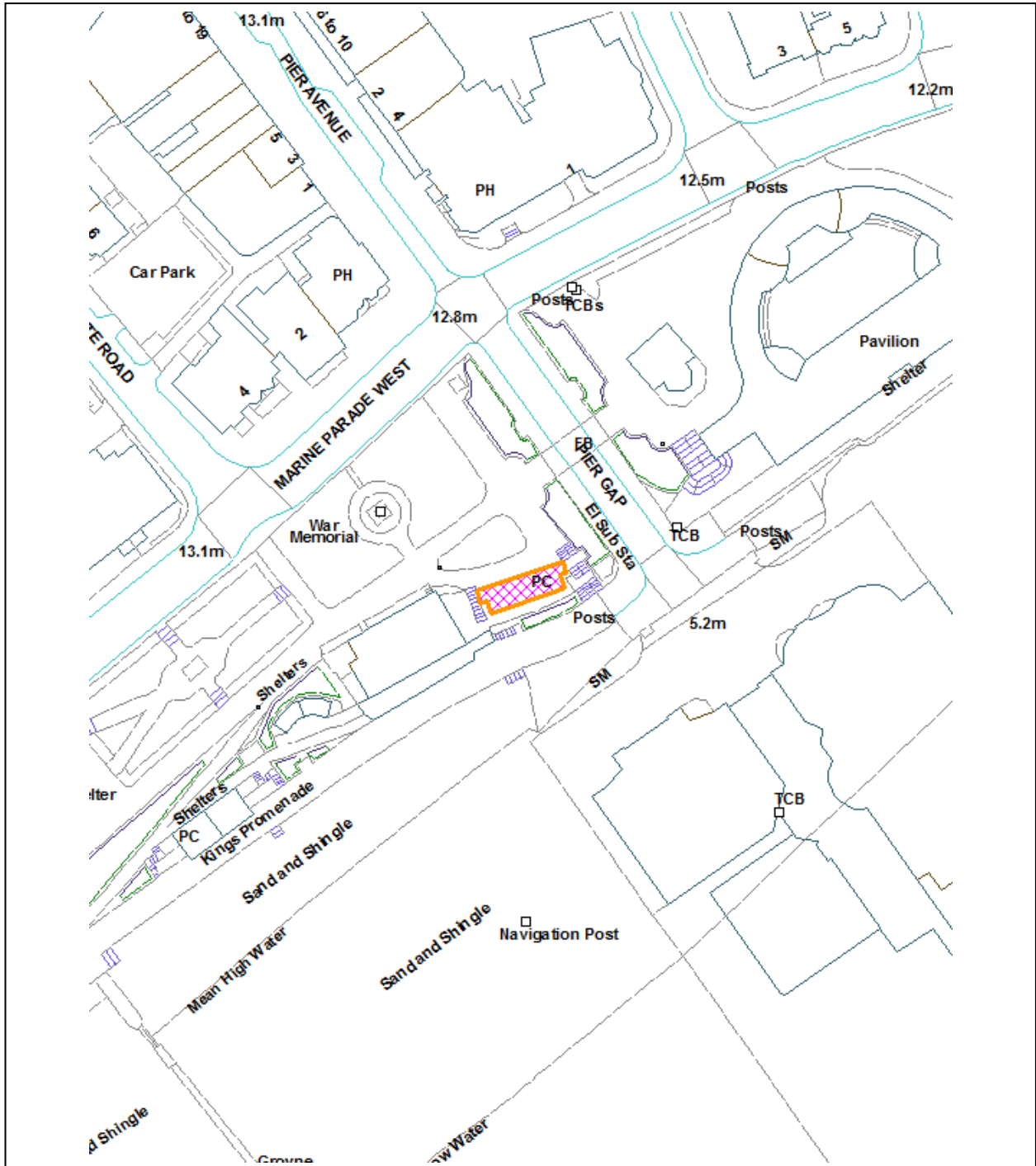


PLANNING COMMITTEE  
29 NOVEMBER 2017  
REPORT OF THE HEAD OF PLANNING

**A.5 PLANNING APPLICATION - 17/01478/FUL – THE NEWSPAPER KIOSK, TOP OF THE PIER GARDEN, MARINE PARADE EAST, CLACTON-ON-SEA, CO15 1QX**



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<b>Application:</b>	17/01478/FUL	<b>Town / Parish:</b> Clacton Non-Parished
<b>Applicant:</b>	Mr Danny Partridge	
<b>Address:</b>	The Newspaper Kiosk, Top of the Pier Garden, Marine Parade East, Clacton-on-Sea CO15 1QX	
<b>Development:</b>	Change of use from storage to kiosk, including seating area and replacement fencing.	

