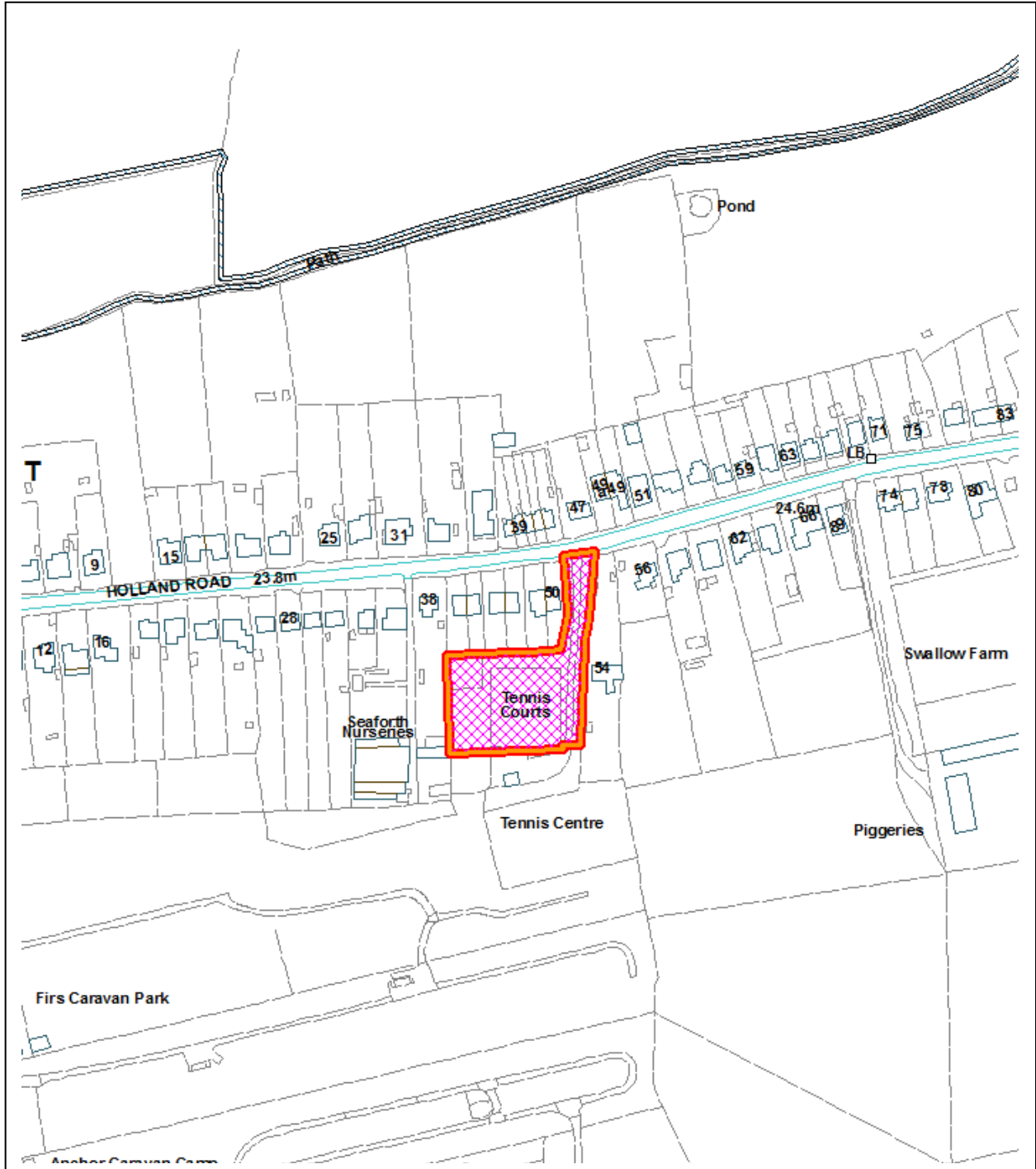


PLANNING COMMITTEE  
20<sup>TH</sup> OCTOBER 2015  
REPORT OF THE HEAD OF PLANNING

**A.8 PLANNING APPLICATIONS - 15/00961/OUT - LITTLE CLACTON TENNIS CLUB**  
**52 HOLLAND ROAD, LITTLE CLACTON, CLACTON ON SEA, CO16 9RS**



