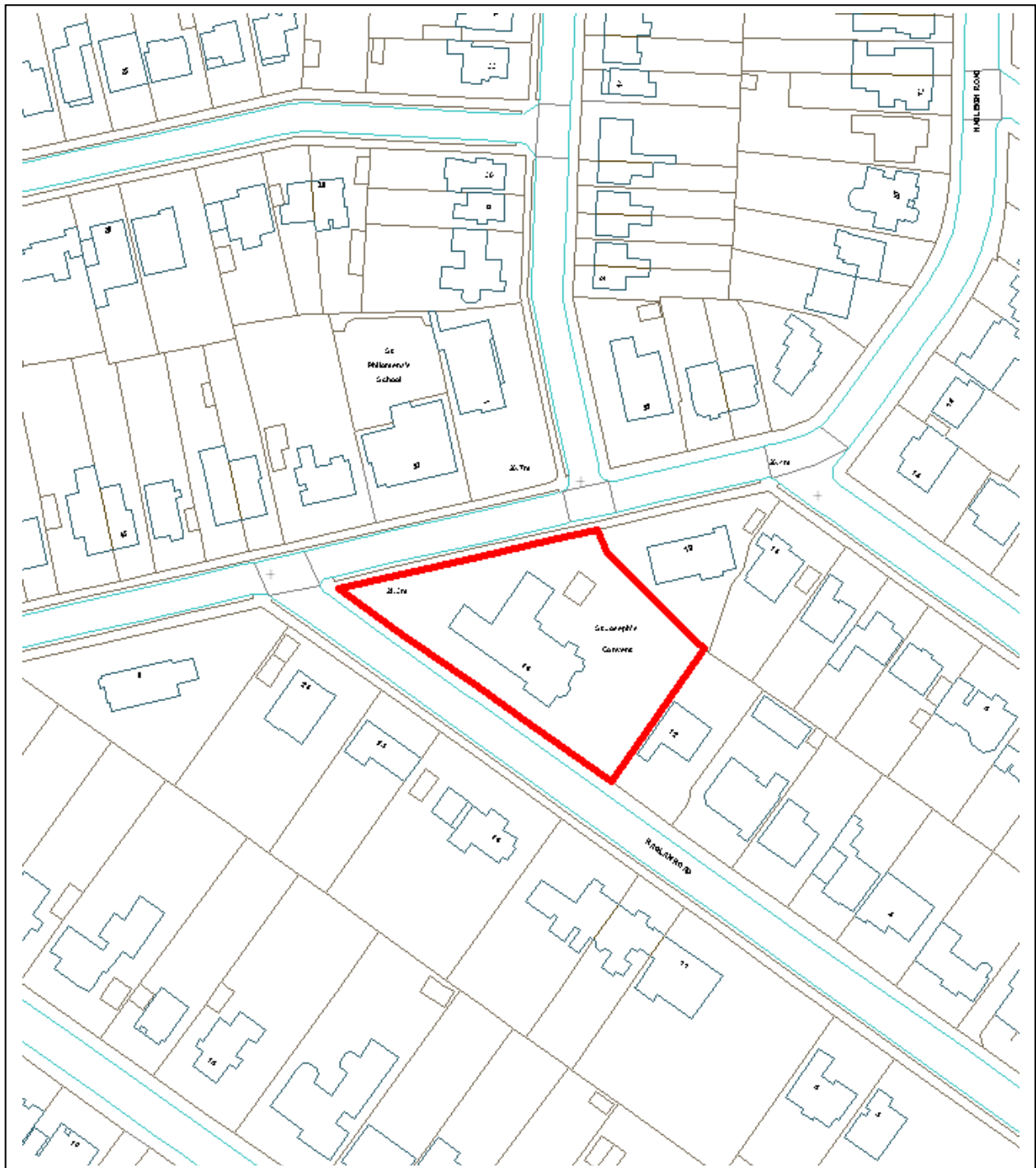


**PLANNING COMMITTEE**

**4 FEBRUARY 2014**

**REPORT OF THE HEAD OF PLANNING**

**A.4 PLANNING APPLICATION - 13/01035/FUL - ST JOSEPHS CONVENT 14 - 16 RAGLAN ROAD, FRINTON ON SEA, CO13 9HH**



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<b>Application:</b>	13/01035/FUL	<b>Town / Parish:</b> Frinton & Walton Town Council
<b>Applicant:</b>	McCarthy and Stone Retirement Lifestyles Ltd	
<b>Address:</b>	St Josephs Convent 14 - 16 Raglan Road Frinton On Sea CO13 9HH	
<b>Development:</b>	Redevelopment to provide 14 later living retirement apartments with associated communal facilities, accesses, parking and landscaped grounds.	

## 1. Executive Summary

- 1.1 This application has been referred to the Planning Committee at the request of Councillor N W Turner (Ward member for Frinton) on the basis that the proposed development is out of keeping with the street scene; over density; garden grabbing; poor design; and lack of infrastructure to support development, i.e. doctors surgeries.
- 1.2 The application site currently supports a 13 no. bedroom property which includes a self-contained flat and has previously been used as a Convent for the Sisters of Mercy. The Convent has been empty since 2007.
- 1.3 The site is situated within the defined settlement boundary of Frinton on Sea. The site is therefore a brownfield site within an existing and established residential area; thereby the principle of residential development is supported. With regard to detailed issues:
- The proposed development has been designed to reflect and respect its local context and to overcome previous reasons for refusal.
  - The proposal is of a density which cannot be considered overdevelopment of the site and will not adversely affect the character or appearance of the area.
  - Statutory consultees have been consulted and have not raised any adverse issues, subject to appropriate conditions, and the Highway Authority have confirmed the proposal is acceptable and will not be detrimental to highway safety.
  - There is no material impact upon amenity, or biodiversity interests.
- 1.4 The application is recommended for approval subject to conditions listed below.

