



AGENT: Chris Morris Design Ltd
Bentley House
Forge Lane
Great Bentley
Colchester
Essex CO7 8GD

APPLICANT: M and M Realty Ltd
152A Connaught Avenue
Frinton On Sea
Essex
CO13 9NE

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 23/01599/FUL

DATE REGISTERED: 27th November 2023

Proposed Development and Location of Land:

**Erection of two storey detached building to form four flats.
152 Connaught Avenue Frinton On Sea Essex CO13 9NE**

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **HEREBY REFUSE PLANNING PERMISSION** in accordance with the application form, supporting documents and plans submitted for the following reason(s)

- 1 Paragraph 131 of the National Planning Policy Framework states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Policy SP7 states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Policy SPL3 seeks to provide new development which is well designed and maintains or enhances local character and distinctiveness.

The Local Planning Authority has a statutory duty to preserve or enhance the character and appearance of Frinton and Walton Conservation Area under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Paragraph 208 of the National Planning Policy Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Paragraph 212 of the National Planning Policy Framework confirms that local planning authorities should look for opportunities for new development within Conservation Areas...and within the setting of heritage assets, to enhance or better reveal their significance.

Policy PPL8 seeks to ensure that any new development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area, especially in terms of any important views into, out of, or within the Conservation Area.

The proposed development will introduce a new two storey detached building to form four flats in the existing garden and part of the existing car park serving 152 Connaught Avenue. The proposed building has a deep plan in order to accommodate four flats which leads to the front elevation being close to the highway and requires the removal of a large section of the established hedgerow and existing timber picket fence which are prominent features of the area around the station and level crossing, thereby having a negative impact on the character of the Conservation Area. The large foot print occupies most of the existing garden resulting in the loss of a large portion of private green space which is an important feature of this 'gateway' to the commercial centre of the Conservation Area. As such the development would neither preserve or enhance this section of the Conservation Area and adversely impact upon its special character and appearance, contrary to the aims and objectives of the aforementioned local and national planning policies.

Therefore, it is considered that the proposal would result in less than substantial harm to the significance of the conservation area according to Paragraph 208 of the National Planning Policy Framework and there are no overriding public benefits that outweigh the identified harm in this case.

- 2 Policy SPL3 Part B Practical Requirements states that provision is made for adequate private amenity space, waste storage and recycling facilities, vehicle and cycle parking. Policy LP4 expects the design and layout of new residential to provide for private amenity space of a size and configuration that meets the needs and expectations of residents and which is commensurate to the size of dwelling and the character of the area.

The Essex Design Guide requires that every home should have the benefit of some individual private or communal private amenity space. The guide goes on to say that poorly-designed areas of grass to the rear of blocks of flats are no longer an acceptable way of providing communal gardens and should rather be of sufficient size to be usable and inviting; be secure and private; well-designed and integral to the character of the development; and equipped with secure and convenient cycle storage.

Two grassed areas are proposed within the site, one lies immediately to the north of the proposed building and enclosed on the northern and western edges by hedging that offers screening from the railway and Connaught Avenue and is not considered a suitable area for amenity space, as it will not benefit from sunlight for most of the day as a result of the two storey proposed building. The other area is on the eastern side of the application site between parking spaces and is also not considered suitable given its size and location within the site. Neither area is usable or inviting, well-designed and integral to the character of the development or equipped with secure and convenient cycle storage and with no space for the storage of refuse and recycling and is therefore contrary to Policies SPL3 and LP4 of the Local Plan and the Essex Design Guide.

- 3 The proposed car park forms part of an existing shared use facility and parking standards must be looked at for all uses and the appropriate amounts supplied. In this case it has not been demonstrated that appropriate parking standards have been applied for each use and the Council cannot be certain that sufficient parking is provided for the shared uses and is therefore contrary to the Essex County Council Car Parking Standards - Design and Good Practice and Policy SPL3 of the Local Plan.

DATED: 10th May 2024**SIGNED:**


 John Pateman-Gee
 Head of Planning and Building Control
IMPORTANT INFORMATION :-

The local planning authority considers that the following policies and proposals in the development plan are relevant to the above decision:

National:

National Planning Policy Framework December 2023 (NPPF)
 National Planning Practice Guidance (NPPG)

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 (adopted January 2021)

- SP1 Presumption in Favour of Sustainable Development
- SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
- SP4 Meeting Housing Needs
- SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design
- HP5 Open Space, Sports and Recreation Facilities
- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- PPL4 Biodiversity and Geodiversity
- PPL5 Water Conservation, Drainage and Sewerage
- PPL8 Conservation Areas
- PPL10 Renewable Energy Generation and Energy efficiency Measures
- CP1 Sustainable Transport and Accessibility
- CP2 Improving the Transport Network
- CP3 Improving the Telecommunications Network
- DI1 Infrastructure Delivery and Impact Mitigation

Supplementary Planning Documents

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)
 Tendring Provision of Recreational Open Space for New Development SPD 2008
 Essex Design Guide
 Technical housing standards: nationally described space standard Published 27 March 2015
 Biodiversity Net Gain Supplementary Planning Document June 2023 (DRAFT)
 Frinton and Walton Conservation Area Character Appraisal and Management Plan April 2022

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Plans and Supporting Documents

The Local Planning Authority has resolved to refuse the application for the reason(s) set out above. For clarity, the refusal is based upon the consideration of the plans and supporting documents accompanying the application as follows, (accounting for any updated or amended documents):

Drg. no. 152/CAF/23/1

Drg. no. 152/CAF/23/2

Drg. no. 152/CAF/23/3

Heritage Statement for a new residential block dated October 2023

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

The attached notes explain the rights of appeal.

NOTES FOR GUIDANCE

WHEN PLANNING PERMISSION IS REFUSED OR GRANTED SUBJECT TO CONDITIONS

APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within the set time frame as outlined below:
 - a. If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Householder Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - b. If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Planning Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - c. If you want to appeal against your local planning authority's decision on a development which is not caught by a. and b. above then you must do so within **6 months** of the date of this notice. A **Planning Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
- Appeals must be made using the relevant form (as detailed above) which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>. **Please note, only the applicant possesses the right of appeal.**
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted permission for the proposed development or could not have granted it without the conditions imposed having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

ENFORCEMENT

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder or minor commercial appeal) of the date of this notice, whichever period expires earlier.