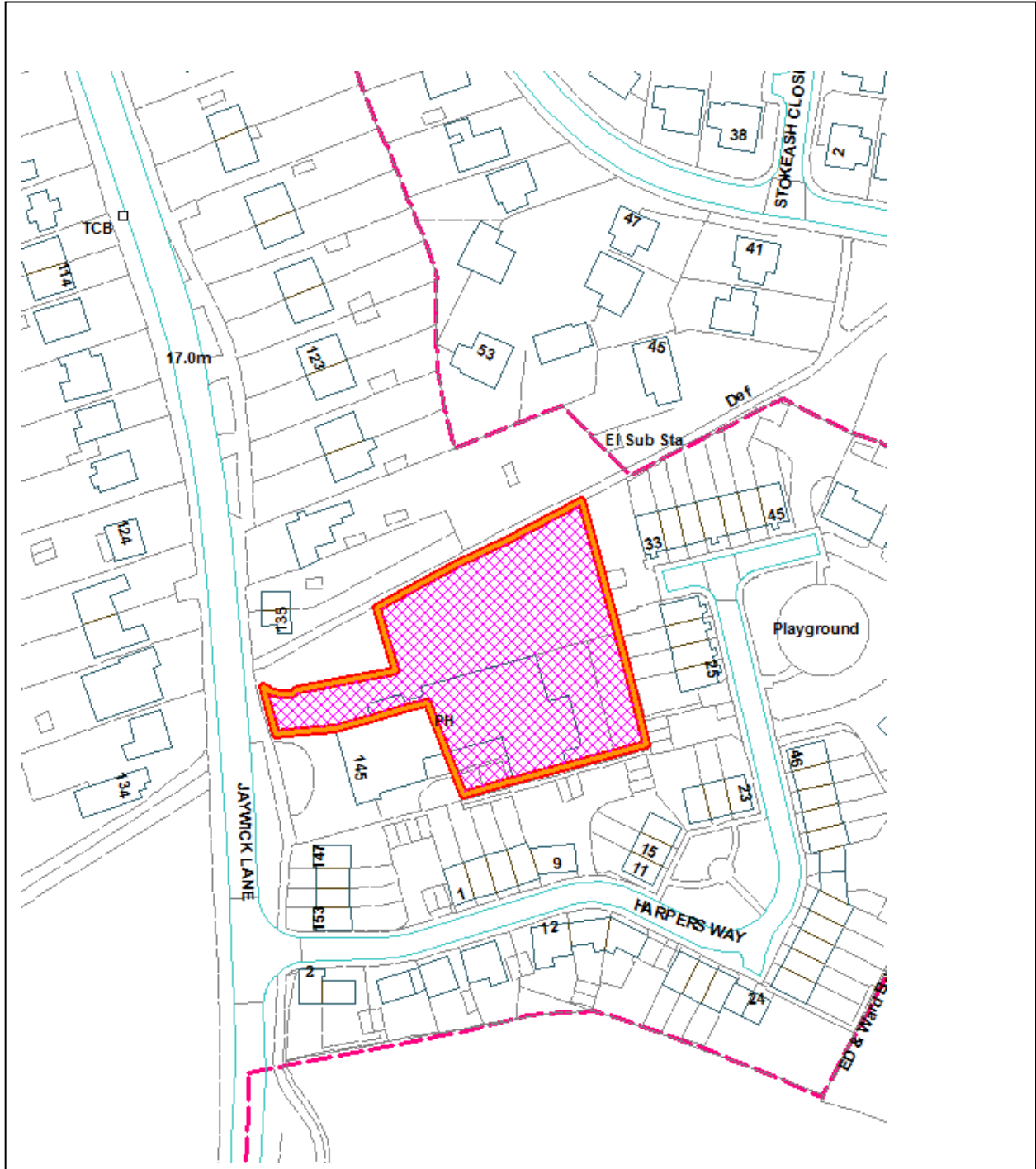


PLANNING COMMITTEE

20TH OCTOBER 2015

REPORT OF THE HEAD OF PLANNING

A.9 PLANNING APPLICATIONS - 12/01087/FUL - LAND REAR OF 145 JAYWICK LANE, CLACTON ON SEA, CO16 8BG



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Application:	12/01087/FUL	Town / Parish: Clacton Non Parished
Applicant:	Mr C Harriott	
Address:	Land rear of 145 Jaywick Lane Clacton On Sea CO16 8BG	
Development:	Erection of 11 no. dwellings.	

