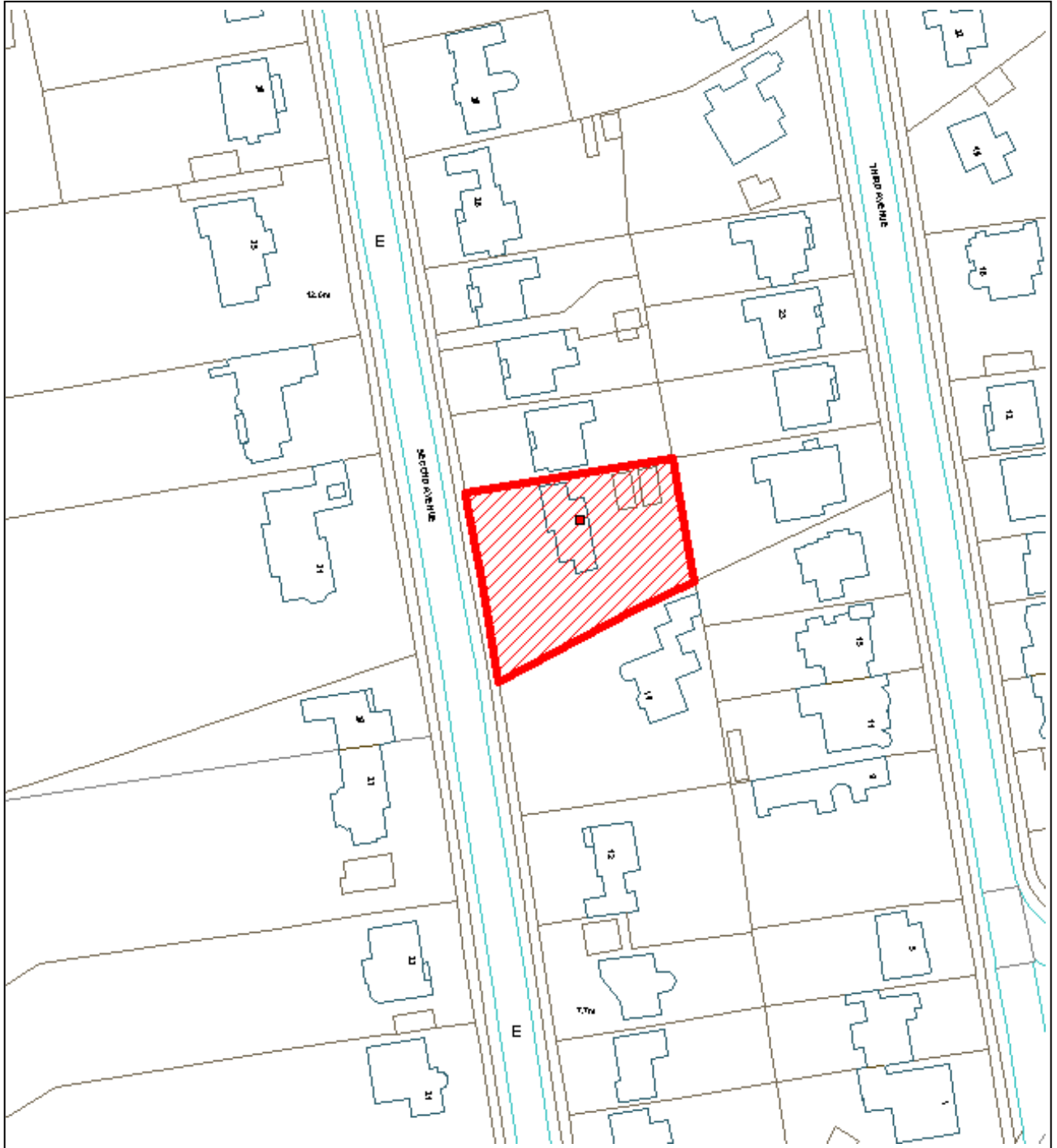


PLANNING COMMITTEE

14 OCTOBER 2014

REPORT OF THE HEAD OF PLANNING

**A.4 PLANNING APPLICATION - 14/01051/FUL - 18 SECOND AVENUE FRINTON-ON-SEA, ESSEX, CO13 9ER,**



DO NOT SCALE

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<b>Application:</b>	14/01051/FUL	<b>Town / Parish:</b> Frinton & Walton Town Council
<b>Applicant:</b>	Mr Nigel Fanshawe	
<b>Address:</b>	18 Second Avenue, Frinton-on-Sea Essex CO13 9ER	
<b>Development:</b>	Demolition of existing house and erection of two new houses with a new vehicular access following closure of existing vehicular access.	

