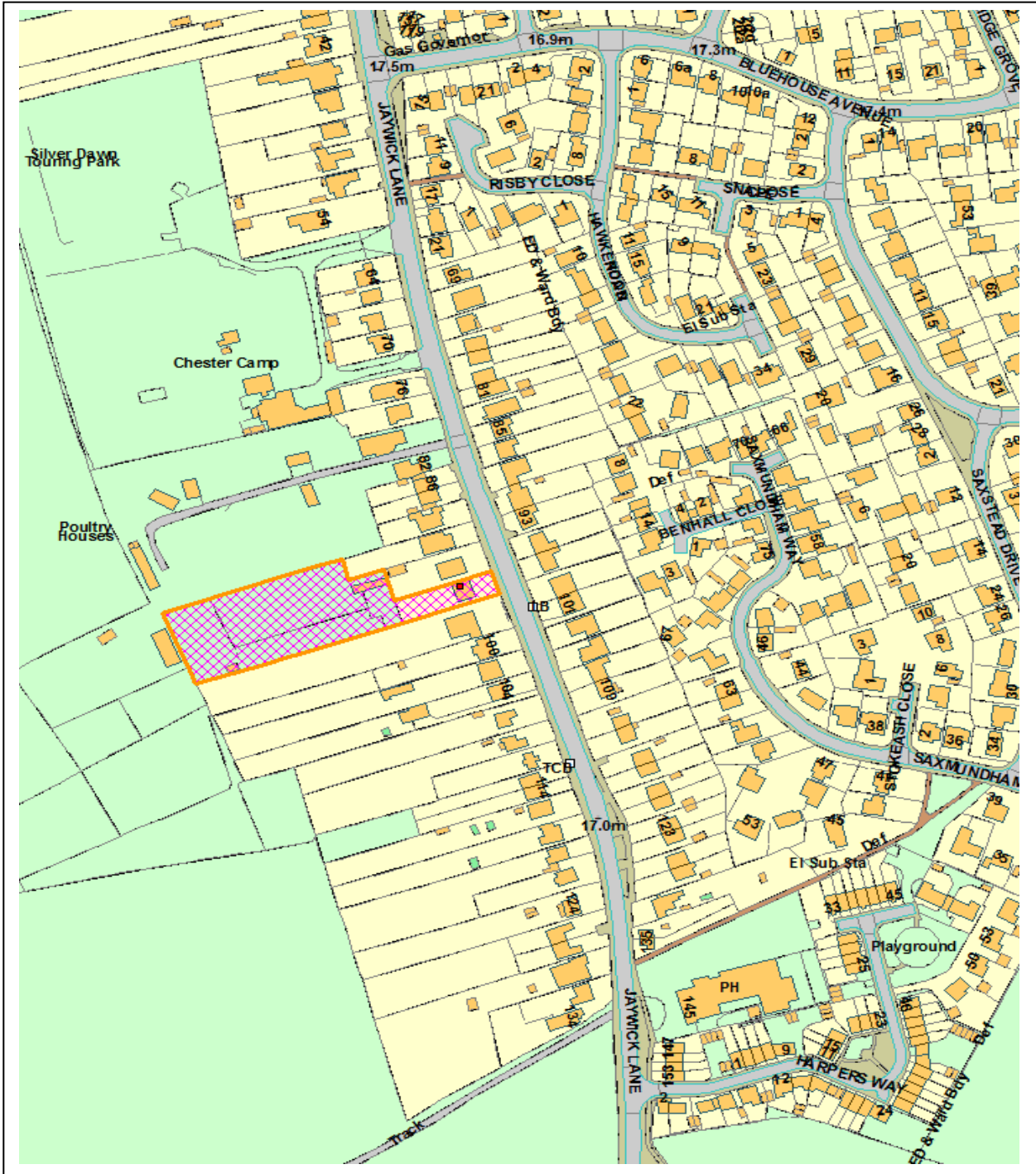


PLANNING COMMITTEE

08 August 2017

REPORT OF THE HEAD OF PLANNING

**A.10 PLANNING APPLICATION - 17/01081/OUT - 96 JAYWICK LANE, CLACTON-ON-SEA, CO16 8BB**



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<b>Application:</b>	17/01081/OUT	<b>Town / Parish:</b> Clacton Non Parished
<b>Applicant:</b>	Mr Tulip	
<b>Address:</b>	96 Jaywick Lane Clacton On Sea Essex	
<b>Development:</b>	Proposed erection of 5 no. bungalows following demolition of existing bungalow.	

