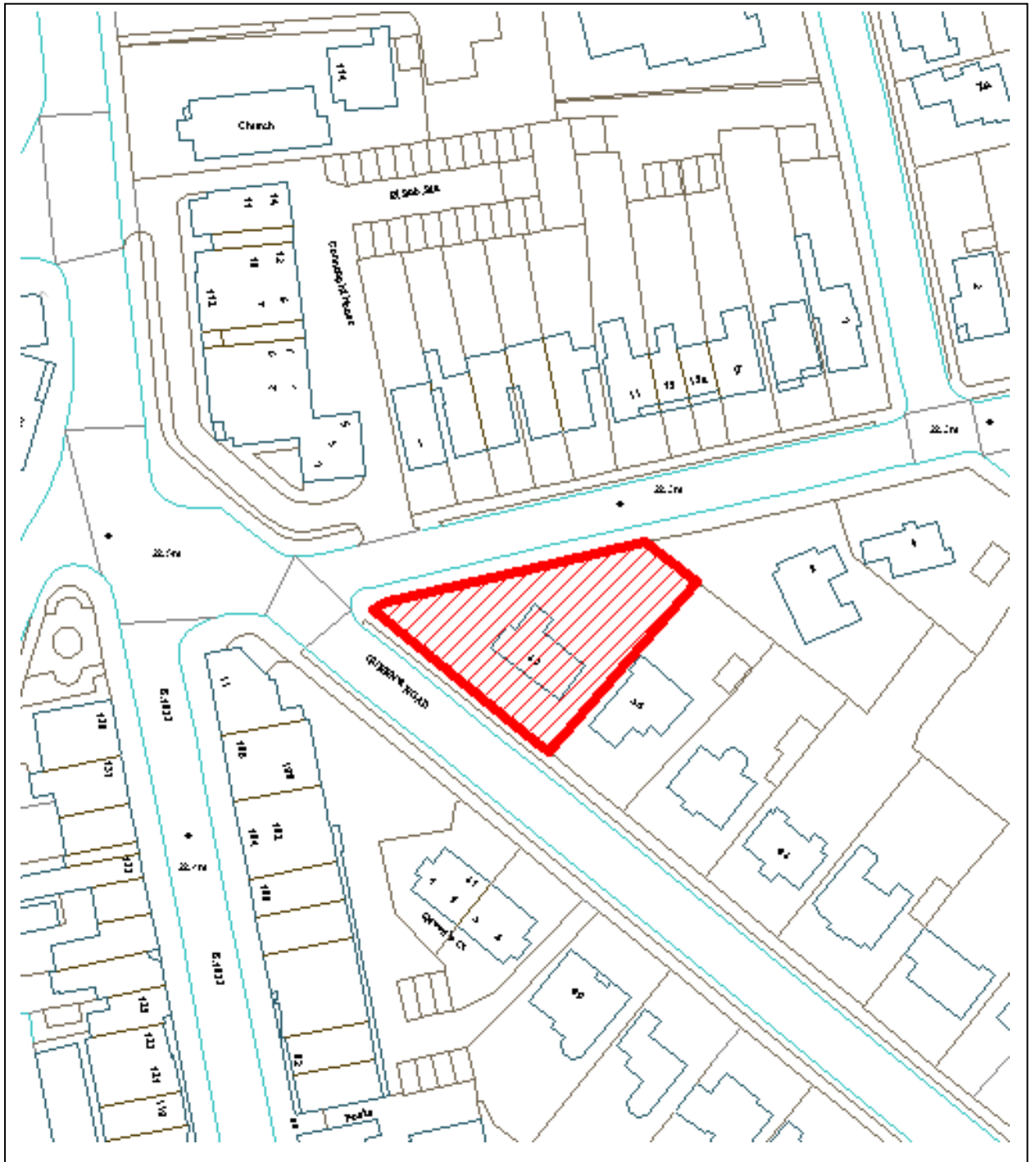


PLANNING COMMITTEE

28 JUNE 2011

REPORT OF THE TEMPORARY HEAD OF PLANNING

A.6 PLANNING APPLICATION - 11/00544/FUL - 40 QUEENS ROAD, FRINTON ON SEA



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Application:	11/00544/FUL	Town / Parish: Frinton & Walton Town Council
Applicant:	Mr J Cavanna	
Address:	40 Queens Road Frinton On Sea	
Development:	Erection of 7 no. apartments (following demolition of existing building).	

