

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	AP	08/05/2024
Team Leader authorisation / sign off:	ML	10/05/2024
Assistant Planner final checks and despatch:	ER	10/05/2024

Application: 23/01599/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: M and M Realty Ltd

Address: 152 Connaught Avenue Frinton On Sea Essex

Development: Erection of two storey detached building to form four flats.

1. Town / Parish Council

Frinton and Walton Town Council Recommend refusal on the grounds that it is not in keeping with the street scene and fails to meet the obligations set out within the National Planning Policy Framework 126, 197 and 202.

2. Consultation Responses

ECC Highways Dept
19.03.2024

The information that was submitted in association with the application has been fully considered by the Highway Authority. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material and google earth image.

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following requirements;

1. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

2. Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

The above conditions are 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:

i. 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.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

ii. On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

iii. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

UU Open Spaces
06.12.2023

Public Realm Assessment

Play Space - current deficit:

- Deficit of 14.61 hectares of equipped play in Frinton, Walton & Kirby

Formal Play - current deficit:

- Adequate formal open space in the area to cope with some future development

Settlement provision:

- Park Playing Fields 0.5 miles from the development

Officer Conclusions and Recommendations

Contribution necessary, related, and reasonable?
to comply with CIL Regs*

- The current facilities are adequate to cope with some additional development.

- No contribution is being requested on this occasion

Essex County Council
Heritage
28.12.2023

The application is for erection of two storey detached building to form four flats.

The proposal site is within the boundaries of the Frinton and Walton Conservation Area. The north of the Conservation Area is bounded by the railway line, which acts as a gateway. Connaught Avenue here is lined on each side with trees and gardens bounded by white picket fences topped with hedgerows and shrubs. The site faces the well maintained gardens at Crossing Cottage. All these features contribute to the verdant character of the area and provide a pleasant

gateway to the Conservation Area. The corner building at 152 Connaught Avenue is a later addition however it positively contributes to the character and appearance of the Conservation Area to the views from the south end of Connaught Avenue towards the prominent space at the junction with Station Approach and Pole Barn Lane.

I am generally unopposed to the introduction of a new residential building of small scale and sympathetic design in this location, providing that the verdant character of this part of the Conservation Area is retained.

The proposed development uses traditional roof layout, height and proportions which respond to the other properties along Connaught Avenue and Pole Barn Lane and the use of traditional materials and fenestration is also overall considered to be in keeping with the local character.

It has however a large footprint which occupies most of the existing garden and would result 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. The negative impact of the proposal on the verdant character of the Conservation Area would also be exacerbated by the loss of part of the existing front hedge and trees and the extensive hardstanding required to provide sufficient parking spaces.

The existing white picket fence is also a prominent feature of the area around the station and level crossing and should be retained or replaced on a like for like basis.

There might be the potential here for a residential development of this site on a smaller scale than the proposal, however, in this current form, the proposed development is not considered to preserve the character and appearance of the Conservation Area, making Paragraph 208 of the NPPF (December 2023) relevant. As such the local planning authority should weigh this harm against any public benefits of the proposal including, where appropriate, securing its optimum viable use

Tree & Landscape Officer
18.12.2023

The site boundary is demarcated by an established hedge comprising of one plant species, Privet. There are no trees or other significant vegetation in the main body of the application site as an established hedge, in the centre of the site, has been recently removed. The removal of hedges does not fall under conservation area controls.

At the present time the existing Privet hedge, on the boundary with Connaught Avenue and the adjacent railway track has a pleasant softening effect on the character and appearance of the conservation area. This hedge, also, does not fall within the scope of conservation area controls.

Nevertheless, it would be desirable to retain the hedge for its screening and softening benefits and to and replace sections, where practical, if it were necessary to remove parts of the hedge to implement the proposed development.

Should planning permission be likely to be granted then details of soft landscaping should be secured by a planning condition. Soft

landscaping should aim to soften, screen and enhance the appearance of the development.

Environmental Protection
08.01.2024

With reference to the above application, please see below for comments from the EP Team:

Demolition & Construction: The applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Pollution and Environmental Control.

Noise Control

1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.

2) No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00(except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.

3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228.

4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).

5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents. 6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

Emission Control

1) All waste arising from the demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

2) No materials produced as a result of the site development or clearance shall be burned on site.

3) All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.

4) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

REASON: Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

3. **Planning History**

21/01981/FUL	Proposed change of use from residential use (Class C3) to sui generis use as a clinic for medical and beauty treatments with ancillary office space.	Approved
23/01599/FUL	Erection of two storey detached building to form four flats.	Current

4. **Status of the Local Plan**

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Local Plan 2013-33 and Beyond (adopted January 2021 and January 2022, respectively), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any Neighbourhood Plans that have been made and the Minerals and Waste Local Plans adopted by Essex County Council.

