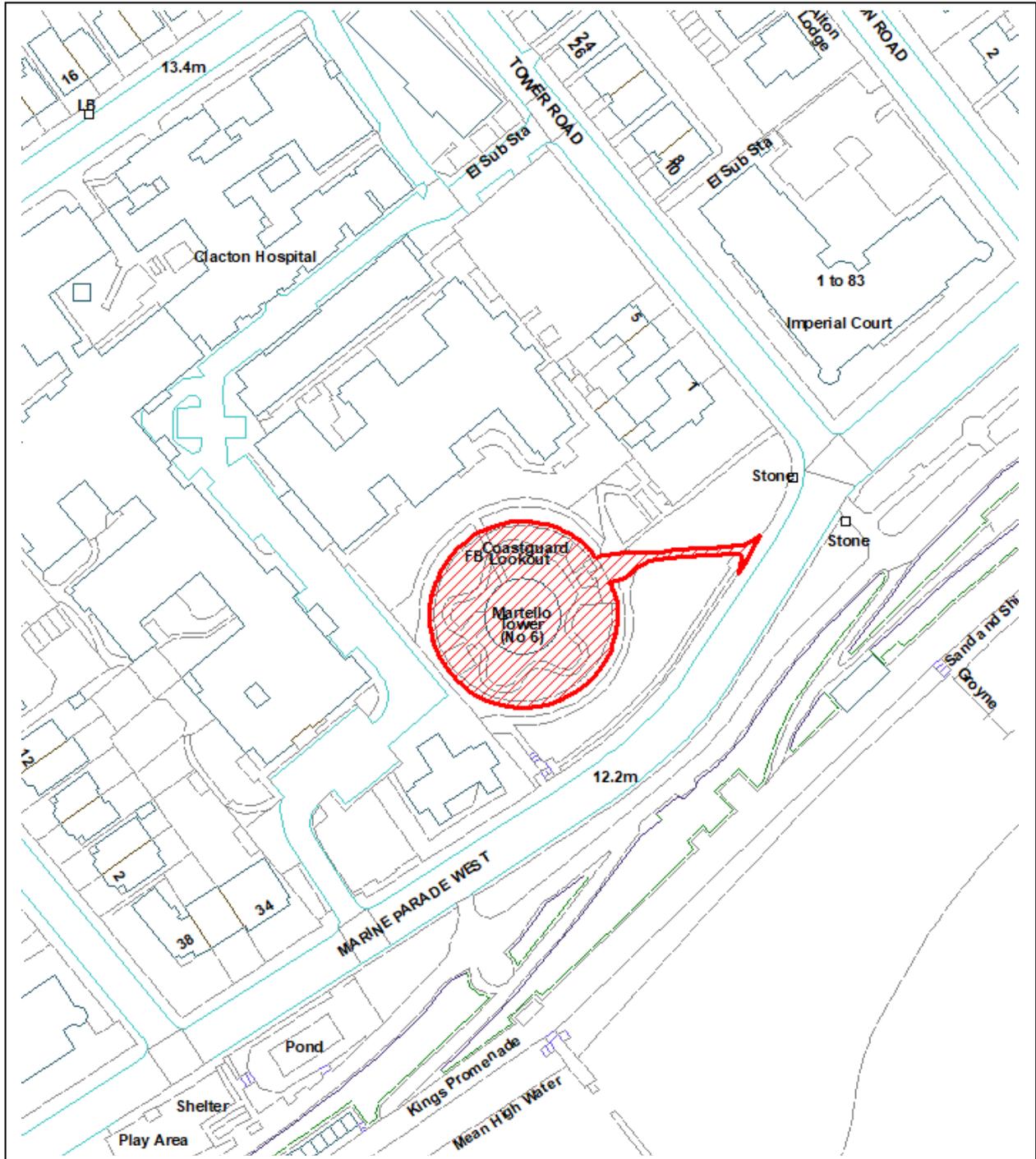


PLANNING COMMITTEE

11<sup>TH</sup> AUGUST 2020

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

**A.3 PLANNING APPLICATION – 20/00084/FUL – MARTELLO TOWER F MARINE PARADE WEST CLACTON ON SEA CO15 1LS**



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**Application:** 20/00084/FUL