1. Executive Summary

- 1.1 The application site lies within the defined settlement limits and currently comprises a detached two storey residential dwelling.
- 1.2 This application follows an appeal for 6 apartments (LPA ref. 08/00811/FUL) which was allowed on 24 December 2008. It is considered that this application for 7 apartments is acceptable 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 provides an attractive feature which turns the junctions of Queens Road and Hadleigh Road, and the building sits in the site with sufficient space around it to allow for the retention of the majority existing trees and shrubs and for additional planting to take place.
- 1.3 It is recommended that this application is approved subject to the prior completion of a Unilateral Undertaking to provide a financial contribution for public open space.

Recommendation: 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 1 month of the date of the Committee's resolution to approve, the submission of a unilateral undertaking under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters
- Public Open Space Provision
- (b) Planning conditions in accordance with those set out in (i) below (but with such amendments and additions, if any, to the detailed wording thereof as the Temporary Head of Planning (or the equivalent authorised officer) in their discretion considers appropriate) and with the reason for approval set out in (ii) below.

Conditions:

- Standard 3 year time limit
- List of approved plans
- Permeable surfacing
- Materials
- Landscaping

- Boundary treatments
- Existing tree protection measures
- No additional windows or openings in south-east elevation (facing No.38 Queens Road) without express consent
- Windows on south-east elevation (facing No.38 Queens Road) shown to be obscure glazed to be implemented as such and retained in that form
- Windows shown to be high-level windows shall be installed with a minimum cill level of 1.8 metres above floor level
- Cycle store to be completed before occupation of flats
- New vehicular access to be constructed to a width of 3.7m
- Pedestrian visibility splays
- No unbound material within first 6 metres of access
- Car park to be made available prior to occupation of flats
- Any gates to be inward opening and recessed a minimum of 6 metres
- Vehicle turning facility to be made available prior to occupation of flats
- New boundary hedge to be planted a minimum of 1 metre back from highway
- Existing access to be permanently closed
- Details of bin/refuse collection store
- Restricted hours of construction and demolition

Reason for approval:

This application proposes the erection of 7 no. apartments. 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 taken 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 provides an attractive feature which turns the junctions of Queens Road and Hadleigh Road, and the building sits in the site with sufficient space around it to allow for the retention of the majority of existing trees and shrubs and for additional planting to take place. 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 planning permission in the event that such a unilateral undertaking has not been completed within the period of one month, as the requirements necessary to make the development acceptable in planning terms had not been secured through S106 planning obligation, contrary to Local Plan policies COM6 and QL12.

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

QL12 Planning Obligations

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

EN17 Conservation Areas

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

08/00811/FUL	Demolition of existing dwelling and erection of six apartments.	Refused Allowed on Appeal	08.08.2008 24.12.2008
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4. Consultations

Frinton and Walton Town Council - Recommend refusal on grounds that this is an important corner location and the proposal is too great in height, bulk and mass. Development of apartments in Hadleigh Road is not in keeping with the density of the street scene. Lack of parking, and concern was raised with regard to the access as it is opposite the service entry to the co-op and a very busy location.

Environmental Health No objection subject to construction working condition.

ECC Highways No objection subject to conditions.

5. Representations

5.1 One letter of objection has been received and is summarised below with the officer response;

- Traffic already busy and increased flow of traffic will exacerbate the situation.

Officer response – ECC Highways as the Highway Authority do not object to the proposed development, subject to conditions. Therefore it is considered a refusal on these grounds is unwarranted.

