

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	SB	07/01/2020
Planning Development Manager authorisation:	TF	08/01/2020
Admin checks / despatch completed	CC	08/01/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	8/1/2020

**Application:** 19/01683/FUL **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Mr Terry Vanner

**Address:** 16 Newgate Street Walton On The Naze Essex

**Development:** Addition of Window to form a new Habitable Room.

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

Frinton and Walton Town Council Approval

### **2. Consultation Responses**

N/A

### **3. Planning History**

03/00944/FUL	Conversion of ground floor shop area to ground floor studio flat	Approved	03.07.2003
19/01683/FUL	Addition of Window to form a new Habitable Room.	Current	

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

### Application site

The application site is located to the east of Newgate Street inside the development boundary of Frinton on Sea. It serves a ground floor flat within a two storey building constructed of brick and render with a tiled roof. The front of the site fronts right onto Newgate Street. The rear elevation backs onto a communal area.

### Proposal

This application seeks planning permission for a window within the rear elevation.

The proposed materials for the window will be white UPVC to match the existing

### Assessment

The main considerations of this application are the design and the impact upon residential amenity.

### Policy Considerations

The adopted Tendring District Local Plan (2007) Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and protects or enhances local character, and the development will not have a materially damaging impact on the privacy, daylight and other amenities of occupiers of nearby property. Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) carries forward the sentiments of these saved policies.

### Design and Appearance

The proposed window is considered to be of a nature appropriate to the site and the surrounding area. The proposed window will be within the rear elevation and therefore will not be viewable from Newgate Street however, will be viewable from the communal area to the rear. Due to the proposed matching materials there will be no impact on the design and appearance of the surrounding area.

### Impact on Residential Amenity

Due to the location of the proposal there will be no impact to neighbouring amenities or overlooking.

### Other Considerations

Frinton and Walton Parish Council commented to approve the application.

No further letters of representation were received.

### Conclusion

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above, and in the absence of any material harm resulting from the development, the application is recommended for approval.

## **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: Drawing no. 1902/P02 Rev A, 1903/P03 Rev A and 19/03/PO4 Rev A.

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

- 3 The proposed window on the rear elevation shall be in a form which does not open outwards from the existing rear wall and shall thereafter be permanently retained in this approved form.

Reason -To protect the privacy and amenities of the occupiers of adjoining property and to avoid encroachment onto third party land.

## **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.

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