

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	ER	21/02/2024
Team Leader authorisation / sign off:	ML	28/02/2024
Assistant Planner final checks and despatch:	ER	29/02/2024

Application: 23/01617/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr Adem Albayrakoglu

Address: Great Clacton Hall 28 North Road Clacton On Sea

Development: Proposed installation of ventilation and extraction equipment.

1. Town / Parish Council

Clacton non parished

2. Consultation Responses

Essex County Council
Heritage
13.02.2024

The application is for proposed installation of ventilation and extraction equipment.

The proposal site is Grade II Listed Great Clacton Hall, within the Great Clacton Conservation Area and in close proximity to Grade I Listed Church of St John the Baptist.

The installation of the proposed ventilation and extraction equipment would result in some degree of less than substantial harm to the significance of the identified heritage assets due to the introduction of an incongruous feature to the rear elevation of the historic building and within the setting of St John the Baptist Church (Paragraph 208 of the NPPF is relevant here).

It should however be taken into account that alternative locations for the proposed equipment have been investigated and justification provided to support the current proposal as per Paragraph 206 of the NPPF. It is also noted that the proposal would allow to retain the existing kitchen in its current location, minimising the need for additional works to the historic fabric.

Environmental Protection
02.02.2024

With reference to the above, please see below for comments from the EP Team:

Noise: The submitted Noise Impact Assessment states that the units in question will only be used until 1800 each day; the assessment performed also only refers to the terminal time and has not made any reference to existing background noise after this time. If the times the units will be in use are reflective of the levels recorded and prediction impacts are also within the specified times, we have no adverse comments to make. However, should the units be in operation passed the above time, we would like confirmation that the proposed units do not exceed +5dB(A) above the background.

Extraction: I can confirm we have reviewed the submitted report and have no adverse comments to make.

Construction Activities: In order to minimise potential nuisance caused by demolition/construction works, Environmental Protection recommend that the following hours and actions be adhered to, should the application be approved;

- No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst construction works and alterations are being carried out.
- No materials produced as a result of the site development or clearance shall be burned on site.

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

REASON: to protect the amenity of nearby residential premises

3. Planning History

00/01488/FUL	Two storey extension (variation of scheme approved under TEN/96/1011 to comply with new space standards for residential homes).	Approved	19.10.2000
00/01508/LBC	Variation of scheme approved under LB/96/1012 to comply with new space standards for Residential Homes (additional 49m2 of floor area)	Approved	19.10.2000
96/01011/FUL	(Gt Clacton Hall, Great Clacton) Alterations and extensions as previously approved under TEN/807/88 and TEN/906/89	Approved	30.09.1996
96/01012/LBC	(Great Clacton Hall, Gt Clacton) Alterations and extensions as previously approved under TEN/807/88 and TEN/906/89	Approved	30.09.1996
05/01363/LBC	Renewal of planning permission No 00/01488/FUL dated the 18th October 2000 listed building consent No 00/01508/LBC dated 18th October 2000.	Withdrawn	30.08.2005
05/01364/FUL	Two and a half storey extension to include alterations within the existing building (renewal of permission 00/01488/FUL).	Approved	05.10.2005
05/01479/LBC	Two and a half storey extension to include alterations within the existing building renewal of permission 00/01508/LBC	Approved	05.10.2005

91/00448/FUL	Proposed conservatory.	Approved	31.05.1991
91/00449/LBC	Proposed conservatory.	Approved	31.05.1991
09/01136/LBC	Part retrospective application for a two and a half storey side extension to a listed building to house a passenger lift, fire escape staircase and thirteen bedrooms and to include internal alterations within the existing building.	Approved	13.01.2010
09/01137/FUL	Part retrospective application for two and a half storey side extension to a listed building to house a passenger lift, fire escape staircase and thirteen bedrooms and to include internal alterations within the existing building.	Approved	13.01.2010
23/00474/TCA	1 No. Sycamore - Remove to ground level. 1 No. False Acacia - Remove to ground level.	Approved	24.04.2023
23/00478/WTPO	1 No. False Acacia - Remove to ground level. 4 No. Sycamore - 30% reduction including crown lift.	Approved	24.04.2023
23/00577/DISCON	Discharge of conditions 3 (Construction Environment Management Plan) and 6 (Biodiversity Enhancement Layout) of application 20/00197/FUL.	Approved	19.05.2023
23/00578/LBC	Proposed erection of boundary walls and front metal security-safety doors and railing.	Approved	08.09.2023
23/00581/LBC	Proposed replacement roof tiles.	Approved	08.09.2023
23/00582/FUL	Proposed erection of boundary walls and front metal security-safety doors and railing.	Approved	08.09.2023
23/00601/FUL	Proposed replacement of roof tiles.	Approved	08.09.2023
23/01490/LBC	Proposed erection of boundary walls and front metal security safety gates and railing.	Approved	28.11.2023
23/01531/FUL	Erection of boundary walls with railings above to frontage and metal gates.	Approved	22.12.2023
23/01604/LBC	Proposed installation of ventilation and extraction equipment.	Current	
23/01617/FUL	Proposed installation of ventilation and extraction equipment.	Current	

23/01648/LBC	Replacement of the eco-slide windows.	Refused	04.01.2024
23/01773/LBC	Internal changes to facilitate the conversion of toilets to wet rooms.	Approved	07.02.2024

4. 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. Neighbourhood Plans

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

6. Relevant Policies / Government Guidance

NATIONAL:

National Planning Policy Framework 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

SP7 Place Shaping Principles

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

SPL1 Managing Growth

SPL3 Sustainable Design

PPL8 Conservation Areas

PPL9 Listed Buildings

Supplementary Planning Guidance:

Essex Design Guide

No emerging or adopted neighbourhood plan

7. Officer Appraisal

Application Site

The proposal site is Grade II Listed Great Clacton Hall, within the Great Clacton Conservation Area and in proximity to Grade I Listed Church of St John the Baptist.