Cllr Giles Watling

Objects for the following reasons:

- Negative impact on urban design/street scene,
- Highways impact and/or other traffic issues,
- Negative impact on neighbours,
- This application continues to change this part of Frinton from houses to flats putting a strain on infrastructure.

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;
- Trees; and,
- Amenity Space.

Context

- 6.2 The application site measures approximately 0.09ha. The land currently supports a 4-bedroom two-storey detached dwelling. The site is situated at the corner of Queens Road and Hadleigh Road in Frinton on Sea. The site has a frontage to Queens Road of approximately 37m and a frontage to Hadleigh Road of approximately 46m.
- 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 and three-storey with some single-storey dwellings. The dwellings generally follow firm and reasonably generous building lines (6 to 7 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, being a corner plot, is considerably larger than the dwelling plots in the vicinity.
- 6.5 The gradient of the application site is relatively level.

Description of Proposal

- 6.6 This planning application seeks permission for 7 no. two-bed apartments (following demolition of existing dwelling), new vehicular access and associated car parking.
- 6.7 The application drawings show a three-storey building with living accommodation in the roof space. The proposed building measures approximately 21.8 metres in width, 21 metres in depth, and 8.4 metres in height.
- 6.8 The proposed new vehicular access is to Queens Road leading to a dedicated car parking area consisting of 7 no. spaces. The existing vehicular access onto Queens Road would be closed.
- 6.9 The proposed development indicates the provision of 7 no. two-bedroom apartments which equates to a density of 77 dwellings per hectare.

Planning History

- 6.10 A previous scheme for 6 no. apartments on this site was allowed on appeal in December 2008 (LPA ref 08/00811/FUL refers). The Inspector's decision on the 6 no. apartments is a material consideration in the determination of this application that carries significant weight. In allowing the appeal the Inspector concluded the proposed development was not detrimental to the visual amenity and character of the surrounding area by virtue of its overall mass, bulk and design.
- 6.11 With regards to the building's relationship to the street scene, the Inspector found that in townscape terms, a three-storey building as that proposed (with the second floor set within the roof) on this prominent corner site to be entirely appropriate, providing it did not impinge upon the amenity of neighbours, which he went on to confirm it did not as the development proposed the use

of high level windows and fixed obscure glazing to protect the privacy of the adjoining property.

- 6.12 Furthermore, the Inspector found that the proposed building related well to the more successful design influences of buildings in Frinton, with a varied roofscape with plain clay tiles, with hipped and bracketed gables. The mass of the building had been reduced by breaking the facades with an attractive bow feature facing the junction, and it sat in the site with sufficient space around it to allow for the retention of existing trees and shrubs and for additional planting to take place. In all, the Inspector sought the development as being well designed, relating appropriately to its context and in particular providing an attractive feature which turns the junction of Queens Road with Hadleigh Road.
- 6.13 As a result, it is important to note the key changes in design of this current proposal for 7 no. apartments, to that already approved for 6 no. apartments. In essence, the building outwardly stays the same, as the additional apartment is being contained within the roof space by incorporating internal changes. As a result, the height, width and depth of the building remains the same. The only changes being the oak panelling to gable with render infill on the Queens Road elevation would have glazing to the two central panels (to assist in providing natural light to apartment 7), and French doors are proposed for apartment 3 on the south-east elevation ground floor as opposed to a window. The siting of the building has been set back from the Queens Road frontage by approximately 2 metres to accommodate a slightly larger car park area to the front, thereby all parking spaces would accord with adopted car park space dimensions. The footprint of the building has also moved slightly towards No.38 Queens Road by 0.8 metres.