1. Executive Summary

- 1.1 The application has been referred to Planning Committee by (former) Councillor Challinor on the 6th November 2012.
- 1.2 The application proposes the demolition of the existing squash court building and removal of the existing parking area in order to accommodate a development of eleven dwellings and has been subject to amendments to the detailed design and layout.
- 1.3 The site lies within the settlement development boundary of Clacton as set out in the Tendring District Local Plan (2007) (the “adopted Local Plan”) and the Tendring District Local Plan Proposed Submission Draft (2012) (as amended by the 2014 Focussed Changes) (the “emerging draft Local Plan”). Policy HG3 states that within defined development boundaries, residential development will be permitted provided that it satisfies amenity, design, density, environmental, highway, local housing needs and sustainability criteria and can take place without material harm to the character of the local area.
- 1.4 Wick Lodge Public House is a prominent detached building located on the east side of Jaywick Lane to the north of Bishops Park College and Harpers Way. It is set back from the road frontage with a forecourt parking area. Vehicular access on the north side of the building leads to an extensive vehicle parking area and to a substantial two storey brick extension used as a squash court.
- 1.5 The site extends to an area of 0.28 hectares and is broadly square in shape. A public footpath continues across the frontage of Wick Lodge and continues along Jaywick Lane to the former Bishops Park College. Immediately opposite the site are a mixture of bungalows and chalet bungalows, to the south, Harpers Way comprises largely modern detached; semi-detached and terraced housing.
- 1.6 For information purposes, planning application 12/01093/FUL has been submitted for the application site which proposes external alterations, revised access and re-arrangement of the car park at land rear of 145 Jaywick Lane, Clacton-on-Sea.
- 1.7 In the absence of a five year housing land supply the site is considered to comply with all three strands of sustainable development (economic, social and environmental) as identified within the NPPF and the principle of residential development is therefore considered acceptable in principle, subject to complying with other national and local plan policies (in particular those that relate to the loss of sports and community facilities). The proposed development is considered to result in no material harm to the character of the surrounding area and will preserve the amenities of neighbouring residents.

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

- a) Within 6 months of the date of the 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 dealing with the following:

- **Open space contribution**

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

(i) Conditions:

1. Standard 3 year time limit;
2. Plans condition;
3. Materials details;
4. Landscaping retention of existing as shown and details of proposed;
5. Implementation of landscaping;
6. Boundary treatments;
7. Surface Water Strategy conditions;
8. As required by Highway Authority; and
9. As required by Essex County Council Archaeological Unit.
10. Removal of permitted development rights for outbuildings to protect the easement for the mains sewer

2. **Planning Policy**

National Policy:

The National Planning Policy Framework (NPPF) (2012):

- 2.1 The National Planning Policy Framework (March 2012) sets out the Government's planning policies and how these are expected to be applied at the local level.
- 2.2 Planning law requires that applications for planning permission be determined in accordance with the 'development plan' unless material considerations indicate otherwise. The NPPF doesn't change the statutory status of the development plan as the starting point for decision taking. Where proposed development accords with an up to date Local Plan it should be approved and where it does not it should be refused - unless other material considerations indicate otherwise. An important material consideration is the NPPF's 'presumption in favour of sustainable development'. The NPPF defines 'sustainable development' as having three dimensions:
 - an economic role;
 - a social role; and
 - an environmental role.
- 2.3 These dimensions have to be considered together and not in isolation. The NPPF requires Local Planning Authorities to positively seek opportunities to meet the development needs of their area whilst allowing sufficient flexibility to adapt to change. Where relevant policies in Local Plans are either absent or out of date, there is an expectation for Councils to approve planning applications, without delay, unless the adverse impacts would significantly and demonstrably outweigh the benefits.
- 2.4 Section 6 of the NPPF relates to delivering a wide choice of quality new homes. It requires Councils to boost significantly the supply of housing to meet objectively assessed future

housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus a 5% or 20% buffer to ensure choice and competition in the market for land). If this is not possible, housing policies are to be considered out of date and the presumption in favour of sustainable development is engaged with applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.

Local Plan

- 2.5 Section 38(6) of the Planning Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the 'development plan' unless material considerations indicate otherwise. In the case of Tendring the development plan consist of the following:

Tendring District Local Plan (Adopted November 2007) - as 'saved' through a Direction from the Secretary of State.

