

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	18 th Nov 2019
Planning Development Manager authorisation:	AN	19/11/2019
Admin checks / despatch completed	CC	20.11.2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	<i>[Signature]</i>	20/11/19

Application: 19/01451/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr M Berger

Address: Mansion House North Road and St Johns Road Clacton On Sea

Development: Proposed alteration to existing rear fenestration comprising replacement of the rear doors and windows, and installation of roof vents.

1. Town / Parish Council

N/A

2. Consultation Responses

No comments received

3. Planning History

19/00410/FUL	Extension of existing rear balcony and canopy at first floor level and the installation of access doors to replace windows.	Approved	08.05.2019
19/00982/COUNOT	Proposed change of use from offices to residential.	Determination	05.09.2019
19/01451/FUL	Proposed alteration to existing rear fenestration comprising replacement of the rear doors and windows, and installation of roof vents.	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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 application site is a terrace of commercial units at ground floor with storage over. The terrace encompasses the corner of St. Johns Road and North Road. The commercial units were constructed in the early 1960's and occupy a prominent location in the centre of what was the original village.

Description of Proposal

The application simply proposes replacing the doors and windows on the rear elevation at first floor level; there are a total of seven doors and 16 windows. Other works include replacing approximately 63 roof tiles with roof-tile vents that are similar in terms of size and colour to the tile they replace.

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 replacement of the rear first floor fenestration is considered entirely acceptable; overall the works are considered to have very little impact on the external appearance of the building.

Conservation Area

Great Clacton Conservation Area represents the centre of the old village, now surrounded with housing development from the expansion of Clacton, but retaining its function as a focus for the surrounding community. It derives its character from this service, most notably represented by the fine church and three old inns. The application site is referred to in the Appraisal as "a plain though consistent postwar development of shops in facades variously of brick and weatherboarding. A considerable set back on the North Road frontage allows room for commercial display, contrasting with the narrow pavements on St Johns Road. The rear service yard is well maintained though dull."

As recorded in the Conservation Area the rear service yard is architecturally uninspiring; the proposed replacement doors/windows and new roof vents are considered to be of such a de-minimus nature that they will preserve the character of the conservation area.

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 plans: P01, P02 received 25th September 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