

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	LN	31/07/2019
Planning Development Manager authorisation:	TF	02/08/2019
Admin checks / despatch completed	X10	02/08/19.
Technician Final Checks/ Scanned / LC Notified / UU Emails:	SB	02/08/19.

Application: 19/00858/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr Norman Jacobs - West Cliff (Tendring) Trust

Address: West Cliff Theatre Tower Road Clacton On Sea

Development: Installation of 4 air cooled condensing units serving air conditioning units to be installed in the theatre auditorium.

1. Town / Parish Council

Clacton Non Parished

2. Consultation Responses

Theatres Trust

The Theatres Trust is the national advisory public body for theatres. We were established through the Theatres Trust Act 1976 'to promote the better protection of theatres' and provide statutory planning advice on theatre buildings and theatre use in England through The Town and Country Planning (Development Management Procedure) (England) Order 2015, requiring the Trust to be consulted by local authorities on planning applications which include 'development involving any land on which there is a theatre'.

Comment:

Thank you for consulting Theatres Trust regarding this application, which seeks to install four air conditioning to serve the auditorium.

We are supportive of efforts by theatre owners and operators to improve their facilities and meet the needs and expectations of their audiences. As such, improving audience comfort would meet this objective. We note that the units would not have an impact upon the setting of the neighbouring Grade II* listed St James' Church.

Policy HP2 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft supports the improvement of existing community facilities, which includes cultural facilities such as theatres as articulated in paragraph 4.2.1. Paragraph 92 of the NPPF (2019) also seeks decisions to plan positively for cultural buildings.

Therefore, we recommend the granting of planning permission.

Please contact us if we may be of further assistance or should you wish to discuss these comments in greater detail.

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
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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.	Approved	26.10.2018
19/00858/FUL	Installation of 4 air cooled condensing units serving air conditioning units to be installed in the theatre auditorium.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019
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 (2019) 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.