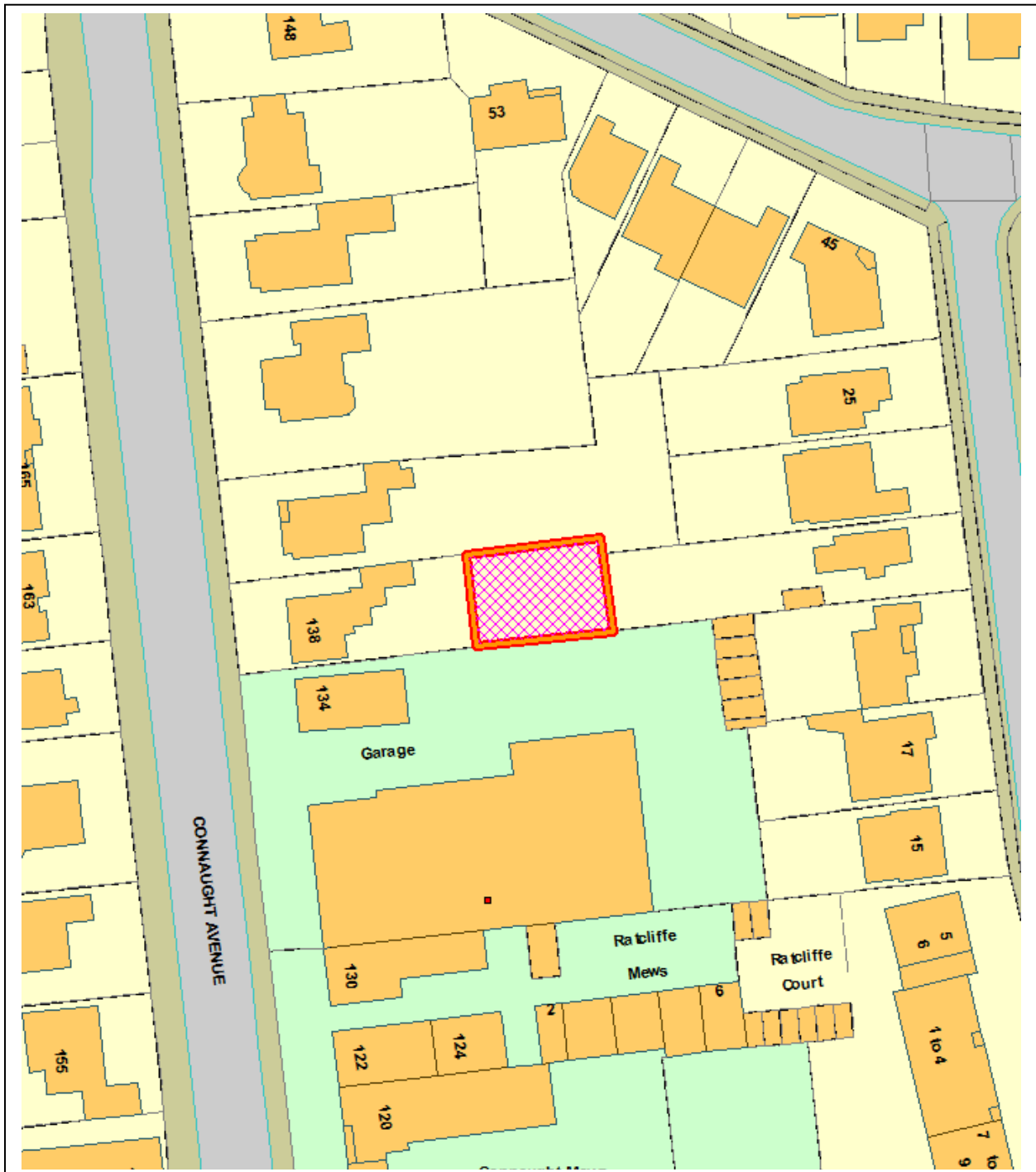


PLANNING COMMITTEE

19 APRIL 2017

REPORT OF THE HEAD OF PLANNING

A.5 PLANNING APPLICATION – 16/02031/FUL - LAND REAR OF 138 CONNAUGHT AVENUE, IN ASSOCIATION TO THE BUSINESS CARRIED OUT AT 132 CONNAUGHT AVENUE, FRINTON-ON-SEA, CO13 9AD



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Application:	16/02031/FUL	Town / Parish: Frinton and Walton Town Council
Applicant:	Mrs Samantha Murray	
Address:	Land Rear Of 138 Connaught Avenue, In Association To The Business Carried Out At 132 Connaught Avenue, Frinton-On-Sea, CO13 9AD	
Development:	Change of use of part of rear garden at adjoining residential property for additional 8 parking spaces	

1. Executive Summary

- 1.1 This application is referred to Planning Committee by Councillor Turner on the grounds that the proposal will create a negative impact to the Frinton Conservation Area and harm its character and appearance.
- 1.2 The application is to change the use of part of the rear garden at the adjoining residential property, Number 138 Connaught Avenue, for an additional eight car parking spaces for Pollendines Ford, who reside at Number 132 Connaught Avenue.
- 1.3 The proposal will not result in any material harm to visual or residential amenity, or highway safety and will preserve the character and appearance of the Frinton Conservation Area.