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<b>Application:</b>	15/00961/OUT	<b>Town / Parish:</b> Little Clacton Parish Council
<b>Applicant:</b>	Little Clacton Tennis Club	
<b>Address:</b>	Little Clacton Tennis Club 52 Holland Road Little Clacton CO16 9RS	
<b>Development:</b>	Erection of six bungalows.	

## 1. Executive Summary

- 1.1 The application has been referred to the Planning Committee at the request of Councillor Bray.
- 1.2 The site lies on the southern side of Holland Road at the Little Clacton Tennis Club. The site lies outside the Settlement Development Boundary for Little Clacton as established in the saved (2007) Tendring District Local Plan but within the Settlement Development Boundary of the draft (2014) Tendring District Local Plan. The site includes two 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 for four bungalows (14/01280/OUT) was granted at Planning Committee in November 2014. The application site includes additional land to the rear of 40 Holland Road to square the site off and accommodate a total of six bungalows on the site. This represents an increase in density from around 15.4 dwellings per hectare for the approved scheme to 17.6 dwellings per hectare for the current proposal.
- 1.4 The proposal represents backland development and loss of sports facilities, as accepted in principle under the approved scheme. The proposal will result in the complete loss of two hard-surfaced tennis courts. Such courts are protected by Saved Policies COM7 and COM7a and Draft Policies PEO19 and PEO20. Planning permission was granted under 14/01281/FUL alongside the approved scheme for the re-provision of four hard-surfaced tennis courts where the three grass tennis courts are currently sited. Considered as a whole this will result in the net loss of one 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. The provision of the improved tennis courts is secured by legal agreement.
- 1.5 The application is for outline planning permission with all matters reserved, however indicative plans have been submitted to show how the site could accommodate six bungalows with adequate parking and private amenity space and sufficient separation from neighbouring dwellings to prevent any material harm to residential amenity. The proposal is also acceptable in terms of highway safety.
- 1.6 The proposal is recommended for approval subject to planning conditions and the Section 106 Agreement to secure the delivery of the improved tennis courts.

**Recommendation: That the Head of Planning be authorised to grant outline planning permission by 30<sup>th</sup> October 2015 for the development subject to:-**

- (a) Following Committee's resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 (on such detailed

terms as the Head of Planning in their discretion considers appropriate) dealing with the following matters:

- Improvements to existing tennis courts

(b) Planning conditions in accordance with those set out below (but with such amendments and additions, if any, to the detailed wording thereof as the Head of Planning in their discretion considers appropriate:

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. Development to be single storey only
5. Details of external facing and roofing materials
6. Submission of a landscaping scheme
7. Implementation of landscaping scheme
8. Individual access widths 3.7m single, 5.5m shared
9. No unbound materials within 6m of highway boundary
10. Access at junction with Holland Road to have 10.5m radius kerbs, 5.5m access width and 2m footways
11. All carriageways to be 5.5m between kerbs or 6m without kerbing
12. All footways minimum 2m wide
13. All off-street car parking spaces shall accord with parking standards
14. Vehicular visibility splays
15. Provision of a vehicular turning facility

## 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

HG9 Private Amenity Space

HG13 Backland Residential Development

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

SD3 Key Rural Service Centres

SD5 Managing Growth

SD7 Securing Facilities and Infrastructure

SD8 Transport and Accessibility

SD9 Design of New Development

PEO4 Standards for New Housing

PEO6 Backland Residential Development

PEO19 Green Infrastructure

PEO20 Playing Pitches and Outdoor Sports Facilities

Other guidance:

Essex Parking Standards (2009)

### **3. Relevant Planning History**

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.