### **Recommendation: Approve**

#### **Conditions:**

1. Standard time limit three years
2. In accordance with the submitted drawings
3. No persons under the age of 60 years or a partner under 55 years of age shall occupy the flats
4. Details required of existing and proposed site and finished floor levels
5. Samples of the materials
6. Hard and soft landscaping
7. All hard and soft landscaping implementation
8. Landscaping - Five year clause
9. Tree protective measures
10. As per requirements of the Arboricultural report shown on the Tree Protection Plan
11. As requested by the Highway Authority

- |     |  |
|-----|--|
| 12. | Boundary treatments  |
| 13. | Permeable surfacing  |
| 14. | Scheme to provide renewable energy and energy and water efficiency technologies to be used |
| 15. | Construction Method Statement  |
| 16. | Detail of surface water management strategy  |
| 17. | Details of ecology enhancement measures  |
| 18. | No external lighting without prior approval  |
| 19. | Broadband provision  |

## 2. **Planning Policy**

### National Policy:

National Planning Policy Framework (2012)

### Local Plan Policy:

*Tendring District Local Plan 2007*

QL1	Spatial Strategy
QL2	Promoting Transport Choice
QL9	Design of New Development
QL10	Designing New Development to Meet Functional Needs
QL11	Environmental Impacts and Compatibility of Uses
QL12	Planning Obligations
HG1	Housing Provision
HG3	Residential Development Within Defined Settlements
HG4	Affordable Housing in New Developments
HG6	Dwelling Size and Type
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
EN6	Biodiversity
EN6A	Protected Species
TR1A	Development Affecting Highways

TR1	Transport Assessment
TR2	Travel Plans
TR7	Vehicle Parking at New Development
<i>Tending District Local Plan - Proposed Submission Draft (2012)</i>	
SD1	Presumption in Favour of Sustainable Development
SD2	Urban Settlements
SD7	Securing Facilities and Infrastructure
SD8	Transport and Accessibility
SD9	Design of New Development
SD10	Sustainable Construction
PRO3	Improving Education and Skills
PEO1	Housing Supply
PEO3	Housing Density
PEO4	Standards for New Housing
PEO7	Housing Choice
PEO10	Council Housing
PEO12	Flats, Apartments and Maisonettes
PEO22	Green Infrastructure in New Residential Development
PLA4	Nature Conservation and Geo-Diversity

Other guidance:

Essex County Council Car Parking Standards (2009) – Design and Good Practice

Essex Design Guide

**3. Relevant Planning History**

07/01860/OUT	Demolition of the existing convent and the construction of a new building containing 14 apartments, including associated car parking and construction of new access. Refused - 25.04.2008. Dismissed at appeal – 09.01.2009
11/00145/OUT	Demolition of the existing convent and construction of 12 apartments with associated car parking. Approved – 09.08.2011
13/00121/FUL	Redevelopment to provide 14 later living retirement apartments with associated communal facilities, accesses, parking and landscaped grounds. Refused – 07.06.2013

#### **4. Consultations**

##### Frinton and Walton Town Council

4.1 Objects on the following grounds (original submission):

- Gross overdevelopment of the site
- Too great a size and bulk
- Local doctors surgery already overstretched
- Prefer to see development of houses

4.2 Objects on the following grounds (amended submission):

- Gross overdevelopment of the site
- Too great a size and bulk
- Local doctors surgery already overstretched
- Prefer to see development of houses

##### TDC Building Control

4.3 Agent needs to demonstrate how compliance with Regulation B5 (access for fire-fighting alliances) is achieved.

##### TDC Public Experience (Environmental Services)

4.4 No objection subject to conditions controlling: Noise from demolition, construction works, deliveries and the movement of vehicles and other plant both on and off the site; dust and air pollution; hours of working.

##### TDC Housing

4.5 This site would not be suitable for on-site housing provision and therefore an off-site financial contribution would be the preferred option.

##### TDC Regeneration

4.6 The Regeneration Team have concerns that the applicant does not appear to have considered alternative commercial uses for this site e.g. residential care before opting for a conversion to residential. We would have liked to have seen some rationale and justification for this decision as part of the application.

##### Essex County Council Highway Authority

4.7 The Highway Authority raises no objection subject to conditions relating to the following:

- Pedestrian visibility splays each side of proposed vehicular accesses
- No unbound materials shall be used in the surface treatment within 6m of the highway boundary
- Proposed vehicular accesses to be constructed in accordance with drawings submitted.
- Any garage with door facing the highway shall be sited a minimum of 6m from the highway boundary

- A vehicular turning facility suitable for motor cars to be submitted for approval
- Car parking area to be made available before first occupation of development.
- Parking spaces to be constructed to minimum dimensions of 5.5m x 2.9m.
- Construction Method Statement required to include details for the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in construction the development; wheel and underbody washing facilities.
- Details of wheel and underbody cleaning facility to be submitted for approval.
- A residential travel information pack for sustainable transport to be provided to new residents

#### Natural England

4.8 Do not object to the proposed development.

#### Essex Wildlife Trust

4.9 No comments received.

#### Environment Agency

4.10 Do not wish to make any comments.

#### Anglian Water

4.11 Recommends a surface water management strategy condition to prevent environmental and amenity problems arising from flooding.

