

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AW	17/12/18
Planning Development Manager authorisation:	AN AW	17/12/18
Admin checks / despatch completed		18/12/18

*AW*

**Application:** 18/01739/FUL **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Mr and Mrs Keith Spears

**Address:** 10 Fourth Avenue Frinton On Sea Essex

**Development:** Proposed porch.

### 1. Town / Parish Council

**Frinton and Walton Town Council** Approval

### 2. Consultation Responses

**Tree & Landscape Officer** No trees or other significant vegetation will be affected by the development proposal.

### 3. Planning History

06/01937/OUT	Erection of 3 detached houses.	Refused	11.07.2007
08/00266/FUL	Erection of 3 detached houses, construction of new vehicular access and alterations to existing vehicular access, as amended by drawing no. FAF/3A received on 30 April 2008.	Approved	15.05.2008
08/01334/TCA	15 No. Sycamore saplings - fell. 1 No. Sycamore - fell. 1 No. Sycamore - remove 2 overhanging branches. 1 No Sycamore - lift lower branches.	Approved	13.10.2008
08/01336/TPO	1 No. Horse chestnut - lift lower branches	Approved	13.10.2008
11/00144/FUL	Erection of 3 detached houses, construction of new vehicular access and alterations to existing vehicular access, as amended by drawing no. FAF/3A received on 30 April 2008 (Extension of time of previously approved 08/00266/FUL).	Approved	01.04.2011
13/00337/DISCON	Discharge of conditions 2, 3, 4 and 6 of planning permission 11/00144/FUL - Details of materials	Approved	15.05.2013

	to be used and landscaping scheme.		
13/00713/FUL	Variation of Condition 13 of 11/00144/FUL, minor alterations to house types.	Approved	15.08.2013
13/01007/NMA	Non material amendment to planning application 13/00713/FUL to alter Plot 12 as shown on drawing NFA - 104.	Approved	30.09.2013
14/00079/FUL	Variation of Condition 13 of 13/00714/FUL, variation to plot 12 to attach garage and solar panels to south elevation.	Approved	18.03.2014
18/01739/FUL	Proposed porch.	Current	

#### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

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 (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.

## **5. Officer Appraisal**

### Proposal

This application seeks planning permission for a front porch to a dwelling within the development boundary of Frinton on Sea. The site is within the Frinton and Walton Conservation Area and "The Avenues" Area of Special Character, and there is a Tree Protection Order to the front of the site.

### Design and Impact on Conservation Area

The proposed porch relates well to the host dwelling, and uses external materials which match existing. It will not significantly alter the character of the dwelling, and is considered to protect the character of the Frinton and Walton Conservation Area and "The Avenues" Area of Special Character.

### Impact on Neighbours

The proposal is sited centrally on the front elevation of the dwelling, away from the site boundaries. The porch will not impact neighbouring dwellings.

### Protected Trees

The council's tree and landscape officer has been consulted, and no trees or other significant vegetation will be affected by the proposal.

### Other Considerations

Frinton and Walton Town Council recommend approval of the application.

No other letters of representation have been received.

### Conclusion

In the absence of material harm as a result of the proposed development, this 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. SFA-01 Revision B.

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.