

DELEGATED DECISION OFFICER REPORT

AUTHORISATION		INITIALS	DATE
Planning Officer recommendation:		ER	19/08/2024
EIA Development – Notify Planning Casework Unit of Decision:	NO		
Team Leader authorisation / sign off:		ML	19/08/2024
Assistant Planner final checks and despatch:		JJ	20/08/2024

Application: 24/00933/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr Andrew Harper – Tendring District Scouts

Address: Clacton Scout Headquarters Valley Road Clacton On Sea

Development: Planning Application – over sheet to existing roof in order to secure and protect the structure below. (Retrospective).

1. Town / Parish Council

Clacton is non parished.

2. Consultation Responses

Not required for this application type.

3. Planning History

98/01182/FUL	Proposed Scouting Centre	Approved	25.11.1998
03/00268/FUL	Scouting centre to replace existing	Refused	24.04.2003
03/01076/FUL	Scouting centre to replace existing.	Approved	30.09.2003
09/00614/FUL	Demolition of existing scout hut and replacement with new scout centre.	Approved	20.08.2009
13/00301/DISCON	Discharge of conditions 4 (revised schedule of use to allow increased community use of the building) and 5 (revised landscaping scheme) of planning permission 09/00614/FUL - FOR INFORMATION ONLY.	Approved	25.03.2013
18/00052/TPO	1 No. Sycamore - crown reduce by 30%, reduce/stabilise overlong limbs.	Approved	06.02.2018
23/01383/WTPO	1 No. Sycamore - pollard by 50%.	Approved	16.11.2023

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 Local Plan 2013-33 and Beyond (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 made and the Minerals and Waste Local Plans adopted by Essex County Council.

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>

Clacton does not benefit from a neighbourhood plan.

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 (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

HP2 Community Facilities

7. **Officer Appraisal (including Site Description and Proposal)**

Application Site

The application site comprises of a building to the south of Valley Road for use as the Clacton on Sea Scout Headquarters. The building is set back from the main highway and benefits from its own vehicular access and parking to the front.

Proposal

This application seeks planning permission for over sheeting to the existing roof in order to secure and protect the structure below.

The works have already been completed.

Assesment

Visual Impact

Paragraph 135 of the NPPF (2023) 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. Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context, and to protect the district's landscape and the quality of existing places and their environs.

The existing building measures 9m in height and its original roof comprised of green felt shingle tiles. The application form confirms that these now require replacing due to their age and previous storm damage. The solution has been to replace the roof with VCL reinforced polythene, Ash and Lacy bar and bracket system, 270mm mineral wool insulation, GL profiles DL32/1000, Roof sheets

in olive green. This has involved a slight increase in the height of the building up to a maximum of 0.35m.

The proposed alterations due to their nature and siting represent a noticeable change within the surrounding area. The proposed works are considered suitable to the existing building, whilst the materials differ to those previously approved they will still provide a similar appearance in terms of colouring. This is considered appropriate to the existing structure. As the building is set back from the front boundary the change is not considered to be a prominent or harmful to the character/ appearance of the existing building or local area.

The proposal therefore does not result in an adverse impact to the appearance/ character of the building or that of the streetscene.

Impact to Neighbours

Paragraph 135 of the National Planning Policy Framework (2023) 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 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 proposal will result in an increase in the height of the building by a maximum 0.35m. The works will be visible to the neighbouring properties within Greenacres and Clay Hall Road. Although, the raise in height will have an impact to the light/ outlook to these surrounding houses, as the building is set off the shared boundaries and as there is only a slight increase in height by 0.35m any impact to these neighbours is considered not so significant to refuse planning permission upon.

The proposal is of a nature which will not result in a loss of privacy to neighbouring sites.

Ecology and Biodiversity

General duty on all authorities

The Natural Environment and Rural Communities Act 2006 amended by the Environment Act 2021 provides under Section 40 the general duty to conserve and enhance biodiversity: "For the purposes of this section "the general biodiversity objective" is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England." Section 40 states authorities must consider what actions they can take to further the general biodiversity objective and determine policies and specific objectives to achieve this goal. The actions mentioned include conserving, restoring, or enhancing populations of particular species and habitats. In conclusion for decision making, it is considered that the Local Planning Authority must be satisfied that the development would conserve and enhance.

This development is subject to the general duty outlined above. Whilst an informative would usually be placed upon the permission encouraging the applicant to improve the biodiversity of the site through additional planting/ wildlife features it is noted that the works has already been completed in this instance and therefore an informative would not be relevant to this permission. It is also noted that the works have been to the roof of the existing building and therefore there is no opportunity for planting/ wildlife features. Therefore, the development on balance, with consideration of the impact of the development and baseline situation on site, is considered likely to conserve and enhance biodiversity interests.

Biodiversity net gain

Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. This excludes applications for Listed Building Consent, Advert Consent, Reserved Matters, Prior Approvals, Lawful Development Certificates, householders, self builds, and other types of application which are below the threshold i.e. does

not impact a priority habitat and impacts less than 25 sq.m of habitat, or 5m of linear habitats such as hedgerow). This proposal is to works to the roof of the existing building and not therefore applicable for Biodiversity Net Gain.

Protected Species

In accordance with Natural England's standing advice the proposed development site and surrounding habitat have been assessed for potential impacts on protected species. The proposal has already been completed and involves works to the existing roof of the building. It is considered that the proposal is unlikely to adversely impact upon protected species or habitats.

Conclusion

In accordance with the overarching duty outlined above, this development is considered to accord to best practice, policy, and legislation requirements in consideration of the impacts on ecology interests.

Other Considerations

Clacton is non parished and therefore comments of this nature are not expected.

One letter of representation has been received raising concerns over the level of light which is lost.

Officer Response – The building is sited away from the neighbouring boundaries preventing the alteration from having significant harm to neighbouring light and outlook. It is also noted that the increase in height has only been slight (a maximum of 350mm) and will allow for necessary repairs to the existing community building and the inclusion of insulation safeguarding the property for future use. The proposal is therefore considered not to result in such a harmful impact to neighbouring properties to refuse planning permission upon.

Conclusion

The proposal is therefore considered to be compliant with national and local policy as assessed in the above report. In the absence of material harm resulting from the proposed development the application is recommended for approval.

8. Recommendation

Approval

9. Conditions

1 No Conditions.

10. 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.

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.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

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
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