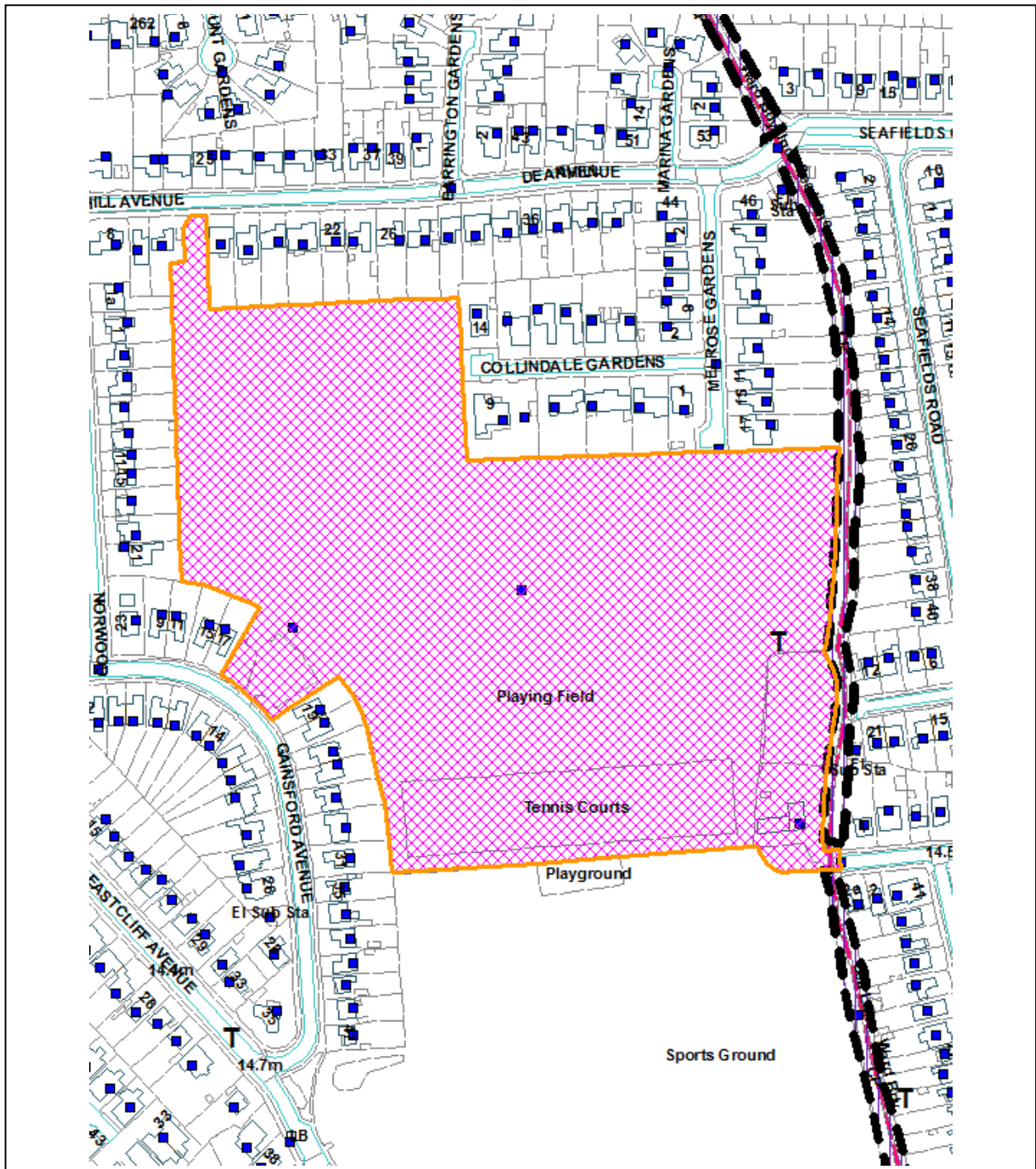


PLANNING COMMITTEE

3 FEBRUARY 2015

REPORT OF THE HEAD OF PLANNING

A.3 PLANNING APPLICATION - 14/00931/FUL - LAND OFF GAINSFORD AVENUE, CLACTON ON SEA, CO15 5AT



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Application:	14/00931/FUL	Town / Parish: Clacton Non Parished
Applicant:	Scott Residential Limited	
Address:	Land off Gainsford Avenue Clacton On Sea CO15 5AT	
Development:	Demolition of existing leisure facilities and construction of new leisure facilities including playing pitch, club house, changing facilities and car parking. Residential development of 65 no. bungalows.	