**Town / Parish:** Clacton Non Parished

**Applicant:** Mr Paul Nash

**Address:** Martello Tower F Marine Parade West Clacton On Sea CO15 1LS

**Development:** Proposed use of building as wedding venue and conference centre (Use Class D2).

## 1. **Executive Summary**

- 1.1 This application is before the Planning Committee as the site is within the ownership of Tendring District Council.
- 1.2 The application relates to Martello Tower F which is located on Marine Parade West near the junction with Tower Road, Clacton on Sea. The building is a designated Scheduled Ancient Monument, a Grade II Listed Building and is also located within the Clacton Seafront Conservation Area.
- 1.3 The application seeks full planning permission for the change of use of the building to a wedding venue and conference centre. The application only seeks planning permission for the proposed use and does not propose any alterations to the building. Any future alterations to the building will be the subject of separate applications for planning permission, listed building consent and Scheduled Ancient Monument Consent (as required).
- 1.4 Historic England and Essex County Council Historic Environment raise no objection to the change of use and support the approach to find a new, sustainable and viable use for this important historic structure subject to full consideration of all proposed physical alterations to the building and its curtilage.
- 1.5 The Council's Environmental Protection Team also raise no objection subject to the submission and approval of a Noise Management Plan. This would deal with issues around amplified music and noise from extraction systems and potential disturbance from activities outside the building.
- 1.6 The site is located within a highly sustainable Town Centre location with plenty of on street parking and public transport links and Essex County Council Highways raise no objection.
- 1.7 Martello Tower F is an important historic building and an important landmark that contributes to the character and appearance of the area. There is nothing to suggest that the proposed use would not represent a suitable and viable use which will help to safeguard the future of the building and ensure that its history, architecture and cultural significance are enjoyed by future generations. The application is therefore recommended for approval subject to appropriate conditions.

**Recommendation: Full Approval**

Subject to the conditions stated in section 8.2

## 2. **Planning Policy**

- 2.1 The following Local and National Planning Policies are relevant to this planning application.

*National Planning Policy Framework February 2019*

*National Planning Practice Guidance*

*Tendring District Local Plan 2007*

QL11 Environmental Impacts and Compatibility of Uses

ER16 Tourism and Leisure Uses

ER26 Conversion of Premises

COM22 Noise Pollution

EN17 Conservation Areas

EN22 Extensions or Alterations to a Listed Building

EN23 Development within the Proximity of a Listed Building

TR7 Vehicle Parking at New Development

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

SPL3 Sustainable Design

HP2 Community Facilities

PP8 Tourism

PPL8 Conservation Areas

PPL9 Listed Buildings

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

*Essex County Council Car Parking Standards - Design and Good Practice*

*Conservation Area Character Appraisals*

### **Status of the Local Plan**

- 2.2 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.
- 2.3 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, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the

legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities ‘Garden Communities’ proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

- 2.4 The three North Essex Authorities are currently considering the Inspector’s advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.
- 2.5 The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. 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**

97/01374/FUL	Replacement of wooden kiosk and entrance building	Refused	07.04.1998
03/00993/FUL	Change of use of Martello Tower and site to A3 restaurant use	Approved	25.07.2003
05/01988/FUL	Variation of condition 05 of approval 03/00993/FUL to change opening hours from 11.00-23.00 Monday to Saturday and 11.00-17.00 Sundays to 11.00-00.30 Monday to Saturday and 12.00-23.00 Sundays.	Approved	18.01.2006
10/00918/FUL	We would like to have two alpacas, two pigmy goats and two rabbits that will be supervised at all times, roaming the grounds of the moat which has a 15ft wall. There is a shed already on site to house the animals at night. (Retrospective Application).	Approved	28.09.2010

**4. Consultations**

Historic England  
09.07.2020

Thank you for your letter of 17th June 2020 regarding the above application for change of use. The change proposes the use of building as wedding venue and conference centre (Use Class 02).

As noted in the planning application the Martello Tower known as Martello 'F' is designated as a scheduled monument an (UID 1016555). It is also separately listed at Grade II and situated in the in

the Clacton Seafront Conservation Area. As a designated heritage asset it is highly valued and as a class of monuments Martello towers are iconic and unmistakable. The significance lies both in their function and role in the defences of Britain in the very early years of the 19th Century and their location. Although Martello's were replicated across the British Empire the east coast chain is particularly important and F is one of three similar sites in Clacton.

Historic England confirms that we do not have an in principle objection to the change of use and support the approach to find a new, sustainable and viable use for this important historic structure.

