

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	12/12/2018
Planning Development Manager authorisation:	AN	13/12/18
Admin checks / despatch completed	SB	17/12/18

Application: 18/01777/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Terry Dimmer

Address: 123 High Street Walton On The Naze Essex

Development: Demolition of existing garages and erection of a new 1 bedroom dwelling - Resubmission of 15/01192/FUL.

1. Town / Parish Council

Frinton and Walton Town Council Approval

2. Consultation Responses

UU Open Spaces

Response from Public Experience
Open Space & Play

Application Details

Application No: 18/01777/FUL

Site Address: 123 High Street Walton on the Naze Essex CO14 8AT

Description of Development: Demolition of existing garages and erection of a new 1 bedroom dwelling. Resubmission of 15/01192/FUL

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 a one bedroom unit only it is unlikely that there will be an impact of existing play facilities as a result. No contribution is required for this application.

ECC Highways Dept

The Highway Authority has nothing further to add subject to the inclusion of the previous highway conditions for 15/01192/FUL - please find attached.

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1 No unbound materials shall be used in the surface treatment of the proposed vehicular access throughout.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2 The existing access or any part of an access (dropped kerb) rendered redundant or unnecessary by this development 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 accesses are brought into use.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway and to prevent indiscriminate access and parking on the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

3 Prior to the first occupation of the proposed dwelling, the proposed vehicular access shall be constructed to a width of 3.7m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason: To ensure that all vehicles using the private drive access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

4 All off street car parking shall be in precise accord with the details contained within the current Parking Standards.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

5 No development shall take place, including any works of demolition, until a Construction Method Statement (CMS) 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 and under body washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

Informative1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 - Essex Highways
Colchester Highways Depot,

653 The Crescent,
Colchester.
CO4 9YQ.

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

3. Planning History

15/30023/PREAPP	Demolish garages and erection of a single 3 bedroom dwelling	Refused	09.03.2015
15/01192/FUL	Demolish existing garages and erection of a single 1 bedroom dwelling.	Approved	26.02.2016

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

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

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

EN17 Conservation Areas

EN23 Development Within the Proximity of a Listed Building

TR1A Development Affecting Highways

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

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

- LP1 Housing Supply
- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- PPL8 Conservation Areas
- PPL9 Listed Buildings
- 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

deliver 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 (including Site Description and Proposal)

Site Description

The application site is to the rear of 123 High Street, fronting Saville Street, Walton on the Naze. The site is currently occupied by a single storey, flat roofed block of garages with shared access to the side serving the rear of the properties facing the High Street.

The site is within the Settlement Development Boundary for the area, and lies outside but directly adjacent to the Frinton and Walton Conservation Area. Opposite, to the west of the site is Gothic House, number 9 Saville Street a Grade II Listed Building with a further terrace of listed properties to the north.

Directly adjacent to the site is 8 Saville Street, a more recently constructed detached dwelling approved under planning reference numbers 99/01425/OUT and 00/00863/DETAIL.

Description of Proposal

The application proposes the erection of a two-storey detached, 1 bedroom dwelling with integral carport and enclosed rear private garden area.

This application is a resubmission of the previously approved 15/01192/FUL which has now lapsed.

Assessment

The main considerations are;

- Principle of Development;
- Design & Appearance/Impact on Heritage Assets
- Residential & Neighbouring Amenity;
- Highway Safety/Parking;
- Amenity Space; and,
- Other Considerations.

Principle of Development

Saved Policy HG3 of the adopted 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 proposal will involve the loss of an existing, unused garage block in a state of disrepair. The application satisfactorily demonstrates that the loss of the garages will not lead to a loss of parking for any of the adjacent businesses in the High Street. The shared access will remain. Access to the garage to the rear serving number 4 Saville Street will remain and 4 Saville Street will continue to use this garage.

The principle of residential development on this site is therefore accepted subject to the detailed considerations below.

