

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	20/01/2020
Planning Development Manager authorisation:	TF	20/01/2020
Admin checks / despatch completed	CC	22/01/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	Kne	22/01/2020

**Application:** 19/01812/FUL **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Mr J Strachan

**Address:** Former Four Oaks Green Lane Walton On The Naze

**Development:** Proposed 3 bay garage block.

### 1. Town / Parish Council

Frinton and Walton Town Council      APPROVAL

### 2. Consultation Responses

Essex County Council Heritage      The application is for proposed 3 bay garage block.

The heritage asset relevant to this application is the grade II listed Old Lifeboat House (List Entry ID: 1455213).

I do not support this application. The 1890s Ordnance Survey below shows the Old Lifeboat House has been subject to change. The proposal will result in the complete enclosure of the building, with exception of the south east elevation, which will detract from the manner in which the heritage asset is experienced and appreciated. The garage will be constructed in close proximity to the listed building which will cumulatively add to the previous harmful enclosure of built form (which was approved prior to the 2018 listing of the structure). This harm is considered to be less than substantial and as such paragraph 196 of the NPPF is relevant. This harm should also be considered with regard to paragraph 193 of the NPPF.

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

### 3. Planning History

08/01509/FUL	Erection of 11 No. residential units (existing 2 no. dwellings and garages to be demolished); erection of cycle / bin store and associated parking and turning areas; and alterations to existing vehicular and pedestrian access.	Withdrawn	05.02.2009
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12/00498/FUL	Erection of 8 dwellings.	Refused	09.07.2012
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12/01001/FUL	Erection of 6 dwellings and detached garage building.	Approved	15.01.2014
14/01037/DISCON	Discharge of Condition 10 (mitigation strategy) and Condition 11 (bat survey) of approved planning permission 12/01001/FUL.	Approved	28.08.2014
15/00965/FUL	Erection of 4 new dwellings (incorporating the variation of design and layout of plots 4-6 under planning permission 12/01001/FUL with associated works and one new dwelling).	Approved	05.08.2015
16/02029/DISCON	Discharge of conditions 3 (Materials), 4 (Landscaping), 6 (Details of pretection for trees), 8 (Walls and Fences), 12 (Water, energy and resource), 20 (Bin and Refuse area), 22 (Construction method statement) and 24 (Screen) of approved planning application 12/01001/FUL.	Approved	24.01.2017
17/02205/DISCON	Discharge of conditions 2 (External materials), 3 (Landscaping), 6 (Fencing / Walls), 14 (Bin store), 15 (Construction Method Statement) and 18 (Balcony screening) of approved Planning Application 15/00965/FUL.	Approved	30.01.2018
19/01812/FUL	Proposed 3 bay garage block.	Current	

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

NPPF National Planning Policy Framework February 2019

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

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

EN23 Development Within the Proximity of a Listed Building

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

SPL3 Sustainable Design

PPL9 Listed Buildings

### **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.

## **5. Officer Appraisal (including Site Description and Proposal)**

### **Site Description**

The application site is located within the defined settlement limits of Walton. The site extends from Green Lane southwards towards the sea front. The site is outside the flood risk area. The character of the area is predominantly residential, although the Old Lifeboat House is situated immediately to the south-east and is now a museum which is Grade II listed.

The site is under re-development comprising of the construction of 4 town houses facing the coast and 3 dwellings addressing Green Lane to the north.

### **Proposal**

This application proposes the construction of a 3 bay garage to serve the 4 town houses to the south-east. The 3 bay garage replaces a larger 4 bay garage previously approved and is situated directly to the rear of the Old Lifeboat House.

The garage would measure 9.25m x 6m and 4.3m to ridge height.

### **Appraisal**

#### **Visual/Heritage Impact**

The garage would be set centrally within the site between the proposed houses fronting Green Lane and recently completed town houses fronting the coast. Consequently, in views from public

vantage points the garage would be largely screened from view. The garage would be seen in views along a private access track to the west but it would be viewed against the backdrop of the proposed development and therefore not overly dominant.

From a heritage perspective ECC-Place Services have been consulted due to the siting of the garage adjacent to the recently listed Old Lifeboat House. ECC-Place Services have confirmed that they do not support the application as the proposal would result in the enclosure of the building and therefore would detract from the manner in which the heritage asset is experienced and appreciated.

However, it must be noted that a 2015 permission, which has been implemented through the construction of the town houses, approved a larger 4 bay garage prior to the listing of the Old Lifeboat House. This garage could be constructed at any time and although would be situated more north-easterly position than the garage now proposed, it would cause the harm to the heritage asset as identified by ECC-Place Services. Moreover, its siting would be more intrusive as it would completely block views of the rear of the Old Lifeboat House from within the site due to its forward position and larger footprint.

The presence of an implemented permission for a larger garage block forms a key material planning consideration. The proposal now is considered to cause less harm to the heritage asset than the fall-back position as a result of its smaller footprint, lower ridge height and set back siting. Consequently, the proposed garage is considered to represent an enhancement of the setting of the listed building when compared to what could be constructed under the implemented permission.

Precise details of the materials to be used in the construction of the garage will be sought via condition.

#### Residential Amenity

The garage would be situated adjacent to garaging to the south-west retaining a good degree of separation to no. 4 Coastguard Cottages to the south and no. 48 to the north. The single storey nature of the garage also ensures that any impact upon the neighbours in respect of outlook/light received would be minimal.

#### Highway

ECC-Highways have no objections to the garage building and its siting. The proposal would not affect parking provision for the town houses as the previously approved scheme showed frontage parking and garaging. The frontage parking serving the town houses remains unaffected by this proposal.

#### Other Considerations

Frinton & Walton Town Council recommends approval. No letters of representation have been received.

### **6. Recommendation**

Approval

### **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 No development shall be commenced until precise details of the manufacturer and types and colours of the 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.

Reason - To ensure the garage building is constructed from materials sympathetic to the character and appearance of the area.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan (1:1250 Scale), 17.1623.61B and 17.1623.62B.

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

## 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.

<b>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</b>	YES	NO
<b>Are there any third parties to be informed of the decision? If so, please specify:</b>	YES	NO