Principle of Development

- 6.14 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, this means that the appropriate density will depend on the circumstances of each case. Policy HG7 of the Local Plan 'Residential Densities' further states proposals should be designed so as to have no undue adverse impact on the character of the area, or on neighbours residential amenity.
- 6.15 The changes to PPS3 (Housing) also amended the definition of previously developed land to exclude private residential gardens. The importance of previously developed land, lies in the fact that PPS3 identifies this land source as the first priority for future housing development, particularly vacant and derelict sites and buildings. However this does not exclude the possibility of residential development being required on "non previously developed land" and indeed PPS3 still acknowledges that it may be necessary to consider housing on urban extensions, on free standing settlements and in rural locations. Thus land sources other than previously developed land still have a role in the planning system to provide for future housing needs.

- 6.16 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

- 6.17 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 substantial detached two-storey dwelling, 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 dwelling with a more intensive form of development over three-storeys would be acceptable in principle.
- 6.18 Your Officers are satisfied that the proposal is in keeping with the general character and setting of the locality, and the proposed building is well related to surrounding development and allows for the development to satisfactorily co-exist with neighbouring development. It must also be remembered that the design, massing and scale of the building has already been allowed on appeal, and this appeal still forms an extant planning permission, and therefore a material consideration in the determination of this application.
- 6.19 The Frinton and Walton Conservation Area is located approximately 30 metres to the west of the site along Connaught Avenue. It is considered this separation distance is sufficient enough so as not to conflict with policy EN17 of the Local Plan which requires development outside a conservation area not to prejudice the setting and surroundings of a conservation area or harm the inward or outward views. It is noted this was not an aspect the appeal Inspector considered to warrant a refusal of the previous scheme.

Design and Layout

- 6.20 The existing dwelling sits in a spacious corner plot and measures approximately 14m wide by a maximum of 10m deep with a ridge height of approximately 7.9m. The proposed building measures approximately 21.8m wide by 21m deep with a ridge height of 8.4m. The proposed building retains a side isolation to 38 Queens Road of approximately 1.8m, a minimum of 8.4m set back from Queens Road, and between 1.8 and 2.8 metres from Hadleigh Road. The surrounding area is predominated by terraced and semi-detached three-storey dwellings on the north side of Hadleigh Road and the rear of three-storey commercial buildings fronting Connaught Avenue. Queens Road is characterised by two storey detached dwellings which are typically located approximately 2m from their side boundaries. It is not, therefore, considered that the proposal would appear cramped within its plot and there is a large amount of land remaining to secure the existing and additional landscaping to further enhance the appearance of the area. A two-storey block of flats lies opposite the site, and to the immediate south-east of the site lies a bungalow then four chalet bungalows followed by two and three storey dwellings. The height of the proposed building is considered to be in keeping with the prevailing character of surrounding development and the hipped roof on both the proposed development and the neighbouring bungalow increase the visual separation and prevent the difference in height appearing overbearing.

- 6.21 The design of the proposed building takes advantage of its triangular shaped corner plot and incorporates bay windows within projecting gables and varied rooflines to break up the mass of the building from all elevations. The proposed materials include clay plain tiles, red brickwork, cream render and clay hanging tiles which is in keeping with the surrounding area.

Highways

- 6.22 The proposed scheme involves a new vehicular access to Queens Road, together with an associated car parking area. Parking at a ratio of one space per flat is to be provided.
- 6.23 The proposal provides one off street car parking space per flat plus covered cycle storage space measuring 1.4m by 2.6m. The Council's adopted parking standards would require 16 car parking spaces for the 7 no. two-bedroom apartments 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 close proximity 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.
- 6.24 The Highway Authority has no objection to the proposal subject to the imposition of conditions which have been included within the recommendation.