Recommendation: Approval

Conditions:

1. Time Limit
2. Approved plans
3. Use for parking only, no stacking or storage of materials is permitted

2. Planning Policy

National Policy:

National Planning Policy Framework

National Planning Practice Guidance

Local Plan Policy:

Tendring Local Plan 2007

EN17 Conservation Areas

HG9 Private Amenity Space

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016)

CP1 Sustainable Transport and Accessibility

PPL8 Conservation Areas

SPL3 Sustainable Design

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 216 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 14th July 2016, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document. As this plan is currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. 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 216 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

92/00212/FUL	Extension to form cleaning bay (part renewal of permission TEN/1466/86)	Refused	12.05.1992
99/00451/ADV	Illuminated totem sign	Refused	09.06.1999
91/00029/FUL	Variation of Condition 3 attached to planning permission TEN/293/88 and Condition 2 attached to planning permission TEN/1704/88.	Refused	12.03.1991
07/02055/ADV	Sign A; Internally illuminated 5m pole; Sign B; Single sided internally illuminated sign; Sign C; Internally illuminated oval Ford sign; Sign D Internally illuminated fascia with dealer name clip; Sign E; Oval Ford sign.	Approved	16.04.2008

4. Consultations

ECC Highways Dept

The Highway Authority has assessed the details of this application and does not wish to submit formal comments

Tree & Landscape Officer

The application proposing the change of use of land currently forming part of the rear garden of 138 Connaught Avenue to a car park associated with the adjacent car sales business would result in the removal of 5 small trees that are situated immediately adjacent to the existing fence separating the car park and the garden.

Four of the trees are Prunus species (Purple Leaved Plums) and have been regularly pruned to control them at a size proportionate to their location. The fifth tree is a Bay that is set back furthest from the highway. At the present time the trees have a collective softening effect on the character of the conservation area. However the contribution that they make to the amenities of the locality is only moderate as they are viewed against a 'back-drop' of another Prunus and Monterey Cypress situated in the rear gardens of adjacent properties. If the trees were to be removed, to facilitate the development proposal the viewer would still be enjoy views of the remaining trees.

In terms of the degree to which the trees can be seen and enjoyed by the general public this is realistically restricted to pedestrians moving northwards along Connaught Avenue for a 50m stretch of the footway where unrestricted views of the trees are available. When travelling southwards the trees are not be in the line of vision of pedestrians and from other point's views of the trees are obstructed by existing buildings.

Whilst it should be recognised that the development proposal will neither conserve or enhance the conservation area the removal of the trees will not have a significant detrimental impact on the local environment or its enjoyment by the public. Therefore the trees do not merit protection by means of a tree preservation order.

5. Representations

5.1 Frinton and Walton Town Council has objected to the application on the grounds that the proposal does not adhere to Policy EN17 of the Tendring Local Plan, will result in a reduction to open garden space and has concerns regarding noise and air pollution in a predominantly residential area.

5.2 There have been four letters of objection received. The points raised are summarised below:

- Concerns that there will be further similar applications;
- Impacts as a result of the loss of trees;
- Flooding issues;
- Concerns the proposal will result in more than eight parking spaces;
- Loss of property value;
- Security concerns;
- Harm the character and appearance of Frinton Conservation Area
- Potential dangers to health from exhaust emissions; and

- Impacts to wildlife, namely hedgehogs.

5.3 There has been one letter of support received.

6. Assessment

6.1 The main planning considerations are:

- Principle of Development
- Visual impact
- Impact to Conservation Area
- Residential amenities
- Highways
- Trees

Principle of Development

6.2 Paragraph 18 of The NPPF states the government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

6.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act imposes a statutory duty on the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

6.4 One of the core principles of the NPPF, as highlighted within Paragraph 17, is to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

6.5 When taking this into consideration, the existing business is well established within the local area and is seeking to expand, whilst the particular site is not designated for any particular use. Therefore the expansion of the car park is not unacceptable in principle, subject to the detailed consideration below.

Visual Impact

6.6 The proposed works are situated to the rear of 138 Connaught Avenue and as such will not be publically visible, thereby resulting in a neutral impact to the existing street scene.

6.7 Whilst the proposal will result in the part loss of existing garden amenity area, to be replaced by an area of hardstanding, the works are relatively minor whilst the rear garden of Number 138 Connaught Avenue will retain approximately 135 square metres of private amenity space, thereby exceeding the required amount of 100 square metres, as per Saved Policy HG9 of the Tendring Local Plan.

Impact on Frinton Conservation Area

6.8 The section furthest west of the application site, to the rear end of the existing garden, lies within the Frinton Conservation Area, whilst the remaining area falls adjacent to it.

- 6.9 The proposal will not be publically visible due to its location surrounded by the existing garage and neighbouring rear gardens. It will therefore preserve the character and appearance of the Frinton Conservation Area.

Impact to Neighbouring Amenities

- 6.10 The proposal site is adjacent to various residential dwellings, namely Numbers 138 and 140 Connaught Avenue and 21 Old Parsonage Way, and the impact to their existing amenities forms a key consideration of this application.
- 6.11 Given the use proposed as a flat parking area, the visual impact from ground level will be negligible. Views from first floor windows of neighbouring dwellings are likely to be affected, however not to such an extent as to justify refusing planning permission.
- 6.12 With respect to any potential noise as a result of the proposal, it will likely result in some additional levels to that existing, however given the background noise levels from Connaught Avenue, the harm would not be to an extent to justify refusing planning permission.

Highways

- 6.13 Essex County Council Highways Authority have been consulted and have stated that they have assessed the details of the application and do not wish to submit any formal comments.

Trees

- 6.14 The proposal will result in the removal of five small trees situated immediately adjacent to the existing fence separating the car park and the garden which create a collective softening on the character of the Conservation Area.
- 6.15 However, the contribution they make to the amenities of the locality is only moderate as they are viewed against a back drop of another Prunus and Monterey Cypress situated in the rear gardens of adjacent properties, and pedestrian views from Connaught Avenue are restricted to a 50 metre stretch of footway.
- 6.16 The removal of the trees will therefore not result in a significantly detrimental impact on the local environment, and the trees therefore do not merit protection by means of a Tree Preservation Order.

Background Papers

None.