The building is located within a public car park within the development boundary of Clacton on Sea.

Proposal

This application seeks planning permission for the installation of ventilation and extraction equipment.

The equipment will protrude beyond the front elevation and be positioned 2.5m high from ground level. The proposal will measure 0.6m in width, 4m in height and will protrude 0.8m beyond the wall.

Assessment

Design and Appearance

The proposal will involve a new ducting pipe which will be positioned along the side elevation and provide an extraction system for the property.

The proposed addition will be sited to the side of the main building and therefore a publicly noticeable addition. The building itself is set within a public car park and does not front any of the main highways within the locality, this means that views of the building are only achieved by the users of the car park and pedestrians gaining access to the nearby commercial outlets nearby. This layout of the site and its surrounding buildings will prevent significant views of the proposal preventing it from having a significantly harmful impact to the character/ appearance of the area which would require the need to refuse permission upon.

Sited to the east of the building is a new residential development currently under construction. The proposal will be visible from this new development. Whilst there will be public views achieved here it will be set back on the building and is minor in size meaning the new extraction equipment would not appear as a prominent or significantly harmful addition from public views here.

Whilst the proposal will result in a change to the side of the building it is worth noting that this side faces onto fencing and a small footpath preventing significant views from passers-by. The building is also orientated so that the other side elevation faces the public car park making this the most noticeable elevation of the building.

It is therefore considered that whilst the proposal will result in a change to the appearance of the building that this change would not be considered so harmful the visual amenity of the building or area which would require the need to refuse permission upon in this instance.

Heritage Impact

The site is located within the Clacton on Sea Conservation Area and is a Grade II Listed Building.

The ECC Heritage Team have been consulted on the proposal and have provided no objections to the scheme confirming that the installation of the proposed ventilation and extraction equipment would result in some degree of less than substantial harm to the significance of the identified heritage assets due to the introduction of an incongruous feature to the rear elevation of the historic building and within the setting of St John the Baptist Church. They have stated that it should however be taken into account that alternative locations for the proposed equipment have been investigated and justification provided to support the current proposal as per Paragraph 206 of the NPPF. It is also noted that the proposal would allow to retain the existing kitchen in its current location, minimising the need for additional works to the historic fabric.

Whilst the proposal will result in a degree of harm to the character and appearance of the listed building and surrounding area, a compelling justification has been provided in response to initial concerns raised by ECC Heritage confirming that the only viable location for the proposal. The degree of harm is therefore outweighed in this instance and any impact on the setting of the listed building and surrounding conservation area are considered not so significant to justify refusing planning permission upon in this instance.

Impact to Neighbours

The proposal is of a smallscale nature which will be sited sufficiently away from shared boundaries preventing a significant loss of amenities to neighbouring sites.

The Environmental Protection team have been consulted as part of the application and do not wish to object to the proposal.

They have confirmed that the provided Noise Impact Assessment states that the units in question will only be used until 1800 each day; the assessment performed also only refers to the terminal time and has not made any reference to existing background noise after this time. If the times the units will be in use are reflective of the levels recorded and prediction impacts are also within the specified times, there is no objections raised. A condition will be imposed upon the permission to ensure that the operating times of unit do not exceed 6pm to safeguard the amenities of neighbouring sites.

They have provided suggested conditions to be placed upon the permission relating to the burning of materials and construction vehicles/ activities times, however these are not relevant to the works and will not be applied to the planning permission.

Other Considerations

Clacton is non parished and therefore no comments of this nature are expected.

There have been no letters of representation received.

Conclusion

The proposal is therefore considered to be compliant with national and local policy as assessed in the above report. The proposal will result in some degree of harm to the character/ setting of the listed building however upon receiving sufficient justification of the proposal and it's siting this degree of harm would not be so significant to refuse planning permission upon in this instance.

8. Recommendation

Approval - Full

9. 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.

SITE PLAN - REC'D 10.11.23

20231006 - PROPOSED ELEVATION - REC'D 10.11.23
20231006 - PROPOSED GROUND FLOOR PLAN - REC'D 10.11.23
20231006 - PROPOSED ROOF PLAN - REC'D 10.11.23
SITE LOCATION PLAN - REC'D 15.12.2023
SITE PLAN - REC'D 18.01.24
20231006 - PROPOSED SIDE ELEVATION - 19.02.24
HERITAGE, DESIGN AND ACCESS STATEMENT - REC'D 10.11.23
KITCHEN EXTRACTION SYSTEM REPORT - REC'D 10.11.23
NOISE ASSESSMENT - REC'D 15.11.23

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.

3. NOISE IMPACT - COMPLIANCE

CONDITION: The hereby approved ventilation system shall not be operational after 6pm in accordance with the Noise Impact Assessment Documents received on 15.11.23.

REASON: To protect the amenity of nearby residential premises

10. Informatives

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974)

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.

11. Equality Impact Assessment

In making this recommendation/decision regard must be had to the public sector equality duty (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 that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact (As known with application)
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral