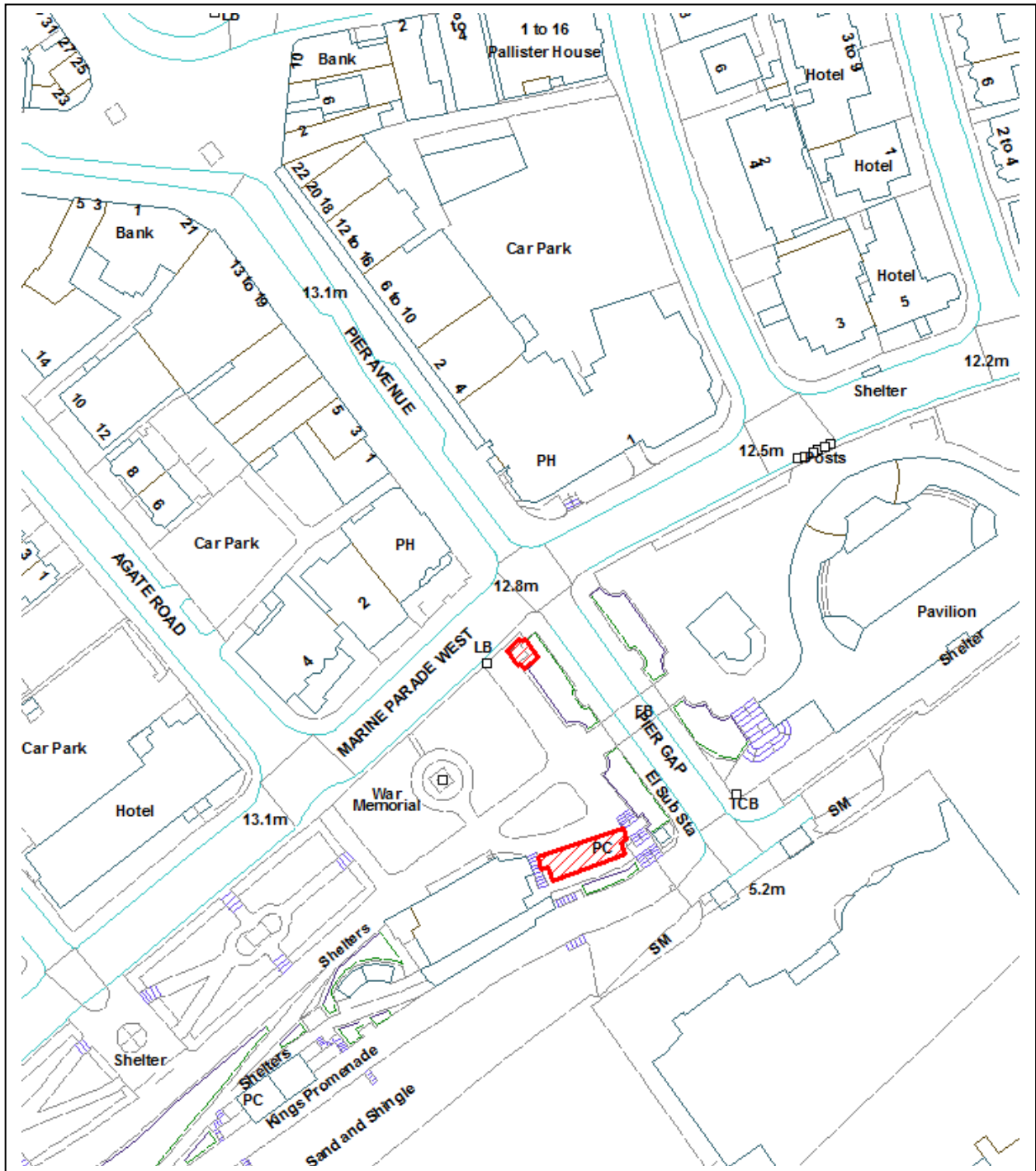


PLANNING COMMITTEE  
12<sup>TH</sup> MARCH 2019  
REPORT OF THE HEAD OF PLANNING

**A.3 PLANNING APPLICATION – 19/00060/FUL – THE NEWSPAPER KIOSK, TOP OF THE PIER GARDEN, MARINE PARADE EAST, CLACTON-ON-SEA, CO15 1PS**



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<b>Application:</b>	19/00060/FUL	<b>Town / Parish:</b> Clacton Non-Parished
<b>Applicant:</b>	Mr Danny Partridge	
<b>Address:</b>	The Newspaper Kiosk, Top of the Pier Garden, Marine Parade East, Clacton-on-Sea	
<b>Development:</b>	Storage shed to the rear of the kiosk and a ramp.	

