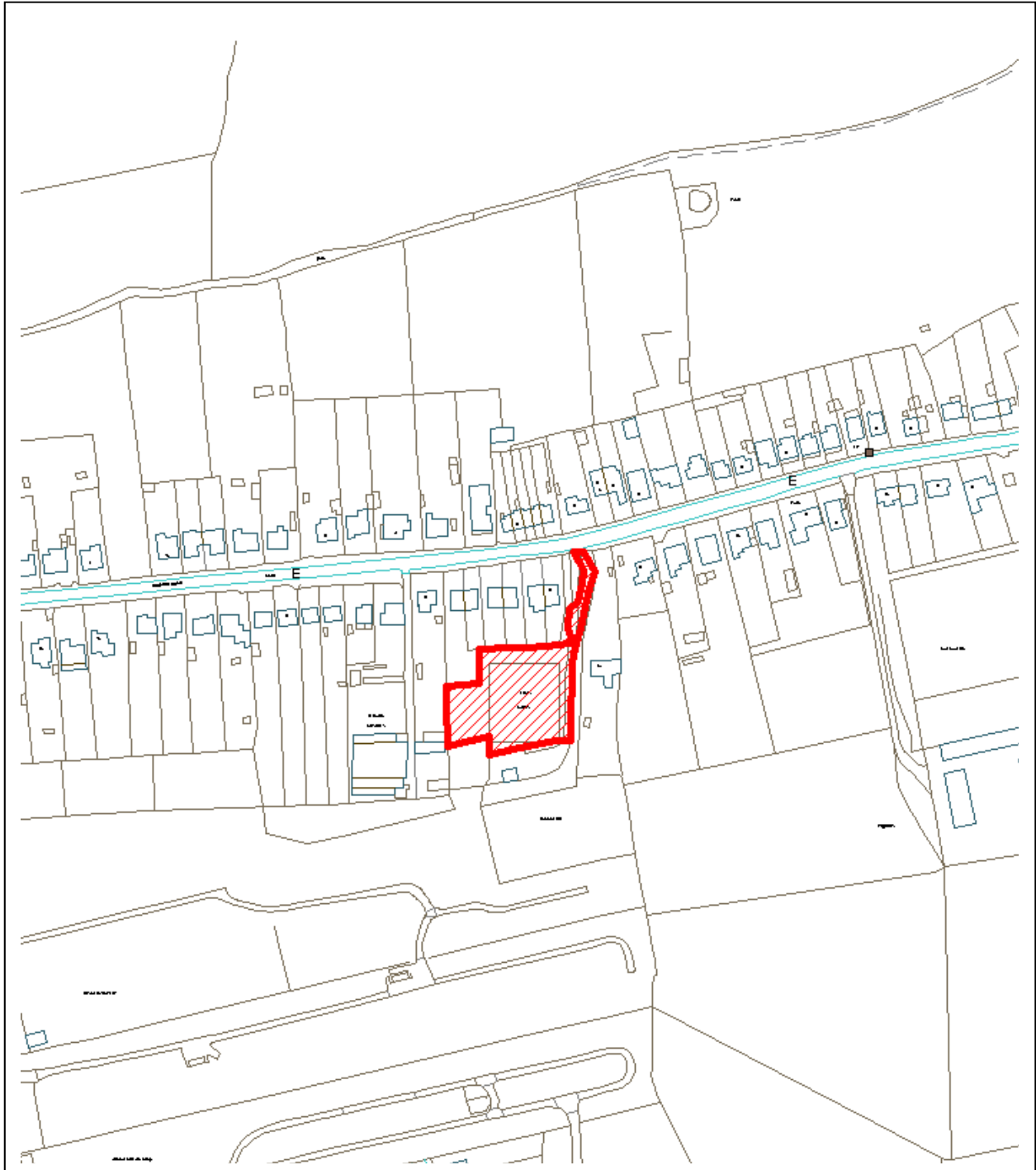


PLANNING COMMITTEE

11 NOVEMBER 2014

REPORT OF THE HEAD OF PLANNING

**A.4 PLANNING APPLICATION - 14/01280/OUT - LITTLE CLACTON TENNIS CLUB
52 HOLLAND ROAD, LITTLE CLACTON, CLACTON ON SEA, CO16 9RS**



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Application:	14/01280/OUT	Town / Parish: Little Clacton Parish Council
Applicant:	Little Clacton Tennis Club	
Address:	Little Clacton Tennis Club, 52 Holland Road, Little Clacton CO16 9RS	
Development:	Erection of 4 bungalows.	

