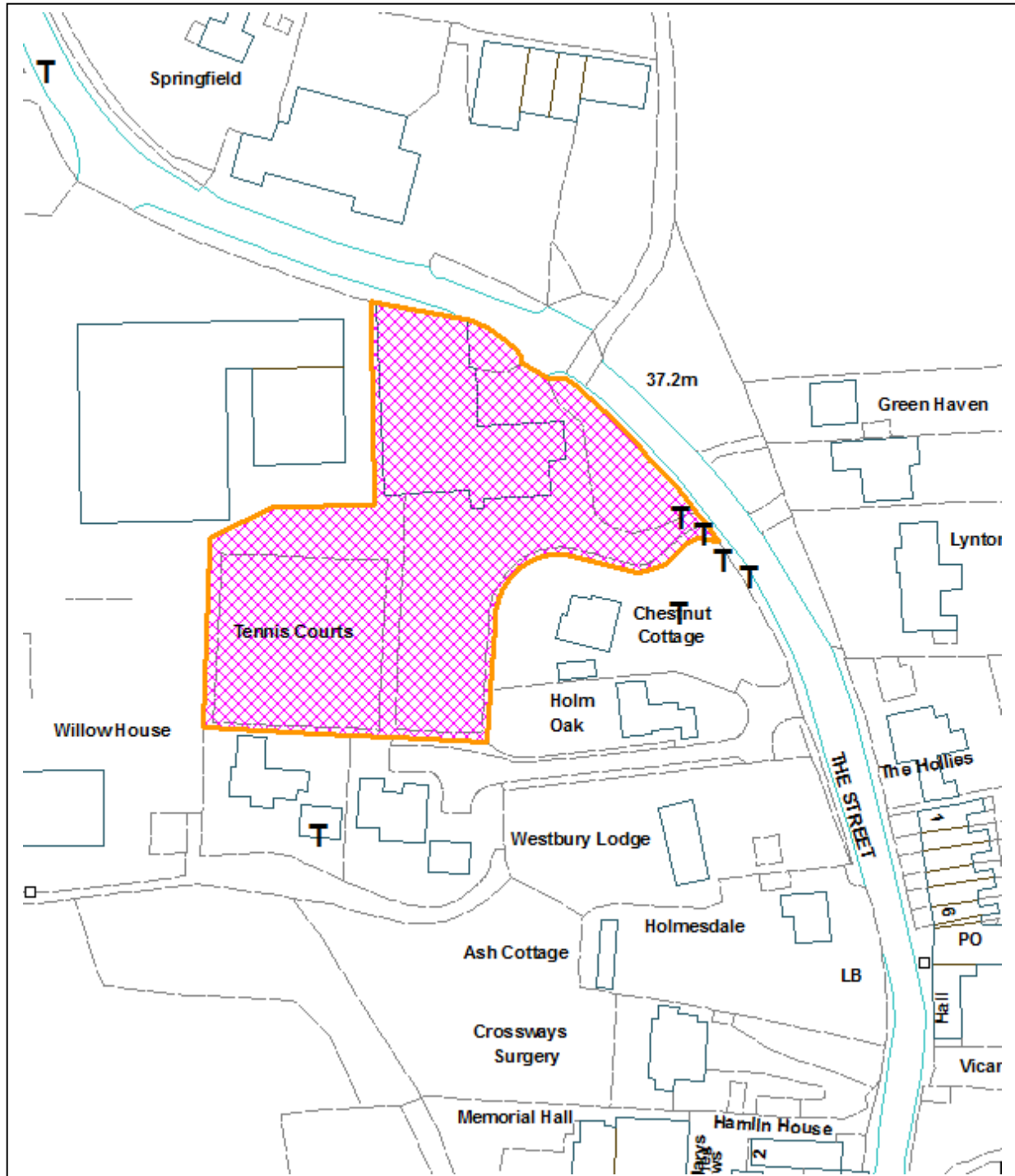


PLANNING COMMITTEE

30 January 2018

REPORT OF THE HEAD OF PLANNING

A.1 PLANNING APPLICATION - 16/00878/FUL - ARDLEIGH SQUASH AND LEISURE CLUB, DEDHAM ROAD, ARDLEIGH, CO7 7NH



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Application:	16/00878/FUL	Town / Parish: Ardleigh Parish Council
Applicant:	Ardleigh Hall LLP	
Address:	Ardleigh Squash and Leisure Club, Dedham Road, Ardleigh, CO7 7NH	
Development:	Demolition of existing building and construction of 7 No. 4 bedroom detached houses and associated garages and diversion of existing footpath public right of way.	

