

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	5 th May 2022
Planning Development Manager authorisation:	AN	5/5/22
Admin checks / despatch completed	DB	05.05.2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	05.05.2022

Application: 22/00153/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr John Roberts - Colins Fish and Chips

Address: 122 Holland Road Clacton On Sea Essex

Development: Proposed replacement of window panel, frames and 2 doors. Windows to be replaced with aluminium Bi-Fold doors. Two doors to be replaced with matching doors and frames.

1. Town / Parish Council

Not applicable

2. Consultation Responses

Building Control and Access Officer
22.04.2022

No adverse comments at this time.

3. Planning History

97/00082/ADV	Retention of double sided free standing advertising unit on forecourt	Refused	11.03.1997
98/00575/ADV	Double sided, free standing advertisement unit on shop forecourt	Refused	30.06.1998
03/02120/FUL	Shop extension	Approved	20.12.2003
04/00056/FUL	Division of shop to form two units, rear extension and conservatory	Approved	05.03.2004
04/00704/FUL	Change of use to restaurant and take away.	Refused	14.07.2004
04/01443/FUL	Take away and restaurant opening hours 8 am to 8.30 pm	Refused	17.09.2004
04/01917/FUL	Hot food take-away with associated parking	Refused	26.11.2004
06/00867/FUL	First floor extension & alterations conversion to form three flats.	Approved	11.07.2006
06/01358/FUL	Change of use to Class A5 (Take-	Refused	27.09.2006

	away) from residential use with new shopfront and extract flue.		
07/00179/FUL	Variation of 06/00867/FUL to form Class A5 retail outlet to ground floor		05.11.2007
09/00275/FUL	First floor extension and alterations - conversion to two apartments (Variation to approval 06/00867/FUL, as constructed).	Approved	15.06.2009
09/00762/FUL	Details of extraction flue	Approved	06.11.2009
09/00795/FUL	Variations to approval 06/00867/FUL and 09/00275/FUL - first floor extension and alterations, conversion to two apartments, as constructed.	Approved	09.11.2009
22/00153/FUL	Proposed replacement of window panel, frames and 2 doors. Windows to be replaced with aluminium Bi-Fold doors. Two doors to be replaced with matching doors and frames.	Current	
22/00174/FUL	Proposed relocation and replacement of the existing ducting and fan.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2021

National Planning Practice Guidance

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

SP1 Presumption in Favour of Sustainable Development

SP3 Spatial Strategy for North Essex

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

PP6 Employment Sites

CP1 Sustainable Transport and Accessibility

Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

5. Officer Appraisal

Site Description

Holland Road is a classified road (B1032) linking Clacton's town centre with Holland-on-sea. The application site is situated on the eastern side of Holland Road on a corner site at the junction with Gainsford Road, Eastcliff Avenue and Holland Park. The ground floor Holland Road frontage is served as a Fish & Chip shop with serving/seating area and associated prep-kitchen and storage area to the rear. The ground floor Gainsford Road frontage is a residential flat and there are two further flats at first floor – approved in 2006.

The Holland Road frontage comprises a fixed pane of glass and an inwardly-opening door and the seating area is behind a bank of four, fixed panes of glass with top-hung opening fanlights; it is also served by a ramped access which runs parallel with the shopfront.

The Gainsford Road frontage comprises one panelled door which is a secondary entrance in to the seating area. The remainder of the doors/windows are associated with the ground floor flat. No changes are proposed to the residential fenestration.

Description

The application proposes a number of very minor changes to the doors and windows in addition to the re-orientation of the ramped access.

The only change proposed to the Gainsford Road frontage is changing the style of the entrance door from one with a domestic-appearance (a typical panelled design) to a fully-glazed door.

The Holland Road's frontage would be changed from the fixed pane of glass and an inwardly-opening door to a pair of French doors within the sized opening; the bank of four, fixed panes of glass would be replaced with a set of two bi-folding doors.

The degree of the slope of the ramped access would be decreased to provide a longer but much shallower approach. The top of the approach would also face the door directly rather than be to the side of the door.

Assessment

The main planning considerations are:

- Principle of Development;
- Layout, Scale and Appearance;
- Neighbouring Amenities;
- Highway Considerations;

- Representations

Principle of Development

Within Settlement Boundary

The site is located within the Development Boundary of Clacton, therefore there is no principle objection to the proposal, subject to the detailed considerations discussed below.

Layout, Scale and Appearance

Section 1 Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context. Section 2 Policy SPL3 of the 2013-33 Local Plan also requires, amongst other things, that the development respects or enhances local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features. Paragraph 130 of the Framework requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

The proposed changes to the fenestration are deemed to be of de-minimus effect on the external appearance as the size of the openings is not changing; for this reason the works are not deemed to amount to operational development for which planning permission would be required.

The land naturally slopes upwards from east (Holland Road) to west (shopfront) and the re-orientation of the access ramp would utilise the existing gently elevating land. This would also see the removal of the current access ramp. The rails would be also be re-orientated from a north/south direction to east-west direction.

The cumulative effect of the development would have very little impact on the character of the host building or wider streetscene in general as the proposed changes are relatively minor.

Neighbouring Amenities

The NPPF, at paragraph 130 states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Section 1 Policy SP7 of the Tendring District Local Plan 2013-2033 requires that all new development protects the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking.

The works proposed are considered to be alterations and do not propose any increase in built form. No additional windows/openings are proposed. For these reasons the development will continue to protect the amenity of existing residents with regards to noise, vibration, smell, loss of light, overbearing and overlooking.

Highway Considerations

Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. Paragraph 112 states that applications for development should (a) give priority first to pedestrian and cycle movements and (c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter. Paragraph 130 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. These objectives are supported adopted Policy SP7 of the Tendring District Local Plan 2013-2033.

The proposed development neither increases nor decreases what (limited) parking provision the premises has to offer.

Representations:-

No letters have been received in response to the publicity of this application.

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:- 02, 03 and 04; received 4th March 2022.

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?		NO
Are there any third parties to be informed of the decision?		NO