#### English Heritage

4.12 Do not wish to offer any comments on this occasion.

### **5. Representations**

5.1 A total of 65 letters of objection have been received (46 of these are a duplicate letter but individually signed/altered in some cases) following the statutory consultation exercise in relation to the original plans.

5.2 A further 10 letters of objection have been received following re-consultation (following receipt of amended plans).

5.3 The objections are summarised as follows (*with Officer response in brackets*):

- Scheme no different/or little difference to previous refusal 13/00121/FUL (*Amendments to the scheme have been made following previous refusal*)
- Why is time and money being wasted again (on another application)? (*Not a material planning consideration*)
- Why is this application even being considered? (*Not a material planning consideration*)
- Over development of the site/garden grabbing (*Addressed in report below*)
- Overlooking/residential amenity issues (*Addressed in report below*)
- Out of keeping and character with surrounding properties (*Addressed in report below*)
- Excessive ridge height, size, scale and bulk (*Addressed in report below*)
- Inadequate infrastructure to cope with this development (*Addressed in report below*)
- Off-street parking inadequate for residents, visitors, deliveries, and emergency vehicles (*Addressed in report below*)

- Inadequate soft landscaping (*Addressed in report below*)
- Proximity to primary school a concern (*Addressed in report below*)
- Increase in traffic a safety concern around school (*Addressed in report below*)
- Local opposition should be listened to (*Local views are taken into consideration in the planning determination process, but not a reason to necessarily refuse planning permission*)
- Lack of support services – doctors in Frinton (*Addressed in report below*)
- Will developer provide financing for new Health Centre for the influx of elderly residents? (*The applicant is not required to provide such a financial contribution – not a reason to refuse planning permission*)
- Plans do not show any disabled parking spaces (*Addressed in report below – plan show 4no. spaces*)
- Number and length of submitted documents impossible for residents without planning experience to review (*Not a reason to refuse planning permission*)
- Concern over proposed substation on site boundary (*Addressed in report below – substation now removed*)
- Enough retirement flats in Frinton already (*Not a reason to refuse planning permission*)
- Lower density family housing more appropriate (*Not a reason to refuse planning permission*)
- Proposals contrary to policies PEO8, PEO9 and PEO12
- Flats not suitable for families who should be encouraged into the area (*Not a reason to refuse planning permission*)
- Concern over bats roosting within the existing building (*Addressed in report below*)
- Street scene would be compromised if three-storey (*Addressed in report below*)
- Only 12 parking spaces for 14 flats (*Addressed in report below – plans show 14 spaces*)
- Are disabled spaces big enough? (*Addressed in report below*)
- Parking problems already around Raglan and Hadleigh Roads (*Highway Authority has not objected to the proposal on highway safety grounds and condition of existing streets*)
- Concern over loss of light to surrounding properties (*Addressed in report below*)
- Car parking area will cause air, noise, light pollution to neighbouring back gardens and back bedrooms (*Addressed in report below*)
- Concern over loss of wildlife/mature trees and vegetation (*Addressed in report below*)
- Concern over impact on natural drainage due to increase in built development (*Addressed in report below*)
- Already a problem with flooding in Raglan Road (*Not a reason to refuse planning permission*)
- Previous blocks of flats at 11 Raglan Road turned down – now family homes (*Not a reason to refuse planning permission*)
- Proposals exceeds 50 dwellings per hectare – average for area is 14 dwellings per hectare (*Addressed in report below*)
- Concern over problems with water pressure and main sewer (*Not a reason to refuse planning permission*)
- Amenity space proposed inadequate (*Addressed in report below*)
- Later living units – how would this be enforced? (*Addressed in report below*)
- Proposal contrary to QL9, QL10, QL11, HG3A, HG6, HG7, TR7, TR1, COM6 and QL12

5.4 Frinton Residents Association – Objects on the following grounds to original submission:

- Scheme seems to differ very little from original refusal
- New scheme does not address previous concerns
- Negative impact on accessibility and parking arrangements for other residents

5.5 Frinton Residents Association – Objects on the following grounds to amended submission:

- Over development – increases the size of the previous approval for 12 flats
- Development too big for size of plot
- Design is bland and not in keeping with area
- Parking spaces inadequate
- Removal of 3 mature trees and lack of new planting is a retrograde step
- Another example of developer greed
- Overlooking issues

## 6. **Assessment**

6.1 The main planning considerations are:

- Site Description;
- Proposal;
- Planning History;
- Principle of Development;
- Sustainability;
- Character and Setting;
- Design and Layout;
- Highway and Parking Issues;
- Residential Amenity;
- Amenity Space;
- Biodiversity;
- Arboriculture;
- Drainage and Flood Risk;
- Section 106 Requirements; and,
- Other Issues.

### **Site Description**

- 6.2 The application site measures approximately 0.24ha. The site currently supports a 13 no. bedroom property which includes a self-contained flat and has previously 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 boundary 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, one-and-a-half storey and some two-and-a-half storey 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.
- 6.6 The application site is not located within any other land designation, and is outside the Frinton Conservation Area.