Relevant policies include:

- 2.6 QL1: Spatial Strategy
Directs most new development toward urban areas and seeks to concentrate development within settlement development boundaries.
- 2.7 QL2: Promoting Transport Choice
Requires developments to be located and designed to avoid reliance on the use of the private car.
- 2.8 QL3: Minimising and Managing Flood Risk
Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more.
- 2.9 QL9: Design of New Development
Provides general criteria against which the design of new development will be judged.
- 2.10 QL10: Designing New Development to Meet Functional Needs
Requires development to meet functional requirements relating to access, community safety and infrastructure provision.
- 2.11 QL11: Environmental Impacts
Requires new development to be compatible with its surrounding land uses and to minimise adverse environmental impacts.
- 2.12 QL12: Planning Obligations
States that the Council will use planning obligations to secure infrastructure to make developments acceptable, amongst other things.
- 2.13 HG1: Housing Provision
Sets out the strategy for delivering new homes to meet the need up to 2011 (which is now out of date and needs replacing through the new Local Plan).
- 2.14 HG3: Residential Development Within Defined Settlements
Supports appropriate residential developments within the settlement development boundaries of the district's towns and villages.
- 2.15 HG3a: Mixed Communities

Promotes a mix of housing types, sizes and tenures to meet the needs of all sectors of housing demand.

- 2.16 HG4: Affordable Housing in New Developments
Seeks up to 40% of dwellings on large housing sites to be secured as affordable housing for people who are unable to afford to buy or rent market housing.
- 2.17 HG6: Dwellings Size and Type
Requires a mix of housing types, sizes and tenures on developments of 10 or more dwellings.
- 2.18 HG7: Residential Densities
Requires residential developments to achieve an appropriate density. This policy refers to minimum densities from government guidance that have long since been superseded by the NPPF.
- 2.19 HG9: Private Amenity Space
Requires a minimum level of private amenity. space (garden space) for new homes depending on how many bedrooms they have.
- 2.20 COM6: Provision of Recreational Open Space for New Residential Developments
Requires residential developments on sites of 1.5 hectares or more to provide 10% of the site area as public open space.
- 2.21 Policy COM10: 'Built Sports and Recreational Facilities'
States that proposals involving the loss of or the change of use of built sports facilities will only be permitted provided that a replacement facility is provided or an assessment has been undertaken, which clearly shows that the facilities are surplus to requirement.
- 2.22 COM26: Contributions to Education Provision
Requires residential developments of 12 or more dwellings to make a financial contribution, if necessary, toward the provision of additional school places.
- 2.23 COM31a: Sewerage and Sewage Disposal
Seeks to ensure that new development is able to deal with waste water and effluent.
- 2.24 EN12: Design and Access Statements
Requires Design and Access Statements to be submitted with most planning applications.
- 2.25 EN13: Sustainable Drainage Systems
Requires developments to incorporate sustainable drainage systems to manage surface water run-off.
- 2.26 TR1a: Development Affecting Highways
Requires developments affecting highways to aim to reduce and prevent hazards and inconvenience to traffic.
- 2.27 TR3a: Provision for Walking
Seeks to maximise opportunities to link development with existing footpaths and rights of way and provide convenient, safe attractive and direct routes for walking.
- 2.28 TR7: Vehicle Parking at New Development
Refers to the adopted Essex County Council parking standards which will be applied to all non-residential development.

Tendring District Local Plan Proposed Submission Draft (November 2012), as amended by the Tendring District Local Plan Pre-Submission Focussed Changes (January 2014).

Relevant policies include:

- 2.29 SD1: Presumption in Favour of Sustainable Development
Follows the Planning Inspectorate's standard wording to ensure compliance with the NPPF.
- 2.30 SD5: Managing Growth
Seeks to direct new development to sites within settlement development boundaries.
- 2.31 SD7: Securing Facilities and Infrastructure
Requires developments to address their individual or cumulative infrastructure impacts and states that the Council will use planning obligations and/or CIL (when it is in place), where necessary, to ensure this happens.
- 2.32 SD8: Transport and Accessibility
Requires the transport implications of development to be considered and appropriately addressed.
- 2.33 SD9: Design of New Development
Sets out the criteria against which the design of new development will be judged.
- 2.34 PRO3: Improving Education and Skills
Requires applicants to enter into an Employment and Skills Charter or Local Labour Agreement to ensure local contractors are employed to implement the development and that any temporary or permanent employment vacancies (including apprenticeships) are advertised through agreed channels.
- 2.35 PEO1: Housing Supply
Sets out the proposed growth in new housing for the district, but is subject to considerable change to ensure compliance with the NPPF, as being overseen by the new Local Plan Committee.
- 2.36 PEO3: Housing Density
Policy requires the density of new housing development to reflect accessibility to local services, minimum floor space requirements, the need for a mix of housing, the character of surrounding development and on-site infrastructure requirements.
- 2.37 PEO4: Standards for New Housing
Sets out proposed minimum standards for the internal floor area and gardens for new homes. Internal floor standards have however now been superseded by national standards to be imposed through building regulations.
- 2.38 PEO5: Housing Layout in Tendring
Policy seeks to ensure large housing developments achieve a layout that, amongst other requirements, promotes health and wellbeing; minimises opportunities for crime and anti-social behaviour, ensures safe movement for large vehicles including emergency services and waste collection; and ensures sufficient
- 2.39 PEO7: Housing Choice
Promotes a range of house size, type and tenure on large housing developments to reflect the projected needs of the housing market.
- 2.40 PEO9: Family Housing

