

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	21 st Oct 2019
Planning Development Manager authorisation:	AN	22/10/2019
Admin checks / despatch completed	CC	23/10/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	SB	23/10/2019.

Application: 19/01288/FUL **Town / Parish:** Frinton & Walton Town Council
Applicant: Mr David Hargreaves
Address: Apartment 8 Esplanade Court 41 The Esplanade
Development: Proposed triple glazed fixed roof light over the kitchen island.

1. Town / Parish Council

Frinton and Walton Town Council Approval

2. Consultation Responses

None received

3. Planning History

06/01364/FUL	Extension and alteration to existing flats including 2 No. additional units and garages.	Approved	09.11.2006
06/01966/CON	Demolition of existing building and replacement with 8 apartments.	Approved	23.01.2007
07/00023/FUL	Demolition of existing flats and construction of 8 no. apartments. Re-submission of 06/01364/FUL.	Approved	03.04.2007
08/00031/FUL	Construction of 6 no. 3 bed and 3 no. 2 bed apartments (in lieu of 8 no. apartments approved under Planning Permission 07/00023/FUL).	Approved	06.03.2008
14/00795/FUL	Construction of single level conservatory upon rear roof including the linking of flat 5 and 8.	Approved	04.08.2014
19/01288/FUL	Proposed triple glazed fixed roof light over the kitchen island.	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

EN17 Conservation Areas

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

SP1 Presumption in Favour of Sustainable Development

PPL8 Conservation Areas

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 site is located at Esplanade Court, Frinton-on-Sea, which is a south-east facing four storey freestanding apartment block comprising 6no. flats which was approved under 07/00023/FUL. The surrounding area is urban in character, with examples of various residential properties throughout, whilst this section of The Esplanade has a strong and linear pattern of development.

Description of Proposal

The application seeks planning permission for a triple glazed fixed roof light to the penthouse (Apartment 8) over the kitchen island. The roof light is inset from the elevations.

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 scale of the proposal will be relatively modest and will not detract from the positive role that the building currently plays in the streetscene and conservation area. The provision of the frameless rooflight will not detract from the existing fenestration of the building by virtue of its scale and siting.

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 proposed siting, within a flat-roofed area of a building that is higher than those which surround it, would not cause a 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.

Conservation

Frinton as a planned resort dates from the end of the 19th century, with its heyday some 30 years later. It contains many fine examples of English domestic architecture of the period, set in a spacious residential suburb, and linked to a famous main street and an important open space on the sea front. The extensive Area includes these important locations and much of their general setting. The

Greensward stretches away as a wide promenade with beach pavilions at intervals. Nothing interrupts the seaward views apart from some mature trees further south beyond the tower blocks. Esplanade Court is described in the Conservation Area Statement as "a dull post-war block in yellow brick, exhibiting structural problems with window lintels that is a neutral feature in the Area" – this description pre-dates the replacement of the building in its current form.

The rooflight would be sited towards the left hand side of the building and project approximately 20cm from the flat roof. As a consequence of its rooftop siting and nominal projection the proposal will thereby satisfy the Council's statutory duty to preserve or enhance the character or appearance of the conservation area.

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 plans:- 241-01, 226-02, 241-111 (revision A) and 241-115 received 28th August 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