## 1. Executive Summary

- 1.1 The application has been called to Committee by Cllr Ted Whitmore, on the basis that the development is backland development which if approved will be setting a precedent resulting in more similar applications in this area. Also highway safety is a concern with numerous development access roads being created off Jaywick Lane, it will likely compromise road safety.
- 1.2 The application site relates to a modest development of 5 dwellings served from a private drive from Jaywick Lane, following demolition of the existing bungalow on the site.
- 1.3 The site is situated on the western side of Jaywick Lane on the outskirts of Clacton, currently outside of the settlement development limits (S.D.L), but shown within the new S.D.L as defined in the Emerging Local Plan, as part of a substantial mixed-use allocation.
- 1.4 The land to the north, west and south-west, already has permission – Ref 16/01520/FUL – for the erection of 21 bungalows and 48 supported living apartments, together with associated access, surface water drainage and other associated development.
- 1.5 The site would be surrounded by the above development and other residential development to the south, and is a logical development within an already approved housing area, and complies with the requirement within the N.P.P.F to significantly boost housing supply.
- 1.6 It is a sustainable location and the development meets the 3 arms of sustainable development as noted within the N.P.P.F.
- 1.7 It is officer's view that the character of the immediate area has already been significantly changed by the approval of the surrounding estate development – and the development would be located directly adjacent to it – and therefore the development must be viewed against that character.
- 1.8 Whilst in backland form, the proposal would be developed on 3 sides and would not result in a precedent for further backland-type developments, as it is well related to adjacent development, and the remaining land within the mixed-use allocation of the emerging plan could still be developed on a more comprehensive basis.
- 1.9 The proposed development creates a simple built-form, surrounded by other development, and therefore raises no policy concerns and would not look out-of-place in the street scene, and it is therefore recommended that permission be granted subject to conditions.

**Recommendation: Approve**

**Conditions:**

Standard Outline Conditions for:-

- 1 Submission of Reserved Matters**
- 2 Timescale For Submission of Reserved Matters**
- 3 Timescale for Commencement of Development**
- 4 Single-storey only**
- 5 Archaeology**
- 6 SUD's drainage**
- 7 Broadband**
- 8 Highway Conditions as advised by Highway Authority**

**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

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG13 Backland Residential Development

HG14 Side Isolation

EN1 Landscape Character

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SP1 Presumption in Favour of Sustainable Development

SP2 Spatial Strategy for North Essex

SP6 Place Shaping Principles

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

LP8 Backland Residential Development

SAMU4 Development at Rouses Farm, Jaywick Lane, Clacton

CP1 Sustainable Transport and Accessibility

### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16<sup>th</sup> June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. As this plan is yet to be examined, its policies cannot carry the full weight of adopted policy. However, because the plan has reached publication stage its policies can carry some weight in the determination of planning applications. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

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

01/01059/FUL	Conservatory and dormers	Approved	20.09.2001
97/01121/FUL	Rear extension to provide lounge kitchen and dining area	Approved	15.10.1997
17/01081/OUT	Proposed erection of 5 no. bungalows following demolition of existing bungalow.	Current	

### **4. Consultations**

Highway Authority

At the time of compiling this report, the Highway Authority had given a verbal indication that they would have no objections subject to conditions, and an update will be given at Committee.

## 5. **Representations**

None received

## 6. **Assessment**

The main planning considerations are:

- Principle of development
- Policy issues
- Character and form of the development
- Highway Safety
- Archaeology
- Overall planning balance

### **The Site**

- 6.1 The site comprises the applicant's dwelling and a small parcel of paddock land to the rear (west) that is sandwiched between the frontage dwellings on Jaywick Lane, and a larger proposed housing re-development served from a new housing estate road, leading on to Jaywick Lane to the north, west and south-west.
- 6.2 The site is therefore surrounded on 3-sides by existing and proposed housing, and the existing dwelling consists of an extended bungalow, that is not of high architectural merit.
- 6.3 Apart from the obvious domestic curtilage, the majority of the site is currently un-developed open paddock land, running behind other properties on Jaywick Lane, and it reflects the long strips of land associated with the other dwellings on Jaywick Lane, further to the south.