1. Executive Summary

- 1.1 The application has been referred to the Planning Committee at the request of Councillor De-Vaux Balbirnie on the grounds that the proposal will have:
- a negative impact on the character and appearance of the area having regard to the countryside location,
 - an adverse impact in terms of highway safety and other traffic issues
 - a negative impact on neighbours with extra noise, disturbance and floodlight issues.
- 1.2 The application site extends to 0.26 hectares and lies on the southern side of Holland Road at the Little Clacton Tennis Club. The site lies wholly within the Settlement Development Boundary for Little Clacton as established in the saved (2007) and draft (2014) Tendring District Local Plans. The site includes 2 No. outdoor hard-surfaced tennis courts with associated open wire fencing alongside a small clubhouse. There is an existing means of vehicular access to the site onto Holland Road with an unmade track providing access into the site. The site is bounded by a mixture of close-boarded fencing and hedgerow.
- 1.3 Outline planning permission (ref: 06/01403/OUT) was refused in November 2006 and dismissed at appeal in September 2007 for residential development of the site. This 2006 application differed from the current application in that the extent of land proposed for residential development encompassed the entire tennis club site and that around 20 No. dwellings would be envisaged for this site. The main issues identified by the Planning Inspector were the effect of the proposed development on the character and appearance of the area, having regard to the countryside location, and the effect on highway safety.
- 1.4 An additional material planning consideration in terms of planning history relates to a recent planning permission (ref: 14/00106/FUL) approved by the Planning Committee on 27th May 2014. This was for land rear of No. 36 Holland Road for a small cul-de-sac of 6 No. bungalows and garages.
- 1.5 National planning policy is contained within the National Planning Policy Framework ("the Framework"). The Framework promotes the principles of sustainable development through high quality design. Proposals should ensure high standards of design and respond to local character, existing sports land should not be built on unless, amongst other things, the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.
- 1.6 In this instance policy HG13 "Backland Residential Development" is also of primary reference. This policy states that proposals for the residential development of "backland" sites will only be permitted where various criteria are met.
- 1.7 Saved plan Policy COM7a states that development proposals will not be permitted that would involve the loss of sports facilities, but sets out criteria by which the loss of such space would be acceptable in principle. The proposal will result in the complete loss of 2 No. hard-surfaced tennis courts. Such courts are protected by virtue of saved plan Policies

COM7 and COM7a and draft plan Policies PEO19 and PEO20. A separate full planning application (ref: 14/01281/FUL) has been made for the re-provision of 4 No. hard-surfaced tennis courts where the 3 No. grass tennis courts are currently sited. Considered as a whole this will result in the net loss of 1 No. tennis court. However, the proposed new hard-surface tennis courts will be of better quality than existing and by virtue of their playing surface (hard-surface instead of grass) and floodlit nature will be usable throughout the winter months and also during evenings. This represents a net increase in capacity and quality of sports facilities.

- 1.8 An existing means of vehicular access is currently enjoyed onto Holland Road from the application site. This will be retained. No objection has been received from the Highways Authority subject to the imposition of specific conditions.
- 1.9 The proposal is recommended for approval subject to planning conditions and that a Section 106 Agreement to secure the delivery of improved tennis courts on the wider Little Clacton Tennis Club site can be secured.

Recommendation: Approve

Conditions:

1. Time limit for commencement – within 2 years of approval of last reserved matter
2. Time limit for submission of reserved matters – within 2 years of this approval
3. Submission of reserved matters
4. Details of external facing and roofing materials
5. Submission of a landscaping scheme
6. Delivery of landscaping scheme
7. Private drive width of 5.5m for at least the first 6m
8. Provision of pedestrian visibility splays
9. No unbound materials
10. All off-street car parking spaces shall accord with current parking standards
11. Any garage door facing the highway shall be sited at least 6m from highway boundary
12. Details of bicycle storage
13. Provision and implementation of Construction Method Statement
14. Provision of a vehicular turning facility
15. Section 106 Agreement to deliver 4 No. tennis courts on adjacent land

2. Planning Policy

National Policy:

National Planning Policy Framework (2012)

Local Plan Policy:

Tendring District Local Plan (December 2007)

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

QL12 Planning Obligations

HG3 Residential Development within Defined Settlements

HG9 Private Amenity Space

COM6 Provision of Recreational Open Space for New Residential Development

COM7 Protection of Existing Recreational Open Space Including Children's Play Areas and Pitch and Non-Pitch Sports Facilities