14/01280/OUT - Erection of 4 bungalows. Approved

14/01281/FUL - Formation of four hard surfaced tennis courts with related fencing and floodlighting. Approved

15/00986/OUT - Construction of one bungalow and garage at Land North of 54 Holland Road. Approved (Plot 8 shown on indicative plan).

15/00988/OUT - Construction of one bungalow and garage at Land South of 54 Holland Road. Approved (Plot 7 shown on indicative plan).

### **4. Consultations**

4.1 The Highway Authority raise no objection, subject to the following conditions:

- Width of vehicular accesses 3.7m single, 5.5m shared
- No unbound materials within 6m of highway boundary
- Access at junction with Holland Road to have 10.5m radius kerbs, 5.5m access width and 2m footways
- All carriageways to be 5.5m between kerbs or 6m without kerbing
- All footways minimum 2m wide
- Garages set back 6m from highway
- All parking in accordance with current parking standards
- Provision of bicycle storage
- Provision of vehicular visibility splays to internal estate road junctions
- Provision of a vehicular turning facility for cars
- Provision of a vehicular turning facility for service and delivery vehicles

4.2 Little Clacton Parish Council object on the following grounds:

- Overcrowding and cramped conditions
- Backland development with poor access from Holland Road
- Overlooking to existing dwellings on Holland Road

## 5. **Representations**

5.1 The proposal has been referred by Cllr. J Bray who raises the following concerns:

- Distinct area of backland development as quoted by the Inspector in the 2007 appeal decision. Likely that the established character of the area could be greatly undermined by increasing the number of dwellings permitted.
- Represents overdevelopment resulting in a cramped setting, out of keeping with the surrounding area.
- Will increase traffic on this busy road with no public transport links or footpath on this side.
- Potential increased noise and activity impact on neighbouring properties.
- Backland site accessed by a long driveway may raise problems given the increased number of dwellings

5.2 11 letters of objection (from 7 addresses) have been received. The material planning considerations raised, with officer comments in italics where not addressed within the report, are as follows:

- Contrary to Backland development policy
- Overdevelopment particularly given neighbouring approvals (*each application must be considered on its merits and in accordance with national and local planning policy as detailed within the report below*).
- Contravenes planning policies
- Inadequate sewerage (*the proposal is below the threshold for consulting Anglian Water, however adequate means of sewerage will be controlled by the Building Regulations*).
- Continued erosion of road for building: Recent approvals at No's 36, 11-13, 101, and 54 (*Number 36 is 14/00106/FUL, and number 54 is 15/00986/OUT and 15/00988/OUT as referred to in the report below. Numbers 11-13 Holland Road relates to two dwellings approved under 14/00565/FUL which front Holland Road and sit on comparable plots to their immediate neighbours at numbers 9 and 15. Number 101 Holland Road relates to approval for two detached bungalows adjacent to number 101 fronting Holland Road under 15/00440/FUL. Each of these proposals was considered on its merits and in accordance with national and local planning policy was approved*).
- Traffic increase and impact on highway safety

- School at full capacity (*financial contributions towards educational needs identified by Essex County Council can only be requested on developments of ten dwellings and above*).
- No jobs available (*not a material planning consideration. The site lies within a sustainable location with employment opportunities and public transport links, and is considered to be socially sustainable as detailed within the report below*).
- Building regulations problems with previous approvals (*not a material planning consideration this is controlled outside the planning system*).
- This has previously been refused and dismissed at appeal
- Out of character with the village
- Increase in noise, pollution and loss of privacy

## 6. **Assessment**

6.1 The main planning considerations are:

- Context and Background;
- Proposal;
- Planning History;
- Principle of Residential Development;
- Loss of Sports Facilities;
- Highway Safety;
- 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 outside the Settlement Development Boundary for Little Clacton as established in the 2007 saved plan but within the Settlement Development Boundary of the draft (2014) plan.