## 1. **Executive Summary**

- 1.1 This application is referred to the Planning Committee as the application site is owned by Tendring District Council.
- 1.2 The application is to change the use of the existing storage unit (Use Class B8) into a kiosk (Use Class A1), which will also involve some external amendments including proposed signage, replacement fencing measuring 1.1 metres in height and the creation of an outside seating area for 13 picnic benches.
- 1.3 The proposal will result in a slight visual improvement, will not harm the character of the Clacton-on-Sea Conservation Area and will result in a neutral impact to existing neighbouring amenities.

### **Recommendation: Approve**

#### **Conditions:**

1. 3 Year Time limit
2. Approved plans
3. Details of external materials

## 2. **Planning Policy**

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

EN17 Conservation Areas

ER16 Tourism and Leisure Uses

QL9 Design of New Development

QL11 Environmental Impacts and Compatibility of Uses

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SPL3 Sustainable Design

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

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also 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 national policy. As of 16<sup>th</sup> June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. As this plan is yet to be examined, its policies cannot carry the full weight of adopted policy. However, because the plan has reached publication stage its policies can carry some weight in the determination of planning applications. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

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

90/00262/DEEME D	Construction of new public conveniences	Determinati on	04.06.1990
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### **4. Consultations**

N/A

### **5 Representations**

5.1 There have been no letters of representation received.

### **6. Assessment**

The main planning considerations are:

- Principle of Development
- Visual Impact
- Impact on Neighbouring Amenities
- Impact to Conservation Area

#### **Site Context**

6.1 The application site is located to the west of Pier Gap, Clacton-on-Sea. Having regard to both the Saved Tendring District Local Plan (2007) and Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017), the site lies within the defined Settlement Development Boundary for Clacton-on-Sea.

6.2 The site falls within the Clacton-on-Sea Conservation Area, whilst to the south of the site is a Public Right of Way. The character of the surrounding area is urbanised, with large areas of commercial and residential properties to the north in particular, whilst to the south is the Clacton Pier.

#### **Proposal**

- 6.3 This application seeks planning permission for a change of use from a storage unit (use class B8) into a kiosk (use class A1).
- 6.4 As part of the application, some external changes are proposed, including proposed replacement fencing measuring 1.1 metres in height, the replacement of one set of steps with fencing, and to create an outside seating area for 13 picnic benches.

#### Principle of Development

- 6.5 The proposal will result in a small improvement to the tourism on offer in Clacton-on-Sea and an additional A1 unit in a town centre location. Therefore the principle of development is acceptable subject to the detailed consideration below.

#### Visual Impact

- 6.6 The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 6.7 The applicant has made reference to differing external materials, potentially either soft render or cladding, however exact details have not been provided. Whilst either will be acceptable in this location, exact details would need to be confirmed prior to the start of works, and can be added as a condition.
- 6.8 The proposal will result in some external changes, including the provision of an external seating area and replacement fencing. These changes are minor in nature, will be relatively in-keeping with the existing design and will result in a small visual improvement to the existing locale.

#### Impact to Neighbouring Amenities

- 6.9 The NPPF, at paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 6.10 The application site is within an open public area with no neighbouring properties. The development will not therefore impact on residential amenities and will have a small positive impact on the enjoyment of this space.

#### Impact to Conservation Area

- 6.11 Policy EN17 states that development within a Conservation Area must preserve or enhance the character or appearance of the Conservation Area. Policy EN23 states that development within the proximity of a Listed Building will not be permitted if the development would adversely affect its setting.
- 6.12 The application site falls within the Clacton-on-Sea Conservation Area and as such the applicant has submitted a Heritage Statement in order to justify that the proposal will either preserve or enhance the character of the area. The proposed changes are relatively minor

and will result in slight visual improvement, thereby meeting the requirements of Policy EN17.

### Conclusion

- 6.13 Overall, the proposal will see a slight increase to tourism opportunities available within the local area, and will also result in a small visual improvement to the character of the Clacton-on-Sea Conservation Area, whilst ensuring no loss of existing neighbouring amenities.

### Background Papers

None