## 1. Executive Summary

- 1.1 The application has been referred to Planning Committee by Councillor N. Turner.
- 1.2 This application follows a recent refusal for a single dwelling next to the original dwelling for the reasons detailed in the report below. The current proposal seeks to demolish the original dwelling and erect two detached dwellings on the site with a new shared vehicular access following closure of the existing vehicular access. The existing dwelling is of no particular merit and has a neutral impact upon the character and appearance of the Frinton-on-Sea Conservation Area and Avenues Area of Special Character. There is therefore no objection in principle to its replacement. The property benefits from an impressive frontage wall which makes a positive contribution to the conservation area. The detailed design, siting and plot width of the proposed dwellings would be in keeping with surrounding development with no material harm to highway safety or residential amenity. Subject to the recommended conditions to ensure high quality materials and alterations to the frontage wall the proposal is considered to preserve the character and appearance of the Frinton-on-Sea Conservation Area and Avenues Area of Special Character and is therefore recommended for approval, subject to completion of the legal agreement to provide a public open space contribution.

**Recommendation:** That the Head of Planning be authorised to grant planning permission for the development subject to:-

- (a) Within three 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 (on such detailed terms as the Head of Planning in their discretion considers appropriate) dealing with the following matters:
- Public Open Space contribution
- (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 Head of Planning in their discretion considers appropriate)

### **Conditions:**

1. Standard 3 year time limit for commencement.
2. Development in accordance with submitted plans.
3. Samples of facing, roofing and hard surfacing materials.

4. Fenestration details.
  5. Details of permanent closure of the existing access and detailing of the new opening in the frontage wall requiring materials samples and a sample panel of the work.
  6. No construction work shall take place outside the hours of 07:00 to 19:00 Monday to Friday, and 08:00 to 13:00 Saturdays, and at no time on Sundays and public holidays.
  7. Provision of the access, turning and parking in accordance with the plans prior to occupation and retained thereafter.
  8. Pedestrian and vehicular visibility splays.
  9. Construction Method Statement.
  10. Landscaping details.
  11. Remove permitted development rights for solar photovoltaics and rooflights on front roof slopes.
- (c) The Head of Planning be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of three months, as the requirements necessary to make the development acceptable in planning terms had not been secured through S106 planning obligation, contrary to saved policy COM6 of the Tendring District Local Plan (2007) and draft policy PEO22 of the Tendring District Local Plan Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014).

## **2. Planning Policy**

### National Policy:

National Planning Policy Framework (2012)

Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

In determining planning applications, Local Planning Authorities should take account of: (i) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; (ii) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and (iii) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 134 states Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

### Local Plan Policy:

Tendring District Local Plan 2007

QL9	Design of New Development
QL10	Designing New Development to Meet Functional Needs
QL11	Environmental Impacts and Compatibility of Uses
HG3	Residential Development Within Defined Settlements
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
FW5	'The Avenues' Area of Special Character

Tendring District Local Plan: Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014)

SD1	Presumption in Favour of Sustainable Development
SD2	Urban Settlements
SD5	Managing Growth
SD8	Transport and Accessibility
SD9	Design of New Development
PEO4	Standards for New Housing
PEO22	Green Infrastructure in New Residential Development
PLA6	The Historic Environment
PLA7	Conservation Areas
FWK5	The Avenues Area of Special Character, Frinton on Sea

#### Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

### **3. Relevant Planning History**

14/00390/FUL	Erection of new dwelling with new shared vehicular access (following demolition of existing single storey sun room and closure of existing vehicular access) and partial demolition of existing frontage	Refused	18.06.2014
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wall.

#### **4. Consultations**

- 4.1 Frinton and Walton Town Council: ORIGINAL PLANS Refusal – ersatz and poor design. Overdevelopment of the site – would erode the outstanding and special character of this Avenue within the conservation area.
- 4.2 Frinton and Walton Town Council: AMENDED PLANS Poor design, overdevelopment of the site and out of keeping with the street scene, against shared drive and only one garage. This location deserves the special protection in the Avenues and within the Conservation Area.
- 4.3 Essex County Council Highways - Raise no objection subject to:-
1. Prior to the occupation of the proposed dwelling, the vehicular access, turning facilities for motor cars and surfacing shall be provided in complete accord with the details shown in Drawing Numbered 7979/001E.
  2. Prior to the proposed access being brought into use, a 1.5m. x 1.5m. pedestrian visibility splay, relative to the highway boundary, shall be provided on both sides of that access and shall be maintained in perpetuity free from obstruction exceeding a height of 600mm. These splays must not form part of the vehicular surface of the access.
  3. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
    - i. the parking of vehicles of site operatives and visitors
    - ii. loading and unloading of plant and materials
    - iii. storage of plant and materials used in constructing the development
    - iv. wheel washing facilities
  4. The existing access at point shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the re-instatement to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority, immediately the proposed new access is brought into use.
  5. Prior to commencement of the proposed development, details of the provision for storage of bicycles, of a design which shall be approved in writing with the Local Planning Authority, shall be provided within the site and shall be maintained free from obstruction at all times for that sole purpose.

