

DELEGATED DECISION OFFICER REPORT

AUTHORISATION		INITIALS	DATE
Planning Officer recommendation:		OA	20.08.24
EIA Development - Notify Planning Casework Unit of Decision:	NO		
Team Leader authorisation / sign off:		AN	20/08/24
Assistant Planner final checks and despatch:		JJ	21/08/24

Application: 24/00934/FUL **Town / Parish:** Clacton Non Parished

Applicant: Standard Securities Ltd

Address: Jackson House 45 Jackson Road Clacton On Sea

Development: Planning Application - External alterations involving replacement cladding at fifth floor level and removal of brise soleil on front elevation.

1. Town / Parish Council

Clacton Non-Parished

2. Consultation Responses

N/A

3. Planning History

00/01827/ADV	Two fascia signs - one to Jackson House front elevation, one to identify rear entrance to site	Approved	22.01.2001
00/01828/FUL	Erect 4 brick piers, chain and "Kee Klamp" rail to rear of footway (behind bollards) to control access to "slip road" in front of building	Approved	22.01.2001
94/01516/FUL	Disabled ramp access to front entrance of bank.	Approved	20.01.1995
98/00861/FUL	Erection of five eternit clad steel framed risers to accommodate essential services	Approved	11.08.1998
98/01034/FUL	Installation of new column mounted external lighting and associated external works	Approved	22.09.1998
98/01340/FUL	Installation of additional standby generator (to compliment 2 No. existing generators) (formerly known as Northwest House)	Approved	24.11.1998
98/01341/FUL	Small single storey rear extension to house uninterrupted power supply batteries (formerly known as North West House)	Approved	24.11.1998

05/00804/FUL	Replacement of disabled access ramp at building front, alterations to step arrangement and pavement layout	Approved	28.06.2005
08/00607/FUL	Change of use, refurbishment and new build to form 32 residential units (16 x 1B flats, 12 x 2B flats and 2 x pair of 4B semi detached houses), 57 bedroom hotel, one A1/2/3 unit (131 sq.m) and one A4 unit (668sq.m), ancillary storage, refuse stores, parking and service areas. Demolition/removal of ancillary plant and structures.	Approved	22.07.2008
08/01538/FUL	Change of use, refurbishment and new build to form 32 residential units (16 x 1B flats, 12 x 2B flats and 2 x pair of 4B semi detached houses), 57 bedroom hotel, one A1/2/3 unit (131 sq.m) and one A4 unit (668sq.m), ancillary storage, refuse stores, parking and service areas. Demolition/removal of ancillary plant and structures.	Approved	18.12.2008
91/00318/ADV	Illuminated lettering to existing fascia.	Approved	08.05.1991
91/00321/ADV	Replacement fascia sign.	Approved	08.05.1991
09/00158/ADV	5 no. internally illuminated box signs. 1 non illuminated post sign. 6 no. floodlights. 20m L.E.D lighting.		27.04.2009
09/00361/FUL	Proposed service enclosure to west elevation.	Approved	04.06.2009
24/00934/FUL	Planning Application - External alterations involving replacement cladding at fifth floor level and removal of brise soleil on front elevation.	Current	

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.

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>

5. **Relevant Policies / Government Guidance**

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 (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

PP2 Retail Hierarchy

PP5 Town Centre Uses

PP14 Priority Areas for Regeneration

Supplementary Planning Documents

[Essex Design Guide](#)

6. **Officer Appraisal**

Application Site

The application site is located to the west of Jackson Road, Clacton-on-Sea and is known as Jackson House. It currently houses a number of commercial town centre uses and a large parking area to the rear to the west. The wider character is heavily urbanised with a mixture of residential and commercial uses.

The application site falls within the settlement development boundary of Clacton on Sea, as defined by the Tendring district Local Plan 2013-2033 and beyond. It also falls within the Clacton Town Centre boundary and within an area prioritised for regeneration.

Proposal

The application seeks planning permission for external alterations involving replacement cladding at fifth floor level and removal of brise soleil on front elevation.

Assessment

Design and Visual impact

Paragraph 131 of the NPPF refers to good design as a key aspect of sustainable development, creating better places in which to live and work and helping make development acceptable to communities. Paragraph 135 expands that planning policies and decisions should ensure that developments, b) are visually attractive as a result of good architecture, layout and appropriate landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change; d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and

visit and f) 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 137 of the NPPF refers that Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community.

Policy SPL3 of the TDLPS2 refers to Sustainable Design whereby all new development should make a positive contribution to the quality of the local environment and protect or enhance local character.

The proposed changes consist of the removal of the existing cedar cladding at fifth floor level and replacement with a millboard alternative with antique wood finish and the removal of combustible timber brise soleil to front elevation with heat protection film applied internally to those windows. Given the surrounding commercial uses with a mixed material palette, the proposals are considered to be not so harmful as to warrant a recommendation for refusal and are in accordance with both National and Local policy.

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. An informative has been imposed strongly encouraging the applicant to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly 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 impacts less than 25sq.m of habitat and is 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. 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 no comments are required. No other letters of representation have been received.

Conclusion

The proposal is consistent with the above-mentioned National and Local planning policies. In the absence of material harm, the proposal is recommended for approval.

7. **Recommendation**

Approval - Full

8. **Conditions / Reasons for Refusal**

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.

- Drawing No. J3-JAC-002 – Proposed Block Plan – Received 05.07.24
- Drawing No. J3-JAC-003 – Existing and Proposed East Elevations – Received 05.07.24
- Drawing No. J3-JAC-004 – Existing and Proposed West Elevations – Received 05.07.24
- Drawing No. J3-JAC-005 – Existing and Proposed North Elevations – Received 05.07.24
- Drawing No. J3-JAC-006 – Existing and Proposed South Elevations – Received 05.07.24

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.

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.

9. 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.

Biodiversity Enhancements Informative

In accordance with the Council's general duty to conserve and enhance biodiversity, you are strongly encouraged to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Suggested enhancements could include:

<https://www.rhs.org.uk/wildlife/in-the-garden/encourage-wildlife-to-your-garden>

10. 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

11. **Notification of Decision**

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO