

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	14/05/2019
Planning Development Manager authorisation:	AN	20/5/19
Admin checks / despatch completed	SB	20/05/19

**Application:** 19/00490/FUL **Town / Parish:** Clacton Non Parished  
**Applicant:** Mr Chris O'Neil  
**Address:** 51 Pier Avenue Clacton On Sea Essex  
**Development:** Proposed removal of existing entrance doors and replace with automatic bi-fold doors.

### 1. Town / Parish Council

n/a

### 2. Consultation Responses

Building Control and Access Officer      Proposals will need to comply with Approved Documents.

### 3. Planning History

19/00199/ADV	Proposed rebranding of external signage.	Approved	03.04.2019
19/00490/FUL	Proposed removal of existing entrance doors and replace with automatic bi-fold doors.	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  
 ER32a Primary Shopping Area

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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**

### Proposal

This application seeks permission for replacement automatic bi-fold entrance doors to the shop front of 51 Pier Avenue, currently WHSmith in the town centre located within the development boundary of Clacton on Sea.

### Appraisal

The proposed automatic bi-fold doors will replace exactly the existing entrance doors albeit a differing design, which serves the shop, while also replacing the guard rails to complete the revised look and design. The doors will be finished in matt white which will tie in with the new signage approved under reference 19/00199/ADV and which will be in keeping with the street scene. The site is located within the town centre with many of the surrounding commercial buildings comprising of a variety of frontages differing in colour and design. As the site falls outside of the Clacton on Sea Conservation Area it requires no special protection. The design and scale of the proposal would not result in any significant harmful visual impact to the existing shop building or the immediate area.

There will be no effect on the pedestrian usage of the footway in front of the shop as the replacement of the doors and the space they use for opening are like for like.

### Other Considerations

The Tendring District Council Building Control and Access Officer has confirmed that the proposals will need to comply with the approved documents.

Clacton is non parished and therefore no comments are required.  
No other letters of representation have been received.

### Conclusion

In the absence of any harm resulting from the proposed development the application is recommended for approval.

## **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 plans: Drawing Number: 8699 Sheet No 001.1

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.

<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