

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	04/08/22
Planning Development Manager authorisation:	JJ	04/08/2022
Admin checks / despatch completed	ER	04/08/2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	04.08.2022

**Application:** 22/00856/FUL **Town / Parish:** Clacton Non Parished

**Applicant:** Mr Hux Norman - Loungers UK Limited

**Address:** Atlanta Building Kings Promenade Clacton On Sea

**Development:** Proposed installation of extraction system.

### **1. Town / Parish Council**

Clacton – non-parished.

### **2. Consultation Responses**

Environmental Protection  
30.06.2022

I have reviewed the above application and have no adverse comment to make.

Essex County Council  
Heritage  
21.07.2022

The application is for proposed installation of extraction system.

The proposal site is a 1950s building within the Clacton Seafront Conservation Area and adjoining Grade II Listed Clacton-on-Sea War Memorial and Clacton Seafront Park and Garden, a Grade II Listed registered park. The building is also in a prominent position within the Pier Gap, facing Clacton Pier and the seafront. The Pier is the central focus for this area, with the Pier Gap connecting the beach with the settlement behind. It is a prominent feature within the Conservation Area, clearly visible from the Clacton Seafront Park and Garden, and it makes a positive contribution to the understanding of the development of Clacton-on-Sea.

The west of the Pier Gap, where Atlanta building is located, comprises a series of formal gardens connected by a walkway and unified by high quality street furniture, planting, and pavilions. This public realm is also a key contributor to the character of the Conservation Area and enhances our understanding of its historic development and the significance of the seafront.

Currently, the Pier Gap is negatively impacted by modern features and inappropriate additions which often overpower its historic character and would benefit from a consistent and sympathetic regeneration approach.

The installation of the proposed extraction system would cause a degree of harm to the significance of the Conservation Area and the Clacton-on-Sea War Memorial and Clacton Seafront Park and Garden as designated heritage assets. However, it is noted that the proposed position, which is in a less intrusive position and set back from the main elevation and from the seafront, is considered to be the most

viable solution.

I advise that some mitigation measures are introduced as a condition for approval in order to minimise the visual impact of the ventilation system on the character and appearance of the Conservation Area:

o Prior to installation, specifications of the proposed fresh air terminal and extract ventilation terminal shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such. Both terminals shall be painted or powder-coated metal to match the elevation and shall be permanently maintained as such.

### **3. Planning History**

N/A

### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework July 2021

National Planning Practice Guidance

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

SP1 Presumption in Favour of Sustainable Development

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

PPL8 Conservation Areas

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

Planning law requires that decisions on 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 (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

### **5. Officer Appraisal**

#### **Site Description**

The application site is 'Atlanta Building' which is a two storey building located along the southern edge of Kings Promenade, within Clacton-on-Sea. The site falls within the Settlement Development Boundary for Clacton-on-Sea, and also falls within the Clacton-on-Sea Conservation Area.

The character of the surrounding area is urbanised to the north, with significant levels of residential and commercial development. Immediately to the south is the seafront and beach, with Clacton Pier located to the east.

### Description of Proposal

This application seeks planning permission for the installation of an extraction system, which is to be located to the rear section of the southern elevation. This is to facilitate a change of use, not subject of this planning application, to convert the building into a lounge bar.

### Assessment

#### 1. Visual Impacts

Paragraph 130 of the National Planning Policy Framework (NPPF) (2021) 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.

Adopted Policy SP7 of Section 1 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context.

While the proposal is located to the front, southern, elevation, it is to be located on a section that is well set back. Given this, and the buildings siting adjacent to the beach, there will be no views from the main street scene along Marine Parade West to the north. That notwithstanding any views from along the seafront will be minimal, and the works themselves are a relatively minor addition to the building. As such there is not considered to be significant visual harm as a result of the proposed development.

#### 2. Heritage Impacts

Adopted Policy PPL8 (Conservation Areas) states new development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area.

The site falls within the Clacton Seafront Conservation Area and as such Essex County Council Place Services (Heritage) have been consulted. They have provided the following comments:

*“The proposal site is a 1950s building within the Clacton Seafront Conservation Area and adjoining Grade II Listed Clacton-on-Sea War Memorial and Clacton Seafront Park and Garden, a Grade II Listed registered park. The building is also in a prominent position within the Pier Gap, facing Clacton Pier and the seafront. The Pier is the central focus for this area, with the Pier Gap connecting the beach with the settlement behind. It is a prominent feature within the Conservation Area, clearly visible from the Clacton Seafront Park and Garden, and it makes a positive contribution to the understanding of the development of Clacton-on-Sea.*

*The west of the Pier Gap, where Atlanta building is located, comprises a series of formal gardens connected by a walkway and unified by high quality street furniture, planting, and pavilions. This public realm is also a key contributor to the character of the Conservation Area and enhances our understanding of its historic development and the significance of the seafront.*

*Currently, the Pier Gap is negatively impacted by modern features and inappropriate additions which often overpower its historic character and would benefit from a consistent and sympathetic regeneration approach.*

*The installation of the proposed extraction system would cause a degree of harm to the significance of the Conservation Area and the Clacton-on-Sea War Memorial and Clacton Seafront Park and Garden as designated heritage assets. However, it is noted that the proposed position, which is in a less intrusive position and set back from the main elevation and from the seafront, is considered to be the most viable solution.*

*I advise that some mitigation measures are introduced as a condition for approval in order to minimise the visual impact of the ventilation system on the character and appearance of the Conservation Area:*

*- Prior to installation, specifications of the proposed fresh air terminal and extract ventilation terminal shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such. Both terminals shall be painted or powder-coated metal to match the elevation and shall be permanently maintained as such."*

As such, while there is a degree of harm identified, this is not to a significant level that would warrant recommending a reason for refusal. However a condition will be included for the submission of full details.

### 3. Impact to Neighbouring Amenities

Paragraph 130 of the National Planning Policy Framework (2021) confirms planning policies and decisions 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.

Policy SP7 of Section 1 of the 2013-33 Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 (Part C) seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

Given the sites location, there is a significant separation distance to the nearest residential properties along Marine Parade West. Given this, and the minor nature of the works involved, there will be no harm to any existing amenities.

### Other Considerations

Clacton-on-Sea is non-parished so no comments are required.

There have been no other letters of representation received.

### Conclusion

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

## **6. Recommendation**

Approval.

## **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:

Drawing Numbers COS-01, LNG4605.03-, LNG4605.04-, LNG4605.BP-, TQRQM22133163353432, and the documents titled 'Kitchen Ventilation Statement', 'KVK Silent 160', 'KVK Silent 200', 'MUB 042 500D4 Multibox', 'MUB/T 062 560D4', 'Sitesafe Carbon Filters', 'Low Pressure Baffle Filter', 'V Line Panel Filter Economy Pleated Intrepid Media' and 'Planning, Design and Access Statement'.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 3 Prior to their installation, specifications of the proposed fresh air terminal and extract ventilation terminal shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such. Both terminals shall be painted or powder-coated metal to match the elevation and shall be permanently maintained as such.

Reason - In the interests of protecting the character and appearance of the Conservation Area.

## **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.