Please note however that any physical changes resulting from the change of use are may require further applications for planning permission and will are very likely to require Scheduled Monument Consent. This potentially applies to classes of works such as repairs, the updating of services and facilities, but also other minor works including changes to internal fittings and sign age. We would recommend the council seek further information from the client as to whether further works are anticipated following the change of use application and whether further planning applications are anticipated. We recommend the applicant contacts Historic England at the earliest opportunity for further advice on the Scheduled Monument.

We also suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. If you would like detailed advice from us, please contact us to explain your request.

Essex County  
Council Heritage  
27.04.2020  
**LATEST  
COMMENTS**

Built Heritage Advice pertaining to an application for: Proposed use of building as wedding venue and conference centre (Use Class D2).

This letter should be read in addendum to my letter of 28/02/2020.

While in support of seeking a sustainable use for the heritage asset, conserving and enhancing it, the change of use has not been demonstrated to be achievable sympathetically.

Should the application be permitted, this does not mean that a wedding venue can be absolutely achieved here. The use as a venue would need to be demonstrate that it can be sympathetically achieved via a future application.

Essex County  
Council Heritage  
28.02.2020  
**ORIGINAL  
COMMENTS**

Built Heritage Advice pertaining to an application for: Proposed use of building as wedding venue and conference centre (Use Class D2).

The structure is a designated heritage asset, as follows:

- Scheduled monument Martello tower F, Marine Parade West, Clacton-on-Sea (Listing Entry ID: 1016555).
- Grade II listed Martello tower and brick lined moat (Listing Entry ID: 1111520).
- The site is also located within the Clacton Seafront Conservation Area.

Whilst ECC Heritage do not support this application, we would support an application that seeks to find a sustainable use for the heritage asset, conserving and enhancing it. This may be realised as a wedding venue.

A change of use application alone does not provide adequate information showing how the proposed change of use to a wedding venue and conference centre will be sympathetically facilitated. Stating that this information will follow in later planning applications and scheduled monument consents is not adequate, given the high significance of the heritage assets concerned in this application, and the great weight required to be given to the asset's conservation as per paragraph 193 of the NPPF.

ECC Heritage are unable to support the application due to the lack of sufficient information provided. The viability of the proposed change of use is not clear and therefore may cause harm to the designated heritage asset. In this regard it is also not established whether a wedding venue is the optimum viable use for this heritage asset. As such, paragraph 196 of the NPPF is relevant. The applicant has also not supplied sufficient information demonstrating their understanding of the significance of the scheduled monument and listed building, as required by paragraph 189 of the NPPF.

Were the applicant to submit a new application, ECC Heritage would encourage them to submit this in the form of a pre-application and discuss the feasibility of this change of use with planners at a site visit.

ECC Highways  
Dept  
02.03.2020

The information that was submitted in association with the application has been fully considered by the Highway Authority. The site is situated within the town and there are existing waiting restrictions in the vicinity of the site with some limited waiting spaces opposite the site on Marine Parade West (3 hours no return in 4 hours) in addition, you have the Martello Coach and car park in the vicinity. It is noted that there have been two previous applications approved for a restaurant and zoo, therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. The powered two-wheeler/cycle parking facilities as shown on the approved plan are to be provided prior to the first occupation of the development and retained at all times.  
Reason: To ensure appropriate powered two-wheeler and bicycle parking is provided in accordance with Policy DM8.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative:

1. Prior to first occupation of the proposed development, the Developer shall submit details to the Local Planning Authority for approval in consultation with Essex County Council. To highlight what

advance publicity is being provided for the D2 use in relation to nearby public parking facilities and sustainable transport options that are available to get to and from the site either via a website or brochure for the venue.

Reason: Due to the fact that the site has no parking facilities within the confines of the site.

2: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester  
CO4 9YQ

## **5. Representations**

- 5.1 The site is located within the non-parished area of Clacton on Sea.
- 5.2 No letters of representation or objection have been received.

## **6. Assessment**

- 6.1 The main planning considerations are:
  - Site Context;
  - Site History;
  - Description of Proposal;
  - Principle of Development;
  - Impact on the Heritage Assets;
  - Residential Amenities; and,
  - Accessibility and Parking.

### Site Context

- 6.2 The application relates to Martello Tower F, which fronts Marine Parade West near the junction with Tower Road, Clacton on Sea. The building is a designated Scheduled Ancient Monument, a Grade II Listed Building and is also located within the Clacton Seafront Conservation Area.
- 6.3 The tower is an important local landmark located in a prominent position surrounded by raised soft landscaping, public open space and benches. Martello Tower F is the only remaining moated example on the Essex coast. It has had some alterations, particularly in the 20th century, but the structure remains substantially unchanged and still retains many details dating from the period of construction.

