

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	03/10/18
Planning Development Manager authorisation:	AN	11/10/18
Admin checks / despatch completed	ER	11/10/18

Application: 18/00768/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Chappell - Lungo Developments Ltd

Address: 47 The Parade Walton On The Naze Essex

Development: Variation of condition 7 of approved application 12/01114/FUL, to provide new drawings to change some internal and external details of the construction.

1. Town / Parish Council

Frinton & Walton Town Council REFUSAL – the loss of the balconies reduces the aesthetics of this building and the removal of the lift unacceptable

2. Consultation Responses

N/A

3. Planning History

02/00887/FUL	Vary previous consent to allow limited goods for sale to be displayed on forecourt	Approved	02.07.2002
02/01137/ADV	Two signs as replacement of existing advertisement.	Refused	31.07.2002
03/02006/LUEX	Restaurant and take away	Withdrawn	21.11.2006
04/00008/FUL	Balcony extension and forecourt windbreak.	Approved	05.05.2004
06/00738/FUL	Replace existing restaurant and 2 flats with 10 No. flats.		20.11.2006
06/01117/CON	Demolition of restaurant and flats.	Approved	31.08.2006
08/00897/FUL	Erection of building to form 11 no. apartments.	Withdrawn	26.08.2008
08/01227/FUL	Erection of building to form 11 no. apartments, as amended by revised drawings received on 27th February & 10 March 2009.	Refused (Won at appeal)	27.03.2009
12/01114/FUL	Proposed erection of 11 apartments (extension of time allowed on planning permission	Approved	12.02.2013

08/01227/FUL (TDC Appeal
Reference 09/00055/REFUSE).

15/01846/DISCON Discharge of Condition 2 (materials), 3 (cycle parking) and 4 (hard landscaping) of planning permission 12/01114/FUL. Approved 01.02.2016

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

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

ER3 Protection of Employment Land

ER31 Town Centre Hierarchy and Uses

HG1 Housing Provision

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

COM1 Access for All

COM2 Community Safety

COM6 Provision of Recreational Open Space for New Residential Development

COM21 Light Pollution

COM23 General Pollution

COM26 Contributions to Education Provision

COM31A Sewerage and Sewage Disposal

EN13 Sustainable Drainage Systems

EN17 Conservation Areas

TR1A Development Affecting Highways

TR5 Provision for Cycling

TR7 Vehicle Parking at New Development

TR8 Public Car Parking

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PP5 Town Centre Uses

PPL5 Water Conservation, Drainage and Sewerage

PPL8 Conservation Areas

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years'

worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivered over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line with the plan-led approach.

5. Officer Appraisal

Site Description

The application site is land to the north-east of 46 The Parade, which lies within the parish of Walton-on-the-Naze. The land in question has benefited from planning permission for the erection of 11 dwellings following appeal decision APP/P1560/A/09/2107069/NWF. Upon undertaking a site visit, it is apparent that construction works are well under way.

The surrounding area is largely urban in character with a range of commercial and residential properties. The site falls within the Settlement Development Boundary for Walton-on-the-Naze within the Saved Tendring District Local Plan (2007) and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

The site falls within the Walton-on-the-Naze Conservation Area, whilst there are examples of Grade II Listed Buildings to the south-west and to the north.

History

Under planning reference 08/01227/FUL, planning permission was refused for 11 apartments; however appeal decision APP/P1560/A/09/2107069/NWF overturned this decision.

Under planning reference 12/01114/FUL, the same application was resubmitted and approved.

Proposal

This application seeks planning permission for the variation of condition 7 of planning permission 12/01114/FUL. The following changes will occur as a result:

- Removal of first, second and third floor rear elevation balconies - impacting flats 4, 5, 7, 8, 10 and 11 only;
- Replace rear elevation balconies with wrought iron Juliet Balconies with privacy screen walls;
- Reduce roof line above balconies to external rear brickwork line;
- Removal of balcony spline wall from first floor to roof for each balcony being removed;
- Omit lift shaft;
- Flat Number 2 converts from 1 bedroom dwelling to a 2 bedroom dwelling;
- Internal layout amendments to flats 5, 8 and 11;
- Removal of ground floor eastern elevation window to flat 3;
- Replace decorative bollards along the eastern elevation with circular stanchions to support part first floor cantilever, finished to match the previous bollards; and
- 300mm wide x 150mm deep step at rear of patio doors to flat 3 on the ground floor.