#### **5. Representations**

- 5.1 Councillor Nick Turner has called the application in for determination at Planning Committee because of the following:
- Contrary to saved Policy FW5 and draft Policy FWK5
  - Negative impact on urban design/street scene
  - Negative layout and/or density issues
  - Negative impact on neighbours
- 5.2 Twenty seven objections have been received (11 to the original proposal and 16 to the amended proposal) and are summarised as follows:

- Would set a precedent
- Increase in street parking
- Overdevelopment
- Harm to special character of the Avenues and Conservation Area
- Too close to neighbouring properties
- Poor design
- Loss of light, outlook and view
- Loss of beautiful, habitable building
- Inconvenience during construction

These matters are all addressed in the report below.

## **6. Assessment**

6.1 The main planning considerations are:

- Planning History;
- Design;
- Heritage impact;
- Highway safety;
- Residential amenity; and,
- Legal agreement.

### **Proposal**

- 6.2 The application proposes demolition of the existing dwelling at 18 Second Avenue and redevelopment with two detached dwellings with a new shared vehicular access following closure of the existing vehicular access.
- 6.3 The application has been amended since original submission and subject to reconsultation which has now expired. The amendments reduced the amount of second floor accommodation thereby reducing the height (from 9.6m main ridge to 8.4m), and reducing the bulk by lowering the eaves height and reducing the dormer windows. The linked double garage was removed and both dwellings were brought in further from their side boundaries (Plot 1 0.9m increased to 1.7m, and Plot 2 3.2m max increased to 3.7m max).

### **Site location**

- 6.4 The site is located on the eastern side of Second Avenue and lies within the Settlement Development Boundary for Frinton-on-Sea in both the saved and draft Local Plan. The site also lies within the Frinton and Walton Conservation Area, and within The Avenues Area of Special Character.
- 6.5 The existing dwelling to be demolished, 18 Second Avenue, is a two storey hipped roof detached dwelling constructed of render above a deep brick plinth with plain tiles to the roof and measuring 9m high. The existing dwelling sits within a very spacious plot with frontage 'crazy' wall and hedgerow above.

### **Planning History**

- 6.6 Application 14/00390/FUL for demolition of the side extension to number 18 and erection of a dwelling was refused under delegated powers in June. The reasons for refusal were: 1) the contrived design, excessive height (9.72m) and close proximity to the boundaries resulting in a cramped form of development to the serious detriment of visual amenity and

the spacious character and appearance of the Frinton and Walton Conservation Area and Avenues Area of Special Character. 2) Serious harm to the outlook currently enjoyed from the existing property due to the close proximity and rearward projection to the serious detriment of residential amenity. 3) Failure to complete the required unilateral undertaking to contribute towards public open space.

- 6.7 The National Planning Policy Framework (NPPF) states that housing applications should be considered in the context of the presumption in favour of sustainable development. The site lies within the settlement development boundary in both the saved and draft local plans for the town of Frinton-on-Sea, in a sustainable location in close proximity to a range of local services and facilities. Saved Policy HG3 states within the defined development boundaries residential development will be permitted provided it satisfies amenity and design criteria and can take place without material harm to the character of the local area. The principle for two dwellings on this site is therefore accepted subject to the detailed considerations below.