Design & Appearance/Impact on Heritage Assets

The Government attaches great importance to the design of the built environment. The National Planning Policy Framework advocates that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Saved Policies QL9, QL10 and QL11 of the adopted Tendring District Local Plan 2007 aim to ensure that all new development makes a positive contribution to the quality of the local

environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Policy SPL3 of the emerging Tendring District Local Plan Publication Draft 2017 carries forward these sentiments stating that all new development must make a positive contribution to the quality of the local environment and protect or enhance local character.

Furthermore, the site is located adjacent to the Frinton and Walton Conservation Area. Saved Policy EN17 of the adopted Tendring District Local Plan 2007 states that development will be refused where it would prejudice the setting and surroundings of a Conservation Area or harm the inward or outward views. These sentiments are carried forward in the emerging Local Plan through Policy PPL8.

The existing site comprises of a single storey, dilapidated garage block failing to make any positive contribution to the character and appearance of the area or views from the conservation area. Therefore, there can be no objection to its loss through demolition.

The use of brick to the lower half and render to the top half with a plain tiled roof is considered appropriate in its context. The fully hipped roof is in keeping with the character of the residential dwellings in the locality. Precise materials details have not been provided and condition will therefore be added in the interests of visual amenity and the character of the adjacent conservation area. As the car port is an exposed area, it is also essential to ensure that the finish of the internal walls are appropriate and will also be conditioned.

Whilst it is recognised that the angled site boundary to the north results in a pinch point where the proposal fails to meet the requirements of saved Policy HG14 by not retaining a 1 metre gap between the dwelling and the boundary, as this is well set back within the site and sufficient distance is retained to the majority of the boundaries the dwelling will not appear cramped within the plot or within the street scene. Furthermore, the site is separated from its immediate neighbour, 8 Saville Street, by the width of its driveway leading to its detached, set back garage with the access and open rear yard area of the High Street properties to south also contributing to the spacing around the proposed dwelling.

The design, appearance and finish of the dwelling are therefore considered acceptable. The development will not appear incongruous within the street scene or harmful to the setting of the adjacent listed buildings nor harmful to the outward views of the adjacent Conservation Area. The replacement of the existing run-down garage block with the proposed dwelling can only be considered as an overall visual improvement to the area.

Residential & Neighbouring Amenities

The NPPF, at paragraph 127 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, 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. Policy SPL3 of the Emerging Local Plan carries forward these sentiments.

The site is overlooked by a number of windows of existing properties; the windows on the side elevation of No. 8, the dormer windows on the property to the rear of the site and windows in the rear of No. 123. Whilst these overlook the site, it is considered that there is sufficient distance retained so that no significant adverse impact on the amenities of the occupiers of the new dwelling will result. Having regard to these existing windows, any overlooking from the new dwelling cannot be considered materially harmful as the first floor rear windows serve bedrooms only and not main living areas. No first floor windows are proposed in the north facing side elevation of the proposed dwelling.

Due to the orientation of the property, there will be some loss of light to the windows in the side elevation of No. 8, however, given the distance of separation being over 3 metres, the lower eaves and ridge height and fully hipped roof form, it is considered that any impact would not be so significant as to warrant a reason for refusal.

Policy HG9 of the saved plan requires a minimum private amenity area of 50 square metres for a one bedroomed dwelling as proposed. Whilst the measurements taken from the block plan cannot be wholly accurate, the garden area does appear to fall marginally short being approximately 45 square metres and not the 50.19 square metres annotated on the proposed block plan. However, having regard to its town centre location in close proximity to various amenities, including the beach, this small deficit would not be sufficient to warrant a reason for refusal. A condition removing permitted development rights for extensions, outbuildings and additions to the roof are considered necessary in this instance to ensure that a usable private amenity area is retained and control over the enlargement of the dwelling is retained in the interests of visual and neighbouring amenities.

Highway Safety/Parking

The open fronted car port area allows for the parking to be used without vehicles overhanging the footway. The dimensions of the car port area accords with the minimum standards providing 1 off street parking space of 7 metres by 3 metres.

