

## **DELEGATED DECISION OFFICER REPORT**

<b>AUTHORISATION</b>	<b>INITIALS</b>	<b>DATE</b>
Case officer recommendation:	MP	21/09/23
Planning Manager / Team Leader authorisation:	ML	21/09/2023
Planning Technician final checks and despatch:	JJ	21/09/2023

**Application:** 23/01082/FUL **Town / Parish:** Clacton Non Parished

**Applicant:** ESNEFT

**Address:** Clacton and District Hospital Tower Road Clacton On Sea

**Development:** Proposed installation of solar panels to existing roof.

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

Clacton – Non Parished.

### **2. Consultation Responses**

Essex County Council  
Heritage  
05.09.2023

The proposal site is in close proximity to Grade II Listed Martello Tower and Brick Lined Moat (List Entry Number: 1111520) which is also a Scheduled Monument. The Martello Tower is a landmark building within the Clacton Seafront and marks the boundary of the Conservation Area to the west. The Tower would historically have been the most dominant feature on the Clacton seafront, however its prominence is now reduced due to modern development within its immediate setting (including the proposal site) and the overgrown established planting which currently surrounds the Tower and obscures the moat.

The proposed installation of solar panels to the South-East elevation would introduce a further incongruous element within the setting of the Martello Tower which would compete with the designated heritage asset and detract from our appreciation of its significance as a landmark feature. Moreover, the proposed PV panels would be highly visible in views from Marine Parade while approaching the Conservation Area.

The proposal is therefore not considered to preserve those elements of the setting that make a positive contribution to the identified heritage assets and which better reveal their significance (Paragraph 206 of the NPPF is relevant here). With regards to the National Planning Policy Framework (2021), the level of harm to the identified designated heritage assets is considered to be 'less than substantial'. As such the local planning authority should weigh this harm against any public benefits of the proposal including, where appropriate, securing its optimum viable use as per Paragraph 202.

Whilst sustainability and energy efficiency are legitimate issues, for buildings which form part of the setting of heritage assets, a balance must be achieved between generating its own energy and avoiding damage both to the significance of the building and its fabric, and the visual impact of the renewable installation on the character and appearance of the historic building or site. It is noted that alternative

solutions have been considered and the South East elevation has been assessed as the most suitable location for the installation of a large number of panels. However, a reduced number of PV panels to be installed to the Southwest internal elevation might be considered a more sympathetic alternative solution, in this case, to minimise the visual impact of the proposal on the significance of Martello Tower and the setting of the Conservation Area.

Setting aside the manufacturing and transportation impacts, it is acknowledged that the installation of solar panels may result in some public benefits. However, these comments seek only to advise of any identified impact or harm to the heritage asset resulting from their installation. No assumption has been made as to whether the proposals would bring about any public benefits, or whether the potential benefits outweigh any identified harm.

Historic England  
11.09.2023

Thank you for your letter of 17 August 2023 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

#### Summary

The proposal is for an array of solar panels on the South Eastern (front) elevation of the hospital. The proposal will help the hospital achieve a carbon balance.

#### Historic England Advice

##### Significance of the historic environment

The location for the proposed panels is on the SE slope of the hospital roof and immediately adjacent to the historic Martello Tower F, which is both a scheduled monument and a grade II listed building. The hospital buildings also sit just outside but within the setting of Clacton Sea front Conservation Area.

The Martello is a well-preserved example and one of a chain of important historic defensive features which predated the expansion of the seafront town at Clacton. It is a designated heritage asset of high value and significance.

The Martello tower would have enjoyed a 360-degree field of fire from the roof and the same accessibility and views are currently enjoyed by visitors.

The sea front conservation area recognises the heritage values of the historic seafront, its buildings, the pier and the registered sea front gardens.

##### Impact

The new panels are highly visible from the sea front area and potentially visible from the Martello tower. Although other modern features are visible in these views the panels themselves would be a very prominent in the main approach to the hospital from the seafront area. They have a reflective character and represent a modern change. Our view is there would potentially be a degree of harm to the significance of the heritage assets

##### Policy

The National Planning Policy Framework sets out the desirability of sustaining and enhancing the significance of heritage assets,

paragraph 199. It continues that great weight should be given to their conservation and that any harm requires clear and convincing justification (paragraphs 199 and 200). Where a proposal will lead to less than substantial harm, this should be weighed against the public benefits of the proposal, paragraph 202 and 203.

#### Position

Historic England does not object in principle to the idea of solar panels, we recognise the hospitals desire to reach a more sustainable position with regards to energy consumption, and the ambition for carbon reduction in planning policy.

The location chosen for the panels is however set out to maximise the solar gain, and unfortunately, this hasn't taken into consideration the setting of heritage assets. The design and impact statements reference the advantageous location for maximum efficiency but does not given evidence of an options appraisal. Likewise it does not consider other possible locations or to an approach to siting that taken other potential considerations int account.

We appreciate the hospital has a significant roof area throughout the Clacton Hospital Estate and broadly speaking there are other locations where the solar gain from this proposal could be equalled or potentially improved but without the implications for the setting of heritage assets.

We recognise the role the planning authority have in this decision making with regards to energy policies within the NPPF and we do not wish to object in principle, however in this case we feel there are alternative solutions that could be developed that would be as advantageous in terms of carbon reduction and have the benefits of preserving the setting of the heritage assets and conservation area.

