

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	LN	25/10/2018
Planning Development Manager authorisation:	SCE	25.10.18
Admin checks / despatch completed	<i>rne</i> <i>SB</i>	26/10/18. 26/10/18.

**Application:** 18/01465/FUL **Town / Parish:** Clacton Non Parished

**Applicant:** Mr Norman Jacobs, West Cliff (Tendring) Trust

**Address:** West Cliff Theatre Tower Road Clacton On Sea

**Development:** Single storey flat roofed extension to existing ladies toilets.

### 1. Town / Parish Council

Clacton Non Parished

### 2. Consultation Responses

N/A

### 3. Planning History

97/00713/FUL	() Proposed alterations and extensions to provide improved toileting, bar, kitchen, workshop, stage and changing facilities and including new function room and new ramp access to main entrance	Approved	07.10.1997
00/01008/TPO	Fell Eucalyptus	Approved	11.07.2000
08/01589/FUL	Demolish existing dilapidated corrugated iron storage sheds and erect new modular steel storage building.	Approved	12.01.2009
18/01465/FUL	Single storey flat roofed extension to existing ladies toilets.	Current	

### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018  
National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

EN23 Development Within the Proximity of a Listed Building

COM3 Protection of Existing Local Services and Facilities

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

SPL3 Sustainable Design

PPL9 Listed Buildings

HP2 Community Facilities

### Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies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 48 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. They raise 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 48 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 site is located to the west of Tower Road, on a corner plot with Freeland Road, inside the development boundary of Clacton on Sea. It serves the Westcliff Theatre, which is entirely rendered with a combination of pitched and flat roof. A car park to the west of the site serves the theatre and is accessed from Freeland Road. A storage building for the theatre exists to the north of the car park. To the north of the site is St James's Church, a Grade II\* listed building; across the road to the south of the site is Clacton hospital. All other site boundaries are bordered by residential property.

### **Proposal**

The application proposes a single storey flat roofed extension to the existing ladies toilets. It measures 6.8m deep by 2.25m wide with a flat roof with maximum height of 4.4m.

### **Assessment**

The main considerations of this application are the design, visual amenity and impact on the adjacent listed building and residential amenity.

The adopted Tendring District Local Plan (2007) Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and protects or enhances local character. Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) carries forward the sentiments of these saved policies.

### **Design and Visual Amenity**

The proposed single storey extension is a modest addition to infill the south western corner of the theatre. The proposed materials will consist of colour washed cement render to match the existing theatre. The extension will be visually prominent within the street scene but it will not extend beyond the existing building line and the design and overall height will match the existing building exactly so will not have any material harm to the visual amenity of the surrounding area. A condition has been imposed to ensure matching render as the building is a publicly visible building where matching materials are a visually essential requirement.

### Impact on Adjacent Listed Building

The proposed extension is located some distance from the northern boundary of the site, which is shared with St James's Church, a Grade II\* Listed Building. Views of the development from St James's Church will be entirely screen by the theatre buildings and the church hall. A Heritage Statement accompanies this application stating that the development will "have zero impact on the setting of the listed building". In accordance with Policy EN23 of the adopted Local Plan it is agreed that the development will not adversely affect the setting of the listed building, and the development is acceptable in this regard.

### Impact on Residential Amenity

The extension will be located away from all residential properties in the area. The nearest residential property to the west, No. 6 Freeland Road, will be located 18m from the proposed extension, with the theatre car park separating the development from the residential property. Due to the modest nature of development and proximity from neighbours the development is not considered to have any adverse impact on the residential amenity.

### Other Considerations

Parking at the site will be unaffected by the proposed development.

The Theatres Trust has commented on the application and recommends the grant of planning permission.

No letters of representation have been received from neighbours.

### Conclusion

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above, and in the absence of any material harm resulting from the development, 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: Drg. No. 804:02 and Drg. No. 804:01.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 3 The external facing materials to be used shall be render to match in colour, texture and form used on the existing building.

Reason - This is a publicly visible building where matching materials are a visually essential requirement.

## 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.

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