COM7a Protection of Existing Playing Fields, Including School Playing Fields

TR1a Development Affecting Highways

TR7 Vehicle Parking at New Development

Tendring District Local Plan: Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014)

SD1 Presumption in Favour of Sustainable Development

SD5 Managing Growth

SD7 Securing Facilities and Infrastructure

SD8 Transport and Accessibility

SD9 Design of New Development

PEO4 Standards for New Housing

PEO19 Green Infrastructure

PEO20 Playing Pitches and Outdoor Sports Facilities

Other guidance:

Essex Parking Standards (2009)

3. Relevant Planning History

93/00134/FUL – (52 Holland Road, Little Clacton) Change from domestic rear garden to fenced tennis court. Approved.

06/01403/OUT – Residential development. Refused. Dismissed at appeal

06/01407/FUL – Change of use of land to include new access, tennis courts and car parking. Refused. Dismissed at appeal.

07/01830/FUL – Use of land for the function of 6 no. tennis courts, revised access and provision of car parking, including location for new clubhouse, plus landscaping. Refused.

07/01868/OUT – Proposed residential development including access. Refused.

4. **Consultations**

- 4.1 The Highways Authority raise no objection, subject to the following conditions:
- Width of proposed private drive
 - Provision of pedestrian visibility splays
 - No unbound materials
 - All parking in accordance with current parking standards
 - Garage door set back distance from highway
 - Provision of bicycle storage details
 - Provision of Construction Method Statement
 - Provision of a vehicular turning facility
- 4.2 Little Clacton Parish Council have objected to the proposal on the following grounds:
- Previous refusal and appeal dismissal for development of this site
 - Site is safeguarded Local Green Space
 - Proposal represents backland development with poor access from Holland Road
 - Proposal would overlook existing dwellings on Holland Road
 - Development of the site to raise money should not be a planning consideration. They should consider a joint venture with the public facility at Plough Corner.

5. **Representations**

- 5.1 18 letters of support have been received. The material planning considerations raised are as follows:
- Will allow improved tennis facilities (16 mentions)
 - Tennis courts are a local asset (10 mentions)
 - Will provide new homes (4 mentions)
 - Only a minimal extra traffic generated (2 mentions)
 - Proposal is small and will fit into Little Clacton
 - Proposed bungalows are well sited
- 5.2 7 letters of objection have been received. The material planning considerations raised, along with officer comments in italics, are as follows:
- Traffic increase and impact on highway safety (3 mentions)
Officer comment: The highways authority have raised no objection.
 - Will constitute backland development (2 mentions)
Officer comment: This is considered in the assessment below.
 - Development at 36 Holland Road should not act as a precedent for similar backland housing (2 mentions)
Officer comment: This is considered in the assessment below.
 - Proposal will not enhance the character or appearance of the area
Officer comment: This is considered in the assessment below.
 - Site is protected as a leisure use
Officer comment: This is considered in the assessment below.
 - Will overlook existing dwellings on Holland Road
Officer comment: This is an outline application with all matters reserved. However, the proposal is for bungalows and therefore the proposal is not considered introduce any material overlooking of neighbouring property.

- There is no pavement on this side of Holland Road to allow access into the village centre
Officer comment: There is a pavement on the opposite side of the road which pedestrians can use.

5.3 Some letters referred to aspects that are considered under a separate planning application (ref: 14/01281/FUL), currently under consideration, for the rear of the wider tennis club site to re-provide new tennis courts with associated fencing and floodlighting. Those comments which purely related to this separate application have been considered as part of that application.

6. **Assessment**

6.1 The main planning considerations are:

- Context and Background;
- Proposal;
- Planning History;
- Policy Context;
- Loss of Sports Facilities;
- Housing Need;
- Highway Safety;
- Backland Development;
- Public Open Space / Play Facility Contribution; and,
- Section 106 Agreement.

Context and Background

6.2 The application site extends to 0.26 hectares and lies on the southern side of Holland Road at the Little Clacton Tennis Club. The site lies wholly within the Settlement Development Boundary for Little Clacton as established in the saved (2007) and draft (2014) Tendring District Local Plans.

6.3 The site includes 2 No. outdoor hard-surfaced tennis courts with associated open wire fencing alongside a small clubhouse. There is an existing means of vehicular access to the site onto Holland Road with an unmade track providing access into the site. The site is bounded by a mixture of close-boarded fencing and hedgerow.

