

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	09/07/2018
Planning Development Manager authorisation:	AN	16/7/18
Admin checks / despatch completed	AN	17/7/18

Application: 18/00802/FUL **Town / Parish:** Clacton Non Parished

Applicant: Marshalls Amusements Ltd

Address: 13 - 19 Pier Avenue Clacton On Sea Essex

Development: Proposed change of use for existing "grabber" concession to A1/A5 kiosk.

1. Town / Parish Council

Clacton - non parished.

2. Consultation Responses

Food Health and Safety No comments received.

Building Control and
Access Officer No comments

3. Planning History

03/00351/FUL Change of use to gaming casino Approved 11.06.2003

06/01852/FUL New entrance and porch, new window, boundary fence and block paving. Approved 02.02.2007

15/01805/FUL Change of use of open space to and use of whole site as an amusement park; the creation of a new waterpark; the relocation of the adventure golf; the extension of the Pavilion building at cliff-top level; the refurbishment of toilet block to provide a cafe/restaurant and public toilets, with associated infrastructure, landscaping and surfacing works. Refused

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

ER16 Tourism and Leisure Uses

EN17 Conservation Areas

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SPL3 Sustainable Design

PP8 Tourism

PPL8 Conservation Areas

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 216 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. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. Importantly the Inspector has confirmed that the housing requirement for Tendring of 550 new homes per annum for the period up to 2033 is based upon sound evidence. There are however concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application relates to an existing grabber machine booth located to the front of 13 - 19 Pier Avenue, Clacton-on-Sea. This kiosk is located outside the Magic City Amusement arcade and is one of three kiosk units along this buildings frontage. This kiosk falls within the boundaries of the Clacton Sea Front Conservation Area.

Description of Proposal

The application seeks full planning permission to replace the existing grabber machine and enclose the existing structure to provide a refreshment kiosk serving tea, coffee and soft drinks, slush, ice cream pre-made sandwiches and some reheated items such as paninis. There is no intention to cook within the kiosk. The application description has been amended to include A1 and A5 for clarity.

Assessment

The main consideration in this instance are;

- Principle of Development;
- Design and Impact (including Impact Upon the Heritage Asset);
- Representations.

Principle of Development

The seafront area of Clacton is the principal tourist attraction in the Tendring District we must therefore look to support investment into this area and development aimed at improving facilities and the variety of amenities offered.

The existing kiosk is approximately 6 years old albeit that there has been a concession kiosk in this location for more than 30 years. Charnallies Restaurant at number 1-5 Pier Avenue to the south east of the site has a similar, larger refreshment kiosk to the front.

Pier Avenue is bounded on either side at this point by Amusement arcades and both sides have concession kiosks along the frontages. The proposal is intended to ensure a variety of customers continue to use the Pier Avenue facilities. In contrast to the existing grab machine, the new facility will be staffed and will therefore contribute to local employment.

In this regard, the principle of the development is considered acceptable.

Design and Impact (including Impact Upon the Heritage Asset)

The application site falls within the Clacton-on-Sea Conservation Area and as such the application is accompanied by a Heritage Statement in order to justify that the proposal is in line with requirement of the National Planning Policy Framework.

The proposal will replace an existing glass fronted 'grabber' machine with an enclosed refreshment kiosk again with a mainly glass frontage. The proposal will replace the concession but retain the overall appearance. Although this is a fairly small unit, this kiosk forms part of the overall character of Pier Avenue. The location of this kiosk means that it is highly visible outside of the magic city frontage. This application will not detract from that in any way and will purely update the concession held within the kiosk. On this basis the visual impact upon the Pier Avenue frontage will be minimal. It is considered that the proposed changes will result in a minor visual impact therefore preserving the character and appearance of the conservation area.

Representations

The site is located within the non parished area of Clacton on Sea.

No letters of representation have been received.

Conclusion

In the absence of any material harm resulting from the proposal, the application is recommended for approval.

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: drawing number PL02.

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.

Advertisement Consent

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