Promotes the construction of family homes within new housing developments.

- 2.41 PEO10: Council Housing
Requires up to 25% of new homes on large development sites to be made available to the Council, at a discounted price, for use as Council Housing.
- 2.42 PEO18: Community Facilities
Seeks to protect against the loss of existing community facilities by ensuring that proposals to redevelopment or change their use demonstrate that the use is not economically viable or that it cannot be converted to another suitable community use or that there is another community facility within 1600 metres of the site.
- 2.43 PEO19: Green Infrastructure
Requires new developments to contribute, where possible, toward the district's green infrastructure network.
- 2.44 PEO20: Playing Pitches and Outdoor Sports Facilities
Requires new developments to contribute where possible to the district's provision of playing pitches and outdoor sports facilities.
- 2.45 Policy PEO21 'Indoor Sports Facilities'
Seeks to protect indoor sports facilities as a community facility that are protected through Policy PEO18 'Community Facilities'.
- 2.46 PEO22: Green Infrastructure in New Residential Developments
Requires larger residential developments to provide a minimum 10% of land as open space with financial contributions toward off-site provision required from smaller sites.
- 2.47 PEO23: Children's Play Areas
Requires new children's play areas as an integral part of residential and mixed-use developments.
- 2.48 PLA1: Development and Flood Risk
Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more.
- 2.49 PLA3: Water Conservation, Drainage and Sewerage
Requires developments to incorporate sustainable drainage systems to manage surface water run-off and ensure that new development is able to deal with waste water and effluent.

Other Guidance

Essex County Council Car Parking Standards - Design and Good Practice 2009

Essex Design Guide for Residential and Mixed-Use Areas.

3. Relevant Planning History

The site has the following planning history:

App No.	Description	Decision	Date
90/00219/FUL	Double garage.	Approved	09.03.1990
03/02442/FUL	Rear conservatory.	Approved	10.02.2004

12/01093/FUL	External alterations, revised access and re-arrangement of car park.	Pending Consideration
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4. **Consultations**

4.1 When the application was first submitted in 2012 it proposed a scheme of 13 dwellings. The scheme has subsequently been amended on two occasions. The first time to reduce the number of dwellings to 11 and make detailed design changes and the second time to introduce additional parking spaces to serve the public house. The following represents a summary of the comments received in relation to all the consultation exercises that have been undertaken with officer's comments in brackets where necessary.

4.2 Principal Tree & Landscape Officer

There are no trees or other significant vegetation on the application site. Should consent be granted then a condition should be attached to secure landscaping to enhance the appearance of the development.

4.3 Essex County Council Education Authority

Essex County Council Education Authority has requested a financial contribution of £38,769 towards early years and childcare and primary school provision. (Officer Comments – since the original submission the proposed scheme has been reduced from 13 to 11 dwellings. Policy QL12 and Policy PRO3 relate to contributions towards education where developments exceed 12 units. This contribution cannot therefore be requested on this occasion).

4.4 Leisure

- There is currently a deficit of 41.08 hectares of play in the Clacton/Holland area.
- The nearest play space to the development site is located on Harpers Way adjacent to the site and is classified as a Local Area for Play
- Any further development in Clacton will increase the current play deficit further. To prevent this deficit from growing it would be necessary to provide additional play equipment in the area, and whilst this is not possible at Harpers Way an increase is possible at the next nearest play area at Rush Green Recreation Ground.
- Due to the significant lack of play facilities in the area it is felt a contribution towards play is justified and relevant to the planning application. However, Clacton is well provided for in terms of open space and we do not consider a contribution towards additional formal open space necessary or relevant to this application.