## **Proposal**

- 6.7 This planning application seeks full planning permission for 14 x 2-bedroom Later Living retirement apartments, with associated communal facilities, accesses, parking and landscaped grounds (following demolition of existing Convent building). It is noted approval has already been given last year for the demolition of the existing building under reference 13/00868/DEMCON.
- 6.8 The submitted drawings in support of the application indicate a part three-storey, part two-storey building. The proposed building has varying ridge heights, with the maximum ridge height being approximately 12 metres.
- 6.9 The proposal includes new vehicular accesses off Raglan Road to provide for 2 no. car parking spaces, and off Hadleigh Road to provide for access to the main parking area, which will include parking for 12 no. car parking spaces. The parking layout includes provision for 4 no. disabled parking spaces.
- 6.10 The proposed development indicates the provision of 14 no. two-bedroom apartments which equates to a density of 58 dwellings per hectare.
- 6.11 The proposal has evolved since it was originally submitted, with the key elements of the revised proposals including:
- Improvement to three-storey Hadleigh Road frontage (with gable feature)
  - Widening of bay window feature on corner of Raglan Road/Hadleigh Road
  - Door to refuse/recycling on Hadleigh Road frontage moved to face Hadleigh Road
  - Substation removed from boundary with No.12 Raglan Road (removed from site completely)
- 6.12 These revisions have been the subject of re-consultation.

## **Planning History**

- 6.13 A previous scheme for 14 no. open market 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.
- 6.14 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.
- 6.15 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.
- 6.16 A further outline planning application was submitted and approved by the Council on 9 August 2011 for the erection of 12 no. open market apartments (following demolition of existing convent) with associated car parking (LPA ref. 11/00145/OUT). Parking was provided at a ratio of one car park space per apartment. This is an extant permission (expires on 9 August 2014) and is a material consideration in the determination of this application.

- 6.17 A further previous scheme for 14 no. Later Living apartments on this site was refused in June 2013 (LPA ref 13/00121/FUL refers). The main reasons for refusing the scheme included:
1. Extent of built development along Raglan Road negative impact on street scene.
  2. Three-storey frontage to Hadleigh Road detrimental to street scene and character and appearance of the area.
  3. Number of dormer windows creates unsatisfactory detailed design.
  4. North-west corner element of Raglan Road frontage projects forward of existing building line to detriment of the street scene.
  5. Parking to Raglan Road frontage adversely affects visual amenity and breaks up the cohesive amenity space.
  6. Proposal provided no disabled parking spaces.
  7. Proposal failed to provide pedestrian visibility splays.
  8. Proposal failed to demonstrate that protected species would not be harmed by the demolition of the existing building.
  9. No provision on-site or financial contributions offered for off-site affordable housing.
- 6.18 Given that this is a recent refusal of a similar scheme on the same site, this decision is a material consideration in the determination of this application.

### **Principle of Development**

- 6.19 The application site is situated with the defined settlement boundary of Frinton on Sea as depicted on the Policies Map of the Tendring District Local Plan Proposed Submission Draft (November 2012), and is therefore considered acceptable in principle for residential development (Policy SD2). Furthermore, current Government guidance, under the provisions of the NPPF, places particular importance on, inter alia, encouraging the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value, particularly in sustainable locations, however this is tempered by the requirement to always seek to secure high quality design.
- 6.20 The NPPF states in ensuring a delivery of a wide choice of high quality homes, LPAs should set out their own approach to housing density to reflect local circumstances. However, each case must be considered on its own merits, and in the previous appeal decision under 07/01860/FUL, the Inspector stated that numerical density cannot be a determining factor on a site of this size, and it is more appropriate in this case to focus on the physical relationship of the proposed development to the site and its surroundings, rather than housing density issues.
- 6.21 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.

### **Sustainability**

- 6.22 The government has set out, at the heart of the National Planning Policy Framework (NPPF), the concept of a 'presumption in favour of sustainable development' which should be seen as a golden thread running through both plan-making and decision taking.
- 6.23 Paragraph 6 of NPPF states that "the purpose of planning system is to contribute to the achievement of sustainable development" and paragraph 7 goes on to identify the three fundamental roles that the planning system should play in seeking to achieve that goal – an 'economic role', a 'social role' and an 'environmental role'.

- 6.24 The NPPF makes it clear that gains in each of these respects are necessary for a proposal to contribute toward, and be classed as sustainable development.
- 6.25 The Council is keen for residential development to achieve the highest standards of sustainable design as a means of tackling climate change, improving efficiency and affordability for residents and promoting renewable energy technology as an emerging growth sector within the local economy. As a result, policy SD10 'Sustainable Construction' in the emerging Local Plan states that the Council will expect all new development to demonstrate what measures will be incorporated to maximize the sustainability and energy efficiency of the development, based on the Code for Sustainable Homes.
- 6.26 The proposal seeks to improve upon current standards set by building regulations to ensure the development will achieve a minimum 10% improvement over the current building regulations requirements. The proposal is anticipated to meet the minimum Level 3 in the Code for Sustainable Homes.
- 6.27 Furthermore, the site is considered to be in a sustainable location, with good access to local facilities, services and public transport.
- 6.28 Based on the above it is considered that with the imposition of appropriate conditions, the development of this site can be achieved in keeping with the aims and objectives of National and Local Plan Policies as set out above.

### **Character and Setting**

- 6.29 The application site differs from the surrounding pattern of development by virtue of supporting a large detached building in use for multiple occupation (although now vacant), whilst surrounding development is of residential proportions and are typically, family sized detached or semi-detached dwellings. 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.
- 6.30 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.
- 6.31 However, the building is not located within the defined conservation area, is not statutorily listed, or locally listed. Furthermore, the Planning Inspector under planning application 07/01860/OUT considered that the replacement of the existing building with a more intensive form of development would be acceptable in principle, and it is noted that a three-storey corner development exist in the locality at the corner of Raglan Road/The Esplanade at Frinton Lodge and therefore a three-storey development would not be out of character with the prevailing pattern of built development in the area.
- 6.32 As a result, any new proposal on this site for a flatted development needs to satisfactorily co-exist with neighbouring development, which is in keeping with the general character and setting of the locality.

