

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	14.8.19
Planning Development Manager authorisation:	TF	14.8.19
Admin checks / despatch completed	AP ER	14/08/19 22/08/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	XNE	22/08/19

Application: 19/00907/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr Daniel Findlay - Mitie EUG On Behalf of E.C.C.

Address: Tendring Adult Community College St Osyth Road Clacton On Sea

Development: Proposed replacement of existing windows.

1. Town / Parish Council

None received

2. Consultation Responses

None received

3. Planning History

92/00394/FUL	(Ref: CC/TEN/5/92) Continued use of two relocatable classrooms	Approved	30.04.1992
94/01297/CMTR	CC/TEN/19/94 - Relocatable classroom	Determination	09.12.1994
96/00313/CMTR	CC/TEN/03/96 - Relocatable classroom	Determination	07.05.1996
97/01206/OUT	(Former St Osyth Road County Infant School, St Osyth Road, Clacton) Residential development	Refused	30.06.1998
03/01145/CMTR	Convert part of the existing rear playground into a car park. Provide external lighting on the front and side elevations of the college building [CC/TEN/67/03]	Withdrawn	04.01.2007
03/01833/CMTR	Convert part of the existing rear playground into a car park. Provide external lighting on the front and side elevations of the college building. Access via the adjacent public car park.	Determination	16.12.2003
17/02075/ADV	Proposed site identification signs -	Approved	19.02.2018

one freestanding sign & one wall mounted sign (on side of existing building).

19/00907/FUL Proposed replacement of existing windows. Current

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

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

SP1 Presumption in Favour of Sustainable Development

SPL3 Sustainable Design

Local Planning Guidance

Essex Design Guide

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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)

Site Description

The main building is an attractive, traditionally-built Victorian educational establishment. The elevations typically contain large timber-framed sash windows, many of these frames are in very poor condition.

Description of Proposal

The application proposes replacing a significant number of the timber window and door frames with aluminium frames.

Principle

The site is located within the Development Boundary therefore there is no principle objection to the proposal, subject to the detailed considerations discussed below.

Design & Appearance

The Government attach great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design.

Saved Policies QL9, QL10 and QL11 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Emerging Policy SP1 reflects these considerations.

The existing timber frames are, in places, clearly beyond any realistic repair. The property itself is neither listed nor in a Conservation area, as such it is considered that the replacement of the traditional timber frames, whilst regrettable, is entirely appropriate.

Impact to Neighbouring Amenities

The NPPF, at paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, 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).

The proposal is for replacing existing window and door frames, not creating any new opening. There is no significant additional risk of loss of privacy, daylight or harm to the amenities of any of the adjacent neighbours.

Highway Issues

The proposed development neither generates an additional need for parking nor decreases the existing parking provision at the site.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Refusal

- 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 plan: Amended Floor Plan, Amended Site Plan, Block Plan And Existing Elevations 001 (Rev B), Amended Proposed Elevations 002 (Rev B) and Amended Window Types 003 (Rev B) all received 12th July 2019.

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

8. Informatives

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.

Are there any letters to be sent to applicant / agent with the decision?		NO
Are there any third parties to be informed of the decision?		NO