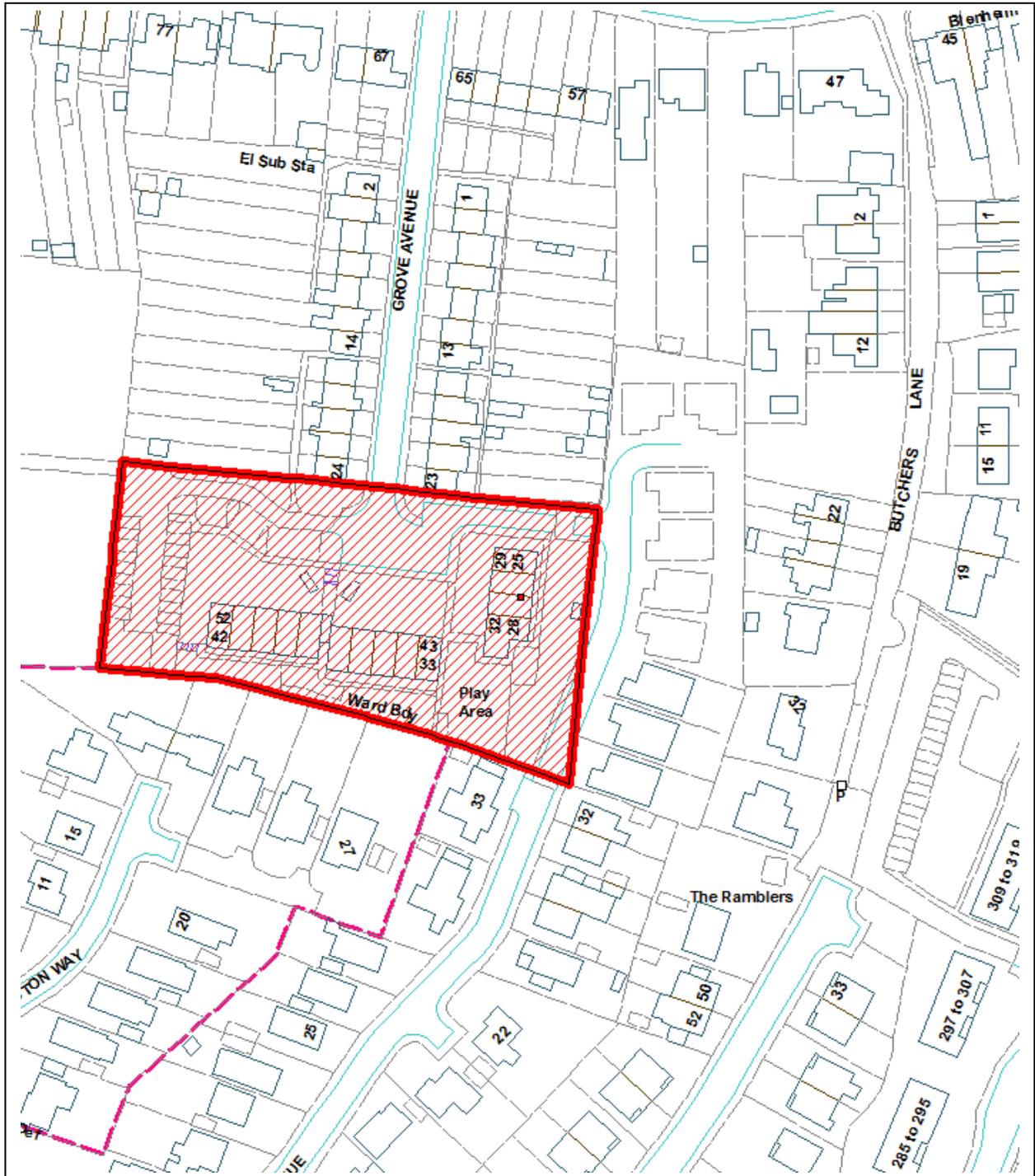


PLANNING COMMITTEE

11 JUNE 2019

REPORT OF THE HEAD OF PLANNING

A.8 PLANNING APPLICATION – 19/00320/FUL – THE GROVE FLATS, GROVE AVENUE, WALTON ON THE NAZE, CO14 8QY



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Application: 19/00320/FUL

Town / Parish: Frinton & Walton Town Council

Applicant: Mr Barry Eldridge - Tendring District Council

Address: The Grove Flats, Grove Avenue, Walton On The Naze, CO14 8QY

Development: Variation of condition 02 of planning permission 17/01790/FUL - To change materials used in construction of garage from brick to render.

1. **Executive Summary**

- 1.1 This application is referred to the Planning Committee as the applicant is Tendring District Council.
- 1.2 The application is purely to amend the use of materials of the proposed garages from brick to render.
- 1.3 The proposal will not result in any material harm to residential amenity and will also result in a slight visual improvement.

Recommendation: Approval

Subject to the conditions stated in section 8.2.

2. **Planning Policy**

The following Local and National Planning Policies are relevant to this planning application.

National Policy

National Planning Policy Framework

National Planning Practice Guidance

Local Plan Policy

Tendring Local Plan 2007

COM4 New Community Facilities (Including Built Sports and Recreation Facilities)

COM21 Light Pollution

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR7 Vehicle Parking at New Development

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

HP5 Open Space, Sports and Recreation Facilities

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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.

