

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	27/11/18
Planning Development Manager authorisation:	SCE	28-11-18
Admin checks / despatch completed	[Signature]	28/11/18.

Application: 18/01630/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr G Levy

Address: 21 Saville Street Walton On The Naze Essex

Development: Proposed erection of 3 x 1 bedroom flats.

1. Town / Parish Council

Frinton and Walton Town Council REFUSAL - overdevelopment of the site, too great bulk and mass for the location.

2. Consultation Responses

UU Open Spaces Current Position

There is currently a deficit of 14.12 hectares of equipped play in Frinton, Walton & Kirby. However, there is more than adequate formal open space across the area. This is broken down as follows:

Recommendation

Due to the development being one bedroom units only it is unlikely that there will be an impact of existing play facilities as a result. No contribution should be sought for this application.

ECC Highways Dept

The Highway Authority raises an objection to the above application for the following reasons:

As far as can be determined from the submitted plans the proposal fails to provide off street parking spaces with dimensions in accord with current Parking Standards which is likely to lead to vehicles being left parked in the access route (Stratford Place) or adjacent highway causing conditions of danger, obstruction or congestion contrary to highway safety and Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

As far as can be determined from the submitted plans the proposal fails to provide a vehicular access at sufficient width to enable efficient and convenient access manoeuvres into and out of the highway contrary to current design standards and highway safety Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

Informative1: A single vehicular access should be no less than 3.0m but ideally 3.7m in width and where parking spaces are constrained by structures, extended to 3.4m in width to enable adequate pedestrian circulatory space and sufficient space for car doors to be

opened fully for passenger access.

Tree & Landscape Officer

Part of the application site has been planted with decorative shrubs and maintained so as to enhance the appearance of the area. None of the shrubs on the land merit retention or meet the criteria to justify the making of a Tree Preservation Order.

The position of the proposed dwelling is situated on this land and in part of the garden of 21 Saville Street containing a few small Myrobalan Plums 'none of these merit retention or protection by means of a Tree Preservation Order.

There are two trees situated within the garden of 21 Saville Street close to the existing dwelling: a Walnut and a Myrobalan Plum. Neither tree is threatened by the development proposal. Both are afforded formal legal protection because of their position within the Frinton and Walton Conservation Area.

Both trees make a positive contribution to the appearance of the conservation area but as neither are threatened by the development proposal and as they are afforded conservation area protection it is not necessary to protect them by means of a Tree Preservation Order.

3. Planning History

13/60012/HOUEN Q	New garden shed		17.01.2013
16/01765/TCA	1 No. Pear tree - reduce by 50%. No. Walnut tree - reduce by 33%.	1 Approved	29.11.2016
91/01500/TCA	Walnut tree - remove lower branches to height of 8 feet from the ground balance and reduce crown by 25%	Approved	29.10.1991
17/01625/FUL	Proposed 3 bedroom, three storey house.	Approved	05.12.2017

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

EN1 Landscape Character

EN17 Conservation Areas

EN23 Development Within the Proximity of a Listed Building

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG9 Private Amenity Space

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

LP1 Housing Supply

LP4 Housing Layout

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

PPL3 The Rural Landscape

PPL8 Conservation Areas

PPL9 Listed Buildings

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 of 19 Saville Street, Walton-on-the-Naze. The character of the surrounding area is largely urban, with examples of residential development to all sides. The site falls within the Settlement Development Boundary for Walton, as agreed in both the Adopted Tendring Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft. Furthermore, the site falls within the Walton Conservation Area, whilst there are numerous Grade II Listed Buildings adjacent to the west and further out to the south.

Proposal

This application seeks planning permission for the extension of the existing semi-detached properties to create a terrace of three properties. The additional building is to serve three flats, each with one bedroom.

History

Under planning reference 17/01625/FUL, planning permission was granted for the erection of a single detached dwelling that was a three storey town house serving three bedrooms.

Assessment

1. Principle of development

The site is located within the Settlement Development Boundary (SDB) for Walton, as established in the saved and draft local plans. Policy HG3 of the Tendring District Local Plan 2007 states that within defined development boundaries of towns and villages, residential development will be permitted provided it satisfies amenity, design, density, environmental, highway, local housing needs and sustainability criteria, as appropriate, and can take place without material harm to the character of the local area. The principle for residential development is therefore accepted subject to the detailed consideration below.

2. Impact to Surrounding Area

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).

Policy EN17 of the Adopted Local Plan states that development should look to either preserve or enhance the character and appearance of a conservation Area. The sentiments of this are carried forward within Policy PPL8 in the Emerging Local Plan.

The plans submitted show that the proposed building is to be attached to convert the existing semi-detached properties into a terrace of three properties. The three storey design is in-keeping with the scale and proportions of the adjacent properties to the south and also the Victoria terrace opposite to the east. The submitted plans also show the building to be situated in line with the adjacent neighbours to the south, thus helping to maintain the existing linear building line. There are therefore no principle concerns with the three storey design.

