

/DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	CC	05.06.2023
Planning Manager / Team Leader authorisation:	JJ	06/06/2023
/Planning Technician final checks and despatch:	CC	06.06.2023

Application: 23/00472/FULHH **Town / Parish:** Clacton Non Parished

Applicant: Mr Antony Cannon

Address: 2 Lancaster Gardens East Clacton On Sea Essex

Development: Proposed lift shaft to side of building for through floor lift.

1. Town / Parish Council

Clacton non-parished No comments required

2. Consultation Responses

Essex County Council
Heritage
12.05.2023

The application is for proposed lift shaft to side of building for through floor lift.

The proposal site is in close proximity to Grade II Listed Moot Hall and row of 5 Street Lights South Side Of Esplanade Between Lancaster Gardens And Connaught Gardens.

There would be limited visibility of the proposed lift shaft while approaching Moot Hall from East along Marine Parade East. However, the proposal is not considered to affect those elements of the setting that make a positive contribution to the identified heritage assets.

There is therefore no objection to this application.

3. Planning History

02/00224/FUL	Retention of conservatory	Approved	14.03.2002
11/60409/HOUEN Q	Pitched roof extension		01.09.2011
12/60231/HOUEN Q	Conservatory room on existing balcony		31.05.2012
12/00788/FUL	New upper floor bay window.	Approved	24.09.2012

22/00630/FULHH	Proposed new prefabricated concrete garage installed on a concrete base to the side of the house in the garden together with a soak away under the lawn.	Refused	08.08.2022
22/01652/FULHH	Retrospective permission for new premade concrete garage installed on a concrete base to the side of the house in the garden together with a soak away under the lawn. Garage side and rear pebbledash walls to be sprayed to match the pebbledash colour on the main house and associated landscaping.	Approved	22.12.2022
23/00472/FULHH	Proposed lift shaft to side of building for through floor lift.	Current	

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)

SP7 Place Shaping Principles

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

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 (including Site Description and Proposal)

Application Site

The application site serves a detached dwelling located on a corner plot towards the east of Lancaster Gardens East and the north of Marine Parade East.

Proposal

This application seeks permission for the erection of a lift shaft to the side of the building for through floor lift.

Assessment

Design and Appearance

The proposed lift shaft will be located towards the east of the dwelling, it will be largely shielded from the public views of the area by the existing dwelling, although it will be visible in some areas it is not thought to appear overly dominant due to its siting back from the highway.

The lift shaft is considered to be of a minor size and scale in relation to the host dwelling. It will be finished in pebble dashed render to match that of the host dwelling with a flat roof design. The lift shaft is considered to be of an appropriate design, scale and appearance with no significant harmful effects on the visual amenities of the area.

Impact on Listed Buildings

The application site is located within close proximity to Grade II Listed Moot Hall and row of 5 Street Lights South Side of Esplanade Between Lancaster Gardens And Connaught Gardens. As such, Essex County Councils Heritage department (Place Services) have been consulted on this application, their comments have been provided in full above. ECC Heritage have no objections to the application, due to its limited visibility the lift shaft will not cause harm to the settings of the identified heritage assets.

Impact on neighbouring amenities

The proposal does not include the installation of any windows on first floor level, it therefore has no effects on the loss of privacy to the adjacent neighbouring dwellings.

The proposed is located an adequate enough distance from the neighbouring dwellings as to have no impact on the loss of light.

Other Considerations

The proposal does not alter the existing parking arrangements at the site, nor does it require additional parking spaces. The Local Planning Authority therefore deem the application acceptable in terms of highway safety.

Clacton is non-parished and so no comments are required,

No other letters of representation have been received.

Conclusion

The proposal is therefore deemed to be compliant with the above-mentioned National and Local Policies, in the absence of material harm the proposal is recommended for approval.

6. Recommendation

Approval - FULL

7. Conditions / Reasons for Refusal

1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later 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 Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below 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 subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Drawing No. 496-001 A

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

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