

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	26/07/2019
Planning Development Manager authorisation:	TF	26/07/2019
Admin checks / despatch completed	GR	26/07/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	TN	26/7/19

**Application:** 19/00779/FUL **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Mr & Mrs Robert Rouse

**Address:** 35 Wavring Avenue Kirby Cross Frinton On Sea

**Development:** Variation of condition 2 of approved application 17/00617/FUL to revise roof finish and landing window design.

### 1. Town / Parish Council

Frinton and Walton Town Council Recommend for approval – with the condition that the side windows are obscure glass.

### 2. Consultation Responses

ECC Highways Dept It is noted that this application only concerns condition 2. Highway Authority does not object to the proposals as submitted and as set out in the revised drawings 6C, 7C and 8C.

Informative 1: 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](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester  
CO4 9YQ

### 3. Planning History

95/00374/FUL	(Land adjoining 35 Wavring Avenue and forming part of the) Erection of a low fence along the south side of the footpath between Wavring Avenue and Turpins Lane (variation of condition 6 of permission TEN/1262/87)	Approved	27.06.1995
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16/01425/FUL	Proposed side extension to existing house.	Approved	17.11.2016
17/00617/FUL	Proposed dwelling house.	Approved	04.08.2017
18/00534/DISCON	Discharge of Condition 3 of 17/00617/FUL - external facing and roofing materials.	Approved	16.05.2018

#### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1	Spatial Strategy
QL9	Design of New Development
QL10	Designing New Development to Meet Functional Needs
QL11	Environmental Impacts and Compatibility of Uses
HG1	Housing Provision
HG3	Residential Development Within Defined Settlements
HG6	Dwelling Size and Type
HG7	Residential Densities
HG9	Private Amenity Space
TR1A	Development Affecting Highways
TR7	Vehicle Parking at New Development
EN6	Biodiversity
EN11A	Protection of International Sites European Sites and RAMSAR Sites

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

SPL1	Managing Growth
SPL2	Settlement Development Boundaries
LP1	Housing Supply
LP2	Housing Choice
LP3	Housing Density and Standards
LP4	Housing Layout

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

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) 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)**

#### Existing Site and Surrounding Area

The site is situated to the west of Wavring Avenue and the north of Turpins Lane in Kirby Cross.

Immediately along the northern boundary of the site is a public footpath which links Wavring Avenue with Turpins Lane. Along the western boundary is Turpins Lane, otherwise the site is surrounded by residential development.

The surrounding residential development is a mixture of detached two storey and single storey dwellings constructed from a mixture of red and buff bricks.

Planning permission was granted on the application site under planning reference 17/00617/FUL for the erection of a dwelling house.

#### Proposal

This application is to vary condition 2 of planning reference 17/00617/FUL to revise the roof finish and landing window design.

#### Assessment

## Principle of Development

The principle of development has been established through the granting of planning permission for the erection of the proposed dwelling under planning reference 17/00617/FUL.

## Design and Appearance

Under planning reference 17/00617/FUL the roofing materials were approved as slate tiles. This application seeks to vary this to Redland Grovebury tiles in charcoal grey. As there is a mixture of dwelling styles within the area, it is considered that the change in roofing materials is not significant enough to warrant a reason for refusal.

The proposed variation to the landing window design will see the approved rendered panel replaced with a window and slight change in fenestration. The proposal is not considered to cause any significant material harm to the character of the area and is acceptable in terms of design.

## Impact upon neighbouring amenities

The change in roof materials will be visible to the neighbouring dwellings to the north, south and east of the application site. However, due to the mixture of dwelling styles in the area, it is considered that the proposal will have a neutral impact upon neighbouring amenities.

The landing window will only be visible to the neighbouring dwelling, number 37 Wavring Avenue as the window is located on the northern elevation of the dwelling and it will serve a stairwell. Given the relationship with the neighbouring dwelling and the fact that there are no windows on the neighbouring side elevation, it is considered that the proposed variation, will not cause any significant impact in terms of overlooking onto the neighbouring amenities of number 37 Wavring Avenue.

## Highway Safety

Essex Highways Authority have been consulted on this application and raise no objections.

## Financial Contribution - RAMS

The original planning permission has been implemented through the commencement of works on site. This application seeks a variation of the previously approved plans to revise the roof finish and landing window design and does not propose to increase the number of dwellings built. It is the Council's view that it would be unreasonable to seek mitigation measures in this instance.

## Other Considerations

Frinton and Walton Town Council have recommend the application for approval with a condition that the side windows are obscure glass.

The above has been addressed within the report.

One letter of observation has been received stating 'as the next door neighbour to this new property I would like to request that the side window in the Attic room be made of obscure glass as this has direct line of site to a number of bedrooms as well as my garden'.

The window referred to formed part of the original planning permission for this site and was not considered as requiring it be made obscure as it would look out over the front garden of the neighbouring property and be sufficiently isolated from the front of that house. As such it is not considered reasonable to impose such a condition on this application to vary that consent.

## 6. Recommendation

Approval – Full

## **7. Conditions / Reasons for Refusal**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plan: Drawing No. 8 Revision C, Drawing No. 7 Revision C and Drawing No. 6 Revision C.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 2 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A, B and C of the Town and Country Planning (General Permitted Development) England Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be erected or carried out except in accordance with drawings showing the siting and design of such enlargement, improvement or other alteration which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of the amenities of the occupants of neighbouring properties.

- 3 Prior to occupation of the development, the full width of the site frontage shall be provided with a clear to ground parallel visibility band with dimensions of no less than 2m depth as measured from and along the nearside edge of the highway. Such vehicular visibility band shall be provided before access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason - To retain adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety.

- 4 Prior to occupation of the development the vehicular parking facility, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason - To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

- 5 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason - To avoid displacement of loose material onto the highway in the interests of highway safety.

## **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.

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SMO1 – Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester  
CO4 9YQ

<b>Are there any letters to be sent to applicant / agent with the decision?</b> If so please specify:	YES	NO
<b>Are there any third parties to be informed of the decision?</b> If so, please specify:	YES	NO