6.4 Upon the planning officer's site visit and as documented by the applicant in the accompanying Planning Statement, the existing hard-surfaced tennis courts are in a poor state of repair and would need substantial investment to bring up to an acceptable standard.

6.5 To the south of the application site, but forming part of the wider tennis club site (and subject to a separate planning application for re-provided tennis courts – ref: 14/01281/FUL), are 3 No. grass tennis courts with associated fencing. To the south and beyond the grass tennis courts, is Firs Caravan Park.

6.6 This part of Little Clacton is characterised by linear, frontage development along Holland Road. Notable exceptions include a recent planning permission (ref: 14/00106/FUL) for land rear of No. 36 Holland Road for a small cul-de-sac of 6 No. bungalows and garages. This was approved by the Planning Committee on 27th May 2014. There is a mixture of houses and bungalows along Holland Road in fairly close proximity to each other.

Proposal

- 6.7 The proposal is an outline planning application with all matters reserved for the erection of 4 No. bungalows. An indicative scheme has been provided with the application showing a possible site layout. The proposal includes the demolition of the existing 2 No. hard-surfaced tennis courts.

Planning History

- 6.8 Outline planning permission (ref: 06/01403/OUT) was refused in November 2006 and dismissed at appeal in September 2007 for residential development of the site. This 2006 application differed from the current application in that the extent of land proposed for residential development encompassed the entire tennis club site and that around 20 No. dwellings would be envisaged for this site. The main issues identified by the Planning Inspector were the effect of the proposed development on the character and appearance of the area, having regard to the countryside location, and the effect on highway safety.
- 6.9 In his report, the Planning Inspector highlighted that residential development would not only be outside of the development boundary and beyond the line of rear boundaries of nearby gardens but would also extend well into a distinctly different area where mobile homes or fields would be on 3 sides of the site. This would not be the case with this current application.
- 6.10 The Inspector, in discussing backland development, stated that the development would “appear incongruous and out of keeping”. He stated that it would introduce “significant built form into an area dominated by gardens and transient mobile homes; substantially diminishing the value of the existing gap between residential buildings and the mobile home park”. As stated above, this application is for 4 No. bungalows, rather than approximately 20 No. dwellings as dismissed at appeal. However, the issue of backland development is discussed in greater depth below.
- 6.11 The Inspector continued to state that he considered that the development “would also lead to a noticeable extension of built development that would reduce the perception of a ‘green gap’ between Little Clacton and Clacton itself”. This would not be the case with this current application as the site lies wholly within the Settlement Development Boundary for Little Clacton. However, issues of character and appearance are discussed in greater depth below.
- 6.12 The Inspector also notes that when he was considering the appeal there was an adequate provision of market housing elsewhere in Tendring District. This is no longer the case, and is discussed in greater depth below.
- 6.13 Outline planning permission (ref: 06/01407/OUT) was also refused in November 2006 and dismissed at appeal in September 2007 for an adjacent site for change of use of land to include works to form new access, tennis courts and car parking areas for relocation of tennis club. The main considerations identified by the Planning Inspector matched those identified above for residential development.
- 6.14 In December 2007 planning permission (ref: 07/01830/FUL) was refused for the adjacent site for use of land for the function of 6 no. tennis courts, revised access and provision of car parking, including location for new clubhouse, plus landscaping. The site overlapped with this current application only insofar as the access road. The remainder of the site lies to the east of the application site.
- 6.15 In December 2007 outline planning permission (ref: 07/01868/OUT) was refused for residential development including access. The extent of this refused site encompassed the

current application site and the southern (rear) part of the tennis club site (currently subject to application ref: 14/01281/FUL). The reasons for refusal focused on non-sustainable location, harm to the countryside, incongruous backland development, with a lack of information relating to alternative sites for a new tennis club. This decision was not appealed against. However, this refused application differs from the current application in that it is wholly within the saved Settlement Development Boundary for Little Clacton. The issue of backland development is discussed in greater depth below.

- 6.16 An additional material planning consideration in terms of planning history relates to a recent planning permission (ref: 14/00106/FUL) approved by the Planning Committee on 27th May 2014. This was for land rear of No. 36 Holland Road for a small cul-de-sac of 6 No. bungalows and garages.