4.5 Anglian Water

- Wastewater Treatment - The foul drainage from this development is in the catchment of Jaywick Water Recycling Centre, which currently does not have capacity to treat the flows from the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the planning authority grant planning permission.
- Foul Sewerage Network - The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage

network they should serve notice under Section 106 of the Water Industry Act 1991.

- Surface Water Disposal - The surface water strategy/flood risk assessment submitted with the planning application is not relevant to Anglian Water and therefore this is outside our jurisdiction for comment and the Planning Authority will need to seek the views of the Environment Agency or the relevant Lead Local Flood Authority..

4.6 Housing

The Housing Team would support an off-site financial contribution towards affordable housing. (Officer Comments – since the original submission the proposed scheme has been reduced from 13 to 11 dwellings. Policy HG4 relates to housing developments in excess of 15 units in urban areas. Policy PEO10 of the emerging local plan relates to developments of more than 10 units but carries limited weight. This contribution cannot therefore be requested on this occasion).

4.7 Essex County Council SUDS Team

ECC SUDS Team has issued a holding objection based on the submitted documents do not provide any details on the flood risk or surface water drainage strategy to be implemented on the development. (Officer Comments – the development is in Flood Zone 1 and is on a site of less than 1 hectare. The NPPF does not require the submission of a Flood Risk Assessment in this instance and your officers are satisfied that foul and surface water issues can suitable be controlled by condition).

4.8 Essex County Council Historic Environment Management Team

Essex County Council Historic Environment Management Team recommends the following condition ‘No development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation’.

4.9 Essex County Council Highway Authority

The Highway Authority did not initially object to the scheme for 13 dwellings subject to a number of conditions which included:

- Relocation of the existing street lamp
- Relocation of bus stop
- Details of the new bell mouth junction
- Redundant sections of highway access to be stopped up
- Suitable construction of the estate road and footways
- Highway drainage details
- Provision of parking spaces to minimum dimensions
- Wheel wash facility
- Vehicular turning facility
- Planting clear of visibility splays

The Highway Authority did object to the revised scheme for 11 dwellings on the basis that:

- It would not provide off street parking spaces with dimensions in accordance with the Parking Standards
- An adequate turning facility in connection with the retained pub

The applicant has subsequently submitted further plans indicating additional parking spaces and a turning facility in connection with the public house. The Highway Authority has been reconsulted and members will be updated at the Planning Committee if any further comments are received.

5. Representations

5.1 The application has been referred to Planning Committee by (former) Councillor Challinor when it was first submitted. At the time of submission on the 6th November 2012 (former) Cllr Challinor objected to the proposal on the following grounds:

- Negative impact on the street scene;
- Highway impact;
- Poor layout and density;
- Flood risk; and
- Negative impact upon neighbouring properties.

5.2 Three letters of **objection** have been received and the issues raised are summarised as follows:

- The proposed development will cause the closure of the squash club and remove a valuable sports amenity for the whole Clacton area. The removal of the function room along with the 4 squash courts will reduce the income of the current business and is likely to make the public house unprofitable which will also lead to its closure;
- The proposed development will result in additional vehicular movements along Jaywick Lane;
- The proposed development will result in overlooking to properties in Harpers Way.
- The play area on Harpers Way has caused noise and disturbance to local residents if the current application is approved the problem will get worse and the play area on Harpers Way should be relocated or a higher fence erected around it

5.3 One letter has been received in **support** of the application for the following reason:

- The building is looking run down and is generally only used at weekends. Due to the residential areas built around it since it was constructed, the area is no longer suitable for a pub and party venue.

6. Assessment

Site location

6.1 Wick Lodge Public House is a prominent detached building located on the east side of Jaywick Lane to the north of Bishops Park College and Harpers Way. It is set back from the road frontage with a forecourt parking area. Vehicular access on the north side of the building leads to an extensive vehicle parking area and to a substantial two storey brick extension used as a squash court.

6.2 The site extends to an area of 0.28 hectares and is broadly square in shape. A public footpath continues across the frontage of Wick Lodge and continues along Jaywick Lane to the former Bishops Park College. Immediately opposite the site are a mixture of bungalows and chalet bungalows, to the south, Harpers Way comprises largely modern detached, semi-detached and terraced housing.

