

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	17/12/19
Planning Development Manager authorisation:	AN	17/12/19
Admin checks / despatch completed	CC	18/12/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	WAE	18/12/19

**Application:** 19/01473/FUL **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Mr Chappell - Lungo Developments Ltd

**Address:** 47 The Parade Walton On The Naze Essex

**Development:** Variation of condition 1 of approved application 18/00768/FUL for minor external alterations include changing the rainwater gutter and downpipe locations, fixing of 22mm gas pipes to the external elevations, the adding of a roof light to the main roof, and gas fired boiler flues penetrating through the external wall.

### 1. Town / Parish Council

Frinton and Walton Town Council      REFUSAL - aesthetically out of keeping with the development.

Unsympathetic in a conservation area.

Detrimental to the street scene.

### 2. Consultation Responses

ECC Highways Dept      From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and condition:

1. Prior to the first use of any external lighting / 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 and in accordance with Policy DM1

The above condition is 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.

### 3. Planning History

02/00887/FUL      Vary previous consent to allow      Approved      02.07.2002

	limited goods for sale to be displayed on forecourt		
02/01137/ADV	Two signs as replacement of existing advertisement.	Refused	31.07.2002
03/02006/LUEX	Restaurant and take away	Withdrawn	21.11.2006
04/00008/FUL	Balcony extension and forecourt windbreak.	Approved	05.05.2004
06/00738/FUL	Replace existing restaurant and 2 flats with 10 No. flats.		20.11.2006
06/01117/CON	Demolition of restaurant and flats.	Approved	31.08.2006
08/00897/FUL	Erection of building to form 11 no. apartments.	Withdrawn	26.08.2008
08/01227/FUL	Erection of building to form 11 no. apartments, as amended by revised drawings received on 27th February & 10 March 2009.	Refused	27.03.2009
12/01114/FUL	Proposed erection of 11 apartments (extension of time allowed on planning permission 08/01227/FUL (TDC Appeal Reference 09/00055/REFUSE).	Approved	12.02.2013
15/01846/DISCON	Discharge of Condition 2 (materials), 3 (cycle parking) and 4 (hard landscaping) of planning permission 12/01114/FUL.	Approved	01.02.2016
18/00768/FUL	Variation of condition 7 of approved application 12/01114/FUL, to provide new drawings to change some internal and external details of the construction.	Approved	11.10.2018

#### 4. **Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

COM1 Access for All

COM2 Community Safety

COM6 Provision of Recreational Open Space for New Residential Development

COM21 Light Pollution

COM23 General Pollution

COM31 Water Supply

EN13 Sustainable Drainage Systems

EN17 Conservation Areas

EN23 Development within the Proximity of a Listed Building

ER3 Protection of Employment Land

ER31 Town Centre Hierarchy and Uses

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

TR5 Provision for Cycling

TR7 Vehicle Parking at New Development

TR8 Public Car Parking

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

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PP5 Town Centre Uses

PPL5 Water Conservation, Drainage and Sewerage

PPL8 Conservation Areas

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 (2019) 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 supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

## **5. Officer Appraisal**

### **Site Description**

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

The surrounding area is largely urban in character with a range of commercial and residential properties. The site falls within the Settlement Development Boundary for Walton-on-the-Naze

within the Saved Tendring District Local Plan (2007) and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

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

### History

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

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

Under planning reference 18/00768/FUL, planning permission was granted for the variation of condition 7 of planning permission 12/01114/FUL. The following changes were approved:

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

### Description of Proposal

This application seeks planning permission for the variation of condition 1 of planning permission 18/00768/FUL. The following changes will occur as a result:

- Installation of 22mm gas pipes to the rear elevation, which are to be finished with K-rend render;
- One additional roof light;
- Additional rainwater gutter and downpipe; and
- Two hoppers to the front elevation.

### Assessment

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 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).

Policy EN17 of the Adopted Local Plan states that development within a Conservation Area must preserve or enhance the character or appearance of the Conservation Area. The sentiments of this policy are carried forward within Policy PPL8 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Policy EN23 of the Adopted Local Plan states that development 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 Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

A number of amendments are proposed, however the majority of which are minor changes to that previously considered acceptable under planning permission 18/00768/FUL. The roof light will not be visible, while the hoppers, rainwater goods and downpipes are not particularly prominent, and would be expected of such a development.

With regards to the gas pipes, the initial plans showed them to be uncovered. Despite being sited to the rear of the development, this elevation is particularly prominent, and as such this would have been unwelcomed. However the agent for the application submitted amended plans which showed them to be covered with rendered hardiboard. This significantly reduces its prominence and therefore is considered to be acceptable.

It is acknowledged there are a number of listed buildings to the north and south-west of the site, however given the minor nature of the changes they will result in a neutral impact to the setting of these buildings.

While there are neighbouring properties in the immediate vicinity, particularly to the south-west, the changes will result in a neutral impact to their existing amenities.

#### Other Considerations

Frinton and Walton Town Council recommend refusal as the proposal is aesthetically out of keeping, unsympathetic in a conservation area, and detrimental to the street scene.

In answer to this, these issues have been addressed within the main body of the report above.

There have been no other letters of representation received.

#### **6. Recommendation**

Approval.

#### **7. Conditions**

- 1 The development hereby permitted shall not be carried out except in complete accordance with the details shown below.  
19/01473/FUL:

Drawing numbers 2019-17-05 Revision A, 2019-17-04 Revision B, 2019-17-03 Revision C, 2019-17-02 Revision D, and 2019-17-01 Revision D.

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

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

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

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

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

- 4 All hard landscaping works, including means of enclosure, pedestrian access, circulation areas and hard surfacing materials, shall be in accordance with the details as approved

under planning reference 15/01846/DISCON, unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

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

Reason - To preserve the privacy of the neighbouring residents.

## **8. Informatives**

### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by 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.