

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	CC	04.02.2021
Planning Development Manager authorisation:	SCE	04.02.2021
Admin checks / despatch completed	DB	04.02.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	04.02.2021

Application: 20/01712/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr & Mrs T Dalton

Address: Red Roofs 81 Second Avenue Frinton On Sea

Development: Erection of detached garage following removal of existing garden shed (variation to approved application 20/01133/FUL).

1. Town / Parish Council

FRINTON & WALTON
TOWN COUNCIL
11.01.2021

Recommends APPROVAL

2. Consultation Responses

Not Applicable

3. Planning History

00/01068/TCA	Remove 2 diseased Crab Apple trees	Approved	07.08.2000
00/01921/FUL	Alterations and extensions to provide utility room and WC infill with new games/hobbies room within new pitched roof over existing garages	Approved	08.02.2001
TPC/95/39	Willow	Current	26.09.1995
93/00949/FUL	Extension to garage and a new studio	Approved	05.10.1993
02/01825/TCA	Reduce and shape one Sorbus tree by 25%	Approved	31.10.2002
04/00085/FUL	Alterations and extensions to provide utility room and WC infill with new games/hobbies room within new pitched roof over existing garages. (Variation to	Approved	04.03.2004

	previous approval 00/01921/FUL)		
20/01133/FUL	Erection of detached garage following removal of existing garden shed.	Approved	23.10.2020
20/01712/FUL	Erection of detached garage following removal of existing garden shed (variation to approved application 20/01133/FUL).	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

EN17 Conservation Areas

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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. In this latter regard, as of 26th January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

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 10th 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 has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26th January 2021, at which point it became part of the development

plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have 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 (including Site Description and Proposal)

Proposal

This application seeks permission for the erection of a detached garage following the removal of existing garden shed (Variation to approved application 20/01133/FUL)

Application Site

The site is a corner plot located to the west of Second Avenue, within the Development boundary of Frinton on Sea. The site also falls within the Frinton on Sea and Walton Conservation Area. The Site serves a detached two-storey dwelling finished in red bricks and render. There is an attached double garage located to the north of the property.

Assessment

Design and Appearance and Heritage Impact

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 application site is located within the Frinton and Walton Conservation Area. Policy EN17 of the Adopted Local Plan states that development should look to wither or enhance the character and appearance of a conservation area. The sentiments of this are carried forward within Policy PPL8 in the Emerging Local Plan.

The proposed detached garage will be located to the north of the site, set further back from the existing double garage. It will measure 4 metres wide by 7.6 metres deep and have an overall height of 5.2 metres. The exterior walls will be finished in a matching brickwork with grey boarding and the roof will be pitched and finished in a natural slate. The windows and doors will be white UPVC to match those of the existing dwelling

This application has increased the depth of the proposal by approximately 1 metre than the previously approved garage under application 20/01133/FUL. The proposal is deemed to be of a size and design in keeping with the existing dwelling and surrounding streetscene, with the site retaining adequate private amenity space. The proposal will be visible to the streetscene but is largely shielded by the existing fencing and trees along the boundary line and is not considered to have any harmful effect on visual amenity, nor is it considered to harm the amenities of the Conservation Area.

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

The proposal is set away from any shared neighbouring boundary lines and is not considered to have a significant impact on the loss of privacy nor daylight, nor thought to cause any other harm to the amenities of the adjacent neighbours.

Highway issues

The Proposal complies with Essex County Council Requirements for a garage to have minimum dimensions of 7m x 3m.

Other Considerations

Frinton and Walton Town Council supports this application.

No other letters of representation have been received.

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 plan; Drawing No. TDC-0720-01-1 Revision B

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

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.

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