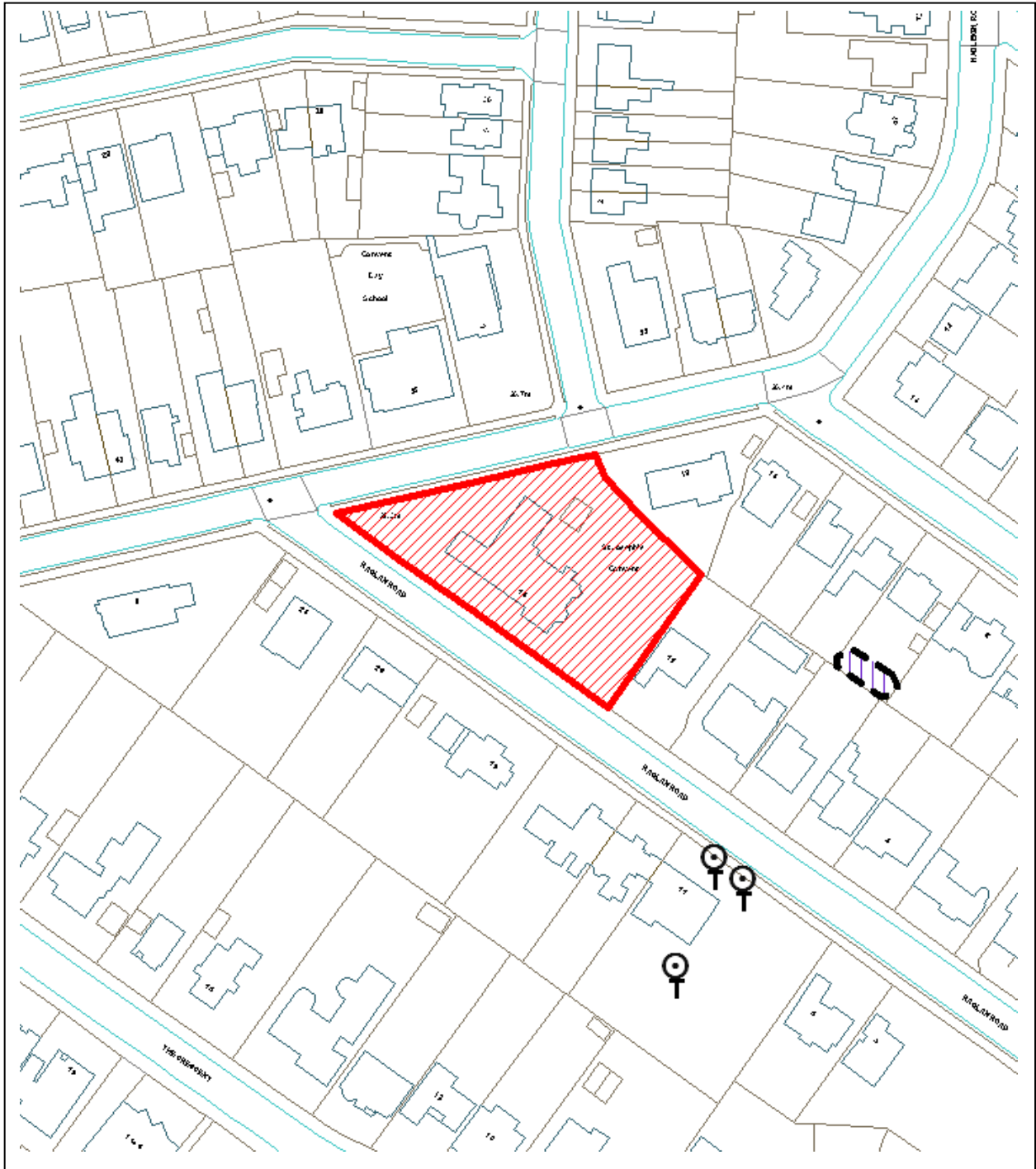


PLANNING COMMITTEE

2 JUNE 2011

REPORT OF THE TEMPORARY HEAD OF PLANNING

A.4 PLANNING APPLICATION - 11/00145/OUT - ST JOSEPHS CONVENT , 14 - 16 RAGLAN ROAD, FRINTON



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Application:	11/00145/OUT	Town / Parish: Frinton & Walton Town Council
Applicant:	The Trustees of The Institute of Our Lady of Mercy	
Address:	St Josephs Convent 14 - 16 Raglan Road Frinton On Sea	
Development:	Demolition of the existing convent and construction of 12 apartments with associated car parking.	

1. Executive Summary

- 1.1 The application site lies within the defined settlement limits and currently comprises a detached part two storey part three storey vacant Convent building.
- 1.2 This application is a resubmission following refusal of application 07/01860/OUT for 14 flats on this site which was also dismissed at appeal in January 2009. It is considered that this application for 12 flats addresses the previous reasons for refusal and is now considered satisfactory in terms of size, massing and scale to the context of the site, impact upon residential amenity and highway safety. While the density is higher than the surrounding area, the new building is comparable in size, scale and mass to the existing Convent building, occupying a smaller proportion of the site. The proposed building is part two-storey and part three-storey in nature and reflects the original building.
- 1.3 It is recommended that this outline application is approved subject to the prior completion of a Unilateral Undertaking to provide a financial contribution for public open space, and primary school space provision.

Recommendation: Outline Approve

That the Temporary Head of Planning (or equivalent authorised officer) be authorised to grant outline planning permission for the development subject to:-

- (a) Within 2 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 matters
- Public Open Space Provision; and
 - Primary School Space Provision.
- (b) Planning conditions in accordance with those set out below (but with such amendments and additions, if any, to the detailed wording thereof as the Temporary Head of Planning (or the equivalent authorised officer) in their discretion considers appropriate) and with the reason for approval set out in (i) below.