### **Design and Layout**

- 6.33 It is acknowledged the proposed building is larger in size, form and massing than that previously indicated at outline stage under application reference 11/00145/OUT, although it is noted that outline application was approved with all matters reserved. That is to say the drawings submitted with the application were indicative only.

- 6.34 The existing convent building has a frontage of 31.5m onto Raglan Road, whilst the approved outline application proposed increasing the frontage onto this road to approx 39.5m. This current proposal seeks to further increase the length of the built frontage to 46m (with further 2 metre bay window to corner of Raglan Road/Hadleigh Road). Although this length of built frontage is not reduced from the previous refusal (13/00121/FUL), the relationship with the existing street scene is improved with the amendment to the two-storey element which faces 12 Raglan Road. The roof of this two-storey element has been fully hipped to respect the gabled roof at 12 Raglan Road, and provide more relief between the proposed development and the existing development at 12 Raglan Road. It is considered this amendment overcomes the previous reason for refusal.
- 6.35 The previous application was partly refused on the scale, massing and design of the three-storey element of the development fronting Hadleigh Road, which was considered to have a significant negative impact on the street scene and the character of the area. This current scheme has amended this elevational detail by adding a three-storey gable feature to provide some articulation to this public facing elevation, has widened the bay addition feature on the corner of Raglan Road/Hadleigh Road to make this a stronger design feature, and moved the door to the refuse/recycling area onto the Hadleigh Road elevation to add some interest. As a result, it is considered that this design issue has been overcome and is now acceptable.
- 6.36 The previous application was partly refused as the position of dormer windows which were set close to corners where the roof span changed directions (dormer windows serving living room in flat 12 and dormer window serving kitchen in flat 13), and it appeared with these dormer windows that the eaves of one roof collided with the roof over the dormers which created a rather unsatisfactory detailed design. This current scheme has amended this relationship by providing roof-lights to these rooms. As a result, it is considered that this design issue has been overcome and is now acceptable.
- 6.37 The previous application was partly refused as the layout of parking was considered to be unacceptable to the frontage of the site. Spaces 11 to 14 were unrelated to the main entrance to the building, and this was considered to be poor planning because not only were the spaces remote from the main entrance but these spaces divided the amenity space into two with very restricted access between the two areas. This current scheme has amended the number and position of the parking spaces fronting Raglan Road from 4 spaces to two disabled spaces, and located the parking towards the south-east corner of the site. As a result, the relationship between the parking spaces and the entrance to the proposed building is improved and provides better connectivity, and due to its re-position, the amenity space afforded to the development is not sub-divided. It is therefore considered that this layout issue has been overcome and is now acceptable, and the car parking is still relieved by hard and soft landscaping, a concern of the Planning Inspectorate under 07/01860/OUT.
- 6.38 Finally, of particular concern of the previous application and partly refused as a result, was the building line of the development on Raglan Road, which was considered to be a particular issue in dismissing the previous appeal under 07/01860/OUT. The majority of the three-storey element follows the building line with 12 Raglan Road (it is noted the gable wings only come forward of this building line by approx. 1.5m), however the previous refusal on the north-western corner element of the Raglan Road frontage, which is two-storey in height, followed the building line of the three-storey gable wings. This continued built frontage projecting forward of the established building line was considered to be detrimental to the existing street scene. This current scheme has been amended to provide some relief from the frontage three-storey gable wings, and has set back the two-storey north-western corner element of the Raglan Road frontage by approx. 1.5 metres to the established Raglan Road building line. As a result the current scheme is considered to have

overcome the previous reason for refusal, and the concerns of the Planning Inspector under 07/01860/OUT, and is now acceptable.

- 6.39 In conclusion, the proposed development is not considered to represent an overdevelopment of the site, being that this is a corner site in a sustainable location, and the previous Planning Inspector considered that the replacement of the existing building with a more intensive form of development would be acceptable in principle. Furthermore, the current scheme, as amended, is not considered to adversely affect the character or appearance of the area, or the existing street scene, and the detailed design, size, height, scale, and massing is acceptable in this instance, and overcomes the previous reasons for refusal under application 13/00121/FUL.

