

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	CC	23.11.2023
Planning Manager / Team Leader authorisation:	ML	23/11/2023
Planning Technician final checks and despatch:	ER	23/11/2023

Application: 23/01339/FUL **Town / Parish:** Clacton Non Parished

Applicant: Ms L Pembroke - Dunwell Property Management

Address: Grosvenor Court 1 Rosemary Road Clacton On Sea

Development: Proposed alteration of entrance core glazing and roofing fenestration.

1. Town / Parish Council

Clacton non-parished No consultation / comments required.

2. Consultation Responses

Not Applicable.

3. Planning History

11/60448/HOUEN Q	Erection of perimeter metal railing fence north and east of premises approx 1 metre high		18.10.2011
11/60564/HOUEN Q	Erection of perimeter metal railing fence approx 120cm with Fleu de Leys styling		09.01.2012
12/00400/FUL	Erection of perimeter metal railing fence and side entrance gate.	Approved	18.07.2012
17/00259/FUL	Erection of perimeter railing fence one metre high, remodel bin store incorporating two metre high wall, revised parking layout to accommodate one extra space.	Approved	20.04.2017
23/01339/FUL	Proposed alteration of entrance core glazing and roofing fenestration.	Current	

4. Relevant Policies / Government Guidance

National:
National Planning Policy Framework July 2023 ([NPPF](#))

Local:

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

SP1 Presumption in Favour of Sustainable Development
SP7 Place Shaping Principles

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

SPL3 Sustainable Design
PP14 Priority Areas for Regeneration
PPL8 Conservation Areas

Supplementary Planning Documents

[Essex Design Guide](#)

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

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), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) 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 4-storey building in use as residential flats located on a corner plot to the south of Rosemary Road and west of Carnarvon Road. The site is accessed through Rosemary Crescent.

The application site is located within the settlement development boundary of Clacton on Sea, as defined by the Tendring District Local Plan 2013-2033. The site also falls within the Clacton Seafront Conservation Area and is within a priority area for regeneration.

Proposal

This application seeks full planning permission for alterations of entrance core glazing and roofing fenestration.

Assessment

Design and Appearance

The proposed works will be visible in public views from Rosemary Crescent, however as the building is set back from the highway the works will not appear overly prominent within the area.

The entrance core is currently finished in glazed walling with a glazed roof. It is proposed to finish the external walls in a silicon render system with tilt turn opening windows. The use of render is

widely seen throughout the locality, the proposed alterations are therefore deemed to be of a design and appearance in keeping with the host dwelling and its locality with no significant harmful impacts on the visual amenities of the area.

Impact on Conservation Area

Due to the minor nature of the proposal The Local Planning Authority have not deemed it necessary to consult Essex County Council's Heritage department (Place Services) on this application.

As discussed above, the use of render is prevalent within the conservation area and therefore the change in appearance of the external walls from glazed to rendered is considered to be in keeping with the character of the conservation area. The proposed alterations are therefore deemed to be of an acceptable design and appearance with no significant harmful impact on the special character or architectural interests of the conservation area.

Impact on Neighbouring Amenities

The proposed alterations include the removal of the glazed wall and the installation of front facing windows to the second and third floor levels. These windows will provide views overlooking onto Rosemary Crescent, a public area, and therefore have no impacts on the loss of privacy.

The proposed alterations have no effect on the loss of light to neighbouring properties.

Highway Safety

The proposal has no impact on the existing parking arrangements at the site and does not cause a need for additional parking. The Local Planning Authority therefore deem the application acceptable in terms of highway safety.

Other Considerations

Clacton is non-parished and therefore no comments are required.

No other letters of representation have been received.

Conclusion

The proposed development is considered to comply with the above mentioned national and local planning policies. In the absence of material harm, the proposal is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions

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. 03 A
Drawing No. 04 A
Drawing No. 05

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.

9. **Equality Impact Assessment**

In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

<p>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</p>		NO
<p>Are there any third parties to be informed of the decision? If so, please specify:</p>		NO