6.3 The site includes two 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. 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.

6.4 To the south of the application site, but forming part of the wider tennis club site (and subject to planning permission 14/01281/FUL), are three grass tennis courts with associated fencing. To the south and beyond the grass tennis courts, is Firs Caravan Park.

6.5 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 six bungalows and garages. This was approved by the Planning Committee on 27<sup>th</sup> May 2014. Also one bungalow to the front and one bungalow to the rear of 54 Holland Road to the immediate east of the application site approved under 15/00986/OUT and 15/00988/OUT. There is a mixture of houses and bungalows along Holland Road in fairly close proximity to each other.

### **Proposal**

6.6 The proposal is an outline planning application with all matters reserved for the erection of six bungalows. An indicative scheme has been provided with the application showing a

possible site layout. The proposal includes the demolition of the existing two hard-surfaced tennis courts.

- 6.7 The applicant states in support of their proposal that the area of the current site which will remain as tennis courts is actually slightly larger than the approved scheme resulting in a very small improvement to the leisure use. The additional land added has never been leisure land and therefore represents no loss to the amenity. Revised housing layout allows the clubhouse to be relocated to a safer location with a more regular arrangement of car parking. Latest Lawn Tennis Association guide highlights that investment in the clubhouse is very important and widens the appeal and usage of the leisure use.

### **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 around 20 dwellings were envisaged for the 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 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 on a much reduced site which lies within the draft development boundary and was considered to be a sustainable location for new residential development through the granting of the approved scheme for four bungalows.
- 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 current application is for six bungalows, rather than approximately 20 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 is smaller and does not include the more southerly tennis court site.
- 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 six 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. 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.
- 6.16 An additional material planning consideration in terms of planning history relates to a recent planning permission (ref: 14/00106/FUL) approved by Planning Committee on 27<sup>th</sup> May 2014. This was for land rear of No. 36 Holland Road for a cul-de-sac of six bungalows and garages. Plots 7 and 8 as shown on the indicative plans have also been approved under 15/00988/OUT and 15/00986/OUT respectively for single bungalows with garages to the front and rear of 54 Holland Road.

### **Principle of residential development**

- 6.17 The Tendring District Local Plan (2007) is referred to as the saved plan and the Tendring District Local Plan: Proposed Submission Draft (2012) as amended by The Tendring District Local Plan: Pre-Submission Focussed Changes (2014) is referred to as the draft plan. The 2012 and 2014 plan has not yet been formally adopted and therefore carry limited weight. More weight must be given to the NPPF and the saved policies where in accordance with the NPPF.
- 6.18 The site lies outside of the Settlement Development Boundary of the Saved Local Plan but within the Settlement Development Boundary of the Draft Local Plan. It is accepted that the Council is currently unable to demonstrate a five year supply of deliverable housing sites and the provision of six dwellings would make a small contribution to the supply for the district as a whole which weighs in favour of the proposal.
- 6.19 As an adequate supply of housing cannot be demonstrated paragraph 49 of the NPPF applies in relation to the three dimensions of sustainable development. The proposed dwelling would generate economic activity during its construction and subsequent occupation so would meet the economic dimension of sustainable development. In regard to the social impact it is necessary to consider the distance to important destinations such as healthcare, education, convenience shopping and jobs. Little Clacton is classed as a Key Rural Service Centre under draft policy SD3 benefiting from a wide range of services and facilities. There is a footpath on the opposite side of Holland Road which links to the main facilities to the west of the site along The Street. The proposed development is therefore considered to be socially sustainable.
- 6.20 The environmental role is about contributing to protecting and enhancing the natural, built and historic environment. The additional land included within the application site lies to the immediate rear of numbers 40-42 Holland Road, abutting the settlement development boundary of the saved plan. It squares off the site of the approved scheme (14/01280/OUT) for four bungalows. The approved scheme is a strong material planning consideration as it accepted the principle of residential development of this backland site. The site lies between linear residential development fronting Holland Road to the north, with dwellings also approved to the east and west. The tennis club site to the immediate rear provides a satisfactory visual buffer to the caravan park and open agricultural land to the south. The proposal is therefore considered to meet the environmental dimension of sustainability and the principle for residential development is therefore accepted subject to the detailed considerations below.
- 6.21 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. Saved policy HG13 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. The backland development of this site was accepted under the approved scheme and the neighbouring approved developments and is not considered to result in material harm to residential amenity, highway safety or the character of the surrounding area.