1. Executive Summary

- 1.1 In considering the current scheme it is the case that the playing field at Gainsford Avenue is shown as safeguarded open space in the Council's adopted Local Plan (2007), where development would usually be strongly resisted in order to avoid the loss of playing fields in an area where the Council's Open Spaces Strategy has identified deficiencies in provision.
- 1.2 The National Planning Policy Framework however sets out that housing applications should be considered in the context of the presumption in favour of sustainable development. It is further accepted that the Council cannot demonstrate a deliverable 5 year housing land supply.
- 1.3 Paragraph 14 of the NPPF sets out that where relevant policies are out-of-date planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
- 1.4 Whilst the Council would usually not entertain allocating a site that is safeguarded as open space for housing development, particularly where the Council's Open Spaces Strategy has identified deficiencies in provision and which would be contrary to paragraph 74 of the NPPF, in this exceptional case, development would help facilitate improvements to the remaining field and ensure better integration with the adjoining Eastcliff Recreation Ground. On balance Officers consider that a more pragmatic approach is justified in this case as allowing the net loss of part of the playing field is outweighed by the public/community benefit of bringing the majority of the site back into regular public use, securing improvements and additional recreational facilities and delivering much needed new housing in a sustainable location.

Recommendation: That the Head of Planning be authorised to grant planning permission for the development subject to:

- a) Within six months of the date of the Committee's resolution to approve, the satisfactory completion of a Viability assessment associated legal agreement under the provisions of Section 106 of the Town and County Planning Act 1990 (on such detailed terms as the Head of Planning in their discretion considers appropriate). Then the application be referred to the Planning Committee.

Conditions:

- b) Planning conditions in accordance with those set out below (but with such amendments and additions, if any, to the detailed wording there of as the head of planning in their discretion considers appropriate.

1. Standard time limit
2. Development in accordance with submitted plans
3. Retention of existing hedges and trees
4. Details of surface water management scheme
5. Details of primary point of access from Gainsford Avenue in accordance with drawings
6. Details of primary point of access from Dulwich Road in accordance with drawings
7. Pedestrian crossing facility (pram crossing only)
8. Ecological management scheme (Recommendations of Bat Survey)
9. External facing and roofing materials
10. Driveway and parking areas hard surfaced, sealed and marked out prior to occupation
11. Works to be carried out outside bird breeding season
12. Gates at vehicular access inward opening and recessed min. 6m
13. Screen walls/fences.
14. Full method statement for approval by Pollution and Environmental Control.
15. Hard and soft landscaping
16. Landscape planting period
17. Landscape management plan
18. Existing and proposed site levels
19. Pedestrian visibility splays
20. Vehicular visibility splays
21. No unbound materials within 6m of highway boundary
22. Estate road junction visibility splay
23. Turning facility for service and delivery vehicles
24. Vehicular turning facility for service and delivery vehicles and passenger carrying vehicles
25. Details of estate roads and footways
26. Construction of carriageway of estate roads
27. All off-street parking provided in accordance with adopted standards
28. Residential Travel Plans
29. Construction method statement
30. Details of hardstanding/parking spaces
31. Details of hardstanding/parking spaces for coaches
32. Public rights and ease of passage over Public Footpath No29 (Gt Clacton) shall be maintained free and unobstructed at all times
33. Removal of Permitted Development Rights for dormer windows and rooflights.
34. Scheme for the provision and implementation of water, energy and resource efficiency measures
35. Driveways and parking areas constructed of porous materials, or provision made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellings
36. Hours of floodlighting

- c) The Head of Planning be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of six months, as the requirements necessary to make the development acceptable in planning terms had not been secured though a Section 106 planning obligation, contrary to Saved Policies COM6, HG4, QL12 and COM26 of the Tendring District Local Plan (2007) and Draft Policies SD7, PE010 and PEO22 of the Tendring District local Plan Proposed Submission Draft (2012) as amended by the Tendring District Local Plan – Pre Submission Focussed Changes.(2014)

2. **Planning Policy**

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses]

QL12 Planning Obligations

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG3A Mixed Communities

HG4 Affordable Housing in New Developments

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

COM1 Access for All

COM2 Community Safety

COM6 Provision of Recreational Open Space for New Residential Development

COM23 General Pollution

COM26 Contributions to Education Provision

COM31A Sewerage and Sewage Disposal

EN1 Landscape Character

TR1A Development Affecting Highways

TR3A Provision for Walking

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

SD3 Key Rural Service Centres

SD5 Managing Growth

SD7 Securing Facilities and Infrastructure

SD8 Transport and Accessibility

SD9 Design of New Development

PRO3 Improving Education and Skills

PEO1 Housing Supply

PEO3 Housing Density

PEO4 Standards for New Housing

PEO5 Housing Layout in Tendring

PEO7 Housing Choice

PEO9 Family Housing

PEO10 Council Housing

PEO14 Single Storey Residential Development (Bungalows)