### **Highway and Parking Issues**

- 6.40 The proposed scheme involves a new vehicular access to Hadleigh Road, and Raglan Road, together with an associated car parking area. Parking at a ratio of one space per apartment is to be provided.
- 6.41 The proposal provides one off street car parking space per flat. The Council's adopted parking standards would require 28 car parking spaces for the 14 no. two-bedroom flats plus 4 visitor parking spaces. 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. It is therefore considered that the level of vehicle parking proposed is acceptable for this sustainable location. Furthermore, the Hadleigh Road and Raglan Road frontages of the site provide unrestricted on-street parking, and therefore there is plenty of on-street provision for additional parking and visitor parking.
- 6.42 Given the nature of the development, and in accordance with the adopted parking standards, the development should provide at least 2 parking spaces at disabled space dimensions. The proposed scheme provides for 4 no. disabled parking spaces. As a result the number of disabled parking spaces is considered to be acceptable.
- 6.43 In addition, the adopted Parking Standards (2009) require parking spaces to be dimensioned at 2.9m x 5.5m whilst minimum parking spaces can be 2.5m x 5m but only to be used in exceptional circumstances. The adopted Parking Standards states at paragraph 3.2.2 the minimum bay size may only be used in exceptional circumstances as determined by the LPA, and any smaller than this minimum bay size and an occupant might be unable to get in or out of an average sized family car parked in the bay with cars parked adjacent.
- 6.44 With regards to disabled parking bays, such parking spaces should allow an extra 1m length and 1m width, therefore 3.9m x 6.5m.
- 6.45 The proposed development provides parking spaces in line with national guidelines, i.e. Manual for Streets, at 2.4m x 4.8m, and disabled spaces at 3m x 4.8m. Although below the adopted dimensions for parking spaces, such dimensions are considered to be acceptable in this instance, especially given the appeal decision for the developer's Carnarvon Road scheme in Clacton-on-Sea (LPA ref. 11/00571/FUL – 32 no. retirement housing apartments), where the Inspector accepted these standard parking bay sizes.
- 6.46 Furthermore, the Highway Authority has no objection to the scheme provided standard conditions are attached to the planning permission. This includes the requirement of pedestrian visibility splays which are now shown on the submitted drawings, and therefore overcomes the previous reason for refusal.

## **Residential Amenity**

- 6.47 Policy QL11 of the Tendring District Local Plan (2007) and Policy SD9 of the Tendring District Local Plan Proposed Submission Draft (November 2012) 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.
- 6.48 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.
- 6.49 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.
- 6.50 The three existing residential properties most affected by this proposal are 12 Raglan Road to the immediate south-east of the application site, 10 Hadleigh Road to the immediate north-east of the application site, and 15 Cambridge Road also to the north-east of the application site. No.12 Raglan Road is a chalet bungalow, No.10 Hadleigh Road is a bungalow with living accommodation in the roof space, whilst No.15 Cambridge Road is a two-storey dwelling.
- 6.51 With regards to any potential overlooking of 12 Raglan Road, a single bedroom window (for flat 7) is proposed in the south facing gable end wall of the proposed development looking towards 12 Raglan Road. This existing property has a single upper floor window with direct views into the site, thought to serve a bedroom, but appears to be a secondary bedroom window. Given the distance of the proposed bedroom window in the south facing gable end of the new development from the existing dwelling at 12 Raglan Road (approx. 8 metres), and the urban context of the site, it is considered by Officers that this proposed window will not result in any significant adverse impact upon existing residential amenity by way of overlooking.
- 6.52 With regards to any potential overlooking of Nos. 10 Hadleigh Road, and No.15 Cambridge Road, there are a number of proposed windows within the new development at first and second floors which look out towards these existing residential properties. At first floor these include 2 communal area landing windows; 2 bedroom, 1 kitchen and 1 living room window within flat 6; and 1 hall, and 2 toilet/bathroom windows within flat 7. At second floor these include 4 no. dormer windows within flat 12, which include 2 windows to bedrooms, 1 window to study/bedroom and 1 window to bathroom. A single communal landing window also is provided within the second floor. The existing property at 10 Hadleigh Road also has a single upper floor window within its gable end with direct views into the application site, whilst 15 Cambridge Road has rear facing first floor windows with oblique angled views into the site.
- 6.53 Bedrooms, kitchens and living rooms are deemed to be habitable rooms by the Essex Design Guide, and therefore great care is required to ensure new developments do not impinge adversely on existing amenities by requiring the careful placement of such new windows. In this instance, those new windows within the development at first and second floors are located a minimum of 15 metres away from the boundary with 10 Hadleigh Road and 15 Cambridge Road. Given that the oblique angle of these windows to the boundary with 10 Hadleigh Road is approx. 30 degrees, and given the potential for overlooking from the existing convent building, this minimum distance of 15 metres is considered to be acceptable, and in accordance with the guidelines stated within the Essex Design Guide.

- 6.54 Furthermore, the Essex Design Guide states that for the rear-facing habitable rooms, the rear faces of opposite houses where approx. parallel, a minimum of 25 metres between the backs of houses is usually acceptable, and usually 15 metres away from the boundary of adjacent properties. In this instance the minimum back to back distance between the development and 15 Cambridge Road is approx. 35 metres. It is noted that with careful structured planting as indicated on the proposed landscaping scheme, and the erection of a 2.4 metre timber pergola structure close to the rear boundary of the site, it is considered by Officers that these proposed windows will not result in any significant adverse impact upon existing residential amenity by way of overlooking.
- 6.55 The footprint of the proposed building, as previously explained, increases the built form on the site towards No.12 Raglan Road by approximately 12.8 metres, giving a separation distance between the boundary with the existing dwelling and the proposed building of approx. 6.6 metres. Equally the built form on the site is increased towards No.10 Hadleigh Road by approx. 7 metres, giving a separation distance of approximately 15 metres between the boundary with 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 south-west of No.10 Hadleigh Road with a separation distance of 15 metres, it is considered that a refusal on the grounds of adverse sunlight/daylight loss is not warranted.
- 6.56 The plans indicate car parking provision to the rear and front of the site and in close proximity of the neighbouring boundary with 10 Hadleigh Road and 12 Raglan Road. However, parking is shown to provide some separation from the boundary fence with the neighbouring properties and with careful use of surface materials, and further landscaping on these boundaries, 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 close proximity to existing neighbouring dwellings at No.10 Hadleigh Road, and No.12 Raglan Road.
- 6.57 Concern has been raised with regards to an electricity substation on the boundary with No.12 Raglan Road. This has been removed by the submission of amended drawings.