1. Executive Summary

- 1.1 **This planning application was deferred by members of the Planning Committee on the 30th November 2016 to enable a further 6 months of marketing to take place for all commercial uses.**
- 1.2 **The additional marketing period resulted in the submission of a business plan from a third party. The plan outlined an intention to utilise the buildings and land for health and fitness, sporting, spa, social and business activities. However, the business plan provided did not suitably demonstrate a viable business model.**
- 1.3 The application site has been designated within the Proposals Map of the Local Plan as protected existing recreational open space, linked to the Ardleigh Hall Leisure Club, and therefore protected by policies COM7 and COM7a of the Local Plan. As a result, this application is presented to committee as a departure from the Local Plan.
- 1.4 The application site amounts to approx 0.45 hectares. The site is of an irregular shape and contains a number of trees, including some which have been protected by a Tree Preservation Order (TPO). The site currently accommodates a group of buildings which form part of the now vacant leisure club along with associated parking areas and outdoor tennis courts. The application site lies within the Ardleigh Conservation Area and is set within the defined settlement boundary of the village.
- 1.5 The application proposes 7 no. dwellings and garages along with the demolition of the majority of the buildings on the site. The properties would comprise of two-stories and accommodate 4 bedrooms.
- 1.6 The application site falls within the development boundary for the village of Ardleigh. Development in Tendring is focussed towards the larger urban settlements of Clacton and Harwich and the smaller towns and villages including Ardleigh. As the site falls within the settlement boundary, its development would be acceptable in principle, subject to consideration against other policies in the Local Plan. The site is also designated as protected recreational land and safeguarded local greenspace in both the saved and emerging local plans.
- 1.7 Policies COM7 and COM7a seek to protect land from development which leads to their loss, either fully or in part, particularly where the land concerned fulfils an ongoing recreational or open space function. Saved Policy COM10 concerns the protection of Built Sport Facilities and states that proposals involving the loss of or change-of-use of built sports facilities will only be permitted provided that one of the following conditions is met:
 - replacement facilities of an equal or enhanced standard are provided, which are readily accessible to current users; or

- an assessment has been undertaken, which clearly shows that the facilities are surplus to requirements.
- 1.8 Emerging local plan policy HP4 confirms that development that would result in the loss of the whole or part of areas designated safeguarded local greenspace will not be permitted unless, amongst other criteria, it is demonstrated that there is no longer a demand for the existing site.
- 1.9 From the information provided it is concluded that, on balance, there is no reasonable prospect of a leisure use returning to the site. A sustained and ultimately unsuccessful marketing campaign has been undertaken and clear evidence of the losses accrued by the previous operators has been submitted. This information is considered to be robust and, when having regard to the policy criteria for the loss of recreational facilities and green infrastructure, is considered to adequately demonstrate that there is no longer a local need for a leisure use in this location.
- 1.10 Furthermore, Officers consider that the development, if granted, would not have an adverse impact on the character and appearance of the conservation area, would not be detrimental to protected trees, and is acceptable in terms of highway safety and residential amenity.
- 1.11 It is therefore recommended that planning permission is granted subject to conditions.

Recommendation: Approval

Conditions:

1. Time Limit for commencement – 3 years
2. Development in accordance with the plans
3. Permeable surfacing
4. Materials
5. Hard and Soft Landscaping
6. Landscaping Implementation
7. Tree protection measures
8. Boundary treatments prior to occupation
9. Refuse storage areas to be provided prior to occupation
10. Surface water drainage in accordance with submitted details
11. As per key recommendations in extended phase 1 habitat survey and updated ecological survey completed in January 2018.
12. No development until an Order securing the diversion of the existing definitive right of way to a route has been agreed
13. Estate roads to be provided with kerbing and to a width of 5.5m for at least first 10m served by 2m wide footways.
14. Vehicular visibility splays of 43m by 2.4m by 43m afforded to both accesses
15. Removal/closure of any redundant parts of accesses
16. Details of a vehicular turning facility for large vans and service and delivery vehicles
17. No unbound materials within 6m of the highway boundary or proposed highway
18. Individual accesses constructed to width of 3.7m wide and shared accesses 5.5m wide
19. Details of estate roads and footways to be provided
20. Submission of Construction Method Statement
21. Provision of 2m wide footway and crossing points
- 22.

Updates to Planning Committee Report

- 1.12 As stated above members of the Planning Committee resolved to defer the planning application in November 2016 to allow for a further period of marketing for 6 months incorporating all commercial uses. The updated marketing campaign comprised of the following:
- updated details to show that the property being suitable for a range of commercial uses subject, of course, to planning consent;
 - the existing advertisement boards on site to state the same;
 - revised details being put onto both the Estate Agents Clearing House and Co-Star web-site, which all major commercial agents have access to and on Tendring's own commercial property register;
 - approaches to Tendring's Leisure Services department and the Parish Council to see if they have any ideas/proposals for the property.
- 1.13 Along with the additional marketing details information has been provided in respect of the quoting rent of £45,000 per year. The information provided states that this equates to £3.30 per sqft (not including the outside tennis courts and car parking area). Information from the Council's assets team suggests that this value is comparable to the Council's charges for sports/recreational facilities within the district.
- 1.14 As a result of the extended marketing campaign the applicants received four new enquires. Three of these backed out early on upon viewing the premises and not being able to commit to a viable business plan. One of the interested parties expressed an intention for utilising the premises and land for health and fitness, sporting, spa, social and business activities. This interest has since led to viewings of the premises and the submission of a business plan outlining his business proposals, products and services, start-up costs, marketing plan and back-up plan. However, it was evident that the business plan contained several errors in respect of the figures provided and failed to take into account landlord rent, salaries above the minimum wage threshold and other critical costs involved in the operation of the business including insurance, repairs, accountancy cost and swimming pool running costs. Consequently, it was concluded that the cash flow information provided would need to be re-written. Since then further information from the interested party has been sparse and two deadlines to commit to taking the lease have been missed. The period of interest has covered over 8 months and during this time no viable proposals from the prospective lease holder have been received.
- 1.15 Due to the period of time that has lapsed since the planning application was first reported to planning committee an updated ecological appraisal has been provided. The updated survey concludes that the findings of the 2015 survey remain valid. No evidence of any bats was found on site but due to the potential roosting features within the buildings to be demolished a precautionary approach to demolition within a restricted time window is again recommended. A condition to cover these requirements is included within the recommendation.

