

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	CC	22.02.2021
Planning Development Manager authorisation:	SCE	26.02.2021
Admin checks / despatch completed	CC	02.03.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	DB	02.03.2021

Application: 21/00127/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr and Mrs Firminger

Address: The Oaks Turpins Lane Kirby Cross

Development: Proposed two storey rear extension and infill to existing rear.

1. Town / Parish Council

Frinton and Walton Town Council Supports Application

2. Consultation Responses

Tree & Landscape Officer
02.02.2021 There are no trees or other significant vegetation on the application site that will be affected by the development proposal.

Environmental Health
09.02.2021 In order to minimise potential nuisance caused by demolition/construction works, Environmental Protection recommend that the following below is conditioned;

- o No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst construction works and alterations are being carried out.
- o No materials produced as a result of the site development or clearance shall be burned on site.

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

3. Planning History

06/01035/FUL Three bedroom detached bungalow Refused 09.08.2006

07/00474/FUL	Proposed 3 bedroom detached bungalow.	Refused	17.05.2007
21/00127/FUL	Proposed two storey rear extension and infill to existing rear.	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)

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. 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 two storey rear extension and infill to existing rear.

Application Site

The site is located to the west of Turpins Lane, within the development boundary of Frinton on Sea. The site serves a detached two storey dwelling, constructed from render with a pitched tiled roof.

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 infill to the existing rear elevation is at ground floor level, it will measure 2.3 metres deep to meet with the existing dwelling.

The proposed two storey rear extension will measure 4 metres deep by 3 metres wide (at ground floor level alterations will measure 6.2 metres wide), with a maximum height of 7 metres.

The proposed development is considered to be of a size and scale in keeping with the existing dwelling with the application site retaining adequate private amenity space.

The proposed development is of a design and appearance in keeping with the existing dwelling. The exterior walls would be finished in painted render, the roof of the two storey extension will be pitched and tiled to match the existing, the roof of the ground floor infill will be flat to match the existing, and the windows and doors will be black aluminium to match the existing. The development also includes the installation of two roof lanterns to the rear and two bi-fold doors to the rear and three roof lights to the south. The proposal will not appear prominently within the streetscene as it is located to the rear of the dwelling and the dwelling is also set back from the highway. The proposal is considered to be of an acceptable design and appearance with no significant harmful effects on visual amenities.

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).

Due to its positioning within its site, the proposal will not have any significant effect on the loss of light to the adjacent neighbouring dwellings.

The proposed two storey extension does include the installation of windows at first floor level to the side and rear elevations which will result in a loss of privacy to the adjacent neighbours. However, there are existing windows on the elevations presently and therefore the proposal will not be providing the dwelling with any new additional views. The loss of privacy caused in this instance is therefore not considered to be so significant as to justify refusing planning permission.

The proposed infill at ground floor level is of a single storey nature and poses no significant risk of overlooking onto the adjacent neighbours or loss of privacy.

The proposed development is therefore considered acceptable in terms of residential amenities.

Highway issues

The Proposal neither generates an additional need for parking, nor decreases the existing parking provisions at the site.

Other Considerations

Frinton and Walton Town Council support this application.

Tending District Council's Tree and Landscape Officer has been consulted in regards to this application and concluded that there are no trees or other significant vegetation on the application site that will be affected by the development proposal.

Environmental Health have also been consulted in regards to this proposal. In order to minimise potential nuisance caused by demolition/construction works, Environmental Protection recommend that the following below is conditioned;

1. No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst construction works and alterations are being carried out.
2. No materials produced as a result of the site development or clearance shall be burned on site.
Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

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. P01

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

3. No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst construction works and alterations are being carried out.

Reason – In the interests of residential amenities.

4. No materials produced as a result of the site development or clearance shall be burned on site.

Reason – In the interests of residential amenities.

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.

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