Residential Amenity

- 6.25 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.
- 6.26 One of 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. At present the site is occupied by a two-storey building. As such, there is a degree of overlooking already.
- 6.27 The proposed building is located to the north west of the neighbouring bungalow at No 38 Queens Road. The existing building already interrupts the 25 degree line detailed in the Essex Design Guide for calculating loss of daylight from the sky and the proposal reduces this further by 2.4m. However the existing building already obstructs daylight to the side and roof of the bungalow and the proposed building would further reduce daylight to the roof which has no openings. The proposed building is 7.4m deeper on the end elevation so will result in some additional loss of daylight to the side elevation of the bungalow. Due to the current reduction of daylight reaching the bungalow it is not considered that the additional loss of daylight from the proposal would be sufficient grounds to refuse planning permission. From the rear elevation of the bungalow the proposed building reduces in height and is sited approximately 5.4m from the boundary. The loss of light to the rear garden of the bungalow is therefore considered to be minor.

- 6.28 The side elevation facing the neighbouring bungalow at No 38 Queens Road has two windows serving kitchens and two windows serving living rooms on the first floor and two rooflights serving a living room within the roofspace. The drawings state that these are high level and/or obscure glazed to prevent overlooking. Conditions are included within the recommendation to ensure that the high level windows and roof lights have cill levels of 1.8m or above and the windows annotated as obscure glazed are non-opening to prevent overlooking.
- 6.29 The minimum distance from the windows of the proposed development to the front of dwellings fronting Hadleigh Road is approximately 23m, the minimum distance to the side of No. 2 Hadleigh Road to the rear of the proposed development is approximately 21m. It is noted that the relationship between these buildings are angled, which would help to reduce any adverse overlooking. Therefore, it is considered that there would be no adverse impact on the amenity of those residents in terms of overlooking.
- 6.30 It is noted that the previous appeal decision came to the conclusion that the proposed development did not impinge upon the amenity of neighbours. It is considered that the slight change in siting of the building within its plot does not result in these circumstances changing, and therefore the proposed development is considered acceptable to neighbouring residential amenities.

Trees

- 6.31 The Principal Tree and Landscape Officer states that no trees on the site merit protection by means of a Tree Preservation Order but the existing garden is well populated with mature trees and shrubs which act as a good screen for the existing building and improve the appearance of the area.
- 6.32 He states the largest and most visually important trees on the application site are two Purple Leaved Plums. One is situated in the eastern corner of the property and the other on the western boundary with Hadleigh Road. Both are reasonably dominant features in the landscape and could be retained for the contribution that they will make to the appearance of the proposed development. The trees are not such good specimens that they merit protection by means of a Tree Preservation Order as the amenity value that they provide could be relatively easily replicated by new planting. The existing boundary is planted with a pleasant mix of both green and golden foliated conifer hedging along with sections of privet hedging and other deciduous and evergreen shrubs.
- 6.33 Furthermore, he states the proposed building is considerably larger than the existing dwelling and a top quality landscaping scheme will be required to ensure that the proposed building does not appear incongruous in its setting. To this end a condition should be attached to secure additional planting that will strengthen and improve the existing soft landscaping. Emphasis should be given to both partial screening and the overall enhancement of the proposed development.
- 6.34 A landscaping condition should also include the planting of five new trees in the triangular borders adjacent the Queens Road frontage and consideration should be given to additional tree planting on the boundary with Hadleigh Road.

Amenity space

- 6.35 Policy HG9 of the Local Plan requires flats to provide 25 sq m communal amenity space, or a minimum of 50 sq m private garden area for a ground floor flat and a minimum balcony area of 5 sq m for units above.
- 6.36 The proposed development provides 7 no. apartments. Apartment 5 has a 5sq m balcony on the first floor at the front of the building. The area of communal garden to the rear of the proposed building (excluding the area between the building and No. 38 Queen's Road, and the area of land to the front and side of the proposed building fronting Queens Road and Hadleigh Road) provides 25 sq m communal garden for each of the remaining six units without balconies. The development is therefore in accordance with the amenity space requirements.
- 6.37 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.
- 6.38 Frinton is identified within the Supplementary Planning Document for Policy COM6 (May 2008) as an area with a current deficit in equipped play space and a unilateral undertaking has been requested to provide the required financial contribution in accordance with policy COM6. An update will be given at the meeting as to the submission of the unilateral undertaking.

Background Papers

None