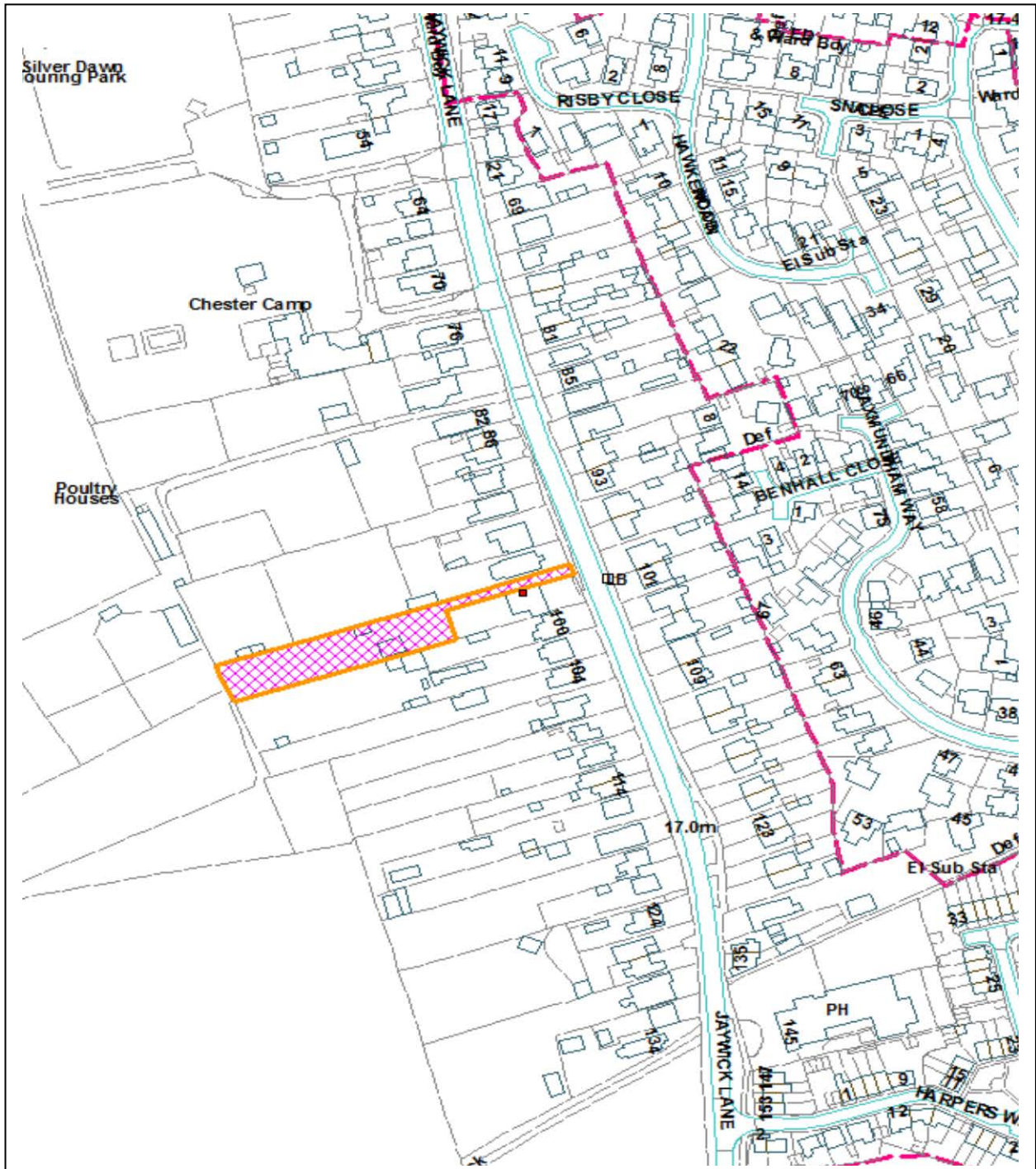


PLANNING COMMITTEE

3 JANUARY 2018

REPORT OF THE HEAD OF PLANNING

A.6 PLANNING APPLICATION - 17/01840/OUT - 98 JAYWICK LANE, CLACTON-ON-SEA, CO16 8BB



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Application:	17/01840/OUT	Town / Parish: Clacton Non Parished
Applicant:	Mr David Batcher-Clark	
Address:	98 Jaywick Lane Clacton On Sea CO16 8BB	
Development:	Proposed 2 no. detached chalet bungalows with detached garages.	