PEO19 Green Infrastructure

PEO22 Green Infrastructure in New Residential Development

PLA1 Development and Flood Risk

PLA3 Water Conservation, Drainage and Sewerage

3. Relevant Planning History

- 01/01297/CMTR - New temporary secondary school for up to 450 pupils till 2005 plus associated play areas and parking (CC/TEN/107/01) – Application Withdrawn
- 13/30073/PREAPP – Proposed residential development
- 13/50356/PREAPP – Residential development

4. Consultations

Principal Tree & Landscape Officer

- 4.1 The main body of the application site is mown grass and has been used as a recreation ground for many years.
- 4.2 There are two small trees situated either side of the access to the site from Gainsford Ave, a Crab Apple and a Flowering Cherry. Both make a good contribution to the appearance of the area and appear to be retained. The amenity value that they provide could be easily replicated by new planting.
- 4.3 The scrubby vegetation in the area around the redundant tennis courts may provide some habitat for wildlife but none of the vegetation merits retention or protection by means of a Tree Preservation Order.
The most important trees are situated on the boundary of the car park serving the Sports Pavilion currently forming part of Eastcliff Recreation Ground and the adjacent Gainsford Avenue Recreation Ground.
- 4.4 The trees are two Oaks and a Hawthorn. The Hawthorn and the smaller Oak are attractive and reasonably well formed specimens however the contribution that they make to the amenity of the locality could be relatively easily replicated by new planting.
- 4.5 The second Oak is a large and impressive specimen estimated to be over 100 years old. It has no significant structural defects and has no signs of any significant pest or diseases. It makes a positive and significant contribution to the character and appearance of the area. It has a future life expectancy of over a 100 years. The tree appears to be situated in part of the site where a football pitch is proposed.
- 4.6 The Ecological Survey submitted with the application appears to make reference to the 3 above trees, but says that they overhang the application site. This may mean that the ecological survey has not been carried out for the car park area. The Ecological Survey provides no information about the tree other than that it may provide habitat for roosting bats.
- 4.7 As the large Oak meets the criteria under which it merits protection by a Tree Preservation Order and is a material constraint in the planning process, regardless of whether or not it is formally protected, a Tree Survey and Report should be provided in accordance with BS5837: 2012 Trees in relation to design, demolition and construction Recommendations.
As the tree makes a positive and significant contribution to the appearance of the area a new Tree Preservation Order will be made.
Consideration should be given to alternative site layouts that would allow development of the land but that also make provision for the retention of the Oak.
(Comment – Since these comments were received the proposed scheme has been altered with proposed development moved further away from the above mention trees. These trees would be retained and would not be impacted by the proposed scheme.)

Anglian Water Services Ltd

- 4.8 Raised no objection to the proposed development as there is currently sufficient waste water and foul sewage capacity within the existing networks.

ECC Highways Dept

- 4.9 Raised no objection to the scheme subject to a number of controlling conditions.
(Comment – Since the receipt of the above comments the proposed access to the playing fields has been moved to the west of the original location. The Highways Authority has been re-consulted and members will be updated with regard to any comments received.)

Environment Agency

- 4.10 Raised no objection to the scheme providing a condition is attached to any approval requiring the submission to and agreement by the Local Planning Authority of details of a surface water management strategy.

Environmental Health

- 4.11 No objection to the scheme subject to a condition attached to any approval relating to the protection of local amenity during construction.

ECC Education

- 4.12 Required contributions towards Primary and Early Years and Childcare provision.

Housing Services

- 4.13 No objection to the scheme subject to the provision of 15 units of affordable housing on site.

Sport England

- 4.14 Raised an in principle objection to the scheme as it would result in the partial loss of playing fields. Also raised objection to the suitability of the changing room facilities being proposed as these did not comply with the Football Association (FA) requirements. **(Comment – Subsequent to the receipt of the above comments relating to the FA requirements the applicants have amended the layout and size of the proposed changing rooms. Sport England confirmed that the FA has agreed the amended facility is now in compliance with their requirements.**

- 4.15 ***The objection from Sport England with regard to the principle of development still remains. In this regard officers have weighed the benefits of the scheme against the loss of a section of the playing fields that have historically remained unused and concluded that on balance a more pragmatic approach allowing the net loss of part of the playing field is outweighed by the public/community benefit of bringing the majority of the site back into regular public use, securing improvements and additional recreational facilities and delivering much needed new housing in a sustainable location is justified in this instance. Should members be minded to approve the current scheme it will need to be referred to the Planning Casework Unit as the Sport England objection remains unresolved.***

Natural England

- 4.16 Raised no objection to the scheme subject to conditions securing the recommendations set out in the Ecological Survey as these relate bats and their habitat.

