

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	08/05/2019
Planning Development Manager authorisation:	SCE	08.05.19
Admin checks / despatch completed	AP	8/5/19

**Application:** 19/00410/FUL **Town / Parish:** Clacton Non Parished *RLQ*

**Applicant:** Mr M Berger

**Address:** 10 St Johns Road Clacton On Sea Essex

**Development:** Extension of existing rear balcony and canopy at first floor level and the installation of access doors to replace windows.

### 1. Town / Parish Council

Clacton – non parished.

### 2. Consultation Responses

Building Control and Access Officer                      No comments at this stage.

### 3. Planning History

11/00488/FUL	Replacement external first floor balcony, canopy and staircase to rear.	Full Approval	21.6.2011
18/01807/COUNOT	Change of use of first floor from A1 (retail) use to C3 (dwelling houses) use.	Turned Away	25.02.2019

### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

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

EN23 Development Within the Proximity of a Listed Building

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

SPL3 Sustainable Design

PPL8 Conservation Areas

### **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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 (including Site Description and Proposal)**

#### Site Description

The application relates to 8 to 10 St Johns Road, Clacton on Sea. The building is made up of a terraced building that spans the corner with North Road and St. John's Road. The building comprises commercial shops at ground floor level with storage and office units on the first floor.

No. 10 St. John's Road is situated to the far eastern end of the terraced building and neighbours the Grade II listed Church House of St. John's House. The Grade I listed Church of St. John The Baptist is located to the north-east of the proposed development site. Although this latter building does not directly abut the site. In addition to the above, three listed buildings are situated to the south side of St. John's Road directly opposite the proposed development site.

#### Description of Proposal

The application seeks full planning permission for the continuation of the existing first floor balcony and railings to the rear of the building together with replacement windows and insertion of doors to facilitate access to the existing first floor office units.

#### Assessment

The main considerations are;

- Design and Impact upon the Heritage Assets;
- Neighbouring Amenities;
- Parking and Highways; and,
- Representations.

#### Design and Impact upon the Heritage Assets

Saved Tendring District Local Plan (2007) Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and will protect or enhance local character and saved Policy EN17 states that development within a

Conservation Area must preserve or enhance the character or appearance of the Conservation Area.

The proposed railings are a continuation of the existing railings to the rear of the building. The proposed new windows and doors are also in keeping with the fenestration of the remainder of the building. The building itself is of little to no architectural merit and does not contribute positively to the character or appearance of the conservation area. The works are fully contained to the rear of the building, are not publically visible, do not form part of the street scene and cannot be viewed in conjunction with any of the adjacent listed buildings.

The application is accompanied by a very detailed Heritage Statement. The proposal has met with the requirements of Paragraph 189 of the NPPF to consider the impact of the proposal on heritage assets in accordance with the significance of the heritage asset.

The development is considered to result in a neutral impact therefore preserving the character and appearance of the conservation area and not adversely affecting the setting of the adjacent listed buildings.

#### Neighbouring Amenities

The proposed balcony is sited over 30 metres from the nearest neighbouring dwelling to the north, separated by outbuildings and a footpath. Any views from the proposed balcony will not result in any overlooking or loss of privacy.

#### Parking and Highways

The development is served by an existing large parking court and the proposal does not increase the parking requirements.

#### Representations

The site is situated within the non parished area of Clacton on Sea.

No letters of representation have been received.

#### Conclusion

For the reasons set out above, in the absence of any identified harm, the 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 NUMBER PO-02-FULL and DRAWING NUMBER PO-04-FULL.

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.