

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	15/07/2019
Planning Development Manager authorisation:	TF	30/07/2019
Admin checks / despatch completed	ER AN	30/07/19. 30/7/19

**Application:** 19/00849/FUL **Town / Parish:** Little Clacton Parish Council

**Applicant:** Mr John Russel - Little Clacton Tennis Club

**Address:** Whitegates L T C 52 Holland Road Little Clacton

**Development:** Variation of condition 7 of approved application 17/00736/FUL to amend drawing LCTC-01C to include ASHP unit.

### 1. Town / Parish Council

Little Clacton Parish Council      No comments received

### 2. Consultation Responses

ECC Highways Dept      It is noted that this application only concerns condition 7, the Highway Authority does not object to the proposals as submitted and in accordance with amended drawing LCTC-01C.

### 3. Planning History

14/01281/FUL	Formation of four hard surfaced tennis courts with related fencing and floodlighting.	Approved	18.11.2014
15/00946/DISCON	Discharge of condition 3 (Details of lighting) of approved planning application 14/01281/FUL.	Approved	22.07.2015
17/00736/FUL	Proposed replacement clubhouse and associated parking.	Approved	26.06.2017
19/00849/FUL	Variation of condition 7 of approved application 17/00736/FUL to amend drawing LCTC-01C to include ASHP unit.	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

COM4 New Community Facilities (Including Built Sports and Recreation Facilities)

COM7 Protection of Existing Recreational Open Space Including Children's Play Areas and Pitch and Non-Pitch Sports Facilities

COM8 Provision and Improvement of Outdoor Recreational Facilities

EN1 Landscape Character

EN13A Renewable Energy

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SPL3 Sustainable Design

HP1 Improving Health and Wellbeing

HP2 Community Facilities

HP5 Open Space, Sports & Recreation Facilities

PPL3 The Rural Landscape

PPL10 Renewable Energy Generation

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

### **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 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.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

## **5. Officer Appraisal (including Site Description and Proposal)**

### Site Description

The application site is located on the southern side of Holland Road within the parish of Little Clacton. The site accommodates a tennis club and is served by an access that also serves a number of recently constructed bungalows that are located to the north, east and west of the site. The site was previously the subject of an application for a new clubhouse which has now been completed. This application seeks the retention of a heat source pump and solar panels to the building.

### Proposal

This application seeks to vary condition 7 (approved plans condition) of planning permission 17/00736/FUL to update the approved plans to reflect the inclusion of 16 no. solar panels and an air source heat pump (ASHP). The solar panels are located on the south-facing roof slope of the building and the ASHP is situated on the western elevation.

All other aspects of the previous approval for the clubhouse remain unchanged.

### Impact of the Changes

As the changes are minor and restricted to the siting of a small ASHP unit to the building's western elevation and solar panels to the south facing roof the visual impact upon the wider area is considered to be minimal.

The renewable energy features do not significantly alter the appearance of the building and boost the development's sustainability credentials in line with national and local planning policies.

The noise associated with the ASHP is minimal and the cabinet is located approximately 24m to the south and east of the nearest residential properties. Consequently, any impact upon residential amenity is considered to be acceptable.

### Conditions

The conditions attached to the 2017 permission have been updated and removed where no longer required. As the building has been completed the time limit condition is removed, but the conditions seeking to retain the planted landscaping and the car parking area are updated to reflect the retrospective nature of the application. The working hours and use restriction conditions remain unchanged.

### Other Considerations

No further letters of representation have been received.

## **6. Recommendation**

Approval

## **7. Conditions**

- 1 The planted scheme of landscaping as shown on drawing no. LCTC-02 B and supporting information titled 'General Specification for Soft Landscaping', shall be retained and maintained for a period of five years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

Reason - To ensure the effective implementation of the approved landscaping scheme, in the interests of visual amenity.

- 2 The vehicle parking area, as shown on approved drawing no. LCTC-02 B, shall not be used for any purpose other than the parking of vehicles that are related to the use of the development and retained as approved thereafter.

Reason - To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety.

- 3 The approved building shall only be used as clubhouse and base for a sports therapist/coach in association with the tennis club and for no other purpose including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification).

Reason - To retain control over the potential uses within Use Class D2 in the interests of residential amenity.

- 4 The building hereby permitted shall not be used outside of the following times;

Monday - Saturday (8:00am - 22:00pm)  
Sunday and Bank Holidays (08:00am - 20:00pm)

Reason - In the interests of local amenity.

- 5 The development hereby permitted shall be carried out in accordance with the following approved plans: LCTC-01 D and LCTC-02 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.

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