2. Planning Policy

National Policy:

National Planning Policy Framework
National Planning Policy Guidance

Local Plan Policy:

Tendring District Local Plan (2007)

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
EN6	Biodiversity
EN6a	Protected Species
EN17	Conservation Areas
COM3	Protection of Existing Local Services and Facilities
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
COM10	Built Sports and Recreational Facilities
TR1a	Development Affecting Highways
TR7	Vehicle Parking at New Development
RA4	Housing Development within Defined Villages

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

SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design
HP2	Community Facilities
HP3	Green Infrastructure
HP4	Open Space, Sports and Recreation Facilities
LP1	Housing Supply
LP3	Housing Density and Standards
LP4	Housing Layout
LP8	Backland Development
PPL3	The Rural Landscape
PPL4	Biodiversity and Geodiversity
PPL5	Water Conservation, Drainage and Sewerage
PPL8	Conservation Areas
CP1	Sustainable Transport and Accessibility

Supplementary Planning Guidance:

Parking Standards Design and Good Practice Guide (2009)
Essex Design Guide (2005)
Ardleigh Village Design Statement (2011)
Ardleigh Conservation Area Appraisal

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

15/00516/ACV	Nominated and recorded on the List of Assets of Community Value help and maintained by Tendring District Council.	10.02.2015
16/00878/FUL	Demolition of existing building and construction of 7 No. 4 bedroom detached houses and associated garages and diversion of existing footpath public right of way.	Current

4. Consultations

ECC Highways Dept	<p>From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:</p> <ul style="list-style-type: none"> - No development shall be permitted to commence on site including any ground or demolition works until such time as an Order securing the diversion of the existing definitive right of way to a route to be agreed in writing by the Local Planning Authority. - Prior to the first occupation of the development, both of the proposed estate roads, at their bellmouth junction with Dedham Road/Street shall be provided with 6.0m radius kerbs returned to an access road carriageway width of 5.5m for at least the first 10m within the site and flanking footways 2m in width returned around the radius kerbs which shall connect to the existing footways. The new road junction shall be constructed at least to binder course prior to the commencement of any other development including the delivery of materials. - Prior to the proposed accesses to Dedham Road being brought into use, vehicular visibility splays of 43m by 2.4m by 43m as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access - The existing access or any part of an access (dropped kerb) rendered redundant or unnecessary by this development shall be suitably and permanently closed
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- Prior to commencement of the proposed development, a vehicular turning facility for large vans and service and delivery vehicles of a design which shall be approved in writing by the Local Planning Authority, shall be provided within the site and shall be maintained free from obstruction in perpetuity.
- No unbound materials shall be used in the surface treatment of any of the proposed vehicular accesses within 6m of the highway boundary or proposed highway.
- Prior to first occupation of the proposed development, a (communal) recycling/bin/refuse collection point shall be provided.
- Prior to the first occupation of each dwelling on the proposed development, the individual proposed vehicular access for that dwelling shall be constructed at right angles to the highway boundary and to a width of 3.7m and each shared vehicular access shall be constructed at right angles to the highway boundary and to a width of 5.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.
- Prior to the commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted.
- All off street car parking shall be in precise accord with the details contained within the current Parking Standards.
- No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted.
- Prior to the occupation of any of the proposed dwellings, the existing footway from the southern boundary of the site to the southern inner tangent of the northern vehicular access shall be extended to a minimum of 2.0m in width and a new footway continuing at 1.8m in width from the northern inner tangent of that bellmouth junction to the northern site boundary and terminating with a prism crossing being provided entirely at the Applicant/Developer's expense including new kerbing, surfacing, drainage, any adjustments in levels and any accommodation works to the footway and carriageway channel and making an appropriate connection in both directions to the existing footway to the specifications of the Highway Authority.

**Trees & Landscape
Officer**

There are a number of trees on the boundary of the application site with the highway and established conifer hedges within the main body of the site and on the perimeter of the land.

All trees on the land with a stem diameter greater than 75mm, measured at a point 1.5m from ground level, are afforded formal legal

protection because they are situated within the Ardleigh Conservation Area.

The indicative site layout shows the retention of some of the trees on the boundary, the removal of some and the reduction of other parts of the coniferous hedges.

On balance the information provided by the applicant demonstrates that the viable trees with the greatest amenity value will be retained and only those with low visual amenity value or significant structural defects will be removed.