Proposal

- 6.3 The application proposes the demolition of the existing squash court building and removal of the existing parking area in order to accommodate a development of eleven dwellings. The application has been subject to amendments to the detailed design to address concerns raised by the Case Officer. These amendments have been subject to re-consultation.
- 6.4 The principal changes include:
- Plots 5 & 6 have been omitted (as shown on the original layout plan); and
 - Additional parking spaces and a turning area for service vehicles have been provided for the public house
- 6.5 The main elevational changes include:
- Plots 1&2 - amended chimney design and porches added;
 - Plots 1&2 have been re-orientated to show the gable fronting the road; and
 - Plot 4 – windows have been omitted at first floor level.
- 6.6 The main planning considerations are:
- Principle of development;
 - Loss of a sports facility /community facility;
 - Layout and design;
 - Residential amenity;
 - Infrastructure;
 - Open space;
 - Highway safety; and
 - Flood risk and drainage

Principle of development

- 6.7 Clacton is identified as a 'town' in the Tendring District Local Plan (2007) and as an 'urban settlement' in the Tendring District Local Plan Proposed Submission Draft (November 2012), as amended by the Tendring District Local Plan Pre-Submission Focussed Changes (January 2014). Both these policies QL1 and SD2 seek to ensure that that development should be focussed towards the larger urban areas and take place within development boundaries as defined within the Local Plan.
- 6.8 The site lies within the settlement development boundary of Clacton as set out in the Tendring District Local Plan (2007) (the "adopted Local Plan") and the Tendring District Local Plan Proposed Submission Draft (2012) (as amended by the 2014 Focussed Changes) (the "emerging draft Local Plan"). Policy HG3 states that within defined development boundaries, residential development will be permitted provided that it satisfies amenity, design, density, environmental, highway, local housing needs and sustainability criteria and can take place without material ham to the character of the local area.

Loss of a sports facility / community facility

- 6.9 Policy COM10 'Built Sports and Recreational Facilities' states that proposals involving the loss of or the change of use of built sports facilities will only be permitted provided that a replacement facility is provided or an assessment has been undertaken, which clearly shows that the facilities are surplus to requirement. Policy PEO21 'Indoor Sports Facilities'

seeks to protect indoor sports facilities as a community facility that are protected through Policy PEO18 'Community Facilities'.

- 6.10 The applicant has provided the booking and receipts and outgoings associated with running the club during a typical fortnight to demonstrate that the squash club is no longer financially viable. The following represents a table of the amount of the actual booked sessions. However, the financial receipts and outgoings are commercially sensitive and have been omitted from this report.

Date	No. Sessions
11/01/2015	2 sessions
12/01/2015	7
13/01/2015	<u>4</u>
14/01/2015	<u>5</u>
15/01/2015	<u>3</u>
16/01/2015	<u>5</u>
17/01/2015	<u>3</u>
18/01/2015	<u>1</u>
19/01/2015	<u>2</u>
20/01/2015	<u>5</u>
21/01/2015	<u>5</u>
22/01/2015	<u>5</u>
23/01/2015	<u>6</u>
24/01/2015	<u>3</u>
25/01/2015	<u>3</u>
26/01/2015	
<u>Costs</u>	
<u>Heat and light</u>	
<u>Rates</u>	
<u>Water</u>	
<u>Cleaner</u>	
<u>Insurance</u>	

- 6.11 In addition to the above, the agent has provided details of the annual maintenance costs and a one off project in the last year and its associated cost.
- 6.12 The information submitted in support of this application states that in April 2012, the lease of the squash club was sold to and was managed by the business for 14 months before going into receivership with debts, the majority owing to the applicant. A new tenancy was agreed in November 2013, with no premium agreed for the squash courts for a 2 year period. The tenancy is based on a rent per annum for the public house, which includes the squash club as an on-going liability. This tenancy is not to be renewed. The squash court has therefore only operated by being subsidised by the public house.
- 6.13 Whilst the viability information submitted by the agent in support of this application is limited, on balance, officers conclude that the facility is not financially viable (operating at a loss) and therefore can be considered to be surplus to requirement.

