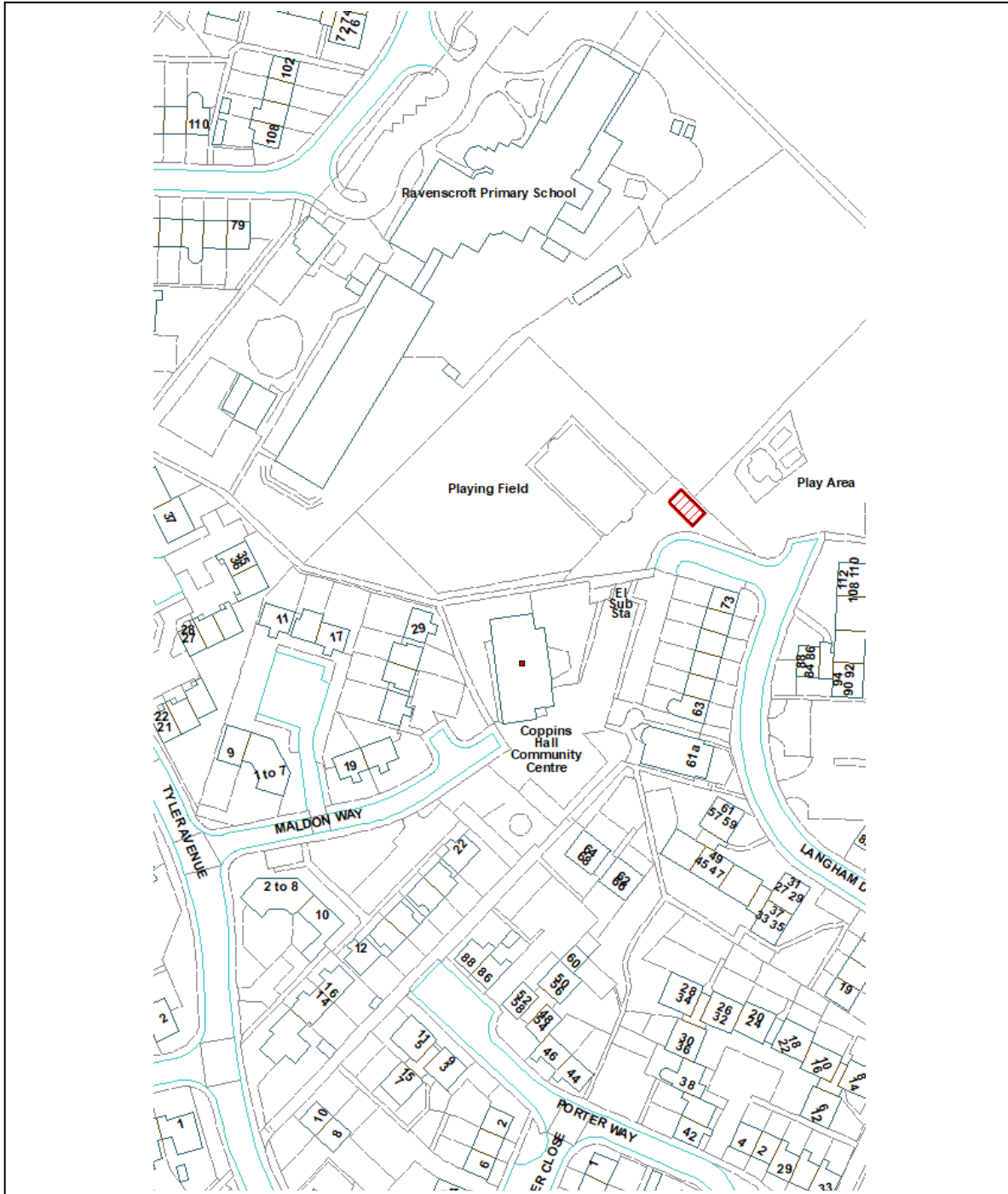


PLANNING COMMITTEE

15 February 2024

REPORT OF THE DIRECTOR OF PLANNING

**A.1 PLANNING APPLICATION – 23/01265/FUL – COPPINS HALL COMMUNITY CENTRE  
MALDON WAY CLACTON ON SEA CO16 7PA**



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|                      |  |                     |                    |
|----------------------|--|---------------------|--------------------|
| <b>Application:</b>  | 23/01265/FUL   | <b>Expiry Date:</b> | 6th November 2023  |
| <b>Case Officer:</b> | Naomi Hart   | <b>EOT Date:</b>    | 19th February 2024 |
| <b>Town/ Parish:</b> | Clacton Non Parished   |                     |                    |
| <b>Applicant:</b>    | Daniel Fenn - Inclusion Ventures   |                     |                    |
| <b>Address:</b>      | Land rear of Coppins Hall Community Centre Maldon Way Clacton On Sea<br>CO16 7PA |                     |                    |
| <b>Development:</b>  | Temporary siting of storage container (Retrospective application)                |                     |                    |

## 1. **Executive Summary**

- 1.1 The application is before the Planning Committee as the application site is owned by Tendring District Council.
- 1.2 The application seeks permission for the temporary siting of a storage container to the land rear of Coppins Community Centre to store bikes, bike equipment, tools and sports equipment which the charity (Inclusion Ventures) use for community based sessions.
- 1.3 The proposal is not considered to be harmful to the character and appearance of the area and it will not result in any significant impact to neighbouring amenities.