At the request of local residents special attention and consideration was given to the inspection of T10 'Holm Oak (as identified in the tree report). Local residents have expressed a desire to see this tree retained for its amenity value and for the screening benefit that it provides.

A condition should be attached to any planning permission that may be granted to ensure that the measures identified in the tree report are complied with and that protective fencing is erected and maintained for the construction phase of the development. As soft landscaping of the site will be a key element in achieving a desirable layout a condition should be attached to secure such details.

Regeneration

The Regeneration Team acknowledge the additional marketing campaign that has been undertaken by the sole agent over the last 6 months. They would also request that further time is provided to allow one of the interested parties mentioned, who is very keen to run it as a commercial business, is given the opportunity of meeting the landlord and discussing and presenting their 'draft' business plan.

They would still like to see this property retained as a community, leisure or commercial site, which would benefit the village and the wider community as a whole.

Leisure Services

Sports participation rates in the Tendring District are significantly below the national average and it would be difficult to establish an argument for any reduction in existing facilities. If provision is preserved through a Section 106 contribution towards Squash facilities in the local area, it is unlikely that a newly developed standalone facility would be a realistic proposition, due to high capital costs and the lack of a strong business case for a single use sport facility.

Environmental Health

Pollution and Environmental Control would also ask that the following is conditioned:

Condition for Construction and Demolition Sites

Prior to the commencement of any demolition works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Pollution and Environmental Control.

Natural England

No comments – refer to standing advice.

Anglian Water Services Ltd	No comments received as development is under 10 dwellings.
The Ramblers Association	No comments received.
Sport England	<p>Sport England considers that the proposal conflicts with our national policy on the loss of sports facilities. Should redevelopment be unavoidable, an equivalent (or better) replacement facility should be provided in a suitable location or a financial contribution made towards the improvement of existing facilities.</p> <p>In light of the above and the lack of evidence of any exceptional circumstances Sport England objects to the application.</p>
England Squash	<p>It is clear that there is a growing demand for squash in Colchester and Tendring, with the potential for further demand from new housing developments. It is a shame for squash that Ardleigh Hall closed in 2014, for many years it had been a very successful squash club and was an important facility for the community. Solely from a squash perspective, replacing it with a like-for-like facility would be preferable however, this appears unlikely and it may be more realistic to look at making improvements to other neighbouring facilities. The Squash needs assessment looked at facilities within a 20 minute travel time and although this is reasonable for experienced adult players and keen juniors looking for high quality coaching, we feel it is likely to be too long a journey for more recreational players and will mean that some new players will be put off trying squash for the first time.</p> <p>A sensible compromise may be to improve facilities at a number of sites around Ardleigh, perhaps concentrating on those in the poorest condition where a renovation could have a significant impact and also improving sites with established participation that also have the potential to grow further with the right investment. This approach would provide a larger catchment and therefore benefit a higher number of current and potential players.</p>

5. Representations

5.1 Ardleigh Parish Council strongly objects to the application for the following reasons:

- Significant local opposition and the Parish Council fully support the opposition.
- Site is designated in the Saved and Emerging Local Plans as 'Safeguarded Local Green Space'.
- Development completely destroys areas of Green Infrastructure and as such should be refused.
- Compromises integrity of overall Green Infrastructure Networks.
- Ardleigh has significant deficit of open space.
- Development represents over-development of a small site.
- Site is not sustainable as no places at local primary school or at the doctor's surgery. Nor are there any employment opportunities in the village.
- Marketing of the club has not been sustained. No details of the sale on the agent's website and no consultation with the Parish Council to assist in finding a purchaser.
- Two interested parties who produced viable business plans were turned down.
- Development proposals do not need meet the requirements of the NPPF in respect of the protection of recreational facilities.

- Development does not comply with the Ardleigh Village Design Statement as it does not protect or enhance the local character or make a positive contribution to the local environment.

5.2 Response of Ardleigh Fall Outs Group following receipt of additional marketing information raising the following points:

- TDC should reject this application outright and that freehold sale of the Ardleigh Hall Leisure site and buildings is placed for commercial sale on the property market at 'leisure' rates. This would permit an experienced team of leisure professionals to purchase the site and redevelop it into a thriving leisure facility for families in Ardleigh, its wider locality, and the Tendring community at large. There are known and named experienced leisure and business people, who would take on a full purchase of the site for that very purpose.
- Leaseholders had little communications skills, did not consult with stakeholders on any key changes or issues within the club and did no real marketing or advertising of the facility. Members also saw the gradual removal the club's key "selling-points" such as the serving of food, family summer clubs/the crèche, removal of the retainer to the squash coach in conjunction with the unwillingness to repair gym and other equipment. On any analysis, this was bound to result in a decline of membership.
- The Ardleigh Fall outs team have gathered evidence of experienced business/leisure leaders who have tried to hire/purchase this site for recreational purposes and been given un-reasonable run around, been ignored, hidden costs and frankly ridiculous expectations. The state of the site tells its own story as it has been left to rack and ruin.
- This housing is not wanted or needed and that has not been proven by the applicant.
- The site is Protected Green Open Space within the local plans (emerging and adopted).
- Recent government appeals, on other local developments, have ruled that Ardleigh does not have the infrastructure to support housing growth i.e. it is non-sustainable.
- As soon as the applicant's agent undertook the "marketing" of the site the rent was increased by 130% from £20K per annum to £45K per annum. Enquiries to ascertain details of the remaining items in the club, their condition, typical running costs, an asset register and running costs were all met with more questions, delays and avoidance tactics on the part of the owners.
- There has been significant and strong objection from Sport England who have advised that the proposal is contrary to paragraphs 70 and 74 of the NPPF in relation to protecting existing community facilities and which require that sports facilities (including those used in the past or which could be used in the future) should be protected.
- No meaningful consultation with the Ardleigh Parish Council has taken place during the 6 month 'marketing' period to June 2017.
- They have failed to pass on expressions of interest to the owners and when it became clear that two parties had prepared viable business plans, which included paying the full asking rent, the owners refused to continue discussions, because clearly having someone run the premises would prevent the proposed development. In our view, there was never any intention to let the premises on a commercial or any other basis.

