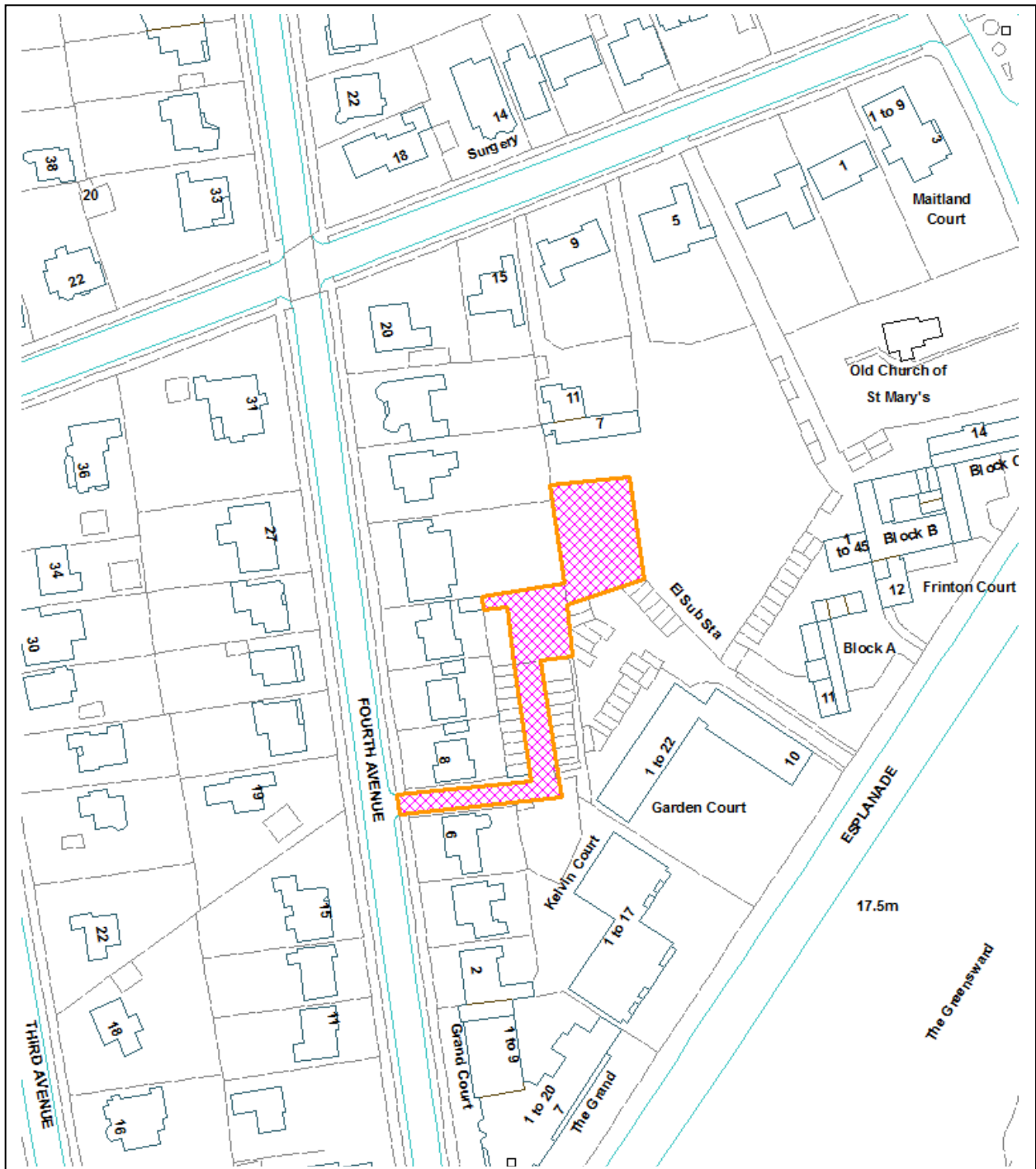


PLANNING COMMITTEE

2 JUNE 2015

REPORT OF THE HEAD OF PLANNING

A.2 PLANNING APPLICATION - 15/00208/FUL - 7 HOLLAND ROAD FRINTON ON SEA, CO13 9DH



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Application:	15/00208/FUL	Town / Parish: Frinton & Walton Town Council
Applicant:	Mr P Mecklenburgh	
Address:	7 Holland Road Frinton On Sea CO13 9DH	
Development:	Alterations to garage block approved under 14/00046/FUL and erection of 1 no. detached dwelling.	

