

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	DM	13/01/2021
Planning Development Manager authorisation:	TC	14/01/2021
Admin checks / despatch completed	DB	14.01.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	14.01.2021

**Application:** 20/01695/FUL **Town / Parish:** Brightlingsea Town Council

**Applicant:** Mr David Stannard

**Address:** 6 Victoria Place Brightlingsea Colchester

**Development:** Single storey rear extension of barber shop to form additional retail space and replacement of the existing external stairs and access to the top floor apartment with new external staircase and rails and reconfigured access.

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

Brightlingsea Town Council  
18.12.2020

Supports application.

### **2. Consultation Responses**

Essex County Council Heritage  
07.01.2021

The application is for a single storey rear extension of barber shop to form additional retail space and replacement of the existing external stairs and access to the top floor apartment with new external staircase and rails and reconfigured access.

The building is of historic derivation and located in a conservation area.

The rear of the building is not considered of significance.

I have no objection to this application. No details have been provided of the proposed windows and doors and this can be resolved by condition. I recommend the windows are timber. I do not support the glazed form of balustrade and a more subtle fixture should be included, I recommend this is resolved by amendment to the drawing or, if possible, by condition.

### **3. Planning History**

00/00791/FUL	Single storey flat roofed extension to replace previous dilapidated extension already demolished	Approved	13.10.2000
91/00508/FUL	Retention of building to house Cold Store Unit	Approved	23.07.1991
94/00770/FUL	(Les Durling Family Butchers, 6 Victoria Place, Brightlingsea)	Approved	28.07.1994

	Retention of building to house cold store unit (renewal of permission TEN/91/0508)		
97/00975/FUL	Change of use from retail use to A3 food takeaway	Refused	16.09.1997
03/00929/FUL	Change of use from retail to cafe	Refused	18.07.2003
82/00946/FUL	Change of use ground floor from shop to office	Withdrawn	15.10.1982
88/01670/FUL	Change of use from shop to estate agency	Refused	06.09.1988
20/01695/FUL	Single storey rear extension of barber shop to form additional retail space and replacement of the existing external stairs and access to the top floor apartment with new external staircase and rails and reconfigured access.	Current	

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

*NPPF National Planning Policy Framework February 2019*

*National Planning Practice Guidance*

*Tendring District Local Plan 2007*

EN17 Conservation Areas

HG9 - Private Amenity Space

QL9 - Design of New Development

QL10 - Designing New Development to Meet Functional Needs

QL11 - Environmental Impacts and Compatibility

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

SP1 Presumption in Favour of Sustainable Development

SPL3 Sustainable Design

PPL8 Conservation Areas

#### **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) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10<sup>th</sup> December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council is now making arrangements to formally adopt Section 1 of the Local Plan in its modified state and this is expected to be confirmed at the meeting of Full Council on 26<sup>th</sup> January 2021 – at which point will become part of the development plan and will carry full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan. In the interim, the modified policies in the Section 1 Local Plan, including the confirmed housing requirement, can be given significant weight in decision making owing to their advancement through the final stages of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) is now expected to proceed in 2021 and two Inspectors have already been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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.

## **5. Officer Appraisal**

### Site Description

The site, No. 6, is located to the southern side of Victoria Place and is within the Brightlingsea Conservation area. It comprises a barber shop retail unit at ground floor and a flat at upper floor level. The roof form is hipped and the site abuts a path that runs north south from Victoria Place to Osborne Court to the rear. Access to the upper floor flat is via a stairs including banister rails. To the right (east) of the apartment access is a window that serves the same apartment. Beyond that are upper floor windows to the upper floor flat to the neighbouring unit No 5/6. The site forms part of the Brightlingsea Conservation Area.

### Proposal

The application proposes a single storey rear extension of barber shop to form additional retail space and replacement of the existing external stairs and access to the top floor apartment with new external staircase and rails and reconfigured access.

### Design including Heritage Impact, Scale and Layout

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 proposal is single story in scale save for the reconfiguration of the upper floor access. It requires a 3.5m addition to the existing rear elevation serving the barber shop. The proposal concerns the rear elevation of the building a location that is not considered to be of historical significance. Accordingly no objection is maintained by the Historic Environment (HE) team. Conditions are recommended regarding window details and material where wood is preferred

however as the proposal is to the historically insignificant rear and as the existing structure does not feature wooden windows it is not considered reasonable to condition them in this instance. An objection was also maintained regarding the balustrade design as it would be reasonably prominent from the rear of the site. As such a condition has been attached to the decision notice requiring the applicant to submit alternative details for the balustrade and this is also included for reasons relating to neighbour privacy as discussed in the residential amenity section.

In other respects the rear addition is standard in form with a 3.56m depth, a flat roof, a rendered finish and an eaves height of 2.6m. It would provide for an additional barber station and a WC. The stairs as proposed extend a further 2.35m beyond the proposed new rear elevation but remain within the building line established by the neighbouring structure at No. 4.

Regarding the rails to the top subject to appropriate design they would be visible from south of this enclosed site however they would be partially screened by a trees and would not be visible at all from the east where pitched roof forms feature in the streetscene. On balance then and subject to appropriate details no objections are maintained in terms of design subject to the discharge of the railing/balustrade condition attached to the decision notice.

#### Neighbour Amenity

The NPPF, 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 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).

Following a site visit officers note that the proposal would have no neighbour impact at ground floor level however the addition is effectively creating a platform at the new access that is larger than existing. Officers note the site history at the site particularly... *00/00791/FUL Single storey flat roofed extension to replace previous dilapidated extension already demolished Approved.* Condition 3 attached to that permission precluded the use of this area as a balcony in the interests of neighbour amenity particularly the neighbouring apartment which has two windows that could be looked into from the reconfigured access. In this instance officers note that there would be no overlooking onto neighbours as one looks southward from the top of the stairs at this enclosed location. Furthermore, given the arrangement with the neighbour at No. 5/6 where the nearest window is ca. 3m from the door and 2.8m from the proposed railing officers are satisfied that a privacy screen solution of an appropriate scale and siting would preclude the subject flat occupants from looking into neighbouring windows at an oblique angle when standing on the platform. Given the distances involved it is not considered that such a privacy screen would be overbearing. The applicant has agreed to submit these details by discharge of condition.

#### Highway issues

It is considered that the proposal neither generates an additional need for parking, nor decreases the existing parking provisions at the site.

#### Other Material Considerations

None

#### Representations

A site notice was posted. Letters of notification were sent to occupiers of neighbouring properties. No comments or objections otherwise have been received.

## **6. Recommendation**

**Approval - Full**

**7. Conditions**

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: P01B

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

3. Prior to the commencement of development the applicant shall supply details of the railing and a translucent privacy screen between the upper floor flat at No. 4 and the neighbouring flat for approval in writing by the planning authority. The screen and rails shall be maintained in accordance with the approved plans and shall be permanently maintained as such unless otherwise approved in writing by the planning authority.

Reason - In the interests of visual amenity and to preserve the residential amenity of the neighbouring dwelling.

**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.

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