ECC Flood and Water Management Planning and Environment

- 4.17 The comments have been provided on an informal basis until such time as they become the SuDS Approval Body. **(Comment - Suggestions put forward would be covered by the surface water management scheme required by condition within the Environment Agency's response.)**

5. Representations

- 5.1 The current application has seen the submission of a number of amended plans. This has resulted on a number of neighbour consultations being completed.
- 5.2 With regard to the original scheme 88 letters of objection were received. These mainly took the form of a standardised letter signed by individual residents. The main concerns expressed in these letters can be summarised as follows:
- Size, scale and bulk of the proposed pavilion/changing room
 - Light pollution from floodlighting
 - Boundary treatment to ensure security
- 5.3 One letter of support was received during this initial round of consultation.
- 5.4 The first material amendments to the scheme significantly reduced the overall scale and bulk of the pavilion/changing rooms. A second round of neighbour consultation letters were sent on the 3rd November 2014. This round of consultation returned six letters of objection. The matters raised can be summarised as follows:
- Impact on amenity from noise and disturbance from the clubhouse (*This will be controlled through separate legislation*)
 - Highway safety concerns with regard to the access from Dulwich Road
 - Bats present around the application site (*Mitigation measures will be secured through condition*)
 - Hedgehogs and wildlife corridors (*Wildlife corridor to western boundary of site include enhancement features suitable as hedgehog habitat*)
 - Lack of ecological survey focussing on hedgehogs
 - Anti-social behaviour from the clubhouse
- 5.5 On the 20th January 2015 further amended plans were submitted with regard to the design of the changing rooms as well as showing that the original access to the playing fields had been moved further to the west. As a result a third round of neighbour consultations were sent out. The deadline for comments is the 3rd of February 2015 and members will be updated with regard to the comments received during this final round of consultations.

6. Assessment

Site context

- 6.1 The application site off Gainsford Avenue to the south of Deanhill Road, Holland-on-Sea is an area of land of 5.77 hectares of which 5.45 hectares is in the ownership of Colchester Institute and has previously been used as a playing field without access to the general public. This has resulted in the site being underused.
- 6.2 The land is mostly grassed and falls gently towards the south where it abuts the Eastcliff Recreation Ground. The land continues to fall southwards towards the seafront. To the south east of the site there is an area of approximately 0.31 hectares which is occupied by Holland Football Club Clubhouse and associated parking which takes access from Dulwich Road.
- 6.3 The site is bounded by the established residential area of Gainsford Avenue to the west and Deanhill Avenue and Collingdale Gardens to the north. The character of the immediate area is in the main defined by bungalows, detached and semi-detached chalets. The density of the area is in the region of 20 units per hectare.
- 6.4 The properties mostly back onto the site with fences and hedging mostly surrounding the site.

- 6.5 Access into the site will be gained via the existing access from Gainsford Avenue providing pedestrian and vehicular access to the local amenities. It is considered that having regard to the location of the site is considered to be sustainable.

Proposal

- 6.6 The applicants have stated that the current application is for the residential redevelopment of the above site to provide 65 No. new dwellings (bungalows) and improved leisure facilities. The leisure facilities would be provided in the form of a new changing room, improved playing fields and new parking area.
- 6.7 The proposal divides the site into two main sections. The western side of the site is allocated for residential development. It is proposed to construct 65nr detached or semi-detached bungalows on this area. The residential density is 22 per hectare. The eastern side of the site provides for enhanced leisure facilities including additional parking and improved access.
- 6.8 There is a single access proposed into the site for the residential development using the original access from Gainsford Avenue into the site. Access to the leisure facilities will remain from Dulwich Road. The existing clubhouse is to be replaced with a new clubhouse, the access is to be improved and an extended and refurbished car park is also proposed replacing the existing car park. This results in part of the car parking being moved away from the boundaries of the properties in Dulwich Road and Howard Road. 81 Car parking spaces are proposed together with 3 coach spaces.
- 6.9 The proposed new clubhouse is sited broadly centrally on the southern side to the eastern part of the site with a new grass playing pitches proposed to the north of the clubhouse that will have public access. The land around the clubhouse will also have public access and it is envisaged that the new changing facilities will be available for use by the public as a community facility.
- 6.10 The main playing pitch would be served by four number lighting pylons to allow flexible use of the facility. It is also proposed that the playing pitch is fenced, although its erection would be at the Council's discretion which would be dependent on the aspirations of the end user for the site.
- 6.11 In addition a wildlife corridor is also proposed between the playing fields and the new residential development.
- 6.12 The existing dated changing room facilities on the site would be demolished as part of the current scheme.
- 6.13 The main issues for consideration are as follows:
- Principle of development
 - Suitability of the site for housing
 - Public consultation
 - Character and appearance
 - Neighbouring amenity
 - Highways
 - Ecology
 - Flooding
 - Financial contributions

