

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	11 th Jan 2022
Planning Development Manager authorisation:	SCE	12.01.2022
Admin checks / despatch completed	DB	13.01.2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	13.01.2022

Application: 21/01946/FUL **Town / Parish:** Clacton Non Parished

Applicant: NHSPS - NHS Property Services Ltd

Address: Clacton and District Hospital Tower Road Clacton On Sea

Development: Proposed construction of a new single storey high voltage sub-station and associated metering kiosk. To include for installation of new below ground electrical cables from the new sub-station and kiosk to the existing building.

1. Town / Parish Council

No comments received

2. Consultation Responses

NHS East Essex CCG No comments received

Environmental Protection No comments received

3. Planning History

93/00900/FUL	(Peter Bruff Ward, Clacton and District Hospital, Freeland Road, Clacton on Sea) Single storey extension to existing psychiatric ward to give two additional single bedrooms	Approved	06.09.1993
94/01022/OUT	(Sea front plot adjoining Clacton Hospital, Marine Parade West, Clacton on Sea) Day centre for stroke victims	Approved	11.10.1994
95/00834/FUL	(Clacton and District Hospital, Tower Road, Clacton on) Construction of new unit for the elderly mentally ill, including inpatient bedrooms, day hospital and rehabilitation facilities	Approved	20.10.1995
95/00835/FUL	(Clacton and District Hospital, Tower Road, Clacton on) Road and parking proposals in connection with new developments for an Outpatients Department (ERH) and unit for the elderly mentally ill	Approved	26.09.1995

	(NEEMHS)		
95/00847/FUL	(Clacton Day Hospital, Tower Road, Clacton on Sea) Proposed demolition of single storey clinic and erection of two storey out patients department. Car parking displaced, to be re-allocated within site	Approved	26.09.1995
95/01459/FUL	(Clacton Hospital, Tower Road, Clacton on Sea) Extension to form a medical gas store	Approved	02.01.1996
96/01492/ADV	(Clacton and District Hospital, Freeland Road, Clacton on Sea) Direction signs, building identification signs, finger posts, site map, traffic signs	Approved	06.01.1997
96/01493/ADV	(Clacton and District Hospital, Freeland Road, Clacton on Sea) Site identification signs	Approved	06.01.1997
98/01318/FUL	Extension to existing day room and office (The Landermere Centre)	Approved	21.10.1998
04/00091/FUL	New packaged plant room and chimney flue	Approved	21.04.2004
05/01341/FUL	Construction of fire escape staircase to existing first floor.	Approved	21.09.2005
21/01766/FUL	Proposed internal alterations and single storey infill extension to Peter Bruff and Martello buildings.	Approved	13.12.2021
21/01946/FUL	Proposed construction of a new single storey high voltage sub-station and associated metering kiosk. To include for installation of new below ground electrical cables from the new sub-station and kiosk to the existing building.	Current	
21/02150/FUL	Proposed free standing pre-fabricated single storey training facility.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2021

National Planning Practice Guidance

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021)

Relevant Section 1 Policies (adopted):-

SP1 Presumption in Favour of Sustainable Development

SP3 Spatial Strategy for North Essex

SP6 Infrastructure and Connectivity

SP7 Place Shaping Principles

Relevant Section 2 Policies (emerging):-

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP1 Improving Health and Wellbeing

Local Planning Guidance

Essex Design Guide

Status of the Local Plan

Planning law requires that decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework 2021 (the Framework).

The 'development plan' for Tendring comprises, in part, the 'saved' policies of the 2007 Local Plan. Paragraph 219 of the Framework allows local planning authorities to give due weight to policies adopted prior to its publication according to their degree of consistency with the policies in the Framework. On the 26th January 2021 Section 1 of the 2013-2033 Local Plan was adopted and now also forms part of the 'development plan' for Tendring, superseding some of the more strategic policies in the 2007 Local Plan. Notably, the housing and employment targets were found sound and have been fixed, including the housing requirement of 550 dwellings per annum.

Paragraph 48 of the Framework 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 the policies of the Framework. On 24th November 2021, the Council received the Planning Inspectors' final report on the legal compliance and soundness of Section 2 of the emerging Local Plan. The report has confirmed, that with the inclusion of a number of 'Main Modifications' (which have already been the subject of formal public consultation), the Plan is legally compliant and sound and can now proceed to adoption. The report is due to be considered by the Planning Policy and Local Plan Committee on 11th January 2022 which is likely to recommend adoption of the Section 2 Local Plan to Full Council on 25th January 2022. On adoption, the new Section 2 Local Plan will join the new Section 1 Local Plan to form the 'development plan' for Tendring and the old 2007 Local Plan will be superseded in full.

Now that the Inspectors' final report is received, the Section 2 Local Plan has virtually reached the final stage of preparation, all objections have been resolved and the Inspector has confirmed that the Plan is sound and therefore in conformity with the Framework. For these reasons, Officers now advise that the emerging Plan should now carry 'almost full weight' in decision making.

