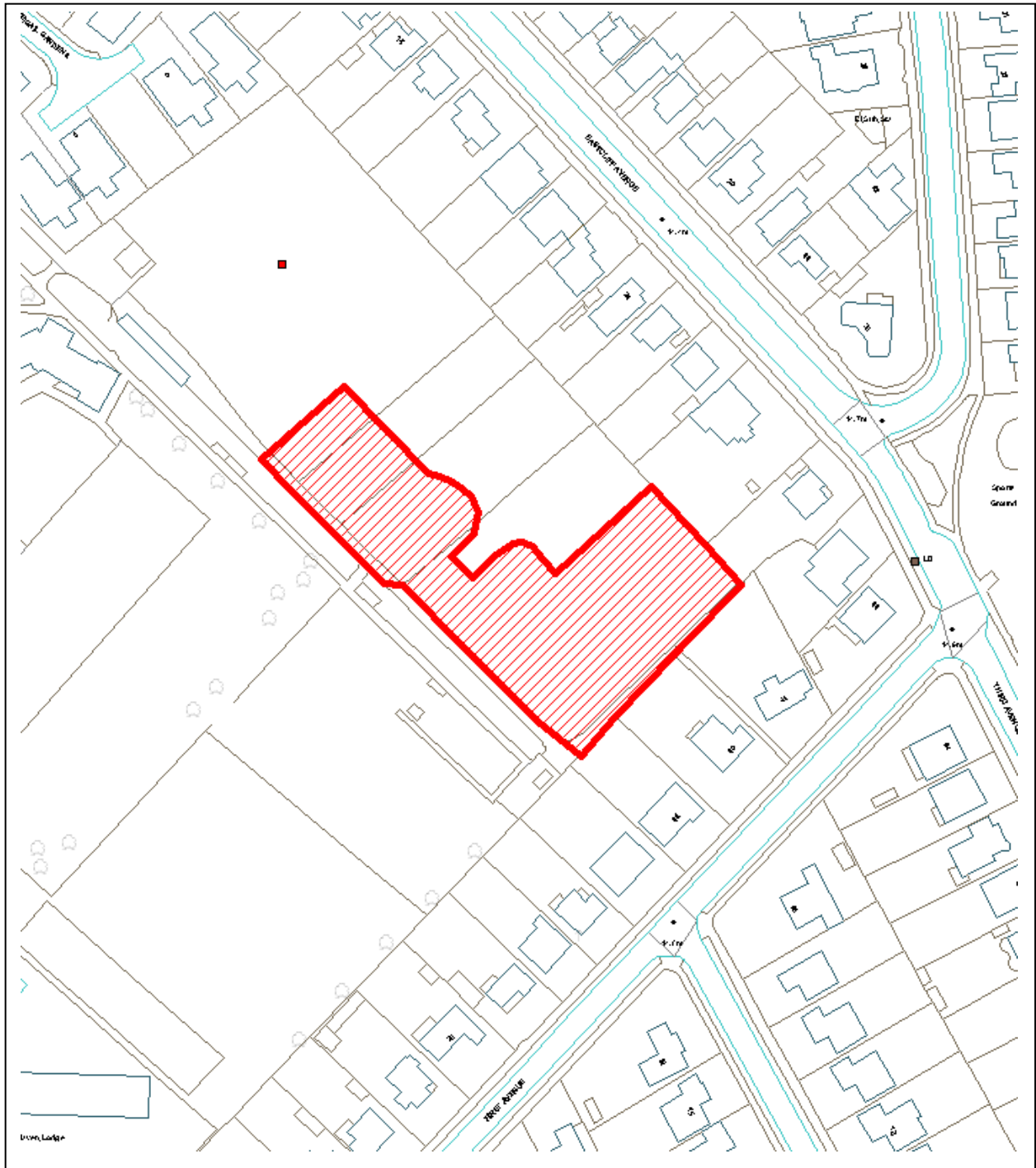


PLANNING COMMITTEE

26 JULY 2011

REPORT OF THE TEMPORARY HEAD OF PLANNING

**A.6 PLANNING APPLICATION - 11/00132/FUL - SITE OFF ABBIGAIL GARDENS ,
HOLLAND ROAD, CLACTON ON SEA, CO15 6HG**



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Application:	11/00132/FUL	Town / Parish:	Clacton Non Parished
Applicant:	Exclusive Homes		
Address:	Site off Abbigail Gardens Holland Road Clacton On Sea, CO15 6HG		
Development:	The construction of 11no. units comprising 4no. pairs of semi-detached two bedroom bungalows, 1no. detached 4 bedroom house, 1no. detached 3 bedroom house and 1no. detached 2 bedroom bungalow as a change to the previously approved plots 11- 18 of 07/00972/FUL.		

