

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	07/02/2019
Planning Development Manager authorisation:	SCE	08.02.19
Admin checks / despatch completed	<i>[Signature]</i> Coyer	08/02/19

Application: 18/01943/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: HM Coast Guard - Gail Robertson

Address: Former Martello Park Site Office Arthur Ransome Way Walton On The Naze

Development: Alterations and additions to create new Coast Guard Station with residential flat over.

1. Town / Parish Council

Frinton and Walton Town Council

AMENDED COMMENTS

Refusal - Members were not convinced that the reasons given in a letter from the Maritime and Coastguard Agency dated 28th January 2019 satisfied their concerns in regard to the use of the ground floor or that the proposal created employment.

Frinton and Walton Town Council

ORIGINAL COMMENTS

REFUSAL - lack of information in regard to the use of the ground floor.

2. Consultation Responses

Environment Agency
AMENDED COMMENTS

We have received clarification that this site falls entirely within Flood Zone 1, we can now remove the holding objection outlined in letter AE/2018/123587/01 dated 11 December 2018 as this site will not require a Flood Risk Assessment.

Environment Agency
ORIGINAL COMMENTS

Thank you for your consultation received on 28 November 2018. We have inspected the application, as submitted, and are raising a holding objection to this application on flood risk grounds as a Flood Risk Assessment (FRA) has not been submitted. The application does not therefore comply with the National Planning Policy Framework (NPPF). Advice on foul drainage is provided below.

Flood Risk

Our maps show the application site partially lies within Flood Zones 3, defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding respectively. Paragraph 103, footnote 20 of the NPPF requires applicants for planning permission to submit a site-specific FRA when development is proposed in such locations.

An FRA is vital if you are to make an informed planning decision. In the absence of an FRA, the flood risk resulting from the proposed development is unknown. The absence of an FRA is therefore sufficient reason in itself for a refusal of planning permission.

Overcoming our Objection

The applicant can overcome our objection by undertaking an FRA that demonstrates that the development is safe without increasing risk elsewhere and, where possible, reduces flood risk overall. If this cannot be achieved, we are likely to maintain our objection to the application. Production of an FRA will not in itself result in the removal of an objection.

We ask to be re-consulted with the results of the FRA. We will provide you with bespoke comments within 21 days of receiving formal re-consultation. Our objection will be maintained until an adequate FRA has been submitted.

Advice to Applicant

For further information on our flood map products please visit our website here: Strategic Flood Risk Assessments (SFRA) are undertaken by local planning authorities as part of the planning process. The SFRA may contain information to assist in preparing site-specific FRAs. Applicants should consult the SFRA while preparing planning applications. Please contact your local authority for further information. Information on preparing property for flooding can be found in the documents 'Improving the flood performance of new buildings' and 'Prepare your property for flooding'.

We have included a factsheet with our response, which sets out the minimum requirements. Further guidance on completing an FRA is available

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.

Recommendation

No contribution is being requested at this time. Although there is a current deficit of play and open space in Frinton & Walton it is unlikely that this development would cause a significant impact on the current facilities.

Building Control and Access Officer

No comments at this stage.

ECC Highways Dept

The information that was submitted in association with the application has been fully considered by the Highway Authority. A revised block plan drawing no. 130B clarifying that the existing parking bays (X2) and disabled parking space are existing and not changing. In addition, the gravel stone area is being reduced to the side of the proposed roller shutter door to ease access in and out of the garage therefore:

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

1. Prior to first occupation of the flat the proposed vehicle parking area indicated on block plan, drawing no. 130B has been hard surfaced, sealed and marked out in parking bay. The vehicle parking area shall be retained in this form at all times.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

2. Each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

3. The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

4. Prior to first occupation of the flat, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

5. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

Informative 1: 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

3. Planning History

04/01485/FUL	Erection of new reception building.	Approved	23.09.2004
18/00331/FUL	Proposed Change of Use of First Floor of Offices to form a new	Approved	27.04.2018

residential dwelling.

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

HG3 Residential Development Within Defined Settlements

ER7 Business, Industrial and Warehouse Proposals

HG6 Dwelling Size and Type

HG9 Private Amenity Space

EN23 Development Within the Proximity of a Listed Building

COM6 Provision of Recreational Open Space for New Residential Development

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP4 Housing Layout

LP1 Housing Supply

LP2 Housing Choice

PPL9 Listed Buildings

HP5 Open Space, Sports & Recreation Facilities

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

PP6 Employment Sites

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

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 (including Site Description and Proposal)

Site Description

The application relates to an existing office building located within the former Martello Caravan Park site on Kirby Road, Walton. The site has an extensive and complex planning history for redevelopment comprising residential and commercial uses surrounding the building. Other than the approval for the building itself under 04/01485/FUL, the application site has no planning history being previously used as the Reception Office Building to the former Caravan Park. Most recently under planning reference 18/00331/FUL planning permission was granted to convert the roof space into a 1 bedroom flat.

Description of Proposal

The Maritime and Coastguard Agency propose a new Walton Coastguard and Rescue station to act primarily as a general office, to house the team's rescue and personal protective equipment and their 4x4 rescue vehicle.

The application therefore seeks a change of use from the former site office to a sui generis coastguard station including alterations and additions to facilitate the creation of a 2 bedroom flat above.

Following concerns with the design and the potential for significantly harmful overlooking and loss of privacy to the recently approved dwellings under 17/02118/OUT the application has been

amended. The amendments also address concerns and objections from Essex County Council Highway Authority.