## 1. Executive Summary

- 1.1 This application is referred to the Planning Committee as the application site is owned by Tendring District Council.
- 1.2 The application is twofold; one, for the erection of a small extension to the rear of the existing newspaper kiosk, to be used as a storage area; and two, for a 1.2m wide ramp with an associated hand rail to be erected to the eastern side of the kiosk located to the south of Marine Parade West.
- 1.3 The proposal will result in minor amendments that will not result in visual harm, harm the character of the Clacton-on-Sea Conservation Area and will result in a neutral impact to existing neighbouring amenities.

**Recommendation: Approve**

**Conditions:**

1. 3 Year Time limit
2. Approved plans
- 3.

## 2. Planning Policy

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

EN17 Conservation Areas

QL9 Design of New Development

QL11 Environmental Impacts and Compatibility of Uses

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

PPL8 Conservation Areas

SPL3 Sustainable Design

## **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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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.

### **3. Relevant Planning History**

90/00262/DEEMED	Construction of new public conveniences	Determination	04.06.1990
17/01748/FUL	Change of use from storage to kiosk, including seating area and replacement fencing.	Approved	08.12.2017

### **4. Consultations**

N/A

### **5. Representations**

5.1 There have been no letters of representation received.

### **6. Assessment**

The main planning considerations are:

- Visual Impact;
- Impact on Neighbouring Amenities; and,
- Impact to Conservation Area.

#### **Site Context**

6.1 The application site is split between two closely related locations, both to the west of Pier Gap, Clacton-on-Sea. The Newspaper Kiosk is located adjacent to Marine Parade West and is a single storey structure. The second site is the previously approved kiosk located

approximately 45m to the south of Marine Parade West. Having regard to both the Saved Tendring District Local Plan (2007) and Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017), the site lies within the defined Settlement Development Boundary for Clacton-on-Sea.

- 6.2 The site falls within the Clacton-on-Sea Conservation Area, whilst to the east and south of the site is a Public Right of Way. The character of the surrounding area is urbanised, with large areas of commercial and residential properties to the north in particular, whilst to the south is the Clacton Pier.

#### Proposal

- 6.3 This application seeks planning permission for the erection of a single storey rear extension measuring 2.3m height, 1.4m width and 1.4m depth, which will serve as a storage area to the newspaper kiosk adjacent to Marine Parade West.
- 6.4 A ramp is also proposed to be located adjacent to the previously approved kiosk, for disabled access. This will measure 1.2m in width and will have a highest point of 0.65m. Hand rails, finished in black coating will also be incorporated, and will range in height from 1.8m to 1.1m.

#### History

- 6.5 Under planning reference 17/01478/FUL, permission was granted for a change of use from a storage unit (use class B8) into a kiosk (use class A1) for the second site forming part of the determination of this application. This included proposed replacement fencing and an outside seating area for 13 picnic benches.

#### Visual Impact

- 6.6 The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 6.7 With regard to the proposed extension to the newspaper kiosk, it will be relatively prominent from views from Marine Parade West to the north. However, it is of a minor single storey nature, with the use of green galvanised steel that will help it to assimilate well with the host building. The proposal will therefore not result in significant visual harm as a result.
- 6.8 The ramp proposed to the kiosk located approximately 45m to the south of Marine Parade West is again a minor proposal, necessary to allow for disabled access to the recently approved kiosk use (planning reference 17/01478/FUL). Given the nature of the proposal, it will not appear prominent and the black finish will help it to assimilate within its existing surround.

#### Impact to Neighbouring Amenities

- 6.9 Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

- 6.10 The application sites are within an open public area with no neighbouring properties. The development will not therefore impact on residential amenities and will have a small positive impact on the enjoyment of this space.

#### Impact to Conservation Area

- 6.11 Policy EN17 states that development within a Conservation Area must preserve or enhance the character or appearance of the Conservation Area.
- 6.12 The application site falls within the Clacton-on-Sea Conservation Area and as such the applicant has submitted a Heritage Statement in order to justify that the proposal will either preserve or enhance the character of the area. The proposed changes are relatively minor and will result in no visual harm, thereby meeting the requirements of Policy EN17.

#### Conclusion

- 6.13 Overall, the proposal will result in no visual improvement to the character or appearance of the Clacton-on-Sea Conservation Area, whilst ensuring no loss of existing neighbouring amenities.

#### Background Papers

None.