

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	12/08/2020
Planning Development Manager authorisation:	TF	13/08/2020
Admin checks / despatch completed	CC	14/08/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	14/08/2020

Application: 20/00789/FUL **Town / Parish:** Frinton & Walton Town Council
Applicant: Mr & Mrs James Mountain
Address: 39 Second Avenue Frinton On Sea Essex
Development: Proposed rear terrace, swimming pool and pool pump room.

1. Town / Parish Council

No comments received.

2. Consultation Responses

Tree & Landscape Officer
23.07.2020

The rear garden of the application site is well populated with trees and shrubs however as they are screened from view by the host dwelling they make little contribution to the appearance on the conservation area.

Several of the trees have been previously identified for removal under an earlier application for works to trees in a conservation area. This work is part of a scheme to renovate and restore the garden.

The creation of a swimming pool and associated works to the raised patio will not result in harm to any important trees on the land.

There will be little, if any, public benefit to be gained by securing new soft landscaping as part of any planning permission that may be granted.

Tree & Landscape Officer
05.08.2020

Notwithstanding previous comments:

The applicant has provided a detailed planting scheme for the southern boundary of the rear garden that will help to screen the swimming pool from view from the adjacent property.

Essex County Council
Heritage
16.07.2020

The application is for proposed rear terrace, swimming pool and pool pump room.

I do not have any objection to this application. However, the information provided is very high level and contains no as existing drawings. The applicant should be required to confirm that no elements of the scheme will be visible from Second Avenue, or the public realm, in the conservation area. It has also been assumed there is no physical impact on the building which should be confirmed.

This has been assessed as a rear garden landscaping scheme with a pool and small pumphouse and on this basis it is not considered to have any impact on the character and appearance of the Conservation Area.

3. Planning History

11/00127/TCA	1 No. conifer - reduce overhang to No. 35 by 6-8 ft.	Approved	28.02.2011
11/00354/TCA	2 No. Trees (unknown species) - rear garden - fell	Approved	19.04.2011
15/01378/TCA	1 No. Cedar - fell	Approved	06.10.2015
15/01483/TCA	1 Pine, 2 Macrocarpa, 1 Cedar(Larch), 2 Cryptomaria - fell	Approved	27.10.2015
18/01853/FUL	Alterations and additions, incorporating: enlargement of the garage to create annexe accommodation, alterations to the side porch, single storey rear extension with roof lights, and loft conversion with front dormer windows.	Approved	11.01.2019
19/01592/TCA	Rear garden - 3 No. Pine, 3 No. Sycamore, 2 No. Prunus nigra, 1 No. Pittosporum, and various large shrubs and Conifers - REMOVE. Front garden - 7 No. Conifer, 2 No. Elaedunus and Leylandii hedge - REMOVE.	Approved	18.11.2019
20/00789/FUL	Proposed rear terrace, swimming pool and pool pump room.	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

EN17 Conservation Areas

FW5 'The Avenues' Area of Special Character

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

SPL3	Sustainable Design
PPL8	Conservation Areas
PPL11	The Avenues Area of Special Character, Frinton-On-Sea

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, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities 'Garden Communities' proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector's advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. 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

Proposal

The application proposes a rear terrace, swimming pool and pump room in the rear garden of the detached house of 39 Second Avenue which is located within the Frinton on Sea Conservation Area, the settlement development boundary and Avenues of Special Character.

Design and Appearance

The proposal takes in the full width of the back garden and 20 metres in depth from the rear elevation of the house. This section of garden currently consists of a flagstone paved patio area immediately to the rear of the house stepping down about 1 metre to further paving, the depth of which totals approximately 6.9 metres. The proposal seeks to create a large upper terrace at the same level as the existing flagstone patio for a maximum depth of 7.5 metres, held by a 1.25 metre high retaining wall. A new lower terrace will be created. This part of the garden is currently made up of a sloping grass area and a band of small trees and shrubs running almost the width of the garden. The trees and shrubs will be removed and here the ground will be levelled for further

paving, inclusion of the swimming pool and planting surrounding the pool. A retaining wall of just over 1 metre in height will border this area. To the southern and western sides of this retaining wall the ground levels remain as existing. On the northern boundary a small pump room building will be constructed of brick with a flat roof measuring 1.86 metres in height, 2.6 metres in depth and 2.6 metres in width. This small building on its own would not normally require planning permission as it falls under permitted development however it is being considered as part of this wider application.