1. Executive Summary

- 1.1 This application remodels part of the Abbigail Gardens development approved in 2008 using an additional strip of land to create a scheme of 11 dwellings; 3 more than in the 2008 permission. The revised layout reduces the separation distances with existing neighbouring properties, but only by a small amount and the change would not be materially harmful to the amenities of these neighbours. The proposed dwellings are of an acceptable design and are in keeping with surrounding dwellings that have already been approved and completed. The proposal is not harmful to highway safety or to nearby protected trees and the relatively narrow range of dwelling types and sizes is acceptable. A S106 agreement securing financial contributions totalling £108,133 will ensure that off-site affordable housing and public open space can be provided in accordance with Local plan Policies COM6, COM7a and HG4. .

Recommendation: Approve

The Temporary Head of Planning Services be authorised to grant planning permission for the development subject to:-

- (a) the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters
 - A commuted sum of £85,000 for the provision of affordable housing.
 - A commuted sum of £17,500 in compensation for the loss of existing open space.
 - A commuted sum of £5,633 towards the Council's provision of public open space
- (b) Planning conditions in accordance with those set out in (i) below and with the reason for approval set out in (ii) below.
- (c) The Temporary Head of Planning Services (or the equivalent authorised officer) be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of two months, as the requirements necessary to make the development acceptable in planning terms has not been secured through S106 planning obligation, contrary to Local Plan policy QL12.

(i) Conditions:

- Time limit
- Plans
- Landscaping
- Materials
- Tree protection during construction
- Pedestrian visibility splays
- Parking and turning to accord with plan 402/03 N

(ii) Reason for approval:

Although the separation distances with neighbouring properties would be reduced compared with the 2008 scheme, the change would not be significant or materially harmful to the amenities of these neighbours. The proposed dwellings are of an acceptable design and are in keeping with surrounding dwellings that have already been approved and completed. The proposal is not harmful to highway safety or to nearby protected trees and the relatively narrow range of dwelling types and sizes is acceptable. A S106 agreement requiring financial contributions totalling £108,133 will ensure that off-site affordable housing and public open space can be provided in accordance with Local Plan policies.

2. Planning Policy

National Policy:

- | | |
|-------|---|
| PPS1 | Delivering Sustainable Development |
| PPS3 | Housing |
| PPG17 | Planning for Open Space, Sport and Recreation |

Local Plan Policy:

Tendring District Local Plan (2007)

- | | |
|-------|--|
| HG1 | Housing Provision |
| HG3A | Mixed Communities |
| HG4 | Affordable Housing in New Developments |
| HG6 | Dwelling Size and Type |
| COM6 | Provision of Recreational Open Space for New Residential Development |
| COM7a | Protection of Existing Playing Fields, Including School Playing Fields |
| COM8 | Provision and Improvement of Outdoor Recreational Facilities |
| QL9 | Design of New Development |
| QL10 | Designing New Development to Meet Functional Needs |
| QL11 | Environmental Impacts and Compatibility of Uses |

HG14	Side Isolation
HG9	Private Amenity Space
Core Strategy and Development Policies Proposed Submission Draft (2010)	
CP5	Achieving a Sense of Place
CP23	Residential Densities
DP1	Design of New Development
DP4	Private Amenity Space for Residential Development
DP6	Development Affecting Protected Trees and Hedges
DP17	Affordable Housing in New Developments

Other guidance:

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

3. Relevant Planning History

- 07/00972/FUL - Residential development of 24 No. units (approved).
- 09/00273/FUL - Construction of 6 No. bungalows, garages and associated works (approved).
- 09/01086/FUL - Construction of 4 no. bungalows, garages, conservatories and associated works as amendment to 07/00972/FUL (approved).
- 09/01169/FUL - Construction of 2 No. bungalows, garages, conservatories as amendment to 07/00972/FUL (approved).
- 10/00863/FUL - Construction of 4 No. 2 bed bungalows with integral garage, replacing 4 No. 2 bedroom houses as approved as an amendment to 07/00972/FUL (approved).

