

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	26/09/18
Planning Development Manager authorisation:	AN	27/9/18
Admin checks / despatch completed	XME	28/09/18

**Application:** 18/01310/FUL **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Mr & Mrs R Patel

**Address:** 26 Elm Tree Avenue Frinton On Sea Essex

**Development:** Replacement dental surgery following demolition of the existing.

### 1. Town / Parish Council

Frinton and Walton Town Council      APPROVAL - Would like to see the principles of considerate contractors scheme adhered to for the benefit of the nearby neighbours in regard to noise, nuisance and parking.

### 2. Consultation Responses

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

Waste Management      No comments.

Environmental Protection      EP will require to see a method statement for the demolition of the property to be able to comment on its suitability :reason to protect the amenity of the neighbouring properties.

We will also require to see details of the compressor plant to be installed in the premises. Predicted noise levels and existing background will be required along with any recommendations made by a suitable qualified consultant as to what if any methods are going to be used to control any excessive noise emissions from the plant or air ducts associated with it. We will need to be reconsulted once both of these have been submitted.

NHS East Essex CCG      No comments.

### 3. Planning History

16/01325/FUL      Demolitions, alterations, extensions and refurbishments to modernise the existing dental surgery.      Approved      04.11.2016

### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

HG14 Side Isolation



QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

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

SPL3 Sustainable Design

### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivered over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line with the plan-led approach.



## 5. Officer Appraisal

### Site Description

The application site is 26 Elm Tree Avenue, Frinton-on-Sea, a west facing detached single storey building constructed with white render and plain tiles. The site serves as a Dental Practice, the surrounding area is characterised by a mixture of detached and semi-detached residential dwellings, whilst a strong linear building line across this area of Elm Tree Avenue is apparent. The site is situated within the Settlement Boundary of Frinton-on-Sea, as agreed within both the Adopted Tendring Local Plan 2007 and the Emerging 2013-2033 Tendring Local Plan Publication Draft.

### Description of Proposal

This application seeks planning permission for a replacement dental surgery following the demolition of the existing structure. The proposed building will be 1.5 storey, with a pitched roof, rear flat roof dormer and wrap around front and side extension.

The works will result in no changes to the number of employees or the existing opening hours.

### History

Under planning reference 16/01325/FUL, permission was granted for numerous alterations to the property, including a single storey replacement rear extension, a wrap around front and side extension, and a rear dormer. The works approved are nearly identical to that being applied for on this occasion, with the only amendment being the roof height will be 0.6m higher. The agent for the application has confirmed that, following the impacts of a burst water main, the building is now not suitable for conversion and therefore the current replacement application has been submitted.

### Assessment

#### 1. Principle of Development

The site falls within the Frinton-on-Sea Settlement Development Boundary, and is located within a sustainable location in close proximity to the town centre, and therefore a replacement dental surgery in this location is acceptable, subject to the detailed consideration below.

#### 2. Visual Impact

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposed building will see numerous amendments to the design of the existing structure; namely an increased roof height, wrap around front and side extension, flat roof rear dormer and differing materials. However, given that under planning reference 16/01325/FUL permission was previously granted for a near identical design, it would be unreasonable to recommend refusal on the grounds of design impacts, and the visual impact of the proposal is therefore acceptable.

#### 3. Impact on Neighbouring Amenities

Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).



Whilst the proposed replacement building will be visible to both adjacent neighbours to the north and south, it will remain of a similar appearance to that previously approved under planning permission 16/01325/FUL. Within that report, the impacts upon the adjacent properties were as stated below:

*"In terms of the impact to the neighbour to the north, the majority of the proposal will not be visible, although the replacement single storey rear extension will be. However, given that there is already an existing rear extension of a similar height and that the proposal is single storey in nature, the impact is considered to be minimal. Furthermore, although the rear dormer has the potential to cause overlooking, there is a good distance of approximately 10 metres, with potential views partially blocked by an existing garage, whilst the neighbour in question also have a rear first floor dormer as well.*

*In terms of the impact to the south-facing neighbour, due to the majority of the proposal being visible to them, there is potentially a heightened impact to their existing amenities. In relation to the rear dormer and extension, like the adjacent neighbour to the north, the impact to them will not be significant due to the single storey nature of the extension and a good distance from any overlooking via the dormer, whilst again the neighbour in question also has a rear dormer as well.*

*The conversion of the side extension to two storeys will also not have a significant impact as a distance of 1 metre will be maintained to the boundary, meeting the requirements of Policy HG14 of the Tendring Local Plan, whilst there are no windows to that elevation so there will be no loss of light or imposing impact as a result."*

The only additional change to this previous decision is an increase in the height of the roof by approximately 0.6m. Given the separation distances to each neighbouring property and the minor increase in height, the impacts of this increased roof line will not result in any significant loss of light, additional overlooking or the building appearing imposing.

Further, the proposal will result in potential noise disturbances via the demolition of the existing dental surgery. The Council's Environmental Protection team, following consultation, required the submission of a method statement for demolition of the existing property and construction of the new property. A document to this effect has been provided by the agent for the application, and specifically states demolition works will be conducted between 8am and 6pm Mondays to Fridays, excluding Bank Holidays, whilst it is expected the works will be completed within one working week. Therefore, subject to works being in accordance with the Demolition and Construction Method Statement, the harm to neighbouring amenities will not be significant enough to warrant a reason for refusal.

#### Other Considerations

Frinton and Walton Town Council have recommended approval but would like to considerate contractors for the benefit of the nearby neighbours in regard to noise, nuisance and parking.

There have been two letters of objection received, with the following concerns;

1. Overlooking issues;
2. Proposed working hours during construction and demolition;

These points have been addressed within the main body of the report above.

There has also been one additional letter of observation received.

#### Conclusion

In the absence of any material harm resulting from the development, the application is recommended for approval.

## **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 The development hereby permitted shall be carried out in accordance with the following approved plans, drawing number 1737-03 and the document titled 'Demolition and Construction Method Statement' dated 25 September 2018.

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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.