

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case Officer recommendation:	MP	07/12/22
Planning Manager / Team Leader authorisation:	JJ	07/12/22
Planning Technician final checks and despatch:	ER	07/12/2022

Application: 22/01635/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr John Roberts - Colin Fish and Chips

Address: 122 Holland Road Clacton On Sea Essex

Development: Retrospective application for new front seating area including raising part of the front and the construction of brick walls with a maximum height of 0.85m and new timber wooden bin storage.

1. Town / Parish Council

Clacton – non-parished

2. Consultation Responses

N/A

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-away) from residential use with new shopfront and extract flue.	Refused	27.09.2006

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.	Approved	05.05.2022
22/00174/FUL	Proposed relocation and replacement of the existing ducting and fan.	Approved	05.05.2022

4. Relevant Policies / Government Guidance

National:

National Planning Policy Framework July 2021 (NPPF)

National Planning Practice Guidance (NPPG)

Local:

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

Local Planning Guidance

Essex Design Guide

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

The application site is 122 Holland Road, which is a two storey property located on the corner of Holland Road and Gainsford Road, within Clacton-on-Sea. The ground floor is occupied as 'Colin's at the Lighthouse', which is a fish and chip shop. The first floor is within residential use.

The site falls within the Settlement Development Boundary for Clacton-on-Sea. The character of the area is heavily urbanised, with predominantly residential properties located to all sides. In addition there are sporadic commercial properties, and Holland Park Primary School is sited approximately 100 metres to the north-west.

Description of Proposal

This application seeks retrospective planning permission for the following:

- New front seating area, including raising part of the front floor area by 0.4 metres;
- Erection of a timber wooden bin storage area to the south of the site; and
- Construction of a brick wall measuring 0.85 metres in height, located along the southern and western boundaries.

Assessment

1. Visual Impacts

Paragraph 130 of the National Planning Policy Framework (NPPF) (2021) 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.

Adopted Policy SP7 of Section 1 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context.

Adopted Policy SPL3 Part A (b) requires that development relates well to its site and surroundings, particularly in relation to its siting, height, scale, massing, form, design and materials.

The proposed alterations are all within a highly prominent location, and as such the impacts to the character and appearance of the surrounding area are a key consideration in the determination of this application. However, despite the works being so publicly visible, in general they are all contributing towards an enhancement to the buildings previous design, and will not appear harmful from views along either Holland Road or Gainsford Road. Given this, Officers raise no concerns in regards to the visual appearance of the proposals.

2. Impacts to Neighbouring Amenities

Paragraph 130 of the National Planning Policy Framework (2021) confirms planning policies and decisions 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.

Policy SP7 of Section 1 of the 2013-33 Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 (Part C) seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

The application site is set amongst a number of residential properties, specifically those located adjacent to the north. However the changes are all relatively minor in nature, and will not impact the existing amenities of neighbouring properties. Officers therefore raise no concerns in this regard.

3. Highway and Pedestrian Safety

The wall is only 0.85 metres in height and follows the curve of the edge of footway to ensure that pedestrian safety will not be compromised. The new timber enclosure is located on the south-eastern boundary and results in a level of obscurity to the visibility splays when leaving the hardstanding area for the adjacent property to the east (Numbers 1 and 2 Gainsford Avenue). However, following discussions with Essex Highways Authority, they have confirmed that the footway is in excess of 3 metres in width between the carriageway edge and the boundary of the property, and there is no record of any collision incidents in this location, so raise no objections. Therefore, Officers are content this element of the development will not compromise pedestrian or highway safety.

Other Considerations

Clacton is non-parished so no comments are required.

There have been no other letters of representation received.

Conclusion

The retrospective application seeks planning permission for a series of minor alterations, which are considered to be a slight visual enhancement to the previous appearance of the site. In addition no harm is identified with regards to impacts to neighbouring properties or highway/pedestrian safety. Accordingly the application is policy compliant and is recommended for approval.

6. Recommendation

Approval.

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 drawings / documents, and / or such other drawings / documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings / documents as may be subsequently approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard:

Drawing Numbers AWA/1149/01, AWA/1149/02, AWA/1149/03, AWA/1149/04 and AWA/1149/05.

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.

Extraction Flue:

Please note that while the submitted plans show that the extraction flue was already in situ, images on Google Earth suggest that it was previously located to the rear of the property as opposed to its current southern elevation location. It is possible that the extraction flue may need separate planning permission in its own right, and this should be reviewed accordingly.