4. Representations

Neighbour Comments

- 4.1 Comments from 35 addresses have been received, 15 of which are objections, 18 are in support. The remaining two do not specifically object or support the proposal.
- 4.2 The 15 objections include an email from Ward Members Councillors Pierre Oxley and David Oxley. Material planning objections are summarised as follows;
 - The application includes land designated as open space.
 - The dwellings are too close to established properties in Eastcliff and First Avenues.
 - Too close to boundary fences with properties in Eastcliff Avenue and First Avenue. Side-on bungalows more harmful.
 - Proximity gives the character of living on an estate.

- Amenity space requirements not met.
- Houses on plots 13 and 16 will be out of keeping with the bungalows. And intrusive on properties around them.
- Plot 13 is too close to rear fence of 39 First Avenue and very imposing. It will also result in a loss of privacy if the store room is converted into a bedroom with a dormer window.

4.3 These objections have all been addressed within the subsequent sections of this report. Further comments relating to the previous applications and the developer's behaviour are not materially relevant to this planning application and can be given no weight.

4.4 An objector has also highlighted inconsistencies on the plans relating to Plot 13. The applicant has amended drawings and resolved those inconsistencies. The same objector observes that the passageway in-between 39 and 41 First Avenue is not shown on the site location plan. This is not part of the application and does not therefore need to be on the site location plan.

4.5 The 18 letters of support include one letter from the developer that seeks to address the points raised by the Ward Members.

- The development will improve the area.
- It will make good use of the available land, whilst maintaining a spacious feel.
- Bungalows more sympathetic to the area than flats and reduce overlooking of First Avenue Properties as well as reducing noise and disturbance from the communal parking area.
- The proposal gives an improved view of nearby trees to surrounding properties.

5. Consultations

Highway Authority – No objection

6. Assessment

The main planning considerations are:

- Context and Site History;
- Public Open Space;
- Affordable Housing;
- Highway Safety;
- Appearance and Trees;
- Amenity;
- Housing Mix; and,
- Amenity Space.

Context and Site History

6.1 Abigail Gardens is a cul-de-sac built on part of the grounds of Shorefields School. Planning permission was granted in 2008 (07/00972/FUL) for 24 residential units. Four subsequent planning applications amended various parts of the original scheme, although the overall number of units remained the same. These applications included small parts of an additional strip of land that the applicant had acquired.

6.2 This application includes the remainder of that additional strip of land as well as the part of the site where 8 dwellings had previously been approved. The additional strip of land has allowed for a redesign of the layout of the development to provide 11 bungalows; 3 more dwellings than was previously approved.

Public Open Space

- 6.3 Policy COM6 of the Local Plan requires a financial contribution towards the Council's provision of public open space to serve the occupiers of the development. This proposal results in three additional dwellings compared to previous approved schemes. Officers, through the Council's Development Team, have agreed that the contribution to public open space should therefore relate only to those three additional units. The sum would total £5,633.
- 6.4 As well as placing increased demands on public open space, this development also results in the loss of existing recreational open space. Policy COM7a of the Local Plan requires the replacement of proposed recreational open space lost as a result of development. The 2008 planning permission dealt with this matter through its S106 agreement that included the transfer of land at Cranleigh Close to the Council for use as public open space and the payment to the Council of £100,000 for its maintenance. This application also includes a small additional area of former playing field. Development Team has agreed that a commuted sum of £17,500 would allow for its replacement.