Policy Context

- 6.17 National planning policy is contained within the National Planning Policy Framework (“the Framework”). The Framework promotes the principles of sustainable development through high quality design. Proposals should ensure high standards of design and respond to local character, whilst being visually attractive as a result of good architecture. The Framework also states that existing sports land should not be built on unless, amongst other things, the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.
- 6.18 National and local planning policy directs new residential dwellings to within defined settlement boundaries. The general concept of settlement development boundaries is fundamental to achieving the Government's intentions to create more sustainable patterns of development, make more efficient use of urban land, and follow a sequential approach to the location of new housing development. As a result of this intention, policy HG3 within the Local Plan sets out the requirements for new residential development within these defined settlements.
- 6.19 The application site is located within the defined settlement limits of Little Clacton and where there is a presumption in favour of new residential development. However, policy HG3 within the Local Plan sets out the requirements which would need to be assessed for new residential development within these settlement boundaries, for example issues such as visual and residential amenity, design, density, environmental matters, highway safety, local housing needs and sustainability issues, as well as can the development take place without material harm to the character of the local area, would need to be assessed before planning permission was granted. Although as the planning application is made in outline, the principle of development is the main consideration. However, these characteristics remain as material planning considerations, albeit that the detail would be considered as part of any subsequent reserved matters application.
- 6.20 In this instance policy HG13 "Backland Residential Development" is also of primary reference. This policy states that proposals for the residential development of “backland” sites will only be permitted where various criteria are met. These criteria include the provision of satisfactory private amenity space and off-street car parking spaces, a safe and convenient means of vehicular access, and that the proposal would not be out of character with the area. A similar stance is taken in draft plan Policy PEO6.
- 6.21 Saved plan Policy COM7 states that development proposals will not be permitted that would involve the loss of recreational open space as defined on the Proposals Map. This site is designated as such on the saved Proposals Map, which makes no distinction between publicly and privately accessible open space. Saved plan Policy COM7a reiterates this point, but sets out criteria by which the loss of such space would be acceptable in principle. These criteria include that the playing field that would be lost as a result of the

proposed development would be replaced by a playing field of equivalent or better quantity and quality in a suitable location. Protection of sports facility sites, such as this one, is retained through draft plan Policies PEO19 and PEO20.

- 6.22 The latest version of the draft local plan "Tendring District Local Plan: Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focused Changes (2014)" includes changes to the Proposals Map. Focused change PM10.3 includes a change that is material for this application. This change draws the Settlement Development Boundary for Little Clacton tightly around the existing built form of this part of Little Clacton and now excludes the Firs Holiday Park to the south from the village boundaries. It also extends the area protected by draft plan Policy PEO19 to cover the whole of Little Clacton Tennis Club.

Loss of Sports Facilities

- 6.23 At present the application site accommodates 2 No. hard-surfaced tennis courts. The wider tennis club site also accommodates 3 No. grass tennis courts, a total of 5 No.
- 6.24 The proposal will result in the complete loss of 2 No. hard-surfaced tennis courts. Such courts are protected by virtue of saved plan Policies COM7 and COM7a and draft plan Policies PEO19 and PEO20. A separate full planning application (ref: 14/01281/FUL) has been made for the re-provision of 4 No. hard-surfaced tennis courts where the 3 No. grass tennis courts are currently sited. As a whole this will result in the net loss of 1 No. tennis court. However, the proposed new hard-surface tennis courts will be of better quality than existing and by virtue of their playing surface (hard-surface instead of grass) and floodlit nature will be usable throughout the winter months and also during evenings. This represents a net increase in capacity and quality of sports facilities.
- 6.25 To link the two planning applications, the applicant is volunteering to enter into a Section 106 Agreement whereby all the monies generated from the land sale for the application site are invested in the construction of the 4 No. re-provided tennis courts. This provides the mechanism by which the loss of tennis courts on the application site can be sufficiently offset by facility improvements to the rear part of the site.
- 6.26 On this basis, the proposal would comply with criterion (d) of saved plan Policy COM7a and draft plan Policies PEO19 and PEO20.

Housing Need

- 6.27 The proposal would make a small contribution of 4 No. dwellings towards the Council's housing targets. This proposal differs from previous planning applications for the site as at present the Council cannot prove that it has in excess of a 5-year supply of housing. This is a material planning consideration that supports the proposal.

Highway Safety

- 6.28 An existing means of vehicular access is currently enjoyed onto Holland Road from the application site. This will be retained. No objection has been received from the Highways Authority and the conditions that they propose can be attached to any outline approval granted. These conditions will ensure that the provision of 4 No. bungalows will not result in any material harm to highway safety.