### Site History

- 6.4 The most recent planning history for the site is for a petting zoo use approved under planning application reference 10/00918/FUL. The use has ceased and the building lies vacant.

#### Description of Proposal

- 6.5 The application seeks full planning permission for the change of use of the building to a wedding venue and conference centre. The application only seeks planning permission for the proposed use it does not propose any alterations to the building. Any future alterations to the building will be the subject of separate applications for planning permission, listed building consent and Scheduled Ancient Monument Consent (as required).

#### Principle of Development

- 6.6 Paragraph 8 of the National Planning Policy Framework 2019 (NPPF) sets out the three overarching objectives for achieving sustainable development; economic, social and environmental. In addition, Section 6 the NPPF supports building a strong, competitive economy stating at paragraph 80 that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraph 92 of the NPPF is also relevant as this requires the Local Planning Authority to plan positively for the provision of venues and meeting places in order to provide the social and cultural facilities and services the community needs.
- 6.7 In this instance, the proposal would fulfil the economic objective by providing direct employment opportunities and by providing trade for other hospitality and associated services. Furthermore, the scheme would contribute to the social objective by providing a facility that will benefit the local community providing a venue where local community groups and organisations can meet. Finally, the proposal would meet the environmental objective of sustainable development by bringing a heritage asset back into use thus making effective use of land and contributing to protecting and enhancing our historic environment.
- 6.8 These objectives of the NPPF are supported by adopted Tendring District Local Plan (2007) Saved Policies COM4 New Community Facilities, ER16 Tourism and Leisure Uses and ER26 Conversion of Premises. These are all permissive policies subject to a range of detailed considerations relating to location and accessibility, noise and disturbance and the character of the area. The aims and objectives of these policies are carried forward within the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017) Policies HP2 Community Facilities and Policy PP8 Tourism. Specifically Draft Policy PP8 states that the Council will support appropriate proposals for conference facilities for businesses and educational purposes or to be used for functions such as weddings and other celebratory events.
- 6.9 Having regard to the town centre location of the building, characteristics of the site and the aims of above-mentioned national and local plan policies, the principle of the proposal is considered acceptable subject to the detailed considerations set out below.

#### Impact on the Heritage Assets

- 6.10 The Martello Tower known as Martello 'F' is designated as a scheduled ancient monument (SAM)(UID 1016555). It is also separately listed as Grade II listed Martello tower and brick lined moat (Listing Entry ID: 1111520). The site is also located within the Clacton Seafront Conservation Area. As a designated heritage asset it is highly valued and as a class of monuments Martello towers are iconic and unmistakable. The significance lies both in their function and role in the defences of Britain in the very early years of the 19th Century and

their location. Although Martello's were replicated across the British Empire the east coast chain is particularly important and F is one of three similar sites in Clacton.

- 6.11 Paragraph 192 of the NPPF states that in determining applications, local planning authorities should take into account (a) the desirability of sustaining and enhancing the significance of heritage assets by putting them to a viable use consistent with their conservation; (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and, (c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.12 Saved Policy EN22 of the adopted Tendring District Local Plan (2007) and draft Policy PP9 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017) deal with works to Listed Buildings stating that development involving proposals to alter a Listed Building will only be permitted where it would not result in the damage of features of special architectural or historic interest and that the special character and appearance of the building would be preserved.
- 6.13 The original comments received from ECC Heritage highlighted concerns with the applicant's approach to the re-development of the site stating that a change of use application alone does not provide adequate information showing how the proposed change of use to a wedding venue and conference centre will be sympathetically facilitated. However, ECC Heritage did confirm that they are in support of an application that seeks to find a sustainable use for the heritage asset, conserving and enhancing it and this may be realised as a wedding venue. The use as a venue would need to be demonstrate that it can be sympathetically achieved via a future application.
- 6.14 Historic England confirms that they have no principle objection to the change of use and support the approach to find a new, sustainable and viable use for this important historic structure subject to the necessary applications for alterations to the building.
- 6.15 In this case, the proposed use will ensure the long-term future of an important heritage asset which makes a positive contribution to the local character and Clacton Seafront Conservation Area. Any physical alterations required to facilitate the use will be subject of a full and thorough assessment under the relevant applications for planning permission, listed building consent and Scheduled Ancient Monument Consent as required in consultation with Essex County Council Historic Environment and Historic England.