#### Recommendation

Historic England has concerns regarding the application on heritage grounds. In determining this application, you should bear in mind the statutory duty of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

### 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 (NEEMHS)	Approved	26.09.1995
95/00847/FUL	(Clacton Day Hospital, Tower Road, Clacton on Sea) Proposed demolition of single storey clinic and erection of two storey outpatients 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.	Approved	13.01.2022

21/02150/FUL	Proposed free standing pre-fabricated single storey training facility.	Approved	15.02.2022
22/00645/DISCON	Discharge of condition 3 (Fixed plant and machinery serving the development hereby permitted, and any mitigation measures to achieve this condition) of application 21/01766/FUL.	Approved	29.06.2022
22/01122/DISCON	Discharge of condition 3 (Landscape) of application 21/02150/FUL.	Approved	31.10.2022
22/01594/FUL	Proposed new single storey extension to existing hospital to provide additional endoscopy procedure room.	Approved	14.11.2022
22/01886/FUL	Proposed demolition of Seaview building and extension and reconfiguration of existing surface car park.	Approved	31.03.2023
22/02021/DISCON	Discharge of condition 3 (Construction management plan) of application 22/01594/FUL	Approved	23.01.2023
23/00819/FUL	Proposed relocation of existing gas cylinder storage.	Approved	11.08.2023
23/00965/FUL	Proposed demolition of a redundant building (Reckitts Lodge) and reconfiguration and extension of existing surface car park and roadway.	Approved	23.08.2023

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

National:

National Planning Policy Framework July 2023 (NPPF)

National Planning Practice Guidance (NPPG)

Local:

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

SP3 Spatial Strategy for North Essex

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

HP1 Improving Health and Wellbeing

PPL8 Conservation Areas

PPL9 Listed Buildings

Local Planning Guidance

Essex Design Guide

### **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), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any neighbourhood plans that have been brought into force.

## **5. Officer Appraisal**

### **Site Description**

The application site is Clacton and District Hospital, which is located to the north of Marine Parade West and to the west of Tower Road, within the parish of Clacton-on-Sea.

The character of the area is heavily urbanised, with residential and commercial development located to all sides. Further to the south is the Clacton-on-Sea seafront. The site falls within the Settlement Development Boundary for Clacton-on-Sea, with the Clacton Seafront Conservation Area sited adjacent to the east.

### **Description of Proposal**

This application seeks planning permission for the erection of 33 solar panels to southern elevation, which will cover approximately 85sqm.

### **Site History**

Under planning reference 22/01594/FUL, permission was granted in November 2022 for the erection of a single storey extension to the south-western corner of the site to accommodate extended endoscopy facilities.

In March 2023, under reference 22/01886/FUL, planning permission was also granted for the demolition of the existing 'Seaview' building, with it being replaced by an extension and re-configuration of the existing car park, resulting in an additional 19 parking spaces including one additional disabled persons space.

In September 2023, under reference 23/00965/FUL, planning permission was then granted for the demolition of 'Reckitts Lodge' to facilitate an extension/re-configuration of the existing road layout to generate an additional 13 parking spaces.

## 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.

Adopted Policy SPL3 Part A (b) requires that development relates well to its site and surroundings, particularly in relation to its siting, height, scale, massing, form, design and materials.

The existing building, and specifically its south-eastern elevation, is prominently located within the site, and therefore there will be clear views of the proposed panels via Marine Parade West. However, the works are a minor addition to a building of no special visual merit, and Officers therefore conclude that it will not result in a significant harmful impact to the character and appearance of the area.

### 2. Heritage Impacts

Paragraph 200 of the NPPF sets out, any harm to the significance of a scheduled monument, including from development within its setting, requires clear and convincing justification irrespective of the level of potential harm.

Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The application site is located in close proximity to the scheduled monument of 'Martello tower F, Marine Parade West, Clacton-on-Sea', which lies to the east of the application site. Accordingly, ECC Place Services (Heritage) have been consulted on the proposed works and have advised that the installation of the solar panels would introduce a further incongruous element within the setting of the Martello Tower which would compete with the designated heritage asset and detract from our appreciation of its significance as a landmark feature. Furthermore, the proposed solar panels would be highly visible in views from Marine Parade while approaching the Conservation Area. Historic England, also consulted, do not object in principle but do equally raise concerns with the impact to the heritage assets.

Given the above, the proposal is considered to generate a level of less than substantial harm to the identified heritage assets. In accordance with paragraph 202 of the NPPF, it is therefore for the Local Planning Authority to weigh up this level of identified harm versus the public benefits the scheme may bring. To this end, the agent for the application has provided a supporting statement outlining that the proposal would aid in helping the Hospital achieve net zero status, and that the proposed siting of the panels has been chosen as it is optimal location for maximum solar panel installation. Given this, the likely savings the scheme would generate and be able to re-invest into vital healthcare services, and the overall minor nature of the works, Officers conclude that on this occasion the public benefits outweigh the identified level of harm.

### 3. Impact to Residential 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.

The development will see the erection of solar panels to the south-eastern elevation of the main building. While this may be visible to neighbouring properties it will not be harmful to amenities, and therefore there will be a neutral impact in this regard.

### Other Considerations

Clacton is non-parished so no comments are required.

There have been no other letters of representation received.

### Conclusion

The proposal solar panels are considered to generate a level of less than substantial harm to the setting of the adjacent protected Martello Tower and Conservation Area, however on this occasion Officers consider that the public benefits outweigh the level of identified harm. Furthermore, the works will result in a neutral impact to the areas wider character, and to the amenities of neighbouring occupants. Accordingly, the application is policy compliant and is recommended for approval.

## **6. Recommendation**

Approval.

## **7. Conditions**

### **1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT**

CONDITION: The development hereby permitted shall be begun not later 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 Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

### **2 APPROVED PLANS & DOCUMENTS**

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Drawing Numbers 5405-9609-P01, 5405-9611-P01, 5405-9614-P01, 5405-9615-P01, 5405-9617-P01, the document titled 'Design and Access Statement', and the supporting statement received in an email dated 7 September 2023.



REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

## **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.