5.3 A total of 69 objections have been received. The comments received are summarised below:

- Area designated for recreational use/open space.
- Land contaminated.
- Loss of recreational facility not to be encouraged.
- Further development will increase traffic and parking problems.
- New draft Local Plan includes land as protected green space.
- Lack of use of facility is a reflection on current management, doesn't mean it is no longer a valuable asset to the village.

- Application appears as a piecemeal development with no respect of the character of the conservation area.
- Loss of trees on site would harm the conservation area.
- Grave reservations about the impact of even more traffic in The Street.
- The club has provided a leisure facility for around 40 years and has been successful in producing a number of national and international sports men and women.
- A consortium is interested in acquiring the club which will invest and make improvements to the facilities.
- Marketing campaign was not communicated widely and previous club failed due to loss of interest from tenants. Club was poorly run and allowed to deteriorate.
- Should remain as a sports and leisure facility serving the whole community and surrounding area.
- Two firm offers were made and were rejected on unsubstantiated grounds.
- Local school and doctor's surgery are full.
- Health and well-being will be affected.

6. Assessment

6.1 The main planning considerations are:

- Site Context;
- Proposal;
- Policy Context;
- Loss of Recreational Facility;
- Design and Layout of Proposal;
- Impact on Conservation Area;
- Residential Amenities;
- Biodiversity;
- Trees Considerations;
- Impact on Highways/Public Right of Way/Parking Provision; and
- Other Issues.

Context and Background

- 6.2 The application site amounts to approximately 0.45 hectares and lies to the west of The Street, Ardleigh. The site is of an irregular shape and contains a number of trees, including some which have been protected by a Tree Preservation Order (TPO).
- 6.3 The site currently accommodates a group of buildings which form part of the now vacant leisure club along with associated parking areas and outdoor tennis courts. The buildings take the form of a 1970's flat roofed structure, the remnants of what is believed to be a coach house that served Ardleigh Hall and a single storey former agricultural building that sits on the northern frontage of the site. Ardleigh Hall once stood on the site but was destroyed in a fire in the late 1970's.
- 6.4 To the south of the site is a recent housing development of 4 detached properties that were built on land once belonging to the leisure club. To the north and west are commercial uses. To the east as The Street bends round to the south residential properties are located.
- 6.5 The application site lies within the Ardleigh Conservation Area and is set within the defined settlement boundary of the village. A Public Right of Way (no.158) currently passes through the application running east to west.

Proposals

- 6.6 This planning application proposes the demolition of the majority of the buildings on the site and the erection of 7 no. detached 4 bedroom dwellings. The dwellings would comprise of two storeys and each would be served by a single garage and parking bay to the front.
- 6.7 The dwellings would be of traditional design and largely replicate the design of the properties recently constructed to the south. Proposed materials include clay plain tiles, smooth render, facing brick and timber weatherboarding.
- 6.8 The development would utilise the two existing vehicular accesses resulting in a small mews style development comprising of 3 no. dwellings at the northern end of the site and 4 no. dwellings to the south accessed via a kerbed private road.
- 6.9 The application also proposed a slight diversion of the existing Public Right of Way.

Policy Context

- 6.10 National planning policy is provided within the National Planning Policy Framework (NPPF). The NPPF promotes the principles of sustainable development and seeks to significantly boost housing supply, particularly in sustainable locations. Such proposals should ensure high standards of design and respond to local character, whilst being visually attractive as a result of good architecture and appropriate landscape design. As a result, the proposed development sits comfortably with the overarching sentiments of the NPPF.
- 6.11 The application site falls within the development boundary for the village of Ardleigh. Development in Tendring is focussed towards the larger urban settlements of Clacton and Harwich and the smaller towns and villages including Ardleigh. As the site falls within the settlement boundary, its development would be acceptable in principle, subject to other policies in the Local Plan.
- 6.12 Two such policies are Saved Policies COM7 and COM7a, which seek to protect such land from development, which leads to their loss, either fully or in part, particularly where the land concerned fulfils an ongoing recreational or open space function. Saved Policy COM10 concerns the protection of Built Sport Facilities and states that proposals involving the loss of or change-of-use of built sports facilities will only be permitted provided that one of the following conditions is met:
- replacement facilities of an equal or enhanced standard are provided, which are readily accessible to current users; or
 - an assessment has been undertaken, which clearly shows that the facilities are surplus to requirements.
- 6.13 These policies will be considered further below.
- 6.14 Other policies of note include saved policy EN17, which requires new development in conservation areas to preserve or enhance the character or appearance of the conservation area. This policy will be considered below.

