

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	24/06/2021
Planning Development Manager authorisation:	TF	25/06/2021
Admin checks / despatch completed	CC	25.06.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	25.06.2021

Application: 21/00417/FUL **Town / Parish:** Clacton Non Parished

Applicant: Lfie - Outsoar Ltd

Address: Westway House 146 Wellesley Road Clacton On Sea

Development: Variation of Condition 2 (Approved Plans) of Planning Permission ref: 18/00590/FUL (Addition of 2no. porches and 3 canopies to new flat entrances. Remodelling of shopfront to reflect residential occupancy, including new mono-pitched roof) dated 17/04/2018. Changes to include alteration to roof design.

1. Town / Parish Council

Clacton is non parished

2. Consultation Responses

Not applicable

3. Planning History

03/00698/ADV	Projecting advertisement sign	Refused	06.06.2003
03/02069/FUL	Change of use of part existing shop to form two number dwellings including two number porch extensions and new highways access	Refused	12.12.2003
06/00290/FUL	Conversion to form two flats.	Approved	13.04.2006
17/00852/COUNO T	Proposed change of use of part of building from use class A1 (shops) to C3 (dwelling houses).	Determinati on	14.07.2017
17/01653/FUL	Conversion of ground floor shop to create 2No One -bedroomed flats (with alteration to access stair to upper floor flat) with new dropped-kerb access and forecourt parking with associated works to boundary wall,	Approved	02.11.2017
18/00516/FUL	Variation of condition 2 (approved plans) to approved planning	Approved	

application 17/01653/FUL - to give additional weather protection to flat entrances & give the elevation a more residential appearance.

18/00590/FUL	Addition of 2no. porches and 3 canopies to new flat entrances. Remodelling of shopfront to reflect residential occupancy, including new mono-pitched roof.	Approved	25.05.2018
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4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG3 Residential Development Within Defined Settlements

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021)

SPL2 Settlement Development Boundaries

SP7 Development and Delivery of New Garden Communities in North Essex

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)

Site Description

The application site is 146 Wellesley Road, Clacton-on-Sea. The building is currently unoccupied, and was a former A1 shop. However, under recent planning applications 17/00852/COUNOT and 17/01653/FUL and 18/00590/FUL, the site has permission to be converted into eight residential units. The character of the surrounding area is dominated with urban built form, with predominantly residential properties to all sides, however to the north is a commercial unit. The site falls within the Settlement Development Boundary for Clacton-on-Sea within both the Tendring District Local Plan 2007 and the Emerging 2013-2033 Tendring Local Plan Publication Draft.

Proposal

This application seeks planning permission for the variation of Condition 2 (Approved Plans) of Planning Permission ref: 18/00590/FUL (Addition of 2no. porches and 3 canopies to new flat entrances. Remodelling of shopfront to reflect residential occupancy, including new mono-pitched roof) dated 17/04/2018. Changes to include alteration to roof design.

The planning agent has stated that the works have commenced and this has been supported by the building regulations form provided.

Assessment

The main consideration for this application is the visual impact, impact upon neighbouring amenities and other considerations.

Visual Impact

The adopted Tendring District Local Plan (2007) "Saved" Policies 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).

Whilst there are numerous works proposed, and visible from all sides, most are relatively minor and are what would be expected in order to fully convert the existing retail use into the previously approved residential use. The amended roof design to a mono-pitched roof is not considered to be harmful from the street scene along either Eton Road or Wellesley Road. The remaining changes see the introduction of porches and canopies which will have a neutral impact. Due to the minor nature of these works, whilst they will be prominent within the street scene they will not be visually harmful.

Impact upon Neighbouring amenities

The NPPF, at 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 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).

Whilst there are a number of neighbouring properties within the immediate vicinity, due to the minor nature of the majority of the works there will be a neutral impact to existing neighbouring amenities. Further, the most notable change, the change to a mono-pitch roof is not considered to cause any significant loss of light to any neighbouring properties, and therefore there is not considered to be significant harm as a result.

Other Considerations

Clacton is non parished.

No letters of representation have been received.

6. Recommendation

Approval - Full

7. Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing No. P01

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