Principle of development

- 6.14 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities. At the core of this document lies the principle of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking.
- 6.15 Within chapter 8 of the NPPF the emphasis falls on promoting healthy communities. This objective is supported in paragraph 74 which sets out that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - 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; or
 - the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.
- 6.16 The Council's Adopted Local Plan (2007) Policy COM7a and Policy PEO19 of the Draft Local Plan (2012) supports the objectives of the NPPF with regard to the retention of playing fields. It should be noted that as within the NPPF there are exceptions which set out under what circumstances an alternative approach to the development of playing fields could be considered acceptable. In this regard the Council's Adopted Local Plan (2012) Policy COS17 sets out specific criteria relating to the application site forming the basis of the current scheme which is in accordance with the general thrust of the criteria set out in paragraph 74 of the NPPF.
- 6.17 In considering the above it is the case that the playing field at Gainsford Avenue is shown as safeguarded open space in the Council's adopted Local Plan (2007), where development would usually be strongly resisted in order to avoid the loss of playing field in an area where the Council's Open Spaces Strategy has identified deficiencies in provision. This aspect also forms the basis of an objection received from Sport England with regard to the loss of part of the playing fields.
- 6.18 However, whilst the Council would usually continue to seek to protect such areas of safeguarded open space, part of the site is now allocated for housing development in the Council's emerging Local Plan and so some weight needs to be given to this change of approach. The site is allocated in the emerging Local Plan as it was recognised that development would be necessary to help enable improvements to the remaining field and ensure better integration with the adjoining Eastcliff Recreation Ground. This would be broadly in accordance with point 2 of paragraph 74 of the NPPF.
- 6.19 Without some form of 'enabling development' the land would remain underused and publicly inaccessible as it has done for many years. Officers consider that allowing the net loss of part of the playing field is outweighed by the public/community benefit of bringing the majority back into regular public use and securing improvements and additional recreational facilities. This is considered to be consistent with paragraph 74 of the NPPF, which states that 'existing open space, including playing fields, should not be built on unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quality, in a suitable location, or the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss'. It should also be noted that the current application would technically not result in the loss of playing

pitches as the same number of pitches will be laid out as are currently utilised at Gainsford Avenue.

- 6.20 Chapter 6 of the NPPF has as an objective the delivery of a wide choice of high quality homes. In order to facilitate this objective paragraph 49 of the NPPF sets out housing applications should be considered in the context of the presumption in favour of sustainable development. It is accepted that the Council cannot demonstrate a deliverable 5 year housing land supply. In this regard the allocation of this site would help deliver much needed new housing in a sustainable location, which is one of the main objectives set out within the NPPF and would contribute to the Council's five year supply of housing.
- 6.21 In addition to the above the NPPF and Policy COS17 suggest that the development of playing fields could be considered if an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements. In this regard the applicants have submitted a detailed report based on numbers obtained from the Council which show that with regard to the main recreation grounds in Clacton there is only a 31% usage of all TDC hired pitches. Having consideration to these figures Officers conclude that there is a surplus of playing pitches within the immediate area of the application site. The current application would therefore be broadly in accordance with both National and Local Plan policies.
- 6.22 Based on the above and whilst the Council usually would not entertain allocating a site that is safeguarded as open space for housing development, particularly where the Council's Open Spaces Strategy has identified deficiencies in provision and which would be contrary to paragraph 74 of the NPPF, in this exceptional case, development would help facilitate improvements to the remaining field and ensure better integration with the adjoining Eastcliff Recreation Ground. On balance Officers consider that a more pragmatic approach allowing the net loss of part of the playing field is outweighed by the public/community benefit of bringing the majority of the site back into regular public use, securing improvements and additional recreational facilities and delivering much needed new housing in a sustainable location is justified in this instance.

Suitability of the site for housing

- 6.23 The application site is located within the urban area of Clacton on Sea which has been defined as a 'Town' within Policy QL1 of the Adopted Local Plan (2007) and an 'Urban Settlement' within Policy SD2 of the Draft Local Plan (2012). Both these policies seek to channel any new development towards the larger urban areas and to within development boundaries as defined within the Local Plan.
- 6.24 Chapter 6 of the National Planning Policy Framework (NPPF) has as an objective the delivery of a wide choice of high quality homes. In order to facilitate this objective paragraph 49 of the NPPF sets out housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 6.25 It is accepted that the Council cannot demonstrate a deliverable 5 year housing land supply and as a result officers consider that Tendring District Local Plan (2007) Policy QL1, cannot be considered up-to-date as set out in paragraph 49 of the NPPF.
- 6.26 This view has also been supported by the Planning Inspectorate in a number of recent appeal decisions for similar outline schemes.
- 6.27 Members should note that whilst the Council has published the Tendring District Local Plan Proposed Submission Draft (2012), the document is yet to be submitted to the Secretary of

State and formal adoption cannot take place before it has been examined, consulted on and found to be sound and until that time the relevant emerging policies may possibly be subject to change. When considered in relation to paragraph 216 of the Framework they may be afforded only limited weight.