1. **Executive Summary**

- 1.1 This application has been referred to Planning Committee as it has been called in by Cllr Giles Watling due to it representing overdevelopment of the site, a lack of parking and a loss of amenity to nearby properties.
- 1.2 The application seeks full planning permission for alterations to a 6-bay garage block approved under 14/00046/FUL and the erection of 1 no. detached dwelling. The wider site has been granted planning permission for 5 no. detached dwellings and the subdivision of "Willow Cottage" to provide 2 no. dwellings. The site is within the Frinton Conservation Area and includes various protected trees and forms land to the rear of properties on Holland Road and Fourth Avenue.
- 1.3 The proposed dwelling is of a design that accords with the approved, but as yet unbuilt, dwellings on the wider site. Following negotiations with the applicant the proposal is now set in further from the rear boundaries of properties on Fourth Avenue to an extent that will not materially harm their residential amenities. Sufficient off-street car parking spaces are retained, despite the loss of 2 no. bays as part of the proposed alterations to the garage block. The character and appearance of the site will retain spacious plots occupied by dwellings of a suitable scale so as to preserve the character and appearance of the conservation area and not represent overdevelopment of the site.

Recommendation: Approve

Conditions:

1. **Standard time limit**
2. **In accordance with approved plans**
3. **Materials**
4. **Landscaping scheme**
5. **Landscaping scheme implementation and retention**
6. **Parking space dimensions of 5.5m x 2.9m**
7. **Development in accordance with Construction Method Statement approved under 14/00046/FUL**
8. **Removal of permitted development rights (Class A, B and E of Part 1) for extensions, roof works and outbuildings**
9. **Provision and retention of space for parking and manoeuvring of vehicles**
10. **Development in accordance with Phase 1 Habitat Survey Report approved under 14/00046FUL**
11. **Provision and retention of bin store approved under 14/00046/FUL**
12. **Driveways and parking areas to be of porous materials**
13. **Hours of construction to be limited to 7am – 7pm (Mon-Fri) and 8am-1pm (Sat) only**
14. **Site remediation in accordance with report approved under 14/00046/FUL**

2. Planning Policy

National Policy:

NPPF National Planning Policy Framework

National Planning Practice Guidance

Local Plan Policy:

Tendring District Local Plan 2007

QL1 Spatial Strategy

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

HG7 Residential Densities

HG9 Private Amenity Space

HG13 Backland Residential Development

EN6 Biodiversity

EN6A Protected Species

EN17 Conservation Areas

EN23 Development Within the Proximity of a Listed Building

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)

SD5 Managing Growth

SD8 Transport and Accessibility

SD9 Design of New Development

PEO3 Housing Density

PEO4 Standards for New Housing

PEO6 Backland Residential Development

PLA4 Nature Conservation and Geo-Diversity

PLA6 The Historic Environment

PLA7 Conservation Areas

PLA8 Listed Buildings

FWK5 The Avenues Area of Special Character, Frinton on Sea

Other guidance:

Essex County Council Car Parking Standards - Design and Good Practice

3. Relevant Planning History

06/00587/FUL	Conversion of no. 7 Holland Road to 4 no. apartments and provision of 12 no. additional apartments and 10 no. cottages for retirees, as amended by drawing numbers 6773/00 Revision F, 6773/01 Revision F, 6773/07 Revision C and 6773/08 Revision C, all received by the Local Planning Authority on 1st June 2006.	Refused	20.07.2006
08/01518/FUL	Conversion of no. 7 Holland Road into 2 no. cottages and the erection of 8 no. two-storey cottages with associated car parking and landscaping for retirement sheltered housing.	Refused Allowed	26.02.2009 21.01.2010
11/01139/FUL	Erection of 5 no. one-and-a-half storey dwellings with associated vehicular access, car parking, garages and bin store.	Approved	29.06.2012
12/00904/FUL	Conversion of no. 7 Holland Road from one residential dwelling into two semi-detached residential dwellings.	Approved	20.03.2013
12/01140/FUL	Conversion of 7 Holland Road into 2 no cottages and the erection of 8 no two storey cottages with associated car parking and landscaping. (Extension of time to previously approved application no 08/01518/FUL).	Approved	17.01.2013
14/00046/FUL	Erection of 5 no. one-and-a half storey dwellings with associated vehicular access, car parking, garages, bin store and landscaping.	Approved	17.03.2014

4. Consultations

4.1 The Highways Authority have raised no objection to the proposal.

4.2 The Council's Tree and Landscape Officer originally objected to the proposal on the grounds of the loss of 2 no. protected Sycamore trees. Following a redesign of the site,

which now includes the retention of said Sycamores, the officer no longer objects to the proposal.