Conditions:

- **Standard outline conditions**
- **List of approved plans**
- **Permeable surfacing**

- **Materials**
- **Landscaping**
- **Boundary treatments**
- **Bicycle and refuse storage to be provided prior to occupation**
- **Site Levels**
- **Restricted hours of construction and demolition**
- **Method statement of construction and demolition**
- **No floodlighting or external lighting to be installed without consent**
- **Vehicular access constructed to width of 5.5m**
- **Pedestrian visibility splays at 1.5m x 1.5m**
- **No unbound materials in surface treatment for first 6m**
- **Parking spaces to be 5.5m x 2.9m**
- **Bin collection point to be within 25m of highway**
- **Existing accesses onto Raglan Road shall be closed up**
- **Parking spaces for bicycles and powered two-wheelers to be agreed**
- **Suitable and appropriate surface water management system to be provided**
- **Limit maximum building heights at 10 metres above ground level**
- **Limit maximum building widths at 10.6 metres**
- **Footprint of building to be at least 8.6 metres back from footway at Raglan Road**
- **Footprint of building to be at least 7.6 metres back from footway at Hadleigh Road**
- **Limit minimum amenity space to be provided to be 350 sq. metres**

(i) Reason for approval:

This outline application proposes the erection of 12 no. flats. The application site lies within the defined settlement boundary of Frinton and close proximity of the town centre services and public transport facilities. In this case the Council considers that having taking into account those policies contained within the Development Plan and other material planning considerations, the proposed development is satisfactory in terms of size, massing and scale to the context of the site, impact upon residential amenity and highway safety. While the density is higher than the surrounding area, the new building is comparable in size, scale and mass to the existing Convent building, occupying a smaller proportion of the site. The proposed building is part two-storey and part three-storey in nature and reflects the scale of the original building. Accordingly, the proposal is considered to be in accordance with the provisions of the Tendring District Local Plan 2007 and national policy guidance.