- 6.28 Based on the above it is considered that, in the absence of up-to-date policies, development proposals cannot be refused solely on the basis that a site is outside the development boundary. Paragraph 14 of the NPPF supports this view when it sets out that where relevant policies are out-of-date planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
- 6.29 On this basis and having regard to paragraphs 14 and 49 of the NPPF, the presumption in favour of sustainable development carries significant weight. As a result the current scheme falls to be considered against the 3 dimensions of 'sustainable development',
- economic,
 - social and
 - environmental roles
- 6.30 Having regard to the location of the application site and its designation within both the Adopted and Draft Local Plans it is concluded that the site is located within an area with a large population and a range of existing infrastructure and facilities which offer a sustainable location for significant levels of growth. These urban areas provide better opportunities for the use of public transport, walking and cycling to get from place to place and, because they have established town centres, employment areas and infrastructure, they provide locations where, with the right action, it is possible to create a significant number of additional new jobs and deliver sustainable housing growth on a larger scale. The environmental impact assessment is assessed under character and appearance and ecology below, and deemed to be acceptable.
- 6.31 Based on the above officers conclude that the application site is located in a highly sustainable location and would be in full compliance with the aims and objectives of National and Local Plan policies in this regard.

Public Consultation

- 6.32 For developments of this scale applicants are legally required to engage with the local community before submitting their applications.
- 6.33 Details have been submitted in support of this application which states that the applicants engaged with the local community through a public consultation process which took the form of a written description of the proposed development circulated to all residents within the vicinity. As a follow up to the letters a public exhibition was held at Holland Football Club Clubhouse on 6th June 2014.
- 6.34 As a result of this consultation a number of amendments were made to the scheme. These included some modest changes to the positioning of the garages or positioning of houses on the plots to accommodate the concerns of immediate neighbours. Neighbouring residents also commented that the consideration of a vehicular or pedestrian access to the playing fields should be strongly resisted because of the risk of increased pedestrian movements and possible parking problems it was considered unnecessary given the relatively close proximity of other accesses.
- 6.35 In addition to the above and as promoted within the NPPF the applicants also entered into extensive consultation has taken place with the Council's officers and Highway Authority

through the Council's pre-application process and comments made have been incorporated into these proposals.

Character and appearance

- 6.36 Chapter 6 of the NPPF sets out Government's objectives with regard to the delivery of a wide choice of high quality homes. Paragraph 50 sets out that in order to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:
- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
 - identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.
- 6.37 The current scheme proposes the development of the site with 65 detached and semi-detached bungalows. This number would be broken down into 39 two bedroom properties and 26 three bedroom properties. The preamble to Policy PEO 14 of the Draft Local Plan (2012) identifies that Tendring District contains a large proportion of single-storey bungalows which were mainly built between the 1930s and the 1980s. These are particularly popular with older residents but are also enjoyed by a fair number of younger people and families and there continues to be a strong demand for this type of home.
- 6.38 There is however a concern that building more bungalows will only succeed in encouraging the in-migration of older residents into the district, placing even greater strain on local health services and bringing further imbalance to the demographics of the district. The other side of this argument suggests that more bungalows are needed because there is a demand and they provide the opportunity for older people to down-size and free up existing two-storey houses for younger people and families to move into.
- 6.39 Having regard to both the above arguments officers are of the view that in this specific instance the character of the surrounding area dictates that taller development would be out of character and on this basis the scheme for a 100% bungalow scheme would be supported in this instance.
- 6.40 The design of the new bungalows reflects the architecture typical of the area with proposed materials reflecting similar materials used in the immediate vicinity. Specific details in this regard will be secured by condition attached to any approval. The proposed dwellings have been set back from the road which allows for the planting of trees along the frontage which would reflect the tree lined context of surrounding development. Details set out in the landscaping scheme submitted in support of this application will be secured through a planning condition ensuring the delivery of a high quality development that reflects and contributes to the character and appearance of the area.
- 6.41 With regard to the amenities of future residents it is noted that the spacing between dwellings would reflect the local context whilst garden sizes are in excess of the Council's adopted policy requirements under Saved Policy HG9. In addition the residential density proposed would be 22 units per hectare which would further reflect the character of the area which has an approximate density of 20 units per hectare.
- 6.42 The proposed changing room building is of a design and appearance that will be similar to buildings nearby.
- 6.43 Officers conclude that the above details indicate that the current scheme would achieve a development that:
- will function well and add to the overall quality of the area;

- will establish a strong sense of place;
- will optimise the potential of the site to accommodate development;
- responds to local character and reflects the identity of local surroundings and materials and
- is visually attractive as a result of good design, layout and appropriate landscaping.