Assessment

The main considerations in this instance are;

- Principle of Development and Compatibility of Uses;
- Design, Appearance and Impact on Heritage Assets;
- Residential Amenities;
- Highways and Parking;
- Flood Risk;
- Financial Contributions; and,
- Representations.

Principle of Development and Compatibility of Uses

The site is situated within the Settlement Development Boundary of Walton. 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, environmental and parking criteria, as appropriate, and can take place without material harm to the character of the local area. The principle of the residential element of the proposal is therefore acceptable and the impact is assessed in further detail below.

The existing office building has been vacant for a number of years with the holiday camp site office use becoming redundant as the remainder of the site has been developed for housing and commercial uses. The site is located adjacent to these and the change of use from office to Sui Generis Coast Guard Station is not considered materially different. The majority of the ground floor area of the building will remain in office use with some staff training also taking place. The rear portion of the building is will provide storage for equipment and vehicles. The site is located within the development boundary, in close proximity to the coast and town centre. The use of the building for operations associated with the Coast Guard will bring the building back into use in a manner suitable to the locality. There are no justified planning reasons to refuse the development.

Design, Appearance and Impact on Heritage Assets

The site lies close to Martello Tower K, a Scheduled Ancient Monument and Grade II Listed Building. The National Planning Policy Framework states that local planning authorities should require and 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 to their significance. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal taking account of the available evidence and 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. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm of loss should require clear and convincing justification. A Heritage Statement has been submitted in accordance with these requirements.

The current proposal is for alterations and extensions to the building to provide a 2 bedroom flat at first floor level and minor internal and external alterations to facilitate the use of the ground floor as a Coast Guard Station.

The building itself and its impact on the adjacent Martello Tower to the north were considered at the time of its original permission which followed the listing of the Tower. This new development will not have any significantly different impact on the setting of the Tower than the existing building. Furthermore, if the extant planning permissions come forward then the existing building will be entirely screened from the Tower. The redevelopment of the Martello Caravan Park has already enhanced the setting of the Tower by removing all of the caravans and unsightly older buildings that used to clutter the site.

In conclusion, this proposed development has no harmful impact on the setting of the Martello Tower.

The design and appearance of the resultant building is considered acceptable having been greatly reduced and simplified. The flat roof design, proposed materials and modern appearance work well with the adjacent built form. As stated above, the building will eventually be almost fully screened by surrounding development most of which have been completed.

The design itself and the building in its context are considered acceptable in terms of visual amenity and the development will not be prominent or harmful to the character of the area or setting of the adjacent listed building.

Residential Amenities

Currently the building sits in a fairly open site with the commercial buildings to the south being completed recently. There is a recent outline approval for residential development to the north of the site. The amended application now ensures that any views from the new windows and balcony area will be towards commercial uses or the open site to the east. This ensures that the development will not be harmful to the amenities of the future occupants of the new dwellings adjacent (should this development come forward).

The proposed dwelling is a 2 bedroom first floor apartment served by a balcony/patio deck area approximately 20 square metres in size. Saved Policy HG9 of the adopted Tendring District Local Plan 2007 requires a balcony area of 5 square metres for first floor flats. Furthermore, having particular regard to the highly sustainable location of the unit in close proximity to local shops, leisure facilities, transport links and other amenities the limited private amenity space is not considered to result in a poor standard of living for future occupants. Given the benefits of the contribution to the mix of dwellings in the area of a more affordable level in a highly sustainable location where the occupants do not have to be car dependant, the limited private amenity space cannot be considered to warrant refusal of planning permission in this instance.

Highways and Parking

The Coastguard Station area on the ground and the 2 bed residential unit above will be served by 5 parking spaces with an additional internal space created for the Coastguard trailer.

Following objections from Essex County Council Highway Authority the block plan has been amended to accurately show the parking bays, turning area and new access to the internal parking area. Their objections have therefore been removed.

The parking provision is considered acceptable having regard to these standards and the highly sustainable location of the building. No alterations are proposed to the existing access.

Flood Risk

The site lies within Flood Zone 1. The Environment Agency have therefore removed their holding objection originally made on the basis of the site being within Flood Zone 3.

Financial Contributions

The Council's Open Space Team have been consulted on the application as the application falls to be considered against Saved Policy COM6 of the adopted Tendring District Local Plan 2007 and emerging Policy HP5 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

No contribution is being requested at this time. Although there is a current deficit of play and open space in Frinton & Walton it is unlikely that this development would cause a significant impact on the current facilities.

Representations

Frinton and Walton Town Council recommend refusal on the basis that insufficient information has been provided regarding the use of the ground floor. This has been addressed in the main report above.

No other letters of representation have been received.

Conclusion

In the absence of any material harm resulting from the development, 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: Amended Elevations and Floor Plan drawing received 21st January 2019, Drawing No. 130B received 23rd January 2019 and drawing number F02 rev A.

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

- 3 Prior to first occupation of the flat hereby approved, the proposed vehicle parking area indicated on block plan, drawing no. 130B shall be hard surfaced, sealed and marked out in parking bays. The vehicle parking area serving the commercial use and residential dwelling shall be retained in this form at all times.

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

- 4 Each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles.

Reason - To ensure adequate space for parking off the highway is provided in the interest of highway safety.

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 Agent, 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.

Highways Informatives

1. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway to ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety.

2. 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.

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