### **Design**

- 6.8 Draft policy SD9 reflects saved policy QL9 and states all new development must make a positive contribution to the quality of the local environment and protect or enhance local character, development must relate well to its site and surroundings particularly in relation to its siting, height, scale, form and design.
- 6.9 The proposed dwellings measure 8.4m (Plot 1) and 8.6m (Plot 2) to the main ridge and comprise a three storey front gable with second floor accommodation within the roof space, dropping to two storey accommodation to the right. Both plots measure 10.8m wide (Plot 1 is 14m wide including single storey attached garage). The dwellings are relatively narrow in relation to the existing dwelling (15.6m wide excluding single storey sun room), but comparable to number 29 opposite and numbers 20-24 to the north. It is not therefore considered that the width of the proposed dwellings would result in any material harm to visual amenity.
- 6.10 The proposed materials are shown to be red brick at ground floor, with render at first floor and tile hanging to the second floor gable of Plot 1, and tile hanging at first floor and render to the second floor gable of Plot 2, with slate to the roof of both dwellings. The fenestration is shown to include glazing bars and there are two chimneys to each dwelling. It is considered that this palette of materials and pattern of fenestration would be appropriate and reflective of the character of surrounding development and a condition is recommended to secure materials samples and fenestration details to ensure a high quality finish to the development. A condition is recommended to remove permitted development rights for solar photovoltaics and rooflights on the front roof slopes in the interests of preserving the character and appearance of the conservation area.
- 6.11 The amendments to the height, bulk, detailed design and increased separation to the boundary have overcome the original concerns. The two dwellings have been designed to be complimentary with enough variation in the design and construction materials to provide visual interest to the development. The proposal is not considered to represent overdevelopment of the site with adequate separation to the side boundaries, comparable plot width to neighbouring properties and private rear gardens significantly in excess of the minimum 100 square metres required by saved policy HG9.
- 6.12 None of the landscaping on site merits protection under a Tree Preservation Order. A landscaping condition is recommended to secure retention of existing landscaping and provision of new planting to soften the appearance of the development in the interests of preserving the character and appearance of the conservation area.

## Heritage Impact

- 6.13 A Conservation Area is an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. The application site lies within the Frinton-on-Sea Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act imposes a statutory duty on the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 6.14 The NPPF states local planning authorities should require an applicant to describe the significance of any heritage assets affected. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Saved Policy EN17 states that development will be refused where it would harm the character or appearance of the Conservation Area in terms of its height, siting, massing, design, and the relationship between buildings. Draft policy PLA7 states development within a Conservation Area will not be permitted unless the proposal is of a design and/or scale that preserves or enhances the special character or appearance of the area and is compatible with neighbouring buildings and spaces.
- 6.15 The site lies within the Frinton and Walton Conservation Area. The Design and Access Statement makes reference to this fact and describes the basic character of the area and that the proposed dwellings have been designed with reference to the Arts and Crafts style of a number of the houses in the area.
- 6.16 The Frinton and Walton Conservation Area Review 2006 confirms that The Avenues comprise the most exclusive streets in Frinton with some of the finest buildings found on Second Avenue. It adds that the houses are generally detached, with inventive massing and a wealth of attractive details carried out in the finest materials. They are set in spacious gardens with designed frontages where battered walls in 'crazy' work in brick kiln rubble are common, often surmounted by hedges. The existing dwelling, although of modest design and detailing, preserves the character and appearance of the conservation area being set within a spacious landscaped plot with a 32 metre long 'crazy' frontage wall topped by a Euonymus hedge. The frontage wall positively contributes to the character and appearance of the conservation area and is identified within The Frinton and Walton Conservation Area Review 2006 as a "particularly fine example" of this boundary treatment which is a particular feature of The Avenues.
- 6.17 The creation of the new shared vehicular access will result in partial demolition of the frontage 'crazy' boundary wall and closure of the existing access. This is considered preferable to having an independent access to each dwelling. It is therefore considered that, subject to ensuring a high quality finish to the wall that the proposal would preserve the character and appearance of the conservation area. A condition would be imposed to carefully control the method of closure of the existing access and the detailing of the new opening in the frontage wall requiring materials samples and a sample panel of the work to ensure a high quality finish.
- 6.18 The site also lies within The Avenues Area of Special Character. The Avenues form a sedate residential area of outstanding Arcadian character with wide, straight, tree and hedge lined avenues, grass verges and large spacious detached houses set in mature gardens. Saved policy FW5 states that new development shall have particular regard to the special character and appearance of the area, including the scale, aspect and design of adjoining buildings and the density of existing development. Proposed development which would result in a reduction in the spacious character of the area will be refused planning permission. The preamble to the policy states, as the spacious scale of buildings and extensive plot frontages and sizes also contribute to the special character of the Avenues, residential densities that may be suitable for infill housing development elsewhere will be



inappropriate in this area. Well-designed infill development on plots at least 15 metres wide may be acceptable in some cases. However, new dwellings would need to stand on plots that compare favourably with neighbouring houses to the side and access the road, thus requiring frontages of significantly more than 15 metres in many cases to avoid any reduction in this special Arcadian character. The preamble to draft policy FWK5 also refers to the minimum 15 metre plot width and the policy states the following forms of development will not be permitted in the Avenues: c) any new development that materially exceeds the general density of development within the Area of Special Character (between 7 and 17 dwellings per hectare); and d) any development that fails to preserve and enhance the special architectural and historic character of the Frinton and Walton Conservation Area.