Until the new Local Plan is adopted in January 2022, the 2007 adopted Local Plan, legally, will still form part of the 'development plan' and there will still be a requirement to refer to the 2007 Local Plan in decision making. However, the level of weight to be afforded to the policies in the 2007

Plan is reduced to very limited weight given that a more up to date Plan has progressed to such an advanced stage of the plan making process.

5. Officer Appraisal

Site Description

Clacton District Hospital has an area of approximately 4590sqm and is a circa 1970's development. The siting of the proposed development is adjacent to the Ivy Benson block – a mid-1990's construction (approved under application 95/00847/FUL); this block sits at the junction of Tower Road and Freeland Road and its rear elevation is presented in the public domain. To the south elevation is an existing sub-station, walled-in on three sides.

The site overlooks the promenade and seafront to the west of Clacton Pier. It is in close proximity to the Grade II listed Martello Tower F which is set within a dry moat and listed as a Scheduled Monument.

There is direct access and parking on site from Tower Road to the east and a one-way system that exits on to the Marine Parade West. The hospital is also easily accessed via public transport including the train station located approximately 0.7 miles away and numerous bus routes from the stop on Tower Road. In addition there are community transport schemes and the non-urgent patient transport service (PTS) available.

Proposal

The existing sub-station is on the Low Voltage ring and cannot provide the required electrical capacity to serve the new Diagnostic Unit; as such a new High Voltage sub-station is to provide electrical services on the hospital site for the new Diagnostic Unit, which is to provide both CT and MRI facilities along with a new X-Ray unit.

The sub-station is proposed to be located adjacent to the Ivy Benson block which is next to the Tower Road junction. It would occupy the nominal grassed area which currently contains a double-sided post-mounted sign identifying the hospital and its facilities; this location was chosen following an evaluation of the existing hospital site and was found to be the only location where the proposed sub-station could be located without greatly impacting the existing public/visitor car parking numbers on the hospital campus, which is currently limited.

The sub-station is to be a single storey flat roof building with a height in the region of 2.7m, walled on three sides with the fourth side to be a louvered panel/ access door assembly in powder polyester coated steel with a high-level louvered panel on the adjacent side. It has a footprint in the region of 19sqm.

Assessment

The main planning considerations are:

- Principle of Development;
- Layout, Scale and Appearance;
- Neighbouring Amenities;
- Highway Considerations;
- Health & Wellbeing
- Representations

Principle of Development:-

The site is located within the Development Boundary therefore there is no principle objection to the proposal, subject to the detailed considerations discussed below.

Layout, Scale and Appearance:-

Adopted Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context. Emerging Policy SPL3 of Section 2 of the 2013-33 Local Plan also requires, amongst other things, that the development respects or enhances local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features. Paragraph 130 of the Framework requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

The scale of the proposed sub-station would be seen in the context of both the existing two-storey building and existing sub-station. It is acknowledged that the siting would result in the loss of a small grassed area, however – as this area currently contains signage, it does not contribute significantly to the natural environment. The height is marginally greater than the existing sub-station (2.1m versus 2.7m) but this does not cause material harm to the character of the streetscene where the main building is of a significantly greater scale.

Neighbouring Amenities:-

The NPPF, at paragraph 130 states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Adopted Policy SP7 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) requires that all new development protects the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking.

The development is not of a kind which would affect anyone’s privacy; in regards to loss of light or overbearing the proposal is very much subservient to the building it sits alongside and for these reasons overall the development materially harm residential amenity in regards to loss of light, overbearing and overlooking.

Highway Issues:-

Paragraph 130 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. These objectives are supported adopted Policy SP7 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

The proposal does not generate any additional requirement for parking places, nor does it cause the loss of any existing parking spaces.

Health & Wellbeing:-

The preamble to Policy HP1 states that the Council will work with its Health Sector partners to deliver new and improved facilities. The new High Voltage sub-station is to provide electrical services on the hospital site for the new Diagnostic Unit (planning approval 21/01766/FUL), which is to provide both CT and MRI facilities along with a new X-Ray unit.

Representations:-

One comment has been received in response to the publicity of the application. It is noted that the comment is a duplicate of the contribution made in response to 21/01766/FUL and accordingly raises concerns regarding the noise from air-conditioning plant:-

I don't want to object to any improvement in health facilities for local residents.	Noted
I am concerned at the proposed location of the plant room, which in the original application and plan would appear to be at the bottom of my garden.	Noted; the development proposed is a significant distance away from Trafalgar Road.
I have tried to clarify how this would impact in terms of noise as my bedroom faces the	Noted; the development proposed is a significant distance away from Trafalgar Road.

boundary of the hospital. Unfortunately the report in respect of the noise survey does not really mean anything in real terms. I would like some reassurance that I will not be subjected to a constant low level hum 24 hrs a day.	
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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: 111879-IWD-XX-00-DR-A-0035 P00, 111879-IWD-XX-00-DR-A-0036 P00, 111879-IWD-XX-00-DR-E-5900 P1 and 111879-IWD-XX-00-DR-E-5901 P2; received 15th November 2021.

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?		NO
Are there any third parties to be informed of the decision?		NO