Backland Development

- 6.29 Objections have been raised to the fact that the proposal will represent backland development. Backland development is defined as a development that generally lies behind

existing frontage development. The saved local plan pays particular regard to this type of development in Policy HG13. The policy sets out a number of criteria against which this type of development will be judged.

6.30 The criteria are as follows with officer comments in relation to the existing proposal alongside in italics.

- the site lies within a defined settlement development boundary and does not comprise land allocated or safeguarded for purposes other than a residential use;
The site is within the defined settlement development boundary. However, it is allocated as “safeguarded local green space” in the saved and draft local plans. This issue is discussed above in relation to “loss of sports facilities”.
- where a proposal includes existing private garden land which would not result in less satisfactory access or off-street parking arrangements, an unacceptable reduction in existing private amenity space or any other unreasonable loss of amenity to existing dwellings;
The proposal does not involve existing private garden and so this criterion is not relevant in this instance.
- a safe and convenient means of vehicular and pedestrian access/egress can be provided that is not likely to cause undue disturbance or loss of privacy to neighbouring residents or visual detriment to the street scene. Long or narrow driveways will be discouraged;
A means of vehicular access is already in place. It is not envisaged that the proposal will result in a material increase in vehicle movements along this access to the detriment of neighbouring residents or to the streetscene. A driveway of suitable dimensions could be proposed for the site as part of any subsequent reserved matters application and meet the conditions suggested by the Highways Authority.
- the proposal does not involve “tandem” development using a shared access;
The proposal does not represent tandem development.
- the site does not comprise an awkwardly shaped or fragmented parcel of land likely to be difficult to develop in isolation or involve development which could prejudice a more appropriate comprehensive development solution;
The site is flanked by residential development and to the rear by the remaining tennis club and caravan park beyond. It is of a regular shape and will not appear isolated from existing built development. The backland nature of the site was not considered visually obtrusive from Holland Road when the previous appeal was considered.
- the site is not on the edge of defined settlements and likely to produce a hard urban edge or other form of development out of character in its particular setting; and
Whilst the site now lies within the defined settlement limits it is on the edge of the settlement but as noted above it is surrounded by built development and the caravan park Policy circumstances now presume in favour of sustainable development within the settlement boundaries provided that the character of the area is protected (amongst other things).
- the proposal would not be out of character with the area or set a harmful precedent for other similar forms of development.
In relation to the 2006 refusal, the Planning Inspector stated that the proposal for approximately 20 No. dwellings would appear incongruous and out of keeping and would introduce significant built form into an area dominated by gardens and transient mobile homes. The current application differs in that it is for 4 No. bungalows and is approximately two-thirds the size of the previously dismissed site. Furthermore, whilst

the character of Holland Road, as identified by the Planning Inspector in 2007 constitutes lines of "houses and bungalows in fairly close proximity to each other in a 'ribbon' fashion", the recent approval (ref: 14/00106/FUL) by the Planning Committee in May 2014 for backland development at 36 Holland Road is a material planning consideration and forms some part of the character of the surrounding area. In support of this current application is the fact that views of the proposed bungalows could be very limited from Holland Road, by virtue of the site shape and size. This current application also differs from the 2007 appeal dismissal as it does not fully extend to the Firs Holiday Park and would not materially diminish the value of the existing "green gap" between Little Clacton and Clacton and is wholly sited within the Settlement Development Boundary for Little Clacton.

Public Open Space / Play Facility Contribution

- 6.31 There is an identified significant deficit in equipped play facilities in the Little Clacton Parish and a financial contribution towards improved play facilities is justified. A Unilateral Undertaking has been provided and the proposal is therefore in accordance with saved Local Plan Policy COM6 and Draft Local Plan Policy PEO22.
- 6.32 The applicant states that the application is linked to improvements to the facilities of the tennis club and that the conjoined scheme will be providing enhanced leisure facilities. On this basis the provision of a contribution towards public play facilities is queried. However, such facilities would only be available to members of the tennis club and would therefore not fulfil the requirements for being publicly available. Nevertheless, a signed unilateral undertaking towards such play facilities has been provided with the application.

Section 106 Agreement

- 6.33 To ensure that enhanced sports facilities are delivered on the wider tennis club site a Section 106 Agreement is required. This will ensure that the profits raised from the sale of the application site, representing the front part of the wider tennis club site, are invested in the provision of new tennis courts (currently the subject of a planning application ref: 14/01281/FUL).

Background Papers

None.