Layout and design

- 6.14 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.
- 6.15 With regard to decision taking this means:
- approving development proposals that accord with the development plan without delay; and
 - where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.
- 6.16 The NPPF in Chapter 6 sets out its commitment in terms of the provision of delivering a wide choice of high quality homes. In support of the overarching aims and objectives of the NPPF the Tendring District Local Plan Proposed Submission Draft sets out the Councils commitment to sustainable development in Policies SD1, SD2 and SD5 while the requirements for good quality design are set out in Policy SD9.
- 6.17 The submitted details show that the development site covers an area of approximately 0.28 hectares. The site's vehicular entrance is taken from Jaywick Lane, with the proposed development set back behind the public house. The development would therefore result in an average housing density of 39 dwellings per hectare, which is considered to be acceptable in this urban location, and would integrate the development into the existing urban grain.
- 6.18 In terms of provision of private amenity space, Policy HG9 of the Tendring District Local Plan 2007 states that private amenity space for houses with three or more bedrooms shall have a minimum of 100 sqm whilst houses with two bedrooms shall have a minimum of 75 sqm. Policy PEO4 of the draft Local Plan requires development proposals for 2, 3 and 4 bedrooms houses to have private amenity space to be at least equal to the total internal floor area of the dwelling. The plans submitted in support of this application propose the following private amenity space provision:
- Plot 1 (3 bed) – 100sqm
 - Plot 2 (3 bed) – 101sqm
 - Plots 3 (1bed) – 50sqm
 - Plot 4 (1bed) – 117 sqm
 - Plots 6 (3 bed) – 100 sqm
 - Plots 7 (3 bed) – 100sqm
 - Plots 8 (3 bed) – 97 sqm
 - Plots 9 (4 bed) – 100 sqm
 - Plots 10 (2 bed) – 75 sqm
 - Plot 11 (2bed) – 75 sqm
 - Plot 12 (2 bed) – 75sqm
- 6.19 In this instance, all units would meet the policy requirements of policy HG9 apart from plot 8 which provides just under the required 100sqm; on balance, officers consider this provision adequate. However some units would fail the garden space requirements under policy PEO4. It is considered that given the status of the draft Local Plan, and limited weight can be applied to the policies contained within it, on balance the gardens sizes proposed are acceptable, and the proposal creates an acceptable form of development to future users.

- 6.20 Paragraph 61 of the NPPF states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations and therefore planning decisions should address the connections between people and the places and the integration of new development into the built environment.
- 6.21 With regards to design, the building form of the proposed dwellings have been designed in accordance with The Essex Design Guide, whereby the traditional buildings of Essex are normally made up of rectangular (not square) plan forms, with pitched roofs spanning the narrower plan dimension. The properties within the surrounding context also appear to have narrow rectangular building forms, and the building form of the proposed dwellings have been sympathetically designed in order to continue this local pattern with contemporary fenestration details. Furthermore, the roof pitch of the dwellings within the site is generally shown to be 45/40 degrees, as recommended within the Essex Design Guide. This results in a reduced overall scale of the proposed scheme, and is in keeping with that of the neighbouring properties in Jaywick Lane and Harpers Way.

Residential Amenity

- 6.22 Policy QL11 of the Tendring District Local Plan (2007) and Policy SD9 of the Tendring District Local Plan Proposed Submission Draft (November 2012) states that new development will only be permitted if, amongst other things, the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.
- 6.23 The main issues to be addressed are the effects of the development upon the residential amenity to occupiers of adjoining properties in Harpers Way. Objection has been raised to the scheme in relation to overlooking. At present the site is a public house and squash court, and therefore the existing properties particularly those that bound the site in Harpers Way have been afforded a greater degree of privacy.
- 6.24 It is noted that bedrooms and living rooms are deemed to be habitable rooms by the Essex Design Guide, and therefore great care is required to ensure new developments do not impinge adversely on existing amenities by requiring the careful placement of such new windows. The Essex Design Guide states that for the rear-facing habitable rooms, the rear faces of opposite houses where approximately parallel, a minimum of 25 metres between the backs of houses is usually acceptable.
- 6.25 There is sufficient separation distance achieved between plots 1,2,3,4,9,10,11& 12 and the existing residential properties along the boundary with Harpers Way and the adjacent property to the north in Jaywick Lane.
- 6.26 The back to back distance of plots 6, 7 and 8 to existing properties in Harpers Way measure approximately 24 metres which is 1 metre short of the recommended distance set out in the Essex Design Guide. Careful consideration has been given to the potential impact of overlooking of these residential properties and it is considered that the impact of the proposed development and the shortfall in back to back distances will be negligible and would not result in any adverse impact upon existing residential amenity by way of oppressive overlooking.

Infrastructure Impact

- 6.27 Policy QL12 in the adopted Local Plan and Policy SD7 in the emerging Local Plan require that new development is supported by the necessary infrastructure.

- 6.28 Essex County Council as the Local Education Authority has been consulted on the planning application and has made representations. The original scheme proposed 13 units which ECC sought a financial contribution of £38,769 toward early year and childcare facilities primary school facilities. However, the application has reduced the number of plots from 13 to 11 and therefore a financial contribution towards education provision cannot be justified in adopted policy terms.