- (c) The Temporary Head of Planning (or the equivalent authorised officer) be authorised to refuse outline planning permission in the event that such legal agreement has not been completed within the period of two months, as the requirements necessary to make the development acceptable in planning terms had not been secured through S106 planning obligation, contrary to Local Plan policy COM6 and COM26.

2. Planning Policy

National Policy

PPS1 Delivering Sustainable Development

PPS3 Housing

Regional Planning Policy

ENV7 Quality in the Built Environment

Local Plan Policy

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

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

COM6 Provision of Recreational Open Space for New Residential Development

COM26 Contributions to Education Provision

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

Core Strategy and Development Policies Proposed Submission Draft (2010)

CP1 Containing Urban Growth

CP4 Transport and Accessibility

CP23 Residential Densities

DP1 Design of New Development

DP4 Private Amenity Space for Residential Development

DP16 Provision of Green Infrastructure in New Residential Development

Other guidance

Essex County Council Car Parking Standards

3. Relevant Planning History

09/00370/FUL	Change of use from residential care home (Class C2) to residential (Class C3) 17 Harold Road. Demolition of 17 and 19 Harold Road and erection of 14 no residential apartments and alterations to existing vehicular accesses.	Refused	16.07.2009
		Dismissed at appeal	01.03.2010

4. Consultations

Frinton and Walton Town Council - Recommend refusal on grounds do not wish to see further flats developed, and development too great a size and bulk, prefer to see development of houses.

Building Control and Access Officer	Insufficient information available in order to comment.
Environmental Health	No objection subject to conditions.
ECC Highways	No objection subject to conditions.
Environment Agency	No comments received at the time of writing. An update will be provided at the meeting.
Anglian Water	No comments received at time of writing. An update will be provided at the meeting.
ECC Schools, Children and Families	A request for a Developer Contribution towards primary school level places.
Essex Police	No objection but raise the issue of the lack of security incorporated within the Design and Access Statement.

5. Representations

A total of 39 letters of objection have been received and are summarised below with the officer response ;

- Will exacerbate existing traffic and parking problems.

Officer response – Parking provision is addressed below and deemed to be acceptable. The site lies very close to the main shopping area and primary school and is therefore used by the public to access local facilities, however this is an issue to be controlled outside of the planning system. It is noted ECC Highways do not object to the proposed development subject to conditions.

- Will introduce surface water drainage and sewage problems.

Officer response – The Environment Agency and Anglian Water at the time of writing has not responded. However, these issues are normally addressed at Building Control stage, but a condition has been recommended to deal with surface water through permeable driveways and parking areas.

- Unsold flats in Frinton no more should be built.

Officer response – this is not a material planning consideration.

- Existing dwelling should be retained and positively contributes to the street scene.

Officer response – The existing dwelling is not listed and does not lie within a conservation area and therefore its retention as a building is not protected.

- Excessive bulk and mass constitutes overdevelopment of the site.

Officer response – This is discussed in the appraisal below and the previous concerns by the Inspector are considered to have been overcome.

- Flats are out of character.

Officer response - This is discussed in the appraisal below and the previous concerns by the Inspector are considered to have been overcome.

- Parking is inadequate.

Officer response - This is discussed in the appraisal below and the number of parking spaces proposed is considered to be suitable in this location.

- Scheme exceeds density of 30-50 per ha.

Officer response - This is discussed in the appraisal below and the density number is considered to be acceptable.

- Overlooking of neighbouring properties.

Officer response - This is discussed in the appraisal below and it is considered the development would not adversely affect neighbouring residential amenity due to overlooking.

- Site should be left as open space, bowling green or tennis court.

Officer response - This is not a material planning reason to refuse the application.

- Previous developments refused in Raglan Road.

Officer response – Each application is determined on its own merits and therefore this case has no bearing on the outcome of this application.

- Waste collection points.

Officer response – The illustrative drawings indicate a covered and secure waste storage area located away from neighbouring boundaries. As a result the location of this is not considered to adversely affect residential amenity.

- Loss of existing trees and habitat.