5. Representations

- 5.1 Cllr Watling has made a request that if the application is to be recommended for approval that it should be heard by the Planning Committee. The concerns raised are as follows:
- (i) Overdevelopment
 - (ii) Lack of parking
 - (iii) Loss of amenity to nearby properties
- 5.2 Additionally, Frinton and Walton Town Council have recommended that the proposal be refused, they also site the same three concerns listed above.
- 5.3 Furthermore, 13 no. letters of objection have been received from members of the public. The concerns raised also include the above three issues, elaborating that objection (iii) would include loss of light, loss of privacy, overshadowing and noise and smell nuisance. Other objections raised relate to:
- (i) Out of character
 - (ii) Traffic increase
 - (iii) Insufficient car parking spaces
 - (iv) Safety concerns due to access road lacking a pavement
 - (v) Unsightly visual design
- 5.4 Following a neighbour reconsultation, 5 no. letters of objection were subsequently received. The issues raised match those submitted in relation to the original application design.

6. Assessment

- 6.1 The main planning considerations are:

- Context and Background;
- Proposal;
- Planning History;
- Policy Context;
- Impact on Conservation Area;
- Protected Trees;
- Highway Safety;
- Residential Amenity;
- Housing Provision; and,
- Other Considerations.

Context and Background

- 6.2 The 0.12 hectare (0.3 acre) site is located on land to the south of properties on Holland Road and to the east of properties along Fourth Avenue, within the Settlement Development Boundary for Frinton on Sea, as established in the saved and draft local plans. The site is located within the designated Frinton Conservation Area and includes several protected trees. The site is near to The Old Church of St Marys, a Grade II Listed Building, located to the east. However, the site is not considered to form part of its setting as it is separated by approximately 80 metres, bisected by a service road and approved dwellings as yet not built.
- 6.3 The application site is mostly grassed with an access point onto Fourth Avenue via a lock-up garage courtyard and parking area serving Kelvin Court. The wider site includes a pair of vacant semi-detached cottages. The boundary treatment varies around the site and

includes soft landscaping, close-boarded fencing, brick walls and rear walls of lock-up garages too.

- 6.4 The surrounding area includes detached, two-storey dwellinghouses to the north and west. To the south are lock-up garages and apartment blocks, including the 12-storey Frinton Court (Block B). The site contains 3 no. trees that are subject to a Tree Preservation Order; 2 of which are Sycamores on the western site boundary. These trees provide an element of screening.

Proposal

- 6.5 The proposal is a full planning application for alterations to a garage block approved under 14/00046/FUL and the erection of a detached dwelling.

Planning History

- 6.6 In 2007 a planning application was refused for the conversion of the existing cottage to 2 no. dwellings and the erection of 8 no. dwellings. The reason for refusal was based on the unacceptable access from Fourth Avenue through an existing row of garages. The application was subsequently appealed and dismissed by the Planning Inspectorate.
- 6.7 A further application for the same number of properties outlined above was then submitted in 2008 and again was refused due to issues regarding highway safety. An appeal was again submitted, which was allowed by the Planning Inspectorate in 2010.
- 6.8 In 2011 planning permission was granted for the erection of 5 no. properties set within a similar courtyard arrangement to the application allowed on appeal. Furthermore, the access and parking remained largely the same. This 2011 application did not propose the conversion of the existing cottage, meaning the development led to a total of 6 no. properties on the land.
- 6.9 The main difference of this current application to the 2011 permission is that the layout has changed to focus on an internal courtyard, although there are other changes, including the felling of some trees, and the relocation of the bin store and garages.

Policy Context

- 6.10 National and local planning policy directs new residential dwellings to within defined settlement boundaries. The general concept of settlement development boundaries is fundamental to achieving the Government's intentions to create more sustainable patterns of development, make more efficient use of urban land, and follow a sequential approach to the location of new housing development. As a result of this intention, policy HG3 within the Local Plan sets out the requirements for new residential development within these defined settlements.
- 6.11 The application site is located within the defined settlement limits of Frinton on Sea, and would be seen as a site where there is a presumption in favour of new residential development. However, policy HG3 (Residential Development within Defined Settlements) and EN17 (Conservation Areas) within the Local Plan sets out the requirements which would need to be assessed for new residential development within these settlement boundaries, for example issues such as visual and residential amenity, design, density, environmental matters, highway safety, local housing needs and sustainability issues, as well as whether the development can take place and still preserve or enhance to the character and appearance of the conservation area, would need to be assessed before planning permission was granted.