In relation to housing supply:

The Framework requires Councils to significantly boost the supply of homes to meet the District's housing need. However, the revised Framework, published on 19th December 2023, sets out in Paragraph 76 that (for applications made on or after the date of publication of this version of the Framework) local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met:

- their adopted plan is less than five years old; and
- that adopted plan identified at least a five-year supply of specific, deliverable sites at the time that its examination concluded.

The adopted Local Plan meets these criteria.

Notwithstanding this updated provision, the Council will continue to demonstrate an updated supply of specific deliverable sites within its Strategic Housing Land Availability Assessment (SHLAA), which is published annually. The most recent SHLAA was published by the Council in November 2023, and demonstrates a 6.44-year supply of deliverable housing sites against the annual requirement of 550 dwellings per annum set out within the adopted Local Plan, plus a 5% buffer to ensure choice and competition in the market. (The SHLAA can be viewed on the Council's website: <https://www.tendringdc.gov.uk/content/monitoring-and-shlaa>)

On 19th December 2023 the Government published the Housing Delivery Test (HDT) 2022 measurement. Against a requirement for 1,420 homes for 2019-2022, the total number of homes delivered was 2,207. The Council's HDT 2022 measurement was therefore 155%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to decisions relating to new housing development.

5. **Neighbourhood Plans**

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered

in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendingdc.uk/content/neighbourhood-plans>

6. **Relevant Policies / Government Guidance**

National:

National Planning Policy Framework December 2023 ([NPPF](#))

National Planning Practice Guidance ([NPPG](#))

Local:

Tending 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

Tending 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)

Tending 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

7. **Officer Appraisal**

Proposal

This application seeks full planning permission for the demolition of the existing garage block at 152 Connaught Avenue and the construction of a block accommodating 4No. two bedroom flats. The existing car park will be reconfigured to provide seven car parking spaces.

The application site lies within the Settlement Development Boundary of Frinton, Walton and Kirby Cross, as defined in the Local Plan, and also lies within the Frinton Conservation Area.

Principle of Development

The application site lies within the settlement development boundary of Frinton, Walton and Kirby Cross. Policy SPL2 states that within the settlement development boundary there will be a general presumption in favour of new development subject to detailed consideration against other relevant

Local Plan policies. Policy SP3 states that existing settlements will be the principal focus for additional growth across the North Essex Authorities area within the Local Plan period. Therefore, the principle of new dwellings is accepted subject to the detailed considerations below.

It is noted there are no neighbourhood plans to consider.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 necessitates that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. The detailed considerations relevant to this proposal are set out below.

Design, Appearance and Heritage Impact

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 application 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 traditional design of the building and the use of traditional materials is welcomed responding to the other properties along Connaught Avenue and Pole Barn Lane. The proposed building though 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 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.

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. The proposed flats would be new dwellings for private use. Moreover, and as outlined above the Council, has an adopted local plan that identifies at least a five-year supply of specific, deliverable housing sites. Consequently, there are no overriding public benefits emanating from the proposal that outweighs the harm in this case.

Impact to Residential Amenities

As a result of the siting of the new building, its orientation and distance from the neighbouring business and residential dwellings there will be no significant impact to any neighbouring amenities in terms of loss of light, loss or outlook or loss of privacy.

Policy LP3 requires compliance with the nationally described space standards. This standard deals with internal space within new dwellings and is suitable for applications across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. The proposal is for 4No. 2 bedroom, 3 person single level dwellings which requires a minimum of 61 square metres of gross internal floor space which includes built in storage of 2.0 square metres. From the plans submitted the proposal falls marginally short of the space standards however the internal layout is appropriate, with all habitable rooms having adequate natural light and therefore would not justify a reason to refuse planning permission on these grounds.

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. As an alternative it may be possible to provide private amenity space in the form of a balcony that meets certain standards of the Guide. 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 is 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.

Access, Parking and Highway Safety

Policy SPL3 Part B Practical Requirements states that provision is made for adequate vehicle parking.

The proposal will demolish the existing double garage and reconfigure the existing car park. The existing car park which provides 10 off road car parking spaces and a double garage is utilised by customers of the pharmacy at 152 Connaught Avenue and for staff members. Further to this, application reference 21/01981/FUL approved the change of use of the first floor from one residential dwelling to a sui generis use as a clinic for medical and beauty treatments with ancillary office space and included the car park in the proposal confirming that the total number of people employed by the pharmacy and clinic would be 10 acknowledging that they would not all be working at the same time allowing for part time shifts.

The proposal for four flats requires four off road car parking spaces. Seven car parking spaces are provided which meet the standard where each parking space measure 5.5 metres by 2.9 metres. Visitor parking is also required for all dwelling types in line with the Essex Parking Standards.

It is acknowledged that a lower provision of vehicle parking may be appropriate in urban areas including town centre locations as in this case as the site also benefits from good access to alternative forms of transport.

However, as the car park forms part of a shared use facility, 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. The Essex Parking Standards confirms that “the onus will fall to the developer to demonstrate that the level of parking provided is appropriate and will not lead to problems of on street parking on the adjacent highway network”.