#### Residential Amenities

- 6.16 Paragraph 127 of the NPPF states that planning should always seek to secure a good standard of amenity for all existing and future occupants. In addition, Policy QL11 of the Tendring District Local Plan (2007) 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. Draft Policy SPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 supports these objectives.
- 6.17 The northern and western boundaries of the application site adjoin the Clacton and District Hospital. Whilst there are dwellings to the east of the site, they are some distance from the building. Due to the location of the site within a relatively busy town centre area there will be a degree of background noise and traffic noise currently. Furthermore, the thickness of the walls of the building and the depth of the moat will help minimise any noise and disturbance from activities associated with the use.
- 6.18 The Council's Environmental Protection Team require the submission and approval of a Noise Impact Assessment prior to the commencement of the use. This will address the

activities that may have an impact on any neighbouring/noise sensitive properties such as noise from amplified music; speech and any extraction systems or any other external plant or machinery that is linked to the premises.

- 6.19 Officers consider that through the imposition of an appropriately worded condition for the submission of a Noise Impact Assessment and Management Plan including details of opening hours, any noise and activities associated with the proposed use can be appropriately managed and mitigated.

#### Accessibility and Parking

- 6.20 Paragraph 108 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted if amongst other things; access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and the design and layout of the development provides safe and convenient access for people. The sentiments of this policy are carried forward within draft Policy SPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.
- 6.21 Furthermore, the Essex County Council Parking Standards 2009 set out the parking requirements for new development. In this instance, 1 space per 20 square metres would be required. However, lower provision of vehicle parking may be appropriate in urban areas including town centre locations where there is good access to alternative forms of transport and existing car parking facilities.
- 6.22 Whilst the use would generate traffic there is ample of on-street parking and car parks nearby. The site is in a sustainable location, close to the town centre and accessible by public transport. There is also some limited parking at the site to accommodate a wedding car and deliveries. It should be noted that the previous petting zoo and restaurant operated successfully without any impact on highway safety. Essex County Council Highways raise no objection to the proposal.

### **7. Conclusion**

- 7.1 Martello Tower F is an important historic building and an important landmark that contributes to the character and appearance of the area. There is nothing to suggest that the proposed use would not represent a suitable and viable use which will help to safeguard the future of the building and ensure that its history, architecture and cultural significance are enjoyed by future generations. The application is therefore recommended for approval subject to appropriate conditions

### **8. Recommendation**

- 8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives:

#### **8.2 Conditions and Reasons**

1. The use 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. Prior to the commencement of the use and occupation of the development, a Noise Impact Assessment and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The survey and plan shall address, but not be restricted to, the opening hours, all types and locations of entertainment and associated activities and details of extraction and plant equipment. The use shall only operate in strict accordance with the approved details and shall not commence until the measures set out in the Noise Management Plan have been implemented in full. Such measures as approved and implemented shall be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason – To ensure that nearby noise sensitive premises do not suffer a loss of amenity by reason of noise nuisance.

3. Prior to the commencement of the use and occupation of the development, a detailed external lighting scheme including the intensity of illumination and predicted lighting contours shall be provided. The development shall be carried out in accordance with the approved details, provided prior to the occupation of the development and retained in this approved form unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure lighting is sensitively designed and minimises light spillage in the interests of residential amenities and the character and appearance of the Clacton Seafront Conservation Area.

### 8.3 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.

#### Full Planning Permission, Listed Building Consent and Schedule Ancient Monument Consent

The applicant is reminded that all necessary consent required for works to the building or within its curtilage must be sought.

## 9. **Additional Considerations**

### Public Sector Equality Duty (PSED)

- 9.1 In making your decision you must have regard to the PSED under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions to:
  - 9.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
  - 9.3 B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and

- 9.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 9.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.
- 9.6 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 9.7 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

#### Human Rights

- 9.8 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 9.9 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 9.10 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

#### Finance Implications

- 9.11 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.
- 9.12 The New Homes Bonus (NHB) is one local finance consideration capable of being a material consideration to which the weight given shall be determined by the decision maker. The NHB is a payment to local authorities to match the Council Tax of net new dwellings built, paid by Central Government over six consecutive years. In this instance, it is not considered to have any significant weight attached to it that would outweigh the other considerations.

### **10. Background Papers**

- 10.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.