Impact on Conservation Area

- 6.12 The application site lies within the Frinton Conservation Area. The Local Planning Authority has a statutory duty to discharge in the consideration and determination of this application within a Conservation Area. In particular, Section 72 imposes a statutory duty on the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area.
- 6.13 The National Planning Policy Framework ("the Framework") states Local Planning Authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment and should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. Applicants should describe the significance of any heritage assets affected, including any contribution made by their setting.
- 6.14 Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 6.15 In this instance the proposal seeks alterations to a detached garage block approved under 14/00046/FUL and the erection of a detached dwelling. The garage block alterations will result in a building of smaller massing, which more appropriately reflects the scale of the site and will more closely reflect the characteristics of the wider application site and the conservation area, although any impact on the conservation area is somewhat limited by virtue of the site being relatively obscured from the wider public domain by perimeter dwellings.
- 6.16 In terms of the proposed dwelling, the design and scale will reflect the dwellings already approved in 2014 and will help to provide a more coherent sense of space for the central landscaped shared amenity area. Like these other dwellings, the proposal is a of a chalet bungalow design, with a single front dormer providing a total of 3 no. bedrooms. The proposal will create a coherent group of 6 no. dwellings alongside Willow Cottage, which has permission for subdivision into 2 no. cottages.

Protected Trees

- 6.17 Following a consultation response from the Council's Tree and Landscape Officer, the applicant has provided a tree survey and report in relation to a large sycamore tree situated on the rear boundary with the gardens of dwellings on Fourth Avenue. The report identifies tree works and removals to be undertaken. This tree report replicates works that were required and approved as part of the 2014 approval. The main difference is that 2 no. Sycamores on the western site boundary labelled as T2 and T3 on submitted drawing number OS 722-13.2 Rev B (Tree Retention and Removal Plan) are now proposed to be retained on the site, for the benefit of the character and appearance of the conservation area and also the residential amenity of neighbouring properties.

Highway Safety

- 6.18 The proposal will require the loss of 2 no. garage parking spaces approved in 2014. Nevertheless, the proposal will retain sufficient car parking spaces in accordance with the minimum standard set out in the adopted parking standards for both the proposed dwelling and the remaining, approved, but unbuilt dwellings on the wider application site. The

proposal will leave the vehicular turning facility unaffected and has received no objection from the Highways Authority.

- 6.19 Concern has been raised from local residents that the proposal will include a slight increase in traffic accessing the site via the Kelvin Court garages served from Fourth Avenue, although the number of car parking spaces is set to decrease slightly. The issue of pedestrian safety alongside the intervening lock-up garages formed part of the Council's grounds for refusal in 2009. However, the Planning Inspector concluded that this would not result in an unacceptable level of pedestrian/vehicular conflict. In recognition of these characteristics and material considerations, the proposal would be acceptable in terms of highway safety.

Residential Amenity

- 6.20 The proposal sets out a level of private amenity space (100 square metres) that meets the minimum requirements for dwellings of this size and type as required by Local Plan Policy. It also retains sufficient private amenity space for "Willow Cottage" sited immediately to the north of the application site.
- 6.21 Following design revisions, the proposal has been sited further from the rear boundaries of dwellings on Fourth Avenue to give a separation distance of approximately 19m to the shared boundary with back-to-back distances between the proposal and these dwellings of approximately 40m. The proposed height of the proposal is approximately 6.6m to roof ridge. The only window on the western roof elevation is a rooflight that serves a bathroom. In recognition of these characteristics and the planning permission already granted for a garage block near to these Fourth Avenue properties (which is a strong material consideration), the proposal would not have any material harmful impact on the privacy, sunlight/daylight, outlook or the residential amenity of neighbouring dwellings.

Housing Provision

- 6.22 The proposal will make a small contribution towards the housing targets for the District, which weighs in support of the application.

Conclusion

- 6.23 The proposal seeks design changes to a 2014 approval for the site and includes the scaling back of an approved garage block and the erection of an additional dwelling. Following design revisions the proposal is sufficiently set in from the rear of neighbouring properties on Fourth Avenue and is of a design that matches that approved for the wider application site. The proposal retains important protected Sycamore trees on the western boundary and provides sufficient private amenity space for the proposed dwelling and adjacent cottage. Despite the loss of some approved, but as yet unbuilt garage spaces, the proposal continues to retain a sufficient number of off street car parking spaces for both this site and the wider application site. The point of vehicular access via the Kelvin Court garage block has previously been deemed acceptable by the Planning Inspectorate and has received no objection from the Highways Authority. In recognition of these characteristics and all material considerations, the proposal is recommended for approval.

Background Papers

None.