- 6.22 The increase from four bungalows under the approved scheme to six bungalows under the current proposal represents an increase in density from around 15.4 dwellings per hectare to 17.6 dwellings per hectare. The indicative layout shows that each bungalow can be provided with two off street parking spaces per dwelling in accordance with the parking standards, and private amenity space in excess of that required under saved Policy HG9, with two plots indicating over double the minimum amenity space provision. The proposal cannot therefore be considered to be overdevelopment. For comparison purposes the approved development for six bungalows to the rear of 36 Holland Road represents a density of around 16.2 dwellings per hectare so is highly comparable.
- 6.23 The indicative proposal shows garages very close to, or on, the rear boundaries of the plots resulting in a cramped appearance. This concern can be addressed at reserved matters stage and there is ample space within the site to adequately resolve this. As single storey properties there would also be no material loss of privacy, outlook or light to neighbouring properties subject to a satisfactory layout as indicated on the plans (excluding the garages as discussed above). Due to the backland location of the site a condition is recommended that the dwellings are single storey only in order to preserve neighbouring privacy and outlook, and to retain a more open setting to the Tennis Club and the caravan park and agricultural land beyond.

### **Loss of Sports Facilities**

- 6.24 The NPPF 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.
- 6.25 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.
- 6.26 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 Focussed Changes (2014)" includes changes to the Proposals Map. 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.
- 6.27 At present the application site accommodates two hard-surfaced tennis courts. The wider tennis club site also accommodates three grass tennis courts, a total of five courts. The proposal will result in the complete loss of two hard-surfaced tennis courts. Such courts are protected by virtue of saved plan Policies COM7 and COM7a and draft plan Policies PEO19 and PEO20.

- 6.28 Planning permission has been granted (ref: 14/01281/FUL) for the re-provision of four hard-surfaced tennis courts where the three grass tennis courts are currently sited. This results in the net loss of one tennis court but 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. This approach was as agreed under the approved scheme for four bungalows.
- 6.29 We have received an engrossed Section 106 Agreement to link the provision of the approved tennis courts where the money generated from the land sale for the application site is invested in the construction of the four 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. On this basis, the proposal would comply with criterion (d) of saved plan Policy COM7a and draft plan Policies PEO19 and PEO20.

### **Highway Safety**

- 6.30 Each dwelling can be provided with sufficient off street parking as shown on the indicative plans, in accordance with the parking standards. The existing vehicular access onto Holland Road is retained and improved under the proposal. No objection has been received from the Highways Authority subject to conditions which are included within the recommendation.
- 6.31 The additional vehicle movements associated with two additional bungalows to the approved scheme of four bungalows within this busy residential area is not considered to result in any material harm to highway safety or residential amenity.

### **Public Open Space / Play Facility Contribution**

- 6.32 The application was submitted at a time when the Council, in accordance with national government advice, were not requiring financial contributions towards improved play facilities for sites of under ten dwellings. A Unilateral Undertaking in relation to saved Local Plan Policy COM6 and Draft Local Plan Policy PEO22 is not therefore required.

### **Section 106 Agreement**

- 6.33 To ensure that the enhanced sports facilities are delivered on the wider tennis club site a Section 106 Agreement has been completed and signed by the applicants. This will ensure that money 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 as approved under planning permission ref: 14/01281/FUL.

### **Background Papers**

None.