Affordable Housing

- 6.5 Policy HG4 of the Local Plan requires that in developments of 15 or more houses (or where a site forms part of a more substantial development that would, in total, be above that threshold), 40% of new dwellings shall be made available as affordable housing. Although this application is for 11 dwellings, it does form part of a larger potential development site, with the road layout allowing access to a further parcel of land to the south-west that is in the same ownership as the applicant. It is therefore legitimate to apply an affordable housing requirement.
- 6.6 The original planning permission for 24 units did not include any affordable housing requirement as it was demonstrated at the time that the development could not meet the costs of such requirements. Development Team has therefore agreed that a contribution should be in the form of an off-site contribution in proportion to the three additional units over previous approvals. A sum of £85,000 has been agreed in accordance with the Council's adopted guidance.

Highway Safety

- 6.7 Abigail Gardens has already been laid out and any issues relating to its junction with Holland Road were addressed through previous planning permissions. Consequently there are no new problems relating to highway safety. Parking provision complies with adopted minimum standards. The Highway Authority has no objection to this application (subject to conditions), however, it has been clarified with the Highway Authority that the majority of these conditions are unnecessary as they relate to works outside of the application site that have already been achieved through other planning permissions.

Appearance and Trees

- 6.8 The proposal is neither better nor worse in appearance than the previously approved scheme. It is in keeping with what has already been approved. Its cul-de-sac location where only local residents will see the dwellings, limits the potential for harm to visual amenity compared with a more prominent location.
- 6.9 Although there are a number of protected trees within the vicinity of the site, the Council's Tree and Landscape Officer is satisfied that these will not be harmed by the development (subject to conditions).

Amenity

- 6.10 The closest dwellings to the application site are 32 and 34 Eastcliff Avenue that share a boundary with the proposed bungalow of Plot 11. This proposed bungalow would be between 2 and 2.5 metres from its side boundary - the rear boundary of 32 and 34 Eastcliff Avenue. This is half the distance of the equivalent building in the 2008 planning permission, but remains well in excess of the minimum 1 metre side isolation that Policy HG14 requires for two-storey dwellings. Being single-storey and benefitting from significant side isolation, the bungalow would not result in any material loss of light or outlook to the occupiers of Eastcliff Avenue properties.
- 6.11 The proposed bungalow is 25 metres from the principle parts of the rear elevations of 32 and 34 Eastcliff Avenue (23 metres from the conservatory of No. 34). The Essex Design Guide recommends 25 metres as a back-to-back distance for two-storey houses to prevent materially harmful overlooking. The proposed dwelling would therefore comply with this guidance even if it had been a two-storey house with upper floor windows directly facing the rear of Eastcliff Avenue properties. This proposal is for a single-storey bungalow on Plot 11 and it is concluded that there will be no materially harmful loss of privacy resulting from the development.
- 6.12 Similar or greater distances exist between the proposed development and First Avenue properties. Although the application includes a two-storey chalet bungalow facing First Avenue properties, no first floor window is shown on the rear-facing elevation of that dwelling. Were one to be added at a later date, the back-to-back distance of 26 metres between the primary elements of each dwelling ensures that overlooking would be within acceptable bounds.

Housing mix

- 6.13 The 2008 permission comprised of a 3-bed bungalow, a 2-bed chalet-bungalow, a 3-bed house and 5 flats located within 2 x 2-storey buildings. The dwellings in this proposal are a mix of detached and semi-detached bungalows or chalet bungalows.
- 6.14 Policy HG6 of the Local Plan seeks an “appropriate mix of dwelling sizes and type” in housing developments of 10 or more dwellings. The policy does not make it clear what ‘appropriate’ means. It would appear from the letters of support that many of the residents of Abigail Gardens consider the new proposal to present a more appropriate mix than was previously approved. In Officers’ view, the policy seems to be seeking to avoid homogenous mixes of housing types. Whilst this proposal is more homogenous than the 2008 planning permission, it retains a mix of semi-detached and detached, single-storey and two-storey. In Officers’ view the policy’s wording is not clear or specific enough to require a wider housing mix.

Amenity Space

- 6.15 Local Plan Policy HG9 requires a minimum of 75 square metres private amenity space for two-bedroom dwellings and 100 square metres for three-bedroom dwellings. Conservatories are generally held as counting towards this total. In all cases, the proposed dwellings exceed this minimum requirement and are in keeping with the areas of amenity space provided for dwellings on Abigail Gardens that are already approved and completed.

Background Papers.

None