### **The Proposal**

- 6.4 The proposal is to demolish the existing bungalow to create space to provide an access drive, and utilise the land to the rear for the erection of 5 detached bungalows and garages on rectangular-shaped plots.
- 6.5 The development is in outline form, with all matters reserved, although the indicated access position is the only feasible location for the access (other than utilising the access road of the approved housing scheme on the adjacent land).
- 6.6 The submitted plans are purely illustrative, but show a typical shared drive arrangement with turning head, serving a linear row of bungalows all but one, having a detached double garage.
- 6.7 Each dwelling is shown with one or two garages and 2 further parking spaces.

### **Consideration**

#### Principle of development

- 6.8 The approved residential development – 16/01520/FUL established the principle of development of the land to the west of frontage dwellings along Jaywick Lane, and this

location is no longer one of frontage development, as the approved development has fundamentally changed the character of the area.

- 6.9 The land to the west of Jaywick Lane, and running north to St John's Road, is included within the Emerging Local Plan as a major 'mixed-use' allocation - SAMU4 Development at Rouses Farm, Jaywick Lane, Clacton.
- 6.10 This allocation within the Publication Draft is allocated for a mix of residential development, community facilities and public open space as follows:—
- At least 850 new homes of mixed sizes and types to include affordable housing
  - A new primary school with co-located 56 place early years and childcare facility
  - A new neighbourhood centre
  - A site for a new healthcare facility to meet the primary health care needs in West Clacton;
  - A minimum of 5 hectares of public open space
  - Inclusion of a master planned approach
  - The principal points of vehicular access will be off St John's Road in the north and Jaywick Lane in the south
  - A minimum 20 metre landscaping buffer along the western edge of the site
  - To include a new spine road with a carriageway width of 6.75 metres, linking St John's Road and Jaywick Lane
  - Access restrictions to be implemented in Jaywick Lane
  - Incorporation of highway infrastructure enhancements.
  - A safe cycle path/footpath to Clacton Coastal Academy and new primary school
  - Financial contribution to early years and childcare and secondary education provision,
  - Protection and enhancement of the historic environment including the archaeological environment;
  - Upgrades to both treatment infrastructure and network and to formulate a water and drainage strategy to serve the new development.
- 6.11 Although a form of 'backland' development - the 5 new dwellings have a private drive arrangement - but when considered in relation to the approved development the proposed development would not look out-of-place.
- 6.12 The proposed dwellings would not therefore be a 'new' development introduced in to an open area of the land to the rear of frontage dwellings, but instead, needs to be considered as part of the overall redevelopment of the area, and would be viewed not in isolation, but along with the approved housing estate development that surrounds it.
- 6.11 In officer's view, the surrounding residential development sets the tone for any new development, and the issue is whether the development is acceptable in relation to this surrounding residential development.

#### Policy issues

- 6.12 N.P.P.F indicates that Local Planning Authorities should 'significantly boost' such supply and whilst the Council can currently demonstrate a 5-year Housing Land Supply, the development of sustainable locations such as this one is paramount for retaining that supply, and the site is being promoted via the emerging plan.
- 6.13 The current proposal relates to a logical "infill" area, surrounded by other residential development and an approved housing estate.
- 6.14 The development meets the usual standards for amenity area size, distance between dwellings and car-parking, and therefore raises no particular policy concerns, although it is

accepted that the site falls outside of the settlement development limits of the 2007 Local Plan and is therefore technically contrary to the development plan, however the surrounding 'approved' development, and that Clacton is a key housing growth area is compelling.

- 6.15 In the light of the above it is considered that a refusal based on the outdated development plan policy could not be substantiated, particularly as the surrounding development and emerging plan amply demonstrates that the Council consider the site to be a sustainable location.
- 6.16 A key issue will therefore be whether the development of this site in isolation would restrict development of the larger 'allocated' site, or sets a precedent for further 'backland' development, and the 'backland' development policies – HG13/LP8 of the Adopted and Emerging plans are discussed in the sections below.
- 6.17 Taken in conjunction with the development of the adjacent site, the 5 bungalows proposed, represent a "rounding-off" of the built-form of the approved scheme and development of this site would still allow the mixed-use allocation at Rouses Farm (Allocation SAMU4 of the emerging plan) to be developed.
- 6.18 The current site falls between the allocation, and frontage dwellings on Jaywick Lane, although the width of the site (3 times the width of other dwellings and their associated land) and the unusual layout of surrounding development, are unlikely to be replicated further along Jaywick Lane, and in that respect, the site does not set a precedent for further development.
- 6.19 In relation to the 'backland' policies, it must be noted that development of this site would meet the criteria of such policy, in that:-