3. Relevant Planning History

00/02110/FUL	Proposed improvements to the existing environment by the introduction of new tenant stores, refuse collection points, new designated car parking areas, childrens play area etc.	Approved	15.02.2001
99/00014/FUL	Erection of 3.0m high security fence adjacent garages	Approved	09.02.1999
99/01747/FUL	Refurbishment of elevations to building by the application of epsicon system of externally applied thermal insulation with rendered and textured finish	Approved	27.01.2000
17/00294/FUL	Replace failing existing external balustrades for stainless steel balustrades with glazing panels and replace existing communal entrance with new aluminium doors and windows.	Approved	21.04.2017
17/01790/FUL	Alterations to the external area comprising the replacement of the	Approved	05.01.2018

existing garages, installing a new multi use games area and general alterations to the external courtyard.

4. Consultations

ECC Highways Dept

The Highway Authority does not object to the proposals as submitted.

Informative 1: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

Informative 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.

5. Representations

- 5.1 Frinton and Walton Town Council support the application.
- 5.2 There have been no other letters of representation received.

6. Assessment

Site Context

- 6.1 The application site is The Grove Flats, which are a large three storey block of flats situated to the southern edge of Grove Avenue, within the parish of Walton-on-the-Naze. The building is constructed in render, which is in-keeping with the general material use in the surrounding area.
- 6.2 The surrounding area is urban in character, with numerous residential development to all sides. To the north-west however is an area serving as allotment gardens. The site lies within the Settlement Boundary for Walton-on-the-Naze, as agreed within both the Adopted Tendring Local Plan 2007 and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Planning History

- 6.3 Under planning reference 17/01790/FUL planning permission was granted for the demolition of the existing 18 garages to the west of the site, with the installation of new multi-use games area in its place. Five new garages were also approved to be built to the north-west of the site, whilst there were a number of other general alterations within the site, namely;
 - Two stepped accesses to the courtyard area;
 - Communal garden storage area;
 - Additional parking area for up to two parking spaces that will also create turning for refuse collection;
 - Additional trees and hedging to the south-east of the site amongst the existing play area;

- Communal waste disposal store, enclosed with brickwork wall and bow top fencing;
- Four raised planters;
- Communal planting wall; and
- The planting of five specimen trees.

Proposal

- 6.4 The application seeks planning permission for a variation of condition 2 of previous planning approval 17/01790/FUL, which was granted consent by the Planning Committee. The amendments to that previous permission involve the change of materials for the proposed garages; previously brickwork was approved, and the plans wish to amend this to render.

Visual Impact

- 6.5 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).
- 6.6 The proposed garages are located to the western edge of the site, and will appear relatively prominent given the open nature of the wider Grove Flats development. That notwithstanding, the garages have previously been approved by the Planning Committee, and the proposal purely seeks an amendment to the use of materials from brick to render.
- 6.7 Given that the predominant material use in the surrounding area is render, the change of materials will result in a slightly more in-keeping development that will assimilate well within its surroundings.

Impact to Neighbouring Amenities

- 6.8 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).
- 6.9 The proposal will only result in a change of materials, with the garage having previously been approved, and therefore there will be a neutral impact to existing neighbouring amenities to both residents of Grove Flats and adjacent residential properties to the north-east.

7. Conclusion

- 7.1 Given the minor nature of the proposed works, and that they will result in a small visual improvement to that previously approved under 17/01790/FUL, this application is therefore recommended for approval.

8. Recommendation

8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives.

8.2 Conditions and Reasons

1 The development hereby permitted shall be carried out in accordance with the following approved plans, titled 'Location Plan', 'Site Plan' and 'Proposed MUGA Elevation Plan' of planning permission 17/01790/FUL, and drawing numbers GAEWP2-IW-XX-XX-DR-B-SK4 Revision P3 and GAEWP2-IW-XX-XX-DR-B-SK4A Revision P3 of planning permission 19/00320/FUL.

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

2 No floodlighting or other means of external lighting shall be installed at the site except in accordance with details (to include position, height, aiming points, lighting levels and a polar luminous diagram) which shall have previously been submitted to and agreed in writing by the Local Planning Authority. The lighting shall be retained in accordance with the approved details.

Reason - To secure an orderly and well designed development sympathetic to the character of the area and in the interests of residential amenity.

3 Prior to the first use of any external lighting or floodlighting within the development site, the light source shall be so positioned and shielded, in perpetuity, to ensure that users of the highway are not affected by dazzle and/or glare, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that users of the highway are not subjected to glare and dazzle from lighting within the development in the interest of highway safety.

4 The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

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

5 The Multi-Use Games Area hereby permitted shall not be used for any pre-arranged competitive matches.

Reason - For the avoidance of doubt and due to the fact that no parking facilities are available in this location for vehicles associated with visiting teams.

6 Noise Control -

1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.

2) No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between

08:00 and 18:00 Monday to Friday. 0800-1300 on Saturdays with no working of any kind permitted on Sundays or any Public/Bank Holidays.

3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:1984.

4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).

5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.

6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

Reason - In the interests of protecting existing residential amenities.

7 The floodlights shall at no time be operating between the hours of 21:00 and 08:00.

Reason - In the interests of the protection of existing neighbouring amenities.

8.3 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.

Informative 1: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

Informative 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.

9. Additional Considerations

Public Sector Equality Duty (PSED)

9.1 In making your decision you must have regard to the PSED under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and

C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.

- 9.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.
- 9.3 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 9.4 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

- 9.5 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 9.6 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 9.7 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Finance Implications

- 9.8 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.
- 9.9 The New Homes Bonus (NHB) is one local finance consideration capable of being a material consideration to which the weight given shall be determined by the decision maker. The NHB is a payment to local authorities to match the Council Tax of net new dwellings built, paid by Central Government over six consecutive years. In this instance, it is not considered to have any significant weight attached to it that would outweigh the other considerations.

10. Background Papers

None.

