

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.

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. Entrance doors to the theatre are on the south east elevation. A pay and display car park, accessed from Freeland Road, is to the west of the theatre building and serves the theatre and public parking. A further car parking area is located to the north east of the theatre.

St James's Church, a Grade II* listed building is located to the north of the site. The church hall divides the theatre from the 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 the installation of 4 no. air cooled condensing units serving air conditioning units. Two units are proposed to be installed on the west elevation, and two units on the east elevation facing Tower Road. All units are located under the eaves of the building, overlook the 2 car parks.

Assessment

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

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 air conditioning units will be publicly visible from the car parks and from viewpoints within the highway due to their location on the side of the theatre building. However, the units are of a modest scale and design, and are located under the eaves of the building to further conceal their appearance. They will not appear as prominent features within the street scene resulting in a development that is not considered to have any adverse impact on the visual amenity of the area.

Impact on Residential Amenity

The air conditioning units will be located away from all residential properties in the area. The units located on the east side of the theatre building will not face onto residential property. The units on the west will face onto the residential property known as No. 6 Freeland Road, but the units facing this neighbour will be located 18m from the residential boundary, 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 which is significant enough to refuse planning permission.

Impact on Adjacent Listed Building

The proposal is located away from the northern boundary of the site, which is shared with St James's Church, a Grade II* Listed Building. The air conditioning units are small, modest units and views of the development from St James's Church will be screened by 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.

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.

The Council's Building Control Department have no comments to make on the application.

The Council's Environmental Protection Team have no adverse comments on the application but requested details of the air conditioning units, which were later submitted and confirmed as satisfactory. The details of the air conditioning unit are included in the approved plans condition.

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. 806:01, Drg No 806:02, Drg No 806:03, and e-mail confirming air conditioning unit details and associated data sheets dated 20 Jul 2019.

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:		NO
Are there any third parties to be informed of the decision? If so, please specify:		NO