Assessment

1. Principle of Development

The site falls within the Settlement Development Boundary for Walton-on-the-Naze within the Saved Tendring District Local Plan (2007) and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft. However, that notwithstanding appeal decision APP/P1560/A/09/2107069/NWF has previously established that the principle of 11 apartments in this location is acceptable. The principle of development is therefore acceptable subject to the detailed consideration below.

2. Visual Impact

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Whilst there are numerous amendments proposed as part of the application, some involve the removal of parts previously considered acceptable; namely the omission of six rear balconies (which are to be replaced with Juliet Balconies). Further, some proposals are internal amendments which will bear no external visual impacts, whilst other changes are only minor (including the addition of a step to the rear elevation and replacing bollards for circular stanchions).

Therefore, it is considered that the proposed changes will result in only a minor visual impact to that previously approved and will therefore be acceptable.

3. Impact to Conservation Area

The application site falls within the Walton-on-the-Naze Conservation Area and as such the applicant has supplied a Heritage Statement in order to justify that the proposed works will either preserve or enhance the area.

Given that the changes, as highlighted previously, are overall considered to be minor in comparison to the scheme previously approved, there is not any additional identifiable harm to the character of the Walton-on-the-Naze Conservation Area to warrant a reason for refusal.

4. Impact to Neighbouring Amenities

Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

There are adjacent neighbouring properties located to the south-west of the site in particular. However, most of the changes are minor and will result in a neutral impact to existing amenities. Further, whilst it was concluded within application 08/01227/FUL that the balcony areas would be screened and angled to ensure no significant levels of overlooking, their removal will still result in a small improvement to neighbouring amenities.

One objection letter has made reference to the loss of the balcony spline walls in that it will result in a loss of privacy via French windows. However, amended plans have been submitted to include privacy screen walls, which overcome this potential concern. That notwithstanding, the report for 08/01227/FUL stated the spline walls were only necessary to ensure privacy as a result of the proposed balconies; therefore in their absence the loss of spline walls would not result in significant loss of privacy.

5. Private Amenity

Saved Policy HG9 states private amenity for flats shall be either:

- A minimum of 25 square metres per flat 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.

The proposed amendments will result in the loss of balcony areas for Flats 4, 5, 7, 8, 10 and 11, with each of the previously approved balconies accounting for less than the 5 square metres of amenity area required. Given this, that the site is located within a highly sustainable location in close proximity to a range of amenable areas including the beach adjacent, and that a communal private amenity area to the ground floor is to remain, on balance the loss of some small areas of private amenity is not significantly harmful to warrant a reason for refusal.

Other Considerations

Frinton and Walton Town Council recommend refusal as the loss of balconies will reduce the aesthetics of the building and removing the lift is unacceptable.

Two letters of objection have been received, with the following concerns;

1. Loss of privacy through removal of spline walls which will result in occupiers of future apartments being able to directly see through to adjacent properties;
2. Visual impacts from reduced roof line; and
3. Removal of lift shaft results in disabled people being unable to occupy most apartments;

In answer to this, points 1 and 2 have been addressed within the main body of the report above, whilst point 3 is an internal alteration and therefore is not a material planning consideration.

6. Recommendation

Approval.

7. Conditions

- 1 The development hereby permitted shall not be carried out except in complete accordance with the details shown on drawing numbers 2017-16-01 B, 2017-16-02 A, 2018-17-04 and 2017-16-05-B.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 2 All materials to be used in the construction of the external surfaces of the building hereby permitted must be in accordance with the details as approved under planning reference 15/01846/DISCON, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that materials of an acceptable quality appropriate to the area are used.

- 3 Cycle parking shall be in accordance with the details as approved under planning reference 15/01846/DISCON, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that adequate cycle storage facilities are provided in order to reduce the reliance of on street parking.

- 4 All hard landscaping works, including means of enclosure, pedestrian access, circulation areas and hard surfacing materials, shall be in accordance with the details as approved under planning reference 15/01846/DISCON, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the development provides a satisfactory setting having regard to its location within a conservation area.

- 5 All hard landscape works shall be carried out in accordance with the approved details within 12/01114/FUL, unless otherwise agreed in writing by the Local Planning Authority. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the local planning authority.

Reason - To ensure that the development provides a satisfactory setting having regard to its location within a conservation area.

- 6 Before the first occupation of the building hereby permitted the glazing on the westward facing elevation shall be fitted with non-opening obscured glass and shall be permanently retained in that condition.

Reason - To preserve the privacy of the neighbouring residents.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.