The site lies within the Walton Conservation Area and within the rear garden of the Grade II Listed Building at 20 North Street, and as such the applicant has submitted a Heritage Statement to justify that the proposal will either preserve or enhance the existing area and setting of the listed building.

However, the specific design itself is considered to be of too great a width, not symmetrical with the existing semi-detached buildings, and thereby creates an unbalanced and overdeveloped appearance. Whilst the properties adjacent to the south were not built and therefore not referenced within the Frinton and Walton Conservation Area Appraisal, they are not considered to be of good visual merit in this sensitive location, and an extension of this would only serve to intensify the existing problem. Further, the significant amount of hardstanding proposed, particularly to accommodate the three parking spaces will neither preserve or enhance the conservation area, is contrary to national and local policy, and can therefore not be supported.

The submitted plans indicate that a 1 metre high wrought iron bow top fence is to be included as a boundary treatment to enclose the front, rear and side boundaries. The submitted plans indicate the exact design is to match that existing to the south. Due to its low height and limited impact this is considered to be acceptable in this location.

Policy HG9 of the Tendring District Local Plan 2007 states that for a flat with one bedroom there is a requirement of either 25 square metres of private amenity space per flat within a communal area, or a minimum of 50 square metres for a ground floor flat and 5 square metres via a balcony area for any flats above. The submitted plans demonstrate there will be 18 square metres for flat 1 and a shared area of 37.5 square metres for flats 2 and 3. Whilst the ground floor flat provision falls short of the above requirements, the areas for flats 2 and 3 exceed the minimum requirements and therefore, on balance, the level of private amenity area provision is considered acceptable. However that notwithstanding there are strong concerns with the contrived nature of the private amenity area arrangement, which further emphasises the cramped and overdeveloped nature of the proposal. Further, the rear garden areas will be sub-divided via fencing, which will be particularly prominent from views along Stratford Place given the open parking area adjacent

The proposed detailed construction materials and finishes have not been confirmed, and would therefore have been included as a condition to this decision had it been recommended for approval.

3. Impact to Listed Building

Paragraph 196 of the National Planning Policy Framework (2018) states that 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.

Policy EN23 of the Adopted Plan states that development within the proximity of a Listed Building that would adversely affect the setting of a Listed Building, including group value and long distance views, will not be permitted. The sentiments of this policy are carried forward within policy PPL9 of the Emerging Plan.

The site lies within the rear garden of the Grade II Listed Building at 20 North Street, and as such the applicant has submitted a Heritage Statement to justify that the proposal will either preserve or enhance the setting of the listed building. Whilst the design is not considered to be of good visual merit, it is in-keeping with the character and appearance of the adjacent properties, and it is also acknowledged there is an extant permission for a three storey town house on the same application site. Therefore the presence of a three storey building will not in itself significantly alter the setting of this listed building. Furthermore, planting is to be included to the northern side boundary, which helps to soften the appearance of the proposal.

However, the proposed west (rear) elevation faces the listed building at 20 North Street and will therefore be viewed in context with it. The materials being proposed are cream render, red brick and slate roof tile, in-keeping with the existing properties to the south. However, as stated earlier the detailed design of these buildings is not considered to be of good visual merit and an extension of this form of development in such close proximity to a listed building is considered to result in a harmful impact to its setting. There are no public benefits of the proposal that will outweigh this harm and therefore the proposal fails to accord with the aims of the above local and national policies.

To the south beyond the neighbouring semi-detached development is a terrace containing listed buildings at number 17 to 13. Due to the siting of the proposed building reflecting the strong building line, and that views of these listed buildings will remain unaltered, the proposal would preserve their setting.

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).

The proposal will adjoin the existing semi-detached properties to the south, maintaining their existing height and with a similar depth. Therefore there will be no significant loss of light and the proposal will not appear imposing.

In terms of overlooking, whilst the property is to have three first floor and three second floor rear elevation windows which will face directly to the neighbouring rear garden area, two of these windows on each floor will serve a hallway and bathroom, both rooms that will either be obscure glazed or not regularly occupied. The third window on each floor will serve a living room; whilst this is a main habitable room, views will be to the rear of the neighbouring garden, an area less likely to be occupied and therefore on balance, does not form part of the refusal reason. Further the Essex Design Guide states that with rear-facing habitable rooms there should be a minimum of 25 metres space back-to-back to dwellings parallel. The submitted plans show an approximate distance of 28 metres and therefore complies with the above standards.

There is considered to be significant separation distance to the neighbouring properties to both the north and west, and therefore there are no concerns regarding loss of light or the proposal appearing imposing, whilst there are also no overlooking concerns.

5. Tree and Landscapes Impacts

The Council's Tree and Landscapes Officer has been consulted and has stated the following:

"Part of the application site has been planted with decorative shrubs and maintained so as to enhance the appearance of the area. None of the shrubs on the land merit retention or meet the criteria to justify the making of a Tree Preservation Order.