### **Recommendation:** Approval

- 1) That the Head of Planning and Building Control be authorised to grant planning permission subject to conditions as stated at paragraph 8.2, or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and,
- 2) The informative notes as may be deemed necessary.

## 2. **Planning Policy**

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

### National:

National Planning Policy Framework December 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):

SP7 Place Shaping Principles

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

SPL3 Sustainable Design  
HP2 Community Facilities

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.

### **3. Relevant Planning History**

|              |  |          |            |
|--------------|--|----------|------------|
| 07/00177/FUL | Proposed extension to form office area.          | Approved | 05.04.2007 |
| 15/00149/FUL | Siting of a portacabin/container for storage use | Approved | 17.03.2015 |

### **4. Consultations**

No consultations were necessary.

### **5. Representations**

Clacton on Sea is non parished

No letters of representation have been received

### **6. Assessment**

#### **Site Description**

- 6.1 The site is located at Coppins Hall Community Centre at the north-eastern end of Maldon Way and is within the Settlement Development Boundary for Clacton on Sea. On the western and northern boundary of the site lies a public right of way. The site contains a detached community centre and associated car parking area. To the north of the site is an area of public open space with enclosed basketball court. There is a children's centre to the east, otherwise the site is located in a residential area.

#### **Proposal**

- 6.2 This application seeks planning permission for the siting of a storage container to store bikes, bike equipment, tools and sports equipment which the charity (Inclusion Ventures) use for community-based sessions.
- 6.3 Following the officers site visit, the storage container is in situ.

- 6.4 The proposal is a blue steel storage container which measures 2.75 metres in depth, 7.3 metres in width with an overall height of 2.5 metres.

#### Assessment

- 6.5 The main considerations for this application are:

- Principle of Development
- Design and Appearance
- Impact upon Neighbouring Amenities

#### Principle of Development

- 6.6 The site is within the Settlement Development Boundary and the development relates to the existing use of the Community Centre. Policy HP2 seeks to deliver and maintain a range of new community facilities. New development should support and enhance community facilities by providing or contributing towards new or enhanced community facilities to meet needs arising from the proposed development or growth.
- 6.7 The proposed development, which is required to support the operation and services provided by the Community Centre is considered to be aligned with the aims of HP2 and therefore the principle of development is supported subject to the detailed policy considerations discussed below.

#### Design and Appearance

- 6.8 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 6.9 Paragraph 135 of the NPPF requires that developments are visually attractive as a result of good architecture, are sympathetic to local character and history, including the surrounding built environment, function well and add to the overall quality of the area, and establish or maintain a strong sense of place.
- 6.10 Local Plan Policy SP7 seeks high standards of urban and architectural design, which respond to local character and context. Local Plan Policies SPL3 and LP4 also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well considered site layout that relates well to its site and surroundings.
- 6.11 The proposed container is of a functional design as is determined by its very nature however it is located to the rear of the community centre and the associated car park with no visibility from Maldon way. There will however be views of the container from the adjacent public right of way and public open space. From these vantage points, the proposal will mostly be seen in its narrow elevation, although the whole proposal will be plainly in sight. Whilst it is not of similar appearance to the existing community centre, the container would be seen in the context of the wider site and its use as a community centre. Due to the temporary use of the proposal, it is considered that the container would not result in any long term material harm to the character and appearance of the surrounding area.
- 6.12 A temporary use condition will be imposed to allow time for an application for a suitable permanent scheme to come forward and ensure the temporary harm is removed.

#### Impact upon Neighbouring Amenities

- 6.13 Paragraph 135 of The Framework maintains that policies and decisions should result in new development that creates 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 SPL3 seeks new development that does not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.
- 6.14 It is not considered, given the siting of the proposed container and the separation distances from the neighbouring residential properties, the proposal would have an adverse impact on the residential amenity of the neighbouring properties.

## **7. Conclusion**

- 7.1 It is considered that the proposed development is consistent with the National and Local Plan Policies identified above. In the absence of material harm resulting from the proposal the application is recommended for approval.

## **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 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 No. P-01 – Site Location Plan

Drawing No. P-02 – Proposed Block Plan

Drawing No. P-03 – Proposed Floor Plans and Elevations

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.

## 2 COMPLIANCE: TEMPORARY PERMISSION

**CONDITION:** The development is hereby approved for a temporary period of 3 years from the date of this decision, by which date the building shall be removed in its entirety and the land returned to its original state and use.

**REASON:** To accord with the requirements of the application, this is secured as temporary permission. Furthermore, the appearance of the container is not considered appropriate to warrant the granting of a permanent permission in the interests of preserving the visual amenity of the surrounding area. This temporary permission allows time for an application for a suitable permanent scheme to come forward.

### 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.

## 9. **Additional Considerations**

### Public Sector Equality Duty (PSED)

- a. 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:
  - b. A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
  - c. 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
  - d. C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.

- e. 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.
- f. 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.
- g. 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

- h. 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.
- i. 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).
- j. 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

- k. 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.
- l. 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**

- a. 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/>.