Open Space

- 6.29 Policy COM6 in the adopted Local Plan and Policy PE022 of the emerging Local Plan require residential developments below 1.5 hectares in size, where existing open space facilities are inadequate to meet the projected needs of future occupiers of the development a financial contribution will be made towards the provision of new or improved off-site facilities to meet these needs. The Council's Open Space and Bereavement Service Manager has commented on the application and has identified a deficiency of play facilities. A financial contribution has been requested toward off-site play provision which would need to be secured through a unilateral undertaking. This is reflected in the officer recommendation.

Highways, transport and accessibility

- 6.30 Paragraph 32 of the NPPF relates to transport and requires Councils, when making decisions, to take account of whether:
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
 - safe a suitable access to the site can be achieved for all people; and
 - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.31 Development should only be reused where highway impacts are severe.
- 6.32 Policy QL2 in the adopted Local Plan and Policy SD8 in the emerging Local Plan seek to ensure that developments maximise the opportunities for access to sustainable transport including walking, cycling and public transport. The site offers a reasonable level of accessibility by foot and cycle, to local services and facilities and public transport.
- 6.33 Policy TRA1a in the adopted Local Plan requires that development affecting highways be considered in relation to reducing and preventing hazards and inconvenience to traffic including the capacity of the road network. Policy SD8 in the emerging Local Plan states that developments will only be acceptable if the additional vehicular movements likely to result from the development can be accommodated within the capacity of the existing or improved highway network or would not lead to an unacceptable increase in congestion.
- 6.34 Local residents have objected to the proposal with concerns about the capacity of Jaywick Lane to cope with additional vehicular movement and highway safety. Essex County Council, has not objected to the proposal based on the capacity of the local highway network. The Highway Authority did not initially object to the original submission on parking grounds, however, since the scheme has been reduced to 11 dwellings, the Highway Authority has raised objection due to the lack of remaining parking spaces for the public house. The plans have since been revised again to introduce a total of 14 spaces for the public house. The Highway Authority has been reconsulted and members will be updated further at Planning Committee. Nonetheless, your officers are satisfied that the residential

development provides 22 spaces in accordance with the Parking Standards and that the 14 spaces for the public house will be sufficient to ensure that on street parking does not take place.

- 6.35 In conclusion, the site is reasonably accessible, by foot and cycle, to local services and facilities and public transport. The transport impacts of the development are not considered to be severe and, from this perspective, Officers consider the proposal to be acceptable.

Flood risk and drainage

- 6.36 Paragraph 103 of the NPPF requires Councils, when determining planning applications, to ensure flood risk is not increased elsewhere. Although the site is in Flood Zone 1 (low risk), the NPPF, Policy QL3 in the adopted Local Plan and Policy PLA1 in the emerging Local Plan still require any development proposal on site larger than 1 hectare to be accompanied by a site-specific Flood Risk Assessment (FRA). This is to assess the potential risk of all potential sources of flooding, including surface water flooding that might arise as a result of development. ECC were consulted on the amended plans and issued a 'holding objection' and required further work to be undertaken to ensure compliance with the guidelines set out in the relevant National Planning Practice Guidance.
- 6.37 The objection from the SUDS team at Essex County Council is noted, however, the application site is below the 1 hectares where the Council can insist on a site specific flood risk assessment and in the absence of an objection from Anglian Water in this instant a surface water drainage condition will be imposed to ensure that potential surface water flooding that might arise as a result of the development is adequately controlled.

Conclusion

- 6.38 The application has been assessed in relation to the policies of the NPPF and relevant adopted Local Plan and emerging Local Plan in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2014. The application has been assessed in relation to the following issues and potential impacts:
- Principle of development;
 - Loss of a sports facility /community facility;
 - Layout and design;
 - Residential amenity;
 - Infrastructure;
 - Open space;
 - Highway safety; and
 - Flood risk and drainage.
- 6.39 In conclusion, in applying the NPPF 'presumption in favour of sustainable development' the proposal addresses the three dimensions of sustainable development. The economic impact of the development would be positive both in terms of temporary construction jobs and the increased demand for goods and services that arises from population growth; the social impacts would be positive in terms of the contribution toward meeting projected housing need and the environmental impacts would be limited with the potential for them to be positive subject to securing successful approaches to landscaping and drainage.
- 6.40 The adverse impacts of the development would not significantly or demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole and therefore in line with paragraph 14 of the NPPF Officers recommend the approval of the planning permission subject to the completion of a unilateral undertaking to secure a

financial contribution toward off-site play facilities. There are also a number of conditions that would apply to the grant of planning permission, as outlined at the head of this report.

Background Papers

None.