Loss of Recreational Facility

- 6.15 The application site has been designated within the Proposals Map of the Local Plan as protected existing recreational open space, linked to the Ardleigh Hall Leisure Club, and therefore protected by saved policies COM7 and COM7a of the Tendring District Local Plan (2007) and draft policy HP4 Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). These policies seek to protect land from development which leads to

their loss, either fully or in part, particularly where the land concerned fulfils an ongoing recreational or open space function.

- 6.16 The Ardleigh Squash and Leisure Club has also been placed on the List of Assets of Community Value, which protects the buildings from certain permitted development rights. In respect of the protection of Built Sport Facilities saved policy COM10 is relevant. This policy seeks to ensure that the redevelopment or change of use facilities will only be permitted where a like for like replacement has been provided or an assessment has been undertaken, which clearly shows that the facilities are surplus to requirements.
- 6.17 Paragraphs 70 and 74 of the NPPF support these policies. Paragraph 70 seeks to protect existing community facilities and guard against their loss. Paragraph 74 requires an assessment that shows the facility to be surplus to requirements; or the loss is being replaced; or the development is for an alternative community facility.
- 6.18 The policies and Government Guidance outlined above looks first to secure a replacement of the facility being lost and if that is not possible it has to be proven that the facility is no longer in demand or surplus to requirements. It is important to note at this stage that the matter to assess is the loss of overall leisure facility and not the previous activity or use that took place within the buildings in question. In this case the Squash Club use ceased in August 2014.
- 6.19 In respect of the policy criteria stated above, it is clear that the application proposals do not provide for a replacement of the facilities being lost. The low number of residential units proposed would mean that any like for like replacement of the facilities would render the scheme financially unviable. Consequently, the applicants have looked to provided information to demonstrate that the leisure facility is no longer viable, no longer needed in this location and efforts have been made to find a suitable buyer for the premises.
- 6.20 As stated above the facility closed in August 2014 and has therefore been vacant for over 3 years. Whilst this goes some way to demonstrate a reduction in the need for a leisure facility in this location, further information is required to adequately show that the use is no longer viable. In view of this the applicant has submitted a detailed financial statement and a marketing report prepared by agents Morley, Riches and Ablewhite.
- 6.21 The financial statement provides evidence of the former business's accounts over the last years of its activity. The report shows that the club sustained the following losses;
- 2009 (- £36,613)
2010 (- £11007)
2011 (- £6119)
2012 (- £10447)
2013 (- £27954)
- 6.22 The report cites a significant fall in membership partly due to the onset of greater competition from leisure facilities in nearby larger settlements and on-going and increasing running costs as reasons for the losses sustained. The information provided also states that the applicants and the owners of the club site assisted the club operators, by reducing rents and for a period took no rent, however for financial reasons this could not continue indefinitely. However, notwithstanding the content of the financial information received it is crucial to point out that each business has to be assessed on a case by case basis. The failure of the previous business does not provide irrefutable evidence that the premises and associated land are not viable or no longer in demand for the current use.
- 6.23 Once the facility closed a marketing campaign commenced to find a new purchaser or operator of the leisure facility. To this end a marketing report was provided by the appointed

agents. The report confirms that the marketing campaign did yield interest (19 enquires and 7 viewings) ranging from former club members, gym businesses and private individuals engaged in other sport provision elsewhere. The report explains that, due to previous concerns, the applicants were purposely seeking operators, who were not only able to meet a market rent, but could demonstrate that they were in possession of a sound and viable business plan.

- 6.24 Serious interest was received and progressed through further viewings. However, for several reasons outlined in the marketing report, including concerns regarding potential operator's business plans, offers below the asking price and lack of follow up interest, a suitable tenant/buyer was not found.
- 6.25 In respect of need, the applicants have commissioned a Squash Needs Survey which does conclude that there remains a demand for such facilities in the locality, although it was found that in the most part, the former Ardleigh Hall Members have found alternative facilities. The survey also suggests that a financial contribution could be sought from the developers to go towards improving squash facilities in the area. However, there is not a policy mechanism in place to request such a contribution. The policy either requires a like for like replacement or proof that the facility is no longer viable.
- 6.26 Therefore from the information provided it is concluded that, on balance, there is no reasonable prospect of a leisure use returning to the site. A sustained and ultimately unsuccessful marketing campaign has been undertaken and clear evidence of the losses accrued by the previous operators has been submitted. This information is considered to be robust and, when having regard to the policy criteria for the loss of recreational facilities and green infrastructure, is considered to adequately demonstrate that there is no longer a local need for a leisure use in this location and therefore attempts to find a new purchaser/operator have been found to be financially unviable.
- 6.27 Therefore on the basis of the information provided it is considered on balance that the re-development of the site for residential purposes would be acceptable in principle. Matters therefore now turn to the detailed design aspects of the development.