Officer response - The important trees on the site are shown to be retained on the submitted Tree Survey, with additional tree planting proposed. As a result the development of the site is not considered to result in the loss of an important habitat or trees.

- Increase in air, noise and light pollution.

Officer response – It is considered the development would not adversely affect neighbouring residential amenity due to these reasons, and a condition has been attached to control the amount of external lighting required on the building and within the site.

- Impact of parking area on neighbouring property.

Officer response – The parking layout is shown as indicative. However, parking is shown to provide some separation from the boundary fence with the neighbour and with careful use of surface materials, the amount of vehicle movements the development would generate are not considered to warrant a refusal of the scheme on residential amenity grounds.

6. Assessment

6.1 The main issues to be considered are:

- Context;
- Description of Proposal;
- Planning History;
- Principle of Development;
- Character and Setting;
- Design and Layout;
- Highways;
- Residential Amenity; and
- Amenity Space.

Context

6.2 The application site measures approximately 0.23ha. The land currently supports a 13 no. bedroom property which includes a self-contained flat and has most recently been used as a Convent. The Convent has been empty since 2007. The site is situated at the juxtaposition of Raglan Road and Hadleigh Road in Frinton on Sea. The site has a frontage to Raglan Road of some 75m and a frontage to Hadleigh Road of approximately 60m.

6.3 The site is situated within the defined settlement limits of Frinton on Sea. The locality is characterised by a low density residential area with varying dwelling types but the majority being two-storey with some single-storey and some two-and-a-half stories dwellings. The dwellings generally follow firm and reasonably generous building lines (7 to 8 metres back from the back edge of the footway) and grass verges and trees within the highway which contribute to the pleasantness of the area.

6.4 It is noted that the application site is considerably larger than the dwelling plots in the vicinity while the existing building, with its central and slightly unusual three-storey part is considerably more substantial than the dwellings in the vicinity.

6.5 The application site slopes gently towards The Esplanade and the seafront. A fall of approx. 1.5m from north to south exists across the site, with the fall along Raglan Road in the region of 2m.

Description of Proposal

- 6.6 This planning application seeks outline planning permission for 12 no. two-bed apartments (following demolition of existing convent), new vehicular access and associated car parking with all matters reserved.
- 6.7 Illustrative drawings have also been submitted in support of the application. These drawings indicate a part three-storey, part two-storey building. The proposed building has a varying ridge height of between 8.5m - 10m.
- 6.8 The proposed new vehicular access is to Hadleigh Road leading to a dedicated car parking area consisting of 12 no. spaces.
- 6.9 The proposed development indicates the provision of 12 no. two-bedroom apartments which equates to a density of 52 dwellings per hectare.

Planning History

- 6.10 A previous scheme for 14 no. apartments on this site was refused and the appeal dismissed in January 2009 (LPA ref 07/01860/OUT refers). The Inspector's decision on the 14 no. apartments is a material consideration in the determination of this application. The main reasons for dismissing the appeal include:
1. The proposed building's relationship to the street scene; and
 2. The appearance of the rear car park.
- 6.11 With regards to the building's relationship to the street scene, the Inspector found the proposed building and the corner feature at the most prominent point of the site to be over dominant in the street scene. Furthermore, the extent to which the proposed building projected beyond the prevailing building lines would particularly draw attention to itself.
- 6.12 With regards to open car parking spaces there was concern about the hard surfaced area unrelieved by landscaping in a central position in the rear part of the site. The current application has been submitted in an attempt to overcome those previous reasons for refusal.