### **Amenity space**

- 6.58 Policy HG9 of the 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 and a minimum balcony area of 5 square metres for units above. Emerging policy PEO4 of the Tendring District Local Plan Proposed Submission Draft (November 2012) - (Pre-Submission Focussed Changes Report) requires for flatted developments, private amenity space to be provided through a combination of communal space, individual gardens and balconies.
- 6.59 The proposed development provides for approx. 440 sqm of communal space. Applying the standards adopted under policy HG9, the proposal would comply with this policy, which would require 350 sqm of communal space. Applying the standards of the emerging Local Plan policy PEO4, the proposal would require 854 sqm of communal space. However, this flatted development scheme is for Later Living apartments, and therefore residents are likely to require a passive garden environment, rather than a garden of a size to accommodate family groups and activities. In any event, large public open spaces are available within close proximity of the development, with the Greensward approx. 160 metres to the south-east along Raglan Road. It is acknowledged that policy PEO4 has received various objections questioning the prescriptive nature of the policy, the lack of evidence to suggest these standards are needed or are viable and the principle of what they are trying to achieve, and therefore the policy might not survive public examination by the Local Plans Inspector, the application is not considered to warrant a refusal on this

policy alone, and the amount of communal amenity space being proposed is acceptable in this instance.

### **Biodiversity**

- 6.60 Submitted with the application are a Phase 1 Habitat Survey, Bat Roost Potential Survey, and due to the previous refusal, a Bat Absence/Presence Survey.
- 6.61 Having assessed these, Natural England does not object to the proposals.
- 6.62 The Bat Absence/Presence Survey observed no evidence of roosting bats within the building, although a high number of potential access points were observed. During the time of the survey, although a bat was seen, at no time were bats observed entering or leaving any of the buildings on the site. As a result, and in line with the NPPF, paragraph 118 (biodiversity enhancements), bat and bird boxes will be included within the new development design, on both trees and buildings, and a suitable planting scheme including native and species beneficial to wildlife with native trees and shrubs used to landscape areas surrounding all buildings (including a suitable external lighting scheme to prevent light pollution), and secured by appropriate landscaping and ecology enhancement conditions.
- 6.63 As a result, the previous reason for refusal under ecology grounds has been overcome.
- 6.64 With regards to other fauna, the Phase 1 Habitat Survey recommends that due to the large shrubs and trees on the site to be removed, any site clearance should take place outside the bird nesting season (October-February), and if this is not possible then the site should be surveyed by a trained ecologist prior to works commencing. As a result an informative will be added to any planning permission to advise the applicant of their legal responsibilities.
- 6.65 The Phase 1 Habitat Survey advised that no further surveys are considered necessary.
- 6.66 Based on the above it is considered that the development of this site in the manner proposed can be achieved without significant harm to nature conservation or biodiversity interests in keeping with the aims and objectives of National and Local Plan Policies as set out above.

### **Arboriculture**

- 6.67 The proposal has been assessed by the Council's Tree and Landscape Officer who offers the following comments:
- 6.68 The information provided by the applicant is in accordance with the recommendations contained in BS5837: 2012 Trees in relation to design, demolition and construction and adequately demonstrates that the retained trees on the boundary of the application site will be protected for duration of the proposed construction of the development. The applicant has also submitted a detailed soft landscaping scheme showing new planting that includes new trees. The scheme contains a good range of species and will help to partially screen and enhance the appearance. The development will result in the removal of several trees situated on the main body of the land however, taking into account the retention of the trees on the boundary of the application site and the proposed soft landscaping it is considered that the appearance of the new building will not appear incongruous in its setting.
- 6.69 Although it is noted more trees are removed to facilitate the development than proposed within the landscaping scheme (12 trees removed – 4 new trees implemented), it is acknowledged the majority of those trees to be removed have been assessed to be either dead or have less than 10 years of estimated remaining contribution. Based on the above it



is considered that the development of this site in the manner proposed can be achieved without significant harm to existing trees bordering the site including those which are protected, in keeping with the aims and objectives of National and Local Plan Policies as set out above.

### **Drainage and Flood Risk**

- 6.70 The National Planning Policy Framework makes it clear that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, it should be made safe without increasing flood risk elsewhere. Accordingly, Policy QL3 of the Tendring District Local Plan (2007) and PLA1 of the Tendring District Local Plan Proposed Submission Draft (2012) have been informed by these national policy requirements, the findings of Strategic Flood Risk Assessments (SFRA) and advice from the Environment Agency.
- 6.71 With reference to the Environment Agency Flood Maps, the application site is located entirely within Zone 1 – at low risk of flooding, as defined by Table 1 of the Technical Guidance to the National Planning Policy Framework (having a less than 1 in 1000 annual probability of river or sea flooding in any year). Given this, and the site is below one hectare in size, the applicant is not required to submit a Flood Risk Assessment.
- 6.72 With regards to foul sewerage network, Anglian Water have advised the foul drainage from this development is in the catchment of Walton on the Naze STW and this has at present available capacity to accept foul drainage from this development.
- 6.73 With regards to surface water drainage, the applicant has submitted a Drainage Survey. The topographical survey for the site indicates that the site drains its surface water to soakaways and the public combined system, although most likely mostly to the public combined system. The survey suggests a further site survey should be undertaken to establish the existing surface water drainage before demolition of the existing convent building, as soakaways are questionable. The survey should also identify the contributing impermeable area that drains to the combined sewer, and an infiltration test is required to establish if soakaways will be a viable drainage option.
- 6.74 Anglian Water has advised that the preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. As the drainage survey specifies connection to a sewer, and suggests further survey work is required, Anglian Water has commented that the surface water drainage strategy submitted with the planning application is unacceptable, and as a result AW have suggested a planning condition to require further details of a surface water management strategy before the development is first occupied. Such a condition would satisfy their concerns with regards to this matter.
- 6.75 Based on these details, it is considered that the application site could be developed in the manner proposed without any risk of flooding (surface or foul) from or to the proposed development compliant with the aims and objectives of the NPPF as well as Local Plan Policies set out above.