The position of the proposed dwelling is situated on this land and in part of the garden of 21 Saville Street containing a few small Myrobalan Plums - none of these merit retention or protection by means of a Tree Preservation Order.

There are two trees situated within the garden of 21 Saville Street close to the existing dwelling: a Walnut and a Myrobalan Plum. Neither tree is threatened by the development proposal. Both are afforded formal legal protection because of their position within the Frinton and Walton Conservation Area.

Both trees make a positive contribution to the appearance of the conservation area but as neither are threatened by the development proposal and as they are afforded conservation area protection it is not necessary to protect them by means of a Tree Preservation Order."

The current proposal fails to preserve or enhance the character and appearance of the Conservation Area. The loss of the existing soft landscaping would therefore be detrimental to the character and appearance of the Conservation Area and cannot be supported.

6. Highways Impacts

Essex County Council Highways have been consulted as part of the process of the application, and have objected to the scheme on the following grounds:

- As far as can be determined from the submitted plans the proposal fails to provide off street parking spaces with dimensions in accord with current Parking Standards which is likely to lead to vehicles being left parked in the access route (Stratford Place) or adjacent highway causing conditions of danger, obstruction or congestion contrary to highway safety.

- As far as can be determined from the submitted plans the proposal fails to provide a vehicular access at sufficient width to enable efficient and convenient access manoeuvres into and out of the highway contrary to current design standards and highway safety.

Informative1: A single vehicular access should be no less than 3.0m but ideally 3.7m in width and where parking spaces are constrained by structures, extended to 3.4m in width to enable adequate pedestrian circulatory space and sufficient space for car doors to be opened fully for passenger access.

However, it is noted that the three parking spaces shown each accord with the Adopted Parking Standards, which state a space should have minimum dimensions of 5.5m x 2.9m, whilst one parking space for a one bedroom property is equally acceptable.

Further, the single vehicular access width for parking space 1 is 3m, whilst the access for parking spaces 2 and 3 is 5.8m. While the Highway Authority comments regarding needing enough room to fully open car doors are noted, it is considered there is sufficient room to enable this to be achieved and a refusal reason on these grounds is therefore not warranted on this occasion as significant harm to highway safety would not result.

7. Unilateral Undertaking

The Council's Public Experience Open Space and Play Team have been consulted and have stated the following:

"There is currently a deficit of 14.12 hectares of equipped play in Frinton, Walton & Kirby. However, there is more than adequate formal open space across the area.

Due to the development being one bedroom units only it is unlikely that there will be an impact of existing play facilities as a result. No contribution should be sought for this application."

Other Considerations

Frinton and Walton Town Council has recommended refusal as the proposal is overdevelopment of the site, and of too great a bulk and mass for this location.

In answer to this, the visual impact of the proposal has been addressed within the main body of the report.

There have been no other letters of representation received.

6. Recommendation

Refusal.

7. Reasons for Refusal

1 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 124 is to always seek to secure high quality design.

Paragraph 193 of the National Planning Policy Framework (2018) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

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).

Policy EN17 of the Adopted Local Plan states that development should look to either preserve or enhance the character and appearance of a conservation Area. The sentiments of this are carried forward within Policy PPL8 in the Emerging Local Plan.

The application site falls within the Walton Conservation Area and is currently an area of green space which positively contributes to the areas character and appearance.

The design is considered to be of too great a width, not symmetrical with the existing semi-detached buildings, and thereby creates an unbalanced and overdeveloped appearance, appearing cramped at the junction of Stratford Place and Saville Street. The contrived nature of the private amenity area arrangement further emphasises this cramped and overdeveloped appearance. The buildings to be extended are not considered to be of good design in this sensitive location, and an extension of this would only serve to make the properties more prominent within the street scene. Further, the significant amount of hardstanding proposed, particularly to accommodate the three parking spaces, will neither preserve nor enhance the conservation area, is contrary to national and local policy, and can therefore not be supported.

2 Paragraph 196 of the National Planning Policy Framework (2018) states that 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.

Policy EN23 of the Adopted Plan states that development within the proximity of a Listed Building that would adversely affect the setting of a Listed Building, including group value and long distance views, will not be permitted. The sentiments of this policy are carried forward within policy PPL9 of the Emerging Plan.

The proposed west (rear) elevation faces the listed building at 20 North Street and will therefore be viewed in context with it. However, the detailed design of this building and those existing adjacent to the south, are not considered to be of good visual merit in this sensitive location, given their excessive width and unbalanced and overdeveloped appearance, and an extension of this form of development in such close proximity to a listed building is considered to result in a harmful impact to its setting. Therefore the proposal will

fail to preserve the setting of the listed building. There are no public benefits of the proposal that will outweigh this harm and therefore the proposal fails to accord with the wishes of the above local and national policies.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.