

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	31/05/19
Planning Development Manager authorisation:	SCE	31.05.19
Admin checks / despatch completed	XN SB	31/05/19 31/05/19.

Application: 18/02092/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr Michael Newland - Star Pubs and Bars

Address: Robert Burre 183 Burrs Road Clacton On Sea

Development: Provision of new smoking shelter

1. Town / Parish Council

Clacton is non parished.

2. Consultation Responses

N/A

3. Planning History

00/00383/LBC	Internal and external alterations	Approved	28.07.2000
00/00384/ADV	Raised gilded lettering applied to building above porch; 2 No facility boards at low level	Approved	28.07.2000
02/00034/FUL	Retention of timber pergola at entrance of property	Refused	13.03.2002
16/00550/ADV	New signage.	Approved	06.06.2016
16/00551/LBC	New business signage.	Approved	06.06.2016
16/00733/FUL	New food preparation extract and fresh air input ductwork.	Approved	01.07.2016
16/00734/LBC	New food preparation extract and fresh air input ductwork. Removal of existing bar counter and installation of new screens.	Approved	01.07.2016
18/02092/FUL	Provision of new smoking shelter with bench seating.	Current	
18/02093/LBC	Provision of new smoking shelter with bench seating.	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

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

SPL3 Sustainable Design

PPL9 Listed Buildings

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 on the north-western side of Burrs Road in the settlement of Clacton-on-Sea. The area comprises of predominantly residential properties apart from the application site and the shopping parade opposite. The site contains a Grade II Listed Building currently used as the Robert Burre Public House. The building was the original farmhouse relating to the Burrs Farm. The building is set on spacious grounds with a large protected Oak Tree to the front. Residential properties surround the site. X

The Listed Building description is as follows:

Hotel, formerly a farmhouse. C18 and C19 of possibly earlier origin. Timber framed. Gault brick faced. Hipped red tiled roof. 3 hipped dormers. Off centre red brick chimney stack. 2 storeys and attics. 3 window range of vertically sliding sashes, some small paned, that to ground floor left tripartite. C20 hipped gault porch with panelled door.

Proposal

The application seeks planning permission for a smoking shelter. The proposal will measure 6 metres in depth, 1.6 metre in width with an overall height of 2.6 metres. The proposal will be formed from 150 x 150 mm tannalised softwood posts with stop chamfered edges securely bedded into sub structure with 150 mm x 150 mm cross rails, roof to be at a 5 degree pitch with black corrugated roof fixed to 20 mm thick exterior quality marine ply on 150 x 50 mm s/w joists at 400 mm centres underdrawn with rattan fence panels. The proposal will incorporate new 1100 mm high balustrade fixed to existing concrete slab, with base rails and spindles.

Assessment

The main considerations for this application are the design and appearance, impact upon neighbouring amenities, heritage impact and tree and landscape impact.

Design and Appearance

QL9, QL10 and QL11 of the Tendring District Local Plan (2007) seeks that all new development should make a positive contribution to the quality of the local environment and protect or enhance the local character and that development should not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby property.

The proposed smoking shelter will be visible from the Burrs Road as it is located to the south western elevation of the building. However due to the proposal being located approximately 32 metres away from the highway as well as the single storey nature of the shelter, it is considered that the proposal will not cause any significant impact upon the street scene.

In terms of materials the proposal will be constructed from 150 x 150 mm tannalised softwood posts with stop chamfered edges securely bedded into sub structure with 150 mm x 150 mm cross rails, roof to be at a 5 degree pitch with black corrugated roof fixed to 20 mm thick exterior quality marine ply on 150 x 50 mm s/w joists at 400 mm centres underdrawn with rattan fence panels. The proposal will incorporate new 1100 mm high balustrade fixed to existing concrete slab, with base rails and spindles. The proposal is considered to preserve the character and appearance of the listed building.

Impact upon neighbouring amenities

The proposal will be visible from the neighbouring dwellings along Greenway Close. However due to the approximate distance of 5 metres to the neighbouring boundary, due to the single storey nature of the proposal as well as the existing fencing which will help to screen the proposal, it is not considered that the shelter will cause any significant impact upon neighbouring amenities. Although the proposal may generate more noise, it is considered that due to the distance to the neighbouring properties and the fact that clientele will only be in that area to smoke, the proposal is not significant enough to warrant a reason for refusal.

Heritage impact

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act imposes a statutory duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest.

Paragraph 196 of the Framework adds that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Paragraph 189 of the National Planning Policy Framework ("the Framework") requires applicants to describe the significance of any heritage assets affected. This requirement is reflected by saved policy EN23 of the Tendring District Local Plan (2007) and emerging Policy PPL9 of the Tendring District Council Local Plan 2013-2033 and Beyond Publication Draft (June 2017). Both these policies also confirm that development should be of a scale, design and use that respects the listed building and its setting.

The proposed smoking shelter will be located to the south west of the listed building and would extend out wholly from a more recent addition and not the original listed part of the building. Therefore, the most important historic fabric and features mentioned in the listing will be retained and not affected by the proposal. The extension is single storey with a mono pitched roof which will be constructed from tannalised softwood posts, black corrugated iron roof with rattan fence panels with high timber balustrading between the posts which are considered to be acceptable in terms of design and appearance. Therefore, the smoking shelter is not considered to be significantly harmful to the setting of the Listed Building, and the proposal is therefore acceptable against this criteria.

Tree and Landscape Impact

The application site is affected by a Tree Preservation Order on a mature Yew situated to the front of the Robert Burre under application TPO/93/08. The proposal is set outside the root protection area and as a result the proposed smoking shelter will not have an adverse impact on the health or long term viability of the Yew.

Other Considerations

Clacton is non parished.

No letters of representation have been received.

Conclusion

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

6. Recommendation

Approval - Full

7. Conditions / Reasons for Refusal

- 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 and documents; Drg No. 2466-04 C, Drg No. 2466-05 Rev B, Drg No. 2466-06 Rev B, Drg No. 2466-07 Rev A and Design and Access Statement dated 19th December 2018 and Heritage Statement scanned 19th December 2018.

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.

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