Principle of Development

- 6.13 The application site is situated within the defined settlement limits of Frinton on Sea. Furthermore, current Government guidance, under the provisions of PPS3 (Housing), places particular importance on, inter alia, the effective and efficient use of brownfield land, particularly in sustainable locations. Changes to PPS3 (Housing) in 2010 removed the national indicative minimum density of 30 dwellings per hectare, and therefore there is no overriding policy reason to reject applications proposing a density below the 30 dwellings per hectare figure. However, this does not in itself mean that housing schemes of a density above 30 dwellings per hectare would automatically be unacceptable, as this will depend on the circumstances of each case. In the previous appeal decision, the Inspector stated that numerical density cannot be a determining factor on a site of this site, and it is more appropriate in this case to focus on the physical relationship of the proposed development to the site and its surroundings.
- 6.14 Therefore the key consideration is whether the development proposed could be accommodated on the site in a satisfactory manner and without any material detriment to character, amenity or highway safety.

Character and Setting

- 6.15 In order to comply with national and local planning guidelines, new developments must respect their settings and the character of the area. The site currently supports a large Convent building, which is well integrated into the urban fabric of the locality. However, the building is not located within the defined Conservation Area, is not statutorily listed, or locally listed. Furthermore, the Planning Inspector considered that the replacement of the existing building with a more intensive form of development would be acceptable in principle.
- 6.16 The proposed layout of the development is respectful of the site and its setting and allows for high levels of open space around the building, particularly to the frontage areas; with the illustrative drawings indicating a generous set back from the footway of between 8m and 10m. The proposals result in a small decrease in overall developed area from 19.2% as existing to 18.2% as proposed. In addition the proposed new building has a footprint of approx. 415 sq. metres and this represents a reduction of approx. 20 sq. metres (5%) from the existing Convent buildings (435 sq. metres). Objections have been raised to an overdevelopment of the site. However, given these factors and clear ability of the site to accommodate the building and associated features in a satisfactory manner, it is not agreed by Officers that the scheme will result in an overdevelopment of the site.
- 6.17 Although appearance and scale are reserved matters, your Officers are satisfied that the proposal is in keeping with the general character and setting of the locality. The proposal site differs from the surrounding pattern of development by virtue of supporting a large detached building in use for multiple occupation, whilst surrounding development is of residential proportions and are typically, family sized detached or semi-detached dwellings.
- 6.18 The existing building has been modified and extended over time to result in being a large building. The original character of the building has been eroded over time although it is appreciated that the site plays an intrinsic role in forming and shaping the character of the locality.
- 6.19 The proposed building is well related to surrounding development and allows for the development to satisfactorily co-exist with neighbouring development.

Design and Layout

- 6.20 The final appearance of the development remains a reserved matter. However, the general proportions of the building have been detailed and the illustrative elevation drawings indicate the overall form of the proposed building and how the scheme is to relate to surrounding development. The proposal incorporates a three-storey element where the existing three-storey element of the building currently resides, with a two-and-a-half storey built form comprising the rest of the building. As previously stated, the previous appeal decision forms a material consideration. The Inspector concluded that a more intensive form of development on this site could reasonably include a three-storey element, bearing in mind that there is already a three-storey element on the site. It was also considered by the Inspector that a more intensive form of development could reasonably comprises flats.
- 6.21 The proposal site occupies a prominent corner site. The proposed layout reflects an almost 'L' shaped design so that the development addresses both street frontages whilst maximising the corner location.
- 6.22 The scheme allows for a total of 350 square metres of formal and informal communal amenity space and makes provision for refuse and cycle storage within the site.

- 6.23 Landscaping is a matter reserved for later determination. However, the submitted information and illustrative drawings indicate that all important natural features are to remain and that additional planting is to be undertaken to provide additional screening. Remaining areas are to be laid to lawn.
- 6.24 It appears that this proposal has addressed the Inspector's previous concerns by setting the building back to the existing building line on both street frontages reducing the length of the elevation and its dominance on the street scene. It is considered that the general form indicated with two storey development generally and a taller element centralised on the Raglan Road frontage is acceptable. The indicative form shows this to be predominantly two and a half storeys with dormers set within the roof plane and only the gables at a full three storeys, which is considered to be acceptable.