Policy HG13/LP8 allows for the development of backland sites, providing stated criteria are met, and in this respect, it is noted that:-

- The site would have a safe vehicular/pedestrian access
  - It is not tandem development as the existing dwelling is to be demolished
  - Whilst not within the currently defined settlement, it is a proposed inclusion, and it would not impact on the proposed allocation within the emerging plan
  - As the existing development is to be demolished, the garden size remaining for that dwelling is irrelevant, and the new development could be designed at reserved matters stage to meet Policy HG9 in relation to garden size and HG14 in relation to side isolation
  - It would not result in an awkwardly shaped plot that would be difficult to develop, and would not compromise other sites
  - It would not result in out-of-character development or set a harmful precedent, and
  - It would not create a 'hard-edge' to the settlement as it is surrounded on 3 sides by other residential development
- 6.20 The site therefore represents an appropriate form of backland development that is not in conflict with the backland Policies of either the adopted or emerging plans.

#### Character and form of the development

- 6.21 Whilst the Jaywick Lane area originally had a linear form, there is a holiday park to the west, and the recently approved modern developments – which includes a substantial "in-depth" housing scheme at 82 Jaywick Lane – has fundamentally changed the character of the built-form particularly at this location, which is no longer a simple linear form.

- 6.22 As a result, the development would not appear to be out-of-character with its surroundings, and the proposed bungalows would constitute logical rounding-off with the approved new housing development.
- 6.23 Jaywick Lane has other access drives leading from it, and the proposed access drive serving 5 new bungalows could not therefore be said to be out-of-character and the density and layout is considered appropriate for its location to the rear of established frontage housing.

#### Highway Safety

- 6.24 The proposed access drive meets Jaywick Lane, where it is straight with good visibility splays, most being within the highway, and with a net-gain of 4 dwellings (5 proposed and one demolished), the development of the site with a modest private drive does not raise any particular highway safety concerns, and the comments of the Highway Authority will be reported in full in the Committee update.
- 6.25 The N.P.P.F states at paragraph 32, that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe, and in this instance, the resulting highway impact would not be severe.

#### Archaeology

- 6.26 The site lies directly adjacent to another housing site on which is known to have considerable potential for archaeological remains, and that permission was subject to an investigation – including trial trenching – and the proximity of the current site would have equal potential for finds.
- 6.27 As a result, it will be necessary to impose a similar archaeological condition to ensure that any heritage assets are safeguarded.

#### Overall planning balance

- 6.28 Whilst the Council can now demonstrate a 5-year housing land supply, and the housing supply policies are no longer considered to be out-of-date, the site is in a sustainable location on the edge of the principle settlement within the District, surrounded by other housing developments and a substantial mixed-use allocation, and the proposed development meets all other policy considerations.
- 6.29 The N.P.P.F still contains a presumption in favour of sustainable development, as well as requiring the Local Planning Authority to ‘significantly boost’ housing land supply.
- 6.30 The Council are given a commitment to development on the west side of Jaywick Lane, by the inclusion of the land further west as a major allocation – SAMU4 – being promoted through the Emerging Local Plan.
- 6.31 The site is a logical rounding-off of other development and the addition of 5 bungalows would not be unacceptable, and would add to the mix of dwelling types as advocated by the N.P.P.F and local policy.
- 6.32 Whilst the proposal is a form of backland development, it would not appear out-of-character, and meets the terms of the Backland Policies, and it would not form a precedent, as other land to the rear of individual properties on Jaywick Lane to the south, would not have the same circumstances – i.e. the larger plot width, and being surrounded on 3-sides by existing and approved housing development.



- 6.33 The creation of a modest access drive at this location, serving 5 bungalows, and with good visibility on to a straight road, would not cause any significant highway safety concerns.
- 6.34 On balance, the development would not cause any demonstrable harm, and is considered to be a sustainable one, where the benefits of the scheme are not out-weighted by any harmful impacts.
- 6.35 The development is therefore an appropriate one and recommended for approval.

Background Papers

None