1. Executive Summary

- 1.1 This application is referred to Planning Committee by Councillors Pemberton and Whitmore on the grounds that the proposal is backland development, out of character, has an unacceptable access and will result in significant increases to the nearby traffic.
- 1.2 The application seeks outline planning permission with all matters reserved for the construction of two detached chalet bungalows, with associated garages and parking.
- 1.3 The application site is located on Jaywick Lane, and falls within the defined Settlement Development Boundary for Clacton-on-Sea, as defined by the Saved Tendring District Local Plan 2007 and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 1.4 Land to the north already has planning permission under reference numbers 16/01520/FUL (for 21 bungalows and 48 supported living apartments) and 17/01081/OUT (for 5 bungalows).
- 1.5 The site would be surrounded by the above developments and other residential developments to the south, and therefore the immediate character of the surrounding area has already significantly changed and is a logical development within an already approved housing area, and complies with the requirements within the NPPF to significantly boost housing supply.
- 1.6 Whilst in backland form, the precedent for such development has previously been established with development to the north, and therefore the proposal will not be out of character. Furthermore, the site is not an awkwardly shaped or fragmented parcel of land, the development of which would not prejudice a more comprehensive development solution.
- 1.7 The proposed development creates a simple built-form, surrounded by other development, and therefore raises no policy concerns, and it is therefore recommended that permission be granted subject to conditions.

Recommendation: Approve

Conditions:

- 1) Submission of reserved matters
- 2) Timescale for submission of reserved matters
- 3) Timescale for commencement of development
- 4) Visibility splays of 2.4m x the site maximum as measured from and along the nearside edge of the carriageway
- 5) Vehicular turning facility to be constructed, surfaced and maintained free from obstruction

- within the site
- 6) No unbound materials
 - 7) Width of private drive to be 5.5 metres for the first 6 metres within the site
 - 8) Archaeological trial trenching

2. **Planning Policy**

National Policy

National Planning Policy Framework (2012)

National Planning Practice Guidance (2014)

Local Plan Policy

Tendring District Local Plan 2007

QL1 Spatial Strategy

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

HG9 Private Amenity Space

HG13 Backland Residential Development

HG14 Side Isolation

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

CP1 Sustainable Transport and Accessibility

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

LP8 Backland Residential Development

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

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 16th 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

16/01520/FUL	Erection of 21 bungalows and 48 supported living apartments, together with associated access, surface water drainage and other associated development.	Approved	11.05.2017
17/01081/OUT	Proposed erection of 5 no. bungalows following demolition of existing bungalow.	Approved	10.08.2017

4. Consultations

ECC Highways Dept This Authority has assessed the highway and transportation impact of the proposal and does not wish to raise an objection subject to the following:

Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by the site maximum as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Prior to occupation of the development a vehicular turning facility shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Prior to the first occupation of the development, a private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres within the site, tapering one-sided over the next 6 metres to any lesser width and provided with an appropriate dropped kerb crossing of the footway to the satisfaction of the Local Planning Authority.

Each new property shall be provided with 2 vehicular parking spaces with minimum dimensions of 2.9 metres x 5.5 metres each.

Any single garages should have a minimum internal measurement of 7m x 3m

Any double garages should have a minimum internal measurement of 7m x 6m

Any tandem garages should have minimum internal measurements of 12m x 3m

5. Representations

5.1 There have been no letters of representation received.

6. Assessment

- The main planning considerations are:
- Site Context
- Proposal
- Principle of Development
- Design and Layout
- Impact to Neighbours
- Highway Considerations
- Archaeology

Site Context

6.1 The application site is located on Jaywick Lane. The site falls within the recognised Settlement Development Boundary for Clacton-on-Sea, as agreed in both the Adopted Tendring Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

6.2 The site has an area of 0.14 hectares and forms part of the residential curtilage of 98 Jaywick Lane. The character of the surrounding area is linear development along Jaywick Lane, with long rear gardens to this western side, and examples of in-depth development.

Proposal

6.3 The application seeks outline planning permission with all matters reserved for the construction of two chalet bungalows with associated garages and parking.

Principle of Development

6.4 The site is located within the Settlement Development Boundary (SDB) for Clacton, as established in the saved and draft local plans. Policy HG3 of the Tendring District Local Plan 2007 states that within defined development boundaries of towns and villages,

residential development will be permitted provided it satisfies amenity, design, density, environmental, highway, local housing needs and sustainability criteria, as appropriate, and can take place without material harm to the character of the local area.