- 6.19 The site is wider at the frontage with the existing dwelling occupying a plot of 37.6m wide, reducing to 25m at the rear. Plot 1 is rectangular and is around 16.1m wide with Plot 2 measuring around 21.5m at the frontage reducing to 9.6m at the rear although due to landscaping and the significant distance this tapering is not apparent in the streetscene. Neighbouring plot widths vary widely from 12m-16m (numbers 20-24 to the immediate north) to 41m (number 31 opposite) and 27m (number 16 to the immediate south). It is not therefore considered that the plot widths or proposed density of development (15.4 dwellings per hectare) would result in material harm to the character of the area.
- 6.20 There is no objection to the demolition of the existing dwelling as this has a neutral impact on the character and appearance of the area. The existing dwelling sits within a very spacious plot resulting in a substantial gap between it and the neighbour at number 16 of around 22 metres. The loss of this gap is unfortunate, however the long frontage wall and hedge above provide some screening and as detailed in the report the design of the new dwellings are considered to preserve the character and appearance of the Frinton-on-Sea Conservation Area and The Avenues Area of Special Character. The proposal is therefore considered to result in less than substantial harm to the significance of a designated heritage asset (the conservation area), and the harm caused by the loss of this currently undeveloped gap, when weighed against the public benefits of the proposal in terms of providing additional housing to contribute towards the housing needs of the District, is not considered to be so substantial as to justify refusing planning permission on these grounds.

### **Highway Safety**

- 6.21 The proposal closes the existing vehicular access to number 18 and creates a new shared access in the middle of the site with off street parking and turning for each dwelling. Plot 1 has a single garage which is 1 metre too shallow to be considered as a usable parking space under the adopted parking standards but has ample off street parking to serve the needs of the dwelling.
- 6.22 The Highway Authority has no objection to the proposal subject to five conditions relating to provision of the access, turning and surfacing in accordance with the plans; provision of pedestrian and vehicular visibility splays; construction method statement; permanent closure of existing vehicular access; and details of cycle storage. It will also be necessary to carefully control the method of closure of the existing access and the detailing of the new opening in the frontage wall in the interests of visual amenity.
- 6.23 Objections have been raised in relation to the shared vehicular access being out of character. The Highway Authority has no objection to the proposed access and this did not form a reason for refusal of 14/00390/FUL which proposed the same arrangement. As detailed in the report above it is also considered preferable to limit the openings in the frontage wall to only one as it forms a positive feature within the street scene and conservation area.

### **Residential Amenity**

- 6.24 The neighbouring property to the south (number 16) is sited around 24m back from the highway and around 8m from the boundary. The neighbour has windows on the facing flank but due to the orientation to the South East and the separation distance there would be no material loss of sunlight, daylight, or outlook to this property.
- 6.25 The neighbouring property to the north (number 20) has a side door on the facing flank and front windows at ground and first floor level, which also turn the corner to face the site. Plot 1 is sited to the south, in line with the front and rear walls of the neighbour with around 3.2m separation between the two buildings. Due to the separation distance and siting the proposed development would not obstruct the 45 degree combined plan and elevation overshadowing zone for either of the side sections of these windows. It is not therefore considered that the proposal would result in any material loss of sunlight, daylight, or outlook to this property.
- 6.26 There are no windows or other openings on the side elevations of the proposed dwellings and due to their siting the rear windows would only provide oblique views of the neighbour at number 20s rear garden, and views over the garage and parking area to number 16 therefore resulting in no material loss of privacy. Dwellings along Third Avenue to the rear are around 35m from the rear face of the proposed dwellings so would not suffer any material loss of privacy, light or outlook.
- 6.27 A condition has been recommended to restrict the hours of construction in the interests of minimising noise disturbance for neighbours during the construction period.

### **Legal Agreement**

- 6.28 Saved Policy COM6 and draft Policy PEO22 state 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. There is an identified deficit in equipped play in the Parish and a contribution is therefore justified. The unilateral undertaking has been requested however the applicant has chosen not to provide it until Members have considered the proposal. If Members resolve to grant planning permission subject to completion of the unilateral undertaking as per the recommendation then this will be provided by the applicant within the deadline specified. If the completed unilateral undertaking has not been provided within the specified deadline then the application would be contrary to saved Policy COM6 and draft Policy PEO22 and should be refused as detailed in the recommendation.

### **Background Papers**

None.