### **Section 106 Requirements**

- 6.76 Policy COM6 of the Tendring District Local Plan (2007) and draft policy PEO22 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, but has an

excess in open space. As the proposal is for Later Living accommodation, a unilateral undertaking has not been sought for a contribution towards equipped play space.

- 6.77 Policy COM26 of the Tendring District Local Plan (2007) and emerging policy PRO3 require residential development of 12 or more dwellings to provide a financial contribution towards additional school places that will be needed to serve the development. As the proposal is for Later Living accommodation, a unilateral undertaking has not been sought for a contribution towards education.
- 6.78 Policy PEO10 of the emerging Tendring District Local Plan Proposed Submission Draft (Nov 2012) requires for development proposals involving the development of 10 or more (net) dwellings, the Council will expect 25% of new dwellings, (including conversions) to be made available to Tendring District Council to acquire at a discounted value for use as Council Housing. As an alternative, the Council will accept a minimum 10% of new dwellings, (including conversions) to be made available to Tendring District Council to acquire at a discounted value for use as Council Housing alongside a financial contribution toward the construction or acquisition of property for use as Council Housing (either on the site or elsewhere in the district) equivalent to delivering the remainder of the 25% requirement.
- 6.79 The Planning Policy Team have confirmed it is their view that the emerging (2012) policy PEO10 should be imposed when determining this application, as the policy has been approved by full Council and has been through public consultation. As a result, in this instance the Council would require a contribution towards its Council housing.
- 6.80 The emerging Local Plan states at paragraph 4.49, that in exceptional circumstances, where a developer/applicant considers that high development costs on a particular site undermine the viability to contribution towards affordable housing, the developer will be expected to demonstrate this through an independently verified financial appraisal (at cost to the developer/applicant but commissioned by the Council).
- 6.81 The applicant states the proposed scheme would not withstand an affordable housing contribution on viability grounds. The Council has sought an independent assessment of the applicant's viability appraisal (from the DVS Property Specialists for the Public Sector). From their research and detailed assessment, the DVS confirms that a 100% private scheme comprising of 14 later living apartments against the agreed benchmarked land value would provide no surplus finances available for affordable housing.
- 6.82 As a result it is agreed that there is no surplus available for affordable housing in this instance, and therefore the scheme is not contrary to policy PEO10, and overcomes the previous reason for refusal which failed to address this issue.

### **Other Issues**

- 6.83 Concerns have been raised with regards to over-subscribed local amenities, such as doctors surgeries. With regards to doctor surgeries, the lack of such facilities are not considered to warrant a refusal of planning permission. The development proposal is not overly large in the number of proposed residential units, and the requirement of such facilities is not considered to meet the CIL regulations in terms of making this particular development acceptable in planning terms. The requirement of any new doctors surgeries in this particular instance should be left to market conditions.
- 6.84 Concerns have been raised with regards to the proximity of the development to St. Philomena's School on Hadleigh Road (opposite the Hadleigh Road frontage of the application site). The proximity of the school to the application site is noted, however no concerns have been expressed by the Highway Authority with regards to this relationship

from a highway safety aspect, and it is acknowledged the previous Planning Inspector did not consider this relationship to be a reason to dismiss the previous appeal under application 07/01860/OUT which was also for 14 flats.

- 6.85 It is also noted that the previous Planning Inspector did not contend that the development of the site with 14 flats would be detrimental to the living conditions of adjoining occupiers by reason of visual impact and loss of privacy; have adverse parking and highway safety implications; cause air, noise and light pollution; overload existing infrastructure and services; and be harmful to trees and wildlife.
- 6.86 Policy PEO12 'Flats, Apartments and Maisonettes' is acknowledged. This states proposal for flats will only be permitted in locations within defined town centres, and within 100 metres walking distance of railway station. This policy is quite prescriptive and has received a small number of objections questioning the justification of the policy and therefore the policy might not survive public examination by the Local Plans Inspector. As a result the application is not considered to warrant a refusal on this policy alone.
- 6.87 Concern has been raised regarding the 'Later Living' apartments, what this means and how it is enforced. The applicant, McCarthy and Stone Retirement Lifestyles Ltd, have over 30 years' experience in developing different types of specialised housing for the elderly. This type of development has the following characteristics:
- Self-contained apartments specifically designed for the elderly, linked by heated corridors from a secure entrance to facilitate ease of movement throughout the proposal.
  - Ramped access to and from the building.
  - Communal facilities in the form of a refuse room, dedicated storage and an internal lounge with kitchen, all accessible without residents having to leave the building.
  - Secure boundaries and entrances, with video link to each apartment.
- 6.88 Given the development as proposed would only be acceptable in view of the age of the intended occupants, i.e. parking bay sizes, and lack of section 106 requirements for equipped public open space and education contributions, a condition is necessary to define a minimum age for the occupants. See proposed conditions at the beginning of the report.

#### Background Papers

None.