

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	21/01/20
Planning Development Manager authorisation:	AN	21/1/20
Admin checks / despatch completed	CC	21/01/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	21/1/2020

Application: 19/01802/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr Jason Thomas

Address: Fiske Court Beach Road Clacton On Sea

Development: Construction of scooter store/ building with charging points for the residents of the home.

1. Town / Parish Council

Clacton is non parished.

2. Consultation Responses

Essex County Council
Heritage

The application is for construction of scooter store/ building with charging points for the residents of the home.

No objection to this application. It is recommended that the UPVC fascia is changed to timber to enhance the aesthetic quality of the building.

3. Planning History

07/00721/TCA	1 no. flowering Prunus - reduce crown by 30%. 1 No. crab apple - trim to tidy	Approved	29.05.2007
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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

EN17 Conservation Areas

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

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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. 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 (including Site Description and Proposal)

Site Description

The application site is Fiske Court, Beach Road, Clacton on Sea which is a residential home. The application site is situated between Beach Road and Rosemary Crescent. The application site is located within Clacton Seafront Conservation Area and within the development boundary of Clacton on Sea.

Proposal

The application seeks planning permission for the erection of a scooter store/building with charger points for the residents of the homes. The proposed store will measure 4.5 metres by 5.1 metres with an overall height of 2.5 metres.

Assessment

The main considerations for this application are;

- Design and Appearance,
- Residential Amenities,
- Heritage Impact.

Design and Appearance

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to

their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposed scooter store will be located to the northern side of Fiske Court and it will be located approximately 46 metres away from the highway of Rosemary Crescent and approximately 60 metres away from the highway of Beach Road. It is considered that there is a sufficient distance to both Rosemary Crescent and Beach Road, as well as the existing fencing which will help to screen the proposal from the street scene. Due to the single storey nature of the store, the flat roof and it being located within the existing service yard, it is considered that the proposal will not cause any impact upon the street scene.

The store will be constructed from; hardiplank horizontal boarding with a flat roof and wide roller shutter door which are materials that are considered acceptable for a building in this location.

Residential Amenities

Policy QL11 of the Saved Plan states that amongst other 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 proposed store will be located to the north east of Fiske Court and therefore it will not be visible to the neighbouring property to the south, number 4 Beach Road. There may be views of the proposed store from the neighbouring dwelling to the north, however as the proposal is single storey with a flat roof and it is used for storage purposes only, the proposed store will not cause any impact upon residential amenities.

Heritage Impact

Policy EN17 of the Tendring District Local Plan 2007 and Policy PPL8 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) state that development within a Conservation Area must preserve or enhance the special character or appearance of the Conservation Area.

As the application site is located within the Conservation Area, the Historic Environment Manager has been consulted. The Manager has no objections to the application however, it is recommended that the UPVC fascia is changed to timber to enhance the aesthetic quality of the building. The applicant has since amended the plans to reflect the Historic Managers comments to timber. It is therefore considered that the proposed works will preserve and enhance the special character and appearance of the Conservation Area.

Other considerations

Clacton on Sea is non parished.

1 letter of representation has been received raising the following concern;

-A slope is needed to the back door into the building due to wheelchair access.

The planning agent has responded to the concern raised above, stating that although the concern raised is not related to the proposed scooter store, the front of the building has a level access which should be used. However within Colne housing programme they are going to remove the side fence creating a small slope where there will be a shorter direct access to the front of the building.

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: Dwg No. 05B and Dwg No. 01

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