- 6.5 Planning permissions 16/01520/FUL and 17/01081/OUT have established the principle of backland development for the land to the west of the frontage dwellings along Jaywick Lane, and this location is no longer one of solely frontage development, as the approved developments have fundamentally changed the character of the area.
- 6.6 The proposal relates to the erection of two chalet bungalows to be sited at the rear of 98 Jaywick Lane, accessed via a narrow drive which would run along the northern side of Number 98 Jaywick Lanes boundary. The layout shown represents backland development. Policy HG13 of the Tendring District Local Plan 2007 states that proposals for the residential development of 'backland' sites will be permitted where; amongst other things the following criteria are met:
- The proposal does not involve 'tandem' development using a shared access;
 - The site does not comprise an awkwardly shaped or fragmented parcel of land likely to be difficult to develop in isolation or involve development which could prejudice a more appropriate comprehensive development solution;
 - The site is not on the edge of the defined settlement and likely to produce a hard urban edge or other form of development out of character in its particular setting; and
 - The proposal would not be out of character with the area or set a harmful precedent for other similar forms of development.
- 6.7 The site is not an awkwardly shaped or fragmented parcel of land. A more comprehensive development solution combining the site with five bungalows approved under 17/01081/OUT would be preferable. However, each application must be considered on its own merits. The site is not located on the edge of the defined settlement.
- 6.8 Although the character of this section of Jaywick Lane is largely linear in pattern, the precedent for backland development in this location has previously been agreed, for example adjacent to the north under planning permissions 16/01520/FUL and 17/01081/OUT, therefore resulting in the proposal not appearing out of character with the surrounding area or setting a harmful precedent.
- 6.9 The site therefore represents an appropriate form of backland development that is not in conflict with the backland policies.

Design and Layout

- 6.10 The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 6.11 The application is in outline form with all matters reserved and as such no layout or elevational drawings have been submitted with the application. However, the plans submitted do show that the two dwellings will be accessed via a new access point from Jaywick Lane to the east.
- 6.12 Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of one bedroom should be a minimum of 50 square metres, for a dwelling of two bedrooms should be a minimum of 75 square metres and for a dwelling of three bedrooms

or more should be a minimum of 100 square metres. The information that has been supplied does not indicate the number of bedrooms; although there is sufficient space within the site to ensure there will be enough private amenity space for the proposed dwellings.

Impact to Neighbours

- 6.13 The NPPF, at paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 6.14 Whilst the application is in outline form with all matters reserved, Officers consider that sufficient space is available on site to provide a development that, through the submission of a reserved matters application, could achieve an internal layout and separation distances that would not detract from the amenities of nearby properties or the future occupiers of the proposed dwellings.
- 6.15 Whilst previous planning permissions to the north have been single storey bungalows, the proposed chalet bungalows will not result in significant harm to neighbouring amenities as the orientation of the plots will mean that the windows to the first floor facing southwards will likely have only minimal views to the furthest rear elements of the neighbouring properties, an area less likely to be occupied, and will therefore likely be acceptable.

Highway Considerations

- 6.16 Whilst Essex County Council as the Highways Authority initially raised concerns regarding the plans not demonstrating how the proposal would access the highway, the applicant confirmed that the intention is to use the driveway to the northern boundary of the site as the access point.
- 6.17 Following the submission of this additional information, the Highways Authority confirmed they raise no objections to the proposal.
- 6.18 The Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces are required. Parking spaces should measure 5.5 metres by 2.9 metres and garages, if being relied on to provide a parking space, should measure 7 metres by 3 metres internally.
- 6.19 Whilst the application is in outline form and no layout or elevational drawings have been supplied, there is sufficient room to accommodate the required parking.

Archaeology

- 6.20 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.
- 6.21 As a result, it will be necessary to impose a similar archaeological condition to ensure that any heritage assets are safeguarded.

Overall planning balance

- 6.22 The site lies within the Settlement Development Boundary for Clacton, where the principle of residential development is accepted, subject to the detail of the proposal being acceptable.
- 6.23 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 has been granted planning permission, particularly adjacent to the north.
- 6.24 The creation of a modest access drive at this location, serving two chalet bungalows, and with good visibility on to a straight road, would not cause any significant highway safety concerns.
- 6.24 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-weighed by any harmful impacts.
- 6.25 The development is therefore an appropriate one and is recommended for approval.

Background Papers

None