The Highway Authority have assessed the application and conclusions have been drawn from a desktop study and they find the impact of the proposal acceptable. The Highway Authority however have not considered the shared use of the car park.

Biodiversity and Ecology

The preamble to Policy PPL4 states that where a development might harm biodiversity an ecological appraisal will be required to be undertaken, and the potential for harm should be considered and addressed in any application. Policy SPL3, Part A criterion d), requires that the design and layout of development maintains or enhances site features, including ecological value.

Given the current condition of the application site, an urban garden and car park there are no protected habitats or likely protected species present on site that could be harmed through the site’s development.

The Natural Environment and Rural Communities Act 2006 amended by the Environment Act 2021 provides under Section 40 the general duty to conserve and enhance biodiversity: “For the purposes of this section “the general biodiversity objective” is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England.” This includes local authorities, which encompass local planning authorities (LPAs). Section 40 states authorities must consider what actions they can take to further the general biodiversity objective and, after consideration, determine policies and specific objectives to achieve this goal. The actions mentioned include conserving, restoring, or enhancing populations of particular species and habitats. While the Section doesn’t explicitly state that planning decisions must contribute to biodiversity conservation, it’s essential to consider the broader context of planning functions within the authority. Typically, LPAs play a crucial role in land use/development decisions, and these can have significant implications for biodiversity. In conclusion for decision making, it is considered that the LPA must be satisfied that the development would conserve and enhance. This development is subject to the general duty outlined above. On that basis a biodiversity enhancement strategy will be secured via condition on the grant of planning permission. Such a strategy may look to include native planting strategies and insect friendly planting, wildlife-friendly infrastructure i.e. nesting boxes, bee bricks and habitat structures.

Therefore, the development with the inclusion of this condition, on balance, and with consideration of the impact of the development and baseline situation on site, does conserve and enhance biodiversity interests.

Renewable Energy

Chapter 14 of the National Planning Policy Framework supports the transition to a low carbon future in a changing climate while Policy PPL10 of the Local Plan supports renewable energy generation and energy efficiency measures for residential development.

No energy efficiency measures have been submitted with the planning application and therefore a condition to secure minimum measures of an electric car charging point per dwelling, agreement of a scheme for water conservation including greywater recycling and rainwater capture/re-use for new dwellings, agreement of a scheme to achieve as far as possible a water consumption rate of not more than 110 litres, per person, per day for new dwellings, agreement of heating of each dwelling/building, agreement of scheme for waste reduction, provision of a fibre optic broadband connection to the best possible speed installed on an open access basis and directly accessed from the nearest exchange, incorporating the use of resistant tubing, will be secured on the grant of planning permission.

Drainage and Sewerage

Policy PPL5 states that all new development must make adequate provision for drainage and sewerage.

The proposal aims to connect the dwellings to the main sewer which is considered the preferred approach and acceptable.

The site does not fall within a critical drainage area and there is very low risk of surface water flooding on the site.

Financial Contribution – Recreational Disturbance

Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation.

The application scheme proposes a new dwelling on a site that lies within the Zone of Influence (Zoi) being approximately 2200 metres from Hamford Water SPA and RAMSAR. However, new housing development within the Zoi would be likely to increase the number of recreational visitors to Hamford Water; and, in combination with other developments it is likely that the proposal would have significant effects on the designated site.

Mitigation measures must therefore be secured prior to occupation. A condition to secure these mitigation measures via a legal agreement can be imposed upon the grant of planning permission. This will ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with Section 1 Policy SP2 and Section 2 Policy PPL4 of the Tendring District Local Plan 2013-2033 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Financial Contribution – Open Space

Policy DI1 states that all new development should be supported by, and have good access to, all necessary infrastructure. Local Plan Section 2 Policy HP5 states that the Council will work with partners and sports providers across the district to maintain, expand, and improve the quality and accessibility of public open space, sports and recreational facilities of different types and will aim to achieve and exceed standards set out in the Council's 2017 Open Spaces Strategy (or any future update).

In line with the requirements of Local Plan Policy HP5 the Council's Open Spaces Team have been consulted on the application to determine if the proposal would generate the requirement for a financial contribution towards public open or play space. They confirm that there is a deficit of 14.61 hectares of equipped play in Frinton, Walton & Kirby, however adequate formal open space in the area to cope with some future development and therefore no financial contribution is requested.

Other Considerations

Frinton and Walton Town Council recommend refusal on the grounds that it is not in keeping with the street scene and fails to enhance or preserve the Frinton Conservation Area.

The Council's Environmental Protection team have been consulted on the proposals and they request a comprehensive method statement for demolition and construction. The application site is close to residential properties and businesses as well as the railway and Connaught Avenue. It is possible for a planning condition to be imposed on the grant of planning permission to secure the submission of a method statement prior to commencement.

No other representations have been received.

8. Recommendation

Refusal - Full

9. Reasons for Refusal

- 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.

10. Informatives

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.

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

11. Equality Impact Assessment

In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

12. Notification of Decision

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