6.44 In accordance with National policies, most notably Chapter 6 and 7 of the NPPF, as well as Policies QI9, QL10 and QL11 of the Adopted Local Plan (2007) and Policy SD9 of the Draft Local Plan (2012).

Neighbouring amenity

6.45 With regard to the immediate neighbours adjoining the site it is noted that the new changing rooms have been positioned centrally and to the southern end of the site with access from the proposed parking area and to the pitches avoiding overlooking of the new and existing housing. This would reduce the risk of any disturbance due to its position some distance away from any immediate residential properties. It is anticipated that the use of this part of the site as playing fields would not give rise to any additional amenity impacts to existing residents other than those currently experienced.

6.46 The residential scheme proposed would back onto the existing properties facing onto Gainsford Avenue, Collingdale Gardens, Deanhill Avenue and Norwood Avenue. It is considered that, given the garden depths and separation distances proposed in combination with the overall scale, bulk and massing of the residential dwellings, there would be no harmful loss of amenity to any of the adjoining neighbours as a result of overbearing development or loss of light.

6.47 In addition it is noted that the roof spaces of the individual properties have been designed to allow storage but no provision is being made for conversion of these spaces to living accommodation. Any conversion of these areas will be controlled by planning condition in order to manage any potential issues with overlooking in the future.

6.48 The submitted plans further indicate that the main playing pitch would be provided with 4 No. lighting columns. The applicants have submitted a lighting scheme in support of the application which indicates that light spillage would be retained to mainly within the site with limited levels exceeding the boundaries of the playing field. It is noted that the Council's Environmental Health Officer raised no objection to the proposed lighting details. Notwithstanding the forgoing officers suggest that a condition be imposed to any permission controlling the times during which the flood lights can be switched on. As a result it is considered that the proposed lighting columns would not result in any harmful loss of amenity to those future occupiers adjoining the playing fields.

6.49 The landscaping plans submitted as part of the application shows significant landscaping along the boundary between the future dwellings and the playing fields with further trees being proposed in the rear gardens of the new dwellings. These features would further serve to screen the playing fields from the residential development reducing potential impacts on amenity.

Highways

6.50 There is a single access proposed into the site for the residential development using the original access from Gainsford Avenue.

6.51 The proposed new road into the site would be 4.8 metres wide with 2 metre wide footpaths to each side. This road gives access into the residential development and is arranged to

follow a circular route within the site with a single 5.8 metre wide shared surface road leading south with a size 3 turning head towards the end of the road.

- 6.52 Access to the leisure facilities will remain from Dulwich Road. The access is to be improved and an extended and refurbished car park is also proposed replacing the existing car park. This results in part of the car parking being moved away from the boundaries of the properties in Dulwich Road and Howard Road. 81 Car parking spaces are proposed together with 3 coach spaces.
- 6.53 The applicants submitted a transport statement in support of the application which identifies the site as being ideally located to local amenities, bus route and schools to encourage sustainable travel for all. In addition pedestrian and cycle access points have been provided which improves connectivity and will encourage access to Clacton and its amenities by walking and cycling.
- 6.54 Studies conducted as part of travel plan show that the likely impact of the residential development on Gainsford Avenue and the Eastcliff Avenue/Holland Road junction would be minimal. In addition traffic from the upgraded leisure facilities is likely to remain as existing as there would be no more playing pitches than currently.
- 6.55 Essex County Council Highways was consulted on the likely highway implications of the scheme as well as the details submitted. The highways officer raised no objection to the scheme subject to a number of controlling conditions. Members are advised that amended plans were received on 20/01/2015 showing that the access to the playing fields had been moved west of its original position. The Highways Authority has been re-consulted but no response had been received prior to the drafting of this report. Officers will update members at the Committee Meeting on any additional comments received.
- 6.56 In conclusion, the proposed residential development adheres to National and Local policy regarding accessibility, connectivity and proximity to local services and amenities.

Ecology

- 6.57 In this regard the National Planning Policy Framework sets out in Chapter 11 paragraph 109 that the planning system should contribute to and enhance the natural and local environment. In paragraph 118 bullet point 3 specifically sets out that, opportunities to incorporate biodiversity in and around developments should be encouraged.
- 6.58 In response to the above the applicants have included a wildlife corridor spanning the length of the boundary between the playing fields and the new residential scheme to the west. This corridor will include a number of environmental enhancement elements. The details of the wildlife corridor will be secured by a condition attached to any approval.
- 6.59 In addition to above an Ecology Survey prepared by Southern Ecological Solutions was submitted as part of the application. The survey considered the presence of reptiles and bats within the site. It was concluded that no endangered or protected species inhabit the site and stated that the site is suitable for development given that any impacts can be wholly mitigated.
- 6.60 Conclusion with regard to the below species are as follows:
- 6.61 **Reptiles** - During the surveys completed at land off Gainsford Avenue, Clacton-on-sea, Essex, no reptiles were recorded and thus all reptile species are presumed likely absent. As such the proposed development would have no direct negative impact on reptiles on this site.