Design and Layout of Proposal

- 6.28 The site is located within the Ardleigh Conservation Area. In terms of its character The Street at its southern end is characterised by smaller scale residential development, which is predominantly two storey and set close to the back of the footway. This character terminates just before the application site and the land opens up on the west side and becomes the remnants of the parkland associated with Ardleigh Hall. Directly to the south of the development is a recently constructed two-storey residential development. At this point trees line the edge of The Street and soften views. The proposed dwellings are set behind these trees to maintain their contribution to the street scene. It is considered the trees will equally soften the proposed housing in the views and provide a mature setting, within which new planting is proposed and will assist further in settling the new development into this important location within the conservation area.
- 6.29 The development would consist of two pockets of development utilising both the existing vehicular accesses. The northern element will comprise of three dwellings set in a mews style arrangement and to the south four dwellings are proposed in a more formal arrangement accessed via a private access served by a pedestrian footpath. The proposed dwellings would sit comfortably within their respective plots and retain sufficient side isolation as to not appear cramped within their setting. Each dwelling would be served by a suitably subservient garage building which would comprise of pitched roofs and vernacular materials.

- 6.30 In terms of the house types, these are considered to be acceptable and provide a mixture of traditional materials which preserve the character of the conservation area. The development largely follows the same design ethos as the recent housing development set to the south.
- 6.31 New metal railings are proposed to The Street frontage, with a new hedgerow set behind, to match existing railings used within the recent development to the south of the application site. This boundary treatment is considered to be acceptable. Careful consideration has been given to the provision of boundary treatment afforded to the boundaries of the most southerly private access. The use of 'Wottle' fencing panels and traditional brick walls supplemented by hedgerows would retain future resident's privacy whilst retaining the traditional appearance of the proposed development.
- 6.32 It is considered that the development, if granted, would preserve the character and appearance of the conservation area, and would comply with saved policy EN17 of the Local Plan.
- 6.33 Furthermore, the proposed development is considered to accord with the Ardleigh Village Design Guide. This states that all new development will be encouraged provided the development is well designed and in keeping with the existing character of the Parish. Moreover, the Ardleigh VDS encourages good design and seek to protect or enhance the existing character of the parish, discourages uniformity of design and materials for new housing, and places trees as an important contribution to the character of the village.

Impact upon the Conservation Area

- 6.34 Saved Policy EN17 states development will be refused where it would prejudice the setting and surroundings of a conservation area or harm the inward or outward views. Draft Policy PPL8 states permission will not be granted unless the proposed is of a design and/or scale that preserves or enhances the special character or appearance of the area and is compatible with neighbouring buildings and spaces.
- 6.35 In addition, Saved Policy EN20 (Demolition in Conservation Areas) and Draft Policy PPL8 state that demolition within a conservation area will only be permitted where the removal of the structure would result in a material visual improvement to the appearance of the area and if the existing structure is beyond economic repair, incapable of beneficial use or is itself harmful to the character of the conservation area.
- 6.36 Neither of the buildings to be demolished are listed buildings. However, as the site is within a conservation area an assessment as to the impact of the loss of the buildings upon the character and appearance of the conservation area is required.
- 6.37 The applicants have provided a Heritage Statement which assesses the value of the buildings to the conservation area setting and attempts to justify their demolition. The statement confirms that one of the buildings to be demolished (the half-timbered block dated 1883) formed one of the more recent outbuildings that served the historic Ardleigh Hall, which was located to the west of the site and was destroyed in a fire in 1979. The statement asserts that this building was thought to be part of a coach house attached to a more historic single storey store building. Whilst the ground floor element may be original the first floor, due to the regularity of the timber frames and modern windows and cupola, is most likely more recent and possibility renovated during the fire in 1979. As such there is little remaining that is original and evidence has been provided to show that this element is much altered and consists of largely modern materials which have been inserted to accommodate a former health and fitness suite.
- 6.38 The Ardleigh Conservation Area Appraisal is also particularly relevant. The appraisal states;

'On the west side of the outer end of The Street stands Ardleigh Hall. A health & fitness suite is housed in the outbuildings to the former Hall, the single storey northern extension of which is an important element in the approach to the village from the north. The main entrance is in a half-timbered block dated 1883 with a substantial clay tiled roof and cupola'.

- 6.39 The appraisal therefore confirms that the single storey store building present on The Street frontage provides an important historic feature as you approach Ardleigh from the north. In view of this, this important historic element is to be retained and incorporated into the development by accommodating a day room and dining area to dwelling proposed to plot 6.
- 6.40 Overall it is concluded that the buildings to be demolished are either of little historic significance (the modern flat roofed building accommodating the Squash Courts) or in the case of the coach house remnants, which have been much altered using modern materials, make a neutral contribution to the conservation area setting. The one positive feature, as identified in the Ardleigh Conservation Area Appraisal, is to be retained as part of the development proposals.
- 6.41 The loss of these buildings would therefore not result in material harm to the significance of the conservation area setting. The proposed housing development would retain a traditional appearance using vernacular materials and the most valuable trees are to be retained. The development would therefore preserve the character and appearance of the Ardleigh Conservation Area.

