

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	DB	19/01/2021
Planning Development Manager authorisation:	SCE	20.01.2021
Admin checks / despatch completed	DB	21.01.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	21.01.2021

Application: 20/01370/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Robert Trott

Address: 43 Rainham Way Frinton On Sea Essex

Development: Proposed glazed link, home office and w/c.

1. Town / Parish Council

FRINTON & WALTON
TOWN COUNCIL
23.11.2020

Recommendation: APPROVAL

2. Consultation Responses

Network Rail
03.12.2020

Thank you for consulting Network Rail on the above planning application and providing us with the opportunity to comment. It is recommended that the developer contacts Network Rail's Asset Protection and Optimisation (ASPRO) team via AssetProtectionAnglia@networkrail.co.uk before works commence on site.

- The developer/ contractor shall not construct any structures within 4 metres of the railway boundary fence, wall or existing railway infrastructure, depending on which is closer. If this clearance cannot be achieved, please consult Network Rail's Senior Asset Protection Engineer (SAPE) to agree a way forward.
- During the proposed works, there shall be no interference or obstruction of Network Rail facilities.
- Prior to construction or alterations to the site by the developer / contractor, further site specific safety requirements, engineering technical approval and detailed conditions will need to be sought from Network Rail's Route Asset Protection Engineer, please contact AssetProtectionAnglia@networkrail.co.uk.
- The developer must contact the Anglia ASPRO team and agree to an Asset Protection Agreement (APA), signed by the developer prior to any works commencing on site.
- Drainage from the area of development must be directed away

from Network Rail asset.

- Any cranes, scaffolding, or other plant used within the site are to be positioned and work such that in the event of failure, they will not move or fall within 4 metres of any Network Rail infrastructure or boundary fence, whichever is closer. Cranes are not to over sail Network Rail property.
- The developer should not import the risk of settlement on Network Rail assets. This is to be demonstrated to the Anglia ASPRO team before the construction via a design submission.
- The railway adjacent to the proposed extension is 25kV electrified. Design and construction methodologies should consider the danger of working within the zone of influence of 25kV Overhead Line during the pre and post construction periods.
- We do not encourage open windows on the railway elevation, this can lead to future residents being exposed to a rail track. This can lead to many situations occurring i.e. throwing objects on to our track and at train carriages including driver cabins.

Due to the proximity of the proposed to the railway, the following zones of influence must be considered:

- Electromagnetic interference - within 5.2m. Distance within which the effect on human health should be considered.
- Dewirement zone - within 5.2m. Distance within which the overhead cable could reach in the event of a failure.
- Electromagnetic compatibility - within 7m. Distance within which the effect of the building on the cable function needs to be considered in the design.

HM Railway Inspectorate
30.11.2020

The Office of Rail and Road (ORR) has no comment. You should ensure that Network Rail, the owner of the UK's of rail infrastructure are consulted as the property seems to be a lineside neighbour to the railway tracks.

3. Planning History

20/01370/FUL	Proposed glazed link, home office and w/c.	Current
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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)

SP1 Presumption in Favour of Sustainable Development

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, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities 'Garden Communities' proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector's advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. 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)

Proposal

The proposal seeks permission for a single storey glazed link home office with a W/C, finished in render with a flat roof.

Application Site

The site is located to the North of Rainham Way within the development boundary of Frinton on Sea. The site serves a semi-detached dwelling constructed of brickwork with a pitched tiled roof. The surrounding streetscene is comprised from dwellings of similar scale and design, materials present include mostly brickwork.

Assessment

Design and Appearance

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 proposed rear extension will measure 3.48 metres wide by 6.9 metres long with an overall height of 2.8 metres. The proposal is deemed to be of a size and scale appropriate to the existing dwelling and surrounding area. The site can accommodate a proposal of this size and scale whilst retaining adequate private amenity space.

The proposed extension will be located to the rear of the property and therefore is mostly obscured from the view of the streetscene. The proposal will be finished with a render, with the roof being a flat roof construction with two skylights to provide additional light. The windows, doors, facias and soffits will be made of white UPVC, to remain in keeping with the existing dwelling. As the proposal is located to the rear of the property, it is deemed to not have a significant impact on the overall appearance of the site nor streetscene.

Impact to Neighbouring Amenities

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 by Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The nearest neighbouring properties are 45 and 41 Rainham Way.

Impact on 45 Rainham Way

This dwelling is set 3.5 meters away from the proposed development, with its single storey profile being mostly obscured by the presence of an existing fence. The proposal does not feature any windows facing towards number 45, meaning the development would not represent a risk to the privacy nor daylight of this neighbouring dwelling. No. 45 have also provided a supporting comment to this development, concluding that they have no objection to this proposal. As a result, it is deemed that this development will not cause a significant impact on the loss of privacy nor daylight, nor to cause any other harm to the amenities of No. 45.

Impact on 41 Rainham Way

This dwelling is set away from the proposed development and is largely obscured by the presence of the existing fence line fence. As a result, it is deemed that this development will not cause a significant impact on the loss of privacy nor daylight, nor to cause any other harm to the amenities of No. 41.

Highway issues

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

Other Considerations

Frinton and Walton Town Council recommend this proposal for approval.

The occupiers of No.45 support this proposal.

Network Rail have been consulted and recommend that the applicant contacts Network Rail's Asset Protection and Optimisation. This will need to be agreed in full before work commences on the proposal, detailed in condition 3 below.

Conclusion

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above. In the absence of material harm resulting from the proposal 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.

- o 2020-402-011
- o 2020-402-001

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

- 3 Prior to commencement of development further site specific safety requirements, engineering technical approval and detailed conditions shall be sought from Network Rails Route Asset Protection Engineer. The agreed details shall be submitted to and approved in writing by the Local Planning Authority before commencement of development and the development shall be carried out in accordance with the approved details.

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.

Network Rail

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