- 6.62 No further works are recommended in terms of mitigation for these species to avoid offences under relevant legislation, and it is considered that there are no constraints to development with regards to reptiles.
- 6.63 **Bats** - During the surveys completed at land off Gainsford Avenue, Clacton-On-Sea, Essex, low levels of bat activity have been observed. Bats appear to be using the site for foraging and commuting only (particularly along boundary features), with no roosts identified on-site. However a potential roost is thought to be located offsite nearby beyond the eastern boundary either within the mature trees or more likely the residential dwellings which surround the site. Members are advised that no trees on this eastern boundary of the site will be impacted by the proposed development.
- 6.64 The bat survey recommends that commuting corridors (hedgerows and tree lines/green corridor) are retained and enhanced where possible and lighting sensitive to bats is used during the construction and operational phases of the development. In this regard members are advised that the proposed wildlife corridor includes bat boxes and landscaping that would achieve some of the recommendations. A condition will be included with any approval requiring compliance with the lighting recommendations set out above.
- 6.65 Natural England raised no objection to the proposed scheme subject to conditions securing the recommendations with regard to bat mitigation measures as set out within the bat survey.
- 6.66 Based on the above officers consider that with respect to ecology there are no overriding constraints to development of the site in the manner proposed which would be in accordance with National and Local Plan policies.

Flooding

- 6.67 The site is within Flood Risk Zone 1 and is therefore not considered susceptible to flooding. The applicants have however submitted a Flood Risk Assessment and Percolation tests as part of the application. Officers conclude that the submitted reports demonstrate that the proposed development would not increase the risk of flooding and the disposal of surface water can be effectively managed.
- 6.68 The Environment Agency were consulted on the proposed scheme and raised no objection to the development of the site in the manner proposed subject to a condition relating to the submission of details of a surface water drainage scheme for approval by the Council.
- 6.69 In addition Anglian Water as the local service provider was also consulted. Their response indicated that there is sufficient capacity within both waste and sewage networks.

Financial contributions

- 6.70 Discussions have been held with the applicants in order to ensure that social and physical infrastructure would be provided in association with the proposed development. These discussions have taken place in line with the provisions of the Community Infrastructure Regulations, 2010 and the Development Plan, in particular Local Plan Policy QL12 relating to the completion of Planning Obligations.
- 6.71 The Community Infrastructure Levy Regulations, 2010 transferred the provisions of Circular 05/05 in relation to the completion of Planning Obligations into law. Circular 05/05 has subsequently been withdrawn following the publication of the National Planning Policy Framework (NPPF). The NPPF advises that Local Planning Authorities "...should consider whether unacceptable development could be made acceptable through the use of

conditions or Planning Obligations. Planning Obligations should only be used where it is not possible to address impacts through a planning condition”.

- 6.72 Policy COM6 of the Tendring Local Plan and PEO22 of the Draft Local Plan relates to the provision of recreational open space for new residential development and requires proposals for residential development on a site of 1.5 hectares and above to provide at least 10% of the gross site area as public open space. In this regard it is proposed and as required by Policy COS17 of the Draft Local Plan to retain at least 3 hectares as public open space. The Council have however indicated that a financial contribution would be required for the ongoing maintenance of the playing fields. Such contributions are justified and in accordance with COM6 and PEO22.
- 6.73 Policies COM26 of the Adopted Local Plan (2007) and SD7 of the Draft Local Plan (2012) require financial contributions to be made in relation to education provisions, ECC have requested a financial contribution of £36, 130 for Early Years & Childcare and £105 622 for primary provision. These contributions are index linked to 2014 cost.
- 6.74 Saved Policy HG4 requires 40% of new dwellings to be made available to the Council (or nominated partner) to acquire at a proportionate discounted value, for use as Council Housing (normally provided on site). However, the Local Plan allows for exceptions to be made to on-site provision where it can be justified. Draft Policy PEO10 states that the Council will expect 25% of new dwellings to be made available for use as Council Housing with the alternative being an acceptance of 10% of new dwellings to be made available to the Council (or nominated partner) to acquire at a proportionate discounted value, for use as Council Housing alongside a financial contribution toward the construction or acquisition of property for use as Council Housing (either on-site or elsewhere in the district), equivalent to delivering the remainder of the 25% requirement.
- 6.75 With regard to the above stated financial contributions that would be expected to be delivered through the development of the site, the applicants have indicated that none of the contributions can be achieved as this would have a detrimental effect on the viability of the scheme. As a result a Viability Report has been submitted to support this approach. Officers are having the submitted report independently assessed and will update members on any comments received in this regard.

Background Papers

None