

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	16/05/19
Planning Development Manager authorisation:	AN	23/5/19
Admin checks / despatch completed	ER	24/5/19
	SB	24/05/19

**Application:** 19/00318/FUL **Town / Parish:** Clacton Non Parished

**Applicant:** Mr Mills

**Address:** 2 Queens Court Kings Parade Holland On Sea

**Development:** Proposed external lift for use by disabled persons to access dwelling.

### **1. Town / Parish Council**

Clacton – Non Parished.

### **2. Consultation Responses**

Building Control and Access Officer                      No comments at this stage.

### **3. Planning History**

N/A

### **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

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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.

## **5. Officer Appraisal**

### Site Description

The application site is The Council House, which is located within the Triangle Shopping Centre within the parish of Frinton-on-Sea. The site is a part single storey, part two storey building with a ramped access to the front elevation. The surrounding area is urban in character, with a number of commercial properties in its immediate vicinity and residential development to all sides further out. The site falls within the Settlement Development Boundary for Frinton-on-Sea, as agreed in both the Adopted Tendring Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

### Description of Proposal

This application seeks planning permission for the erection of an external lift that will measure 10.1m in height, 1.2m in width and 1.4m in depth.

The original plans showed the lift to be taller, measuring 11.4m in height. However, Officers raised concerns with the prominence of this and suggested a reduced height.

### Assessment

#### 1. 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).

Queens Court is a prominent building along this section of Kings Parade; however it is noted that there is a high density of development in the immediate locale, including the three storey building serving as a restaurant at ground floor and residential at first and second floor adjacent to the south-west. This building is important in that it will significantly restrict views of the proposed lift from views from the west. Therefore, only fleeting views of the lift will be seen from Kings Parade, and there will also be limited views from Kings Avenue to the north-west. Given this, and that the agent has supplied amended plans to reduce the height, it is not considered the proposal will be visually harmful enough to warrant a reason for refusal.

## 2. Impact to 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).

While the proposed lift is a relatively substantial structure, a separation distance of 1.5m is maintained to the adjacent first and second floor residential properties to the south-west. Given the existing close proximity between the two buildings, the proposal will not result in any significant additional loss of light, while its small width and depth ensure it will not appear imposing. While there may be a small level of noise associated with the lift during operation, there will not be a significant usage given it is to be served by one property, and therefore on balance this noise disturbance is not considered to be significantly harmful enough to warrant a reason for refusal.

### Other Considerations

Clacton is non-parished and no comments are therefore required.

There has been one letter of objection received, with concerns the proposal will be too noisy and neighbouring flats are not soundproofed enough to tolerate this. In answer to this, this has been addressed within the main body of the report above.

## 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, documents titled 'Site Location Plan', 'Site Block Plan' and drawing number 101 Rev 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 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.