The rear garden cannot be clearly seen from Second Avenue and therefore there would be no significant impact to the street scene caused by the proposal. Although new terraces are being created which level parts of the garden nearer to the house, on the whole the existing levels of the garden have been respected and the descent to the bottom of the garden remains largely the same ensuring that the design and scale of the proposal are acceptable and would result in no material harm to visual amenity.

Impact upon residential amenity

Due to the respect given during the design process for the existing ground levels there will be no significant impact to any neighbours in terms of loss of light, loss of privacy or outlook. Some of the trees in the back garden have been approved for removal following an application in late 2019. Some of these trees did offer screening from and to neighbouring properties and a scheme of replacement planting is proposed. The replacement planting may not offer the screening that was offered by the mature trees however given the existing levels of the garden have been respected in the design of the proposal it is not considered that there will be a significant impact to any neighbouring properties that justify a reason for refusal. The garage located on the southern boundary which has been recently extended offers an element of screening and a divide between the properties of 39 and 35 Second Avenue.

The proposal will not impact the existing off road car parking at the property.

Heritage

Due to the application site being located within the Frinton and Walton Conservation Area and the Avenues Area of Special Character the applicant has submitted a heritage statement in order to justify that the proposal will enhance and preserve the surrounding area. The Conservation area appraisal describes the Avenues area as follows: *'The houses are generally detached, with inventive massing and a wealth of attractive details carried out in the finest materials. They are set in spacious gardens with designed frontages.....often surmounted by hedges. Mature planting completes this relaxed residential environment. As residential properties, these houses are highly susceptible to change to reflect lifestyles or fashions. Their most important characteristics are, in general, asymmetrical plans and elevations; large, spreading and uninterrupted roofslopes; chimneys; combinations of facing materials; and the use of inventive detail. The streets themselves are wide and spacious, and generally straight, with some street trees though nothing consistent or particularly mature.'*

Due to the location of the application site within the conservation area, Essex County Council Place Services have been consulted for heritage advice. Place Services confirm that the rear garden landscaping scheme with a pool and small pump house is not considered to have any impact on the character and appearance of the Conservation Area.

Other Considerations

The Tree and Landscape Officer has confirmed that the creation of a swimming pool and associated works to the raised patio will not result in harm to any important trees on the land and although the rear garden is well populated with trees and shrubs however as they are screened from view by the host dwelling they make little contribution to the appearance on the conservation area.

There have been three objections to the proposals which raise the following concerns:

1. There are not sufficient plans to describe the proposal
2. Noise levels and disturbance relating to the use of the pool and garden
3. Noise level relating to buildings works and commercial vehicle parking
4. Noise and vibrations from the pool pump
5. Loss of privacy following removal of the trees and insufficient planting on the southern boundary
6. Proposal close to side boundaries, the pool and terrace is disproportionately large and out of proportion with the garden
7. No benefit of swimming pool to the residents or neighbours
8. Ground stability and drainage

In response to point 1. additional information was submitted to further explain the proposal.

In response to points 2, 3 and 4, it is recognised that 39 Second Avenue is a residential dwelling and its use will continue as such. Any noise emanating from the property and garden is expected to be consistent with normal residential noise levels. The building and construction works along with the likely on road parking during the construction phase is not considered to require management through planning conditions due to the short term and minor nature of works in the grounds of a residential dwelling. The pump for the pool will be located at a lower level in the garden housed within a building that will help lessen any noise that may be emitted from the pump. In addition the outbuilding is sited a distance of approximately 16.5 metres away from 39 Second Avenue meaning the distance from neighbouring dwellings is further increased. It must be noted that this is a pump for a pool for residential use.

Points 5 and 6 have been addressed in the report.

Points 7 and 8 are not planning considerations.

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: Drawing No. SK.POOL.01.RevA, untitled drawing showing part southern and western boundary planting schedule received 24th July 2020 and Heritage, Design and Access Statement.

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.

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