Highways

- 6.25 The proposed scheme involves a new vehicular access to Hadleigh Road, together with an associated car parking area. Parking at a ration of one space per flat is to be provided.
- 6.26 The proposal provides one off street car parking space per flat plus covered cycle storage space. The Council's adopted parking standards would require 27 car parking spaces for the 12 no. two-bedroom flats plus visitor parking being proposed. However reductions of the parking standards can be considered where development is within an urban area with good links to sustainable transport. In this case there is a wide range of services and facilities within just over half a mile of the site including the main shopping area, doctors, dentist, opticians, school, bus stop, and train station. There is also good provision of bicycle parking. It is therefore considered that the level of vehicle parking proposed is acceptable for this sustainable location.

Residential Amenity

- 6.27 Policy QL11 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.
- 6.28 The main issues to be addressed are the effects of the development upon the residential amenity to occupiers of adjoining properties and within close vicinity of the site. Objection has been raised to the scheme in relation to overlooking leading to a loss of privacy and light as a result of the scale and mass of the building and fenestration layout.
- 6.29 At present the site is occupied by a three-storey building. As such, there is a degree of overlooking already which is highlighted in the photos submitted with the applicants Design and Access Statement.
- 6.30 The application is in outline form, with all matters reserved. However indicative drawings have been submitted which indicate building heights of between 8.5 metres and 10 metres. In any event the fenestration layout would be a matter to be considered at reserved matters stage. As such, it is unlikely that a significant adverse level of residential amenity loss will occur. It should also be remembered that the site is within the defined settlement limits of a town where a degree of overlooking is inevitable.
- 6.31 The footprint of the proposed building increases the built form on the site towards No.12 Raglan Road by approximately 10 metres, giving a separation distance between the existing dwelling and the proposed building of 11 metres. Equally the built form on the site is increased towards No.10 Hadleigh Road by 3 metres, giving a separation distance of approximately 20.5 metres between No.10 Hadleigh Road and the proposed building. As such, and as the proposed development is situated to the north-west of No.12 Raglan

Road, and to the west of No.10 Hadleigh Road with a separation distance of 20.5 metres, it is considered that a refusal on the grounds of adverse sunlight/daylight loss is not warranted, and this was not an accepted reason for refusal in the previous appeal decision.

6.32 The illustrative plans indicate car parking provision to the rear of the site and in close proximity of the neighbouring boundary with No.10 Hadleigh Road. However, parking is shown to provide some separation from the boundary fence with the neighbour and with careful use of surface materials, and further landscaping, the amount of vehicle movements the development would generate are not considered to warrant a refusal of the scheme on residential amenity grounds in this instance. It is noted that the previous appeal decision was not refused on the grounds of location of car parking in proximity to existing neighbouring dwelling.

Amenity space

6.33 Policy HG9 of the Adopted Tendring District Local Plan (2007) relates to private amenity space and states that new flats shall have a minimum of 25 square metres provided communally or a minimum of 50 square metres private garden area for a ground floor flat with 5 square metres for units above. The site retains a large amount of communal amenity space to the rear and side of the property in the form of a communal garden. Additional informal communal space is also provided in the northwest corner of the site. Approx. 200 sq. metres of amenity space is provided to the south and east of the building, and this together with informal communal space within the northwest of the site totalling 350 sq. metres, it is considered the amount of amenity space being provided is acceptable.

6.34 Policy COM6 of the Adopted Tendring District Local Plan (2007) states that residential development below 1.5 hectares in size, where existing public open space facilities are inadequate, shall provide a financial contribution towards the provision of new or improved off-site facilities to meet the projected needs of the future occupiers of the development. Frinton is identified within the Supplementary Planning Document for Policy COM6 (May 2008) as an area with a current deficit in equipped play space. A unilateral undertaking has been approved and at the time of writing is awaiting signatures from all relevant parties.

Education Provision

6.35 Policy COM26 of the Local Plan required residential development of 12 or more dwellings to provide a financial contribution towards additional school places that will be needed to serve the development. An agreement will be entered into subject by the developer subject to a resolution to approve.

Background Papers

None