Residential Amenities

- 6.42 The application site is sited directly to the north of the residential properties recently constructed to the south of site. The dwellings proposed on plots 1-4 within the southern element of the proposed development are sited adjacent to these dwellings and therefore careful consideration in the design to retain existing resident's privacy and outlook.
- 6.43 It is considered that the proposed development would not have an adverse impact on the amenities of neighbouring residential dwellings. The dwellings on plots 2 and 3 have been sited between 9m and 12m away from the front elevations of 'Willow House' and 'Copperfields' to the south suitably retaining existing residents outlook and privacy. Plot 1 has been designed to face north without any first floor windows in its east facing flank, ensuring the privacy of the residents of 'Chestnut Cottage' is retained. The back to back distance of the dwelling on plot 2 to the rear of 'Holm Oak' is 36m which accords with the guidance contained in the Essex Design Guide to protect resident's privacy.
- 6.44 It is concluded that the proposed development would not have an adverse impact on the residential amenities of neighbouring residential properties.

Biodiversity

- 6.45 An extended phase 1 habitat survey and bat survey has been undertaken and submitted as part of the application. The survey found the following:
- the scattered trees were of nesting bird potential;
 - the small area of unkempt amenity grassland was suitable for reptile species, however as the habitat is small and surrounded by hardstanding it is isolated and therefore unlikely to be utilised by reptilian species;
 - the buildings to be demolished were classified as having a high bat roosting potential, however subsequent bat surveys have confirmed that no bats were observed emerging from or re-entering the buildings on site. Also no evidence of roosting bats were found during the internal inspections.

- 6.46 In view of the findings the surveys recommend the following precautionary/mitigation methods:
- the small areas of amenity grassland be stirmed to 20cm using hand held tools and then to ground level during April to September when the temperature is over 10 degrees;
 - the log and rubble pile within the grassland areas should be dismantled by hand;
 - demolition of the pitched roof buildings should take place during October – April (inclusive);
 - any vegetation removal should take place during October – February (inclusive) to avoid bird nesting season.
- 6.47 Given that the key recommendations of the phase 1 habitat survey are carried out (as above), it is concluded that the proposed development will not have an adverse impact on the nature conservation interests of the area.

Tree Considerations

- 6.48 There are a number of trees on the boundary of the application site with the highway and established conifer hedges within the main body of the site and on the perimeter of the land. All trees on the land with a stem diameter greater than 75mm, measured at a point 1.5m from ground level, are afforded formal legal protection because they are situated within the Ardleigh Conservation Area. The indicative site layout shows the retention of some of the trees on the boundary, the removal of some and the reduction of other parts of the coniferous hedges.
- 6.49 In order to ascertain the extent of the constraint that these trees are on the development potential of the land and the way that retained trees will be protected during the construction phase of any development that may be granted planning permission the applicant has provided a tree survey and report.
- 6.50 On balance the information provided by the applicant demonstrates that the viable trees with the greatest amenity value will be retained and only those with low visual amenity value or significant structural defects will be removed.
- 6.51 At the request of local residents special attention and consideration was given to the inspection of T10 (as identified in the tree report). Local residents have expressed a desire to see this tree retained for its amenity value and for the screening benefit that it provides. As such an amended tree report has been received that shows the retention of this tree.
- 6.52 A condition will be attached to any planning permission to ensure that the measures identified in the tree report are complied with and that protective fencing is erected and maintained for the construction phase of the development. As soft landscaping of the site will be a key element in achieving a desirable layout a condition will also be attached to secure such details.

Impact on Highways/Public Right of Way/Parking Provision

- 6.53 The layout of the proposed development has been arranged to utilise the two existing vehicular accesses. Essex County Council Highways have no objections to this but have requested that certain improvements are made including widening these accesses and providing kerbs, footways and crossing points. All these requirements will be secured through standard highways conditions.
- 6.54 Through the centre of the site runs a Public Right of Way. At present this PROW runs from the northern access southwards past the buildings and off westwards to the north of the tennis courts. The layout of the development would require a short re-routing of the PROW

along the proposed southern private drive. The required re-routing of this right of way would not result in a diminished experience for users of PROW and is the subject of a separate approval process. Again Essex County Council Highways have been involved in this matter and have raised no objections.

- 6.55 In respect of parking provision, all the dwellings would be served by two parking spaces through a single garage with a parking space in front. These spaces would accord with the dimensions specified in the Council's current parking standards.

Other Considerations

- 6.56 Concerns have been raised with regards to surface water drainage. The development proposes to dispose of surface water to soakaways. The ground conditions are understood to be compatible for good permeable ground soakaways, and such matters will be dealt with at the building regulations stage, however a drainage strategy has been provided showing the arrangement of the soakaways and permeable paving, sewer network and exceedance pathways to ensure that the development does not increase the flood risk on or off site.

Background Papers

None.