The Highway Authority raises no objection to the scheme subject to conditions which will be imposed where necessary.

Further conditions are considered necessary to ensure that car port area is retained with an open frontage to ensure that the space is retained for vehicle parking purposes only.

Play Space/Open Space Financial Contribution

As the proposal is for a 1 bedroom dwelling, no contribution is required.

Other Considerations

Frinton and Walton Town Council recommend approval.

2 letters of representation have been received broadly supporting the demolition of the garages but raising concerns with the proposed dwelling and parking which can be summarised and addressed as follows;

- Over development of such a small site.
- Will block out the daylight to my kitchen window and door and bedroom.

These issues have been addressed in the main report above.

- A dwelling is not a good idea as the access alongside the site is in constant use.

The use of the access, however busy, cannot be considered a reason for refusal in this instance. The site fronts a road which is more frequently used. Any disturbance to the occupiers of the new dwelling from deliveries etc could therefore not be considered materially harmful.

- Built on the boundary towards the rear which is illegal.

The application is seeking planning permission to be built in the position shown on the submitted plans. The siting in close proximity is not illegal. The reasons why its siting is acceptable is addressed in the main report above.

- A large area of asbestos roofing needs monitoring upon demolition of the garages.

This is not a matter for planning and is covered by the relevant health and safety/environmental legislation.

The complaints against the parking within the courtyard area cannot be taken into consideration in this instance as this falls outside of the material planning considerations relevant to the development itself.

Conclusion

For the reasons set out above, on balance, the benefits of the proposal are considered to outweigh any negatives by contributing to the housing need and mix and removing an obtrusive dilapidated garage block resulting in an overall visual improvement to the area and outward and inward views from the Conservation Area.

In the absence of any material harm to visual amenity, neighbouring amenity or the adjacent heritage assets, the application is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No 001 and Drawing No 002.

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

- 3 No above ground works shall be commenced until precise details of the manufacturer and types and colours of the internal finish of the car port area and external facing and roofing materials to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development unless otherwise agreed, in writing, at a later date with the Local Planning Authority.

Reason - As the site is adjacent to the Conservation Area where sympathetic materials are a visually essential requirement, including the exposed car port area, as insufficient information has been submitted with the application.

- 4 The car port area shall not be used for the storage of any household or other items and shall be kept available for the parking of a motor vehicle only at all times and shall be permanently retained in this approved form.

Reason - In the interests of visual amenity and the character and appearance of the adjacent Conservation Area.

- 5 No gates, doors or other means of enclosure shall be installed to the car port area at any time.

Reason - To avoid vehicles overhanging the footway as they enter and leave the site in the interests of pedestrian and highway safety.

- 6 No unbound materials shall be used in the surface treatment of the proposed vehicular access throughout.

Reason - To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

- 7 Prior to the access hereby approved being brought into use, the existing access or any part of an access (dropped kerb) rendered redundant or unnecessary by this development shall be suitably and permanently closed incorporating the re-instatement to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority.

Reason - To ensure the removal of and to preclude the creation of un-necessary points of traffic conflict in the highway and to prevent indiscriminate access and parking on the highway, in the interests of highway safety.

- 8 Prior to the first occupation of the proposed dwelling, the proposed vehicular access shall be constructed to a width of 3.7m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason - To ensure that all vehicles using the private drive access do so in a controlled manner, in the interests of highway safety.

- 9 No development shall take place, including any works of demolition, until a Construction Method Statement (CMS) 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 and under body washing facilities

Reason - To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety.

- 10 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), there shall be no additions to the dwelling or the roof, nor shall any buildings, enclosures, swimming or other pool be erected except in accordance with drawings showing the design and siting of such additions or building(s) which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - Planning permission is granted for a dwelling and it is necessary for the Local Planning Authority to be able to consider and control further development in order to ensure that adequate usable private amenity space is retained on the plot and that any development is acceptable in design terms, in the interests of residential amenity and the character and appearance of the adjacent Conservation Area.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Highways Informative

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

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