

Application: 21/01687/FUL

Town / Parish: Frinton & Walton Town Council

Applicant: Mrs Nina Underwood - Tendring District Council

Address: Jubilee Field Naze Park Road Walton On The Naze Essex CO14 8JZ

Development: Proposed temporary relocation of (x17) beach huts from Eastcliff to the edge of Jubilee Field.

1. **Executive Summary**

- 1.1 This application is before Members as Tendring District Council is the land owner and applicant.
- 1.2 The proposal involves the temporary siting of 17 beach huts to Jubilee Fields in Walton on the Naze. The huts were located there in the summer of 2021 and as such the application is retrospective. The huts will be sited on Jubilee Fields whilst works take place to the sea wall at East Terrace, Walton on the Naze. The huts are to be moved back to their original location on completion of the works which is expected to be in an estimated 12 months' time.
- 1.3 The proposals are considered to be of a scale and appearance which is in keeping with the character of the surrounding area and there are no concerns raised regarding the amenity impacts on nearby residential properties.

Recommendation:

That the Assistant Director for Planning be authorised to **grant** planning permission for the development subject to:-

- a) Subject to the conditions stated in section 8.2

2. **Planning Policy**

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

NPPF National Planning Policy Framework July 2021

National Planning Practice Guidance

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)

SPL3 Sustainable Design

HP2 Community Facilities

HP5 Open Space, Sports & Recreation Facilities

CP1 Sustainable Transport and Accessibility

PPL4 Biodiversity and Geodiversity

PPL1 Development and Flood Risk

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), together with any neighbourhood plans that have been brought into force.

3. Relevant Planning History

None

4. Consultations

Essex County Council Ecology No response given. It is therefore considered that the temporary development will not cause harm to wildlife or habitats.

Environment Agency No response given. It is therefore considered that there would be no increased risk to persons by way of flooding, nor would the development significantly increase flooding elsewhere.

5. Representations

5.1 Frinton and Walton Town Council support the proposal.

6. Assessment

Site Context

6.1 The application site is a section of the Jubilee Ground, a recreation ground and play area which lies adjacent to the seafront in Walton on the Naze. The recreation ground has residential properties to its northern, eastern and western boundaries and the seafront lies to the south west. Close to the seafront there are rows of beach huts which are accessed from the Jubilee Ground by way of a descending pathway. The site is within the development boundary of Walton, the Coastal Area at The Naze whereby existing recreational facilities are protected, and the urban regeneration area of Walton on the Naze. The site is within flood zone 1 which has a low risk of flooding.

Proposal

- 6.2 The application seeks retrospective temporary planning permission for the location of 17 beach huts onto an area of the recreation ground which is closest to the seafront. There is a close board fence to three sides of the site, leaving the front of the huts, facing the sea, exposed. The beach huts will be in this place during the proposed works to the sea wall that are to be taking place at East Terrace. The works at East Terrace are in response to health and safety concerns. The works are yet to be finalised in terms of both specification and funding. An estimate of 12 months (from the present) has been provided for the completion of the works. On completion of those works, the beach huts will be removed and returned to their original location and the fence will be taken down. To allow for the works at East Terrace to take place, and for the huts to be returned to their original siting, it is considered reasonable to impose a condition whereby the planning permission is restricted to a realistic timescale of 18 months from the present. The application is retrospective as the huts have been in situ since the summer of 2021.
- 6.3 The site area has been given as approximately 348 m² and allows for an existing pedestrian pathway to continue through the site.

Principle of Development

- 6.4 Paragraph 92 of the NPPF requires planning policies and decisions to aim to achieve healthy, inclusive and safe places which amongst others should, enable and support healthy lifestyles, especially where this would address identified local health and well-being needs, for example through the provision of coastal beach huts. Paragraph 93 states that in order to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should amongst others, plan positively for the provision and use of shared spaces, community facilities (such as sports venues and open spaces) and other local services to enhance the sustainability of communities and residential environments. Therefore, consideration is given to the impact on community provision by the location of the huts to the Jubilee Ground.
- 6.5 Notwithstanding that there would be a temporary reduction in usable, publicly-accessible community space by way of the location of the beach huts, the principle of development is in line with the aims of the NPPF as it would mean the continuation of facilities for beach hut users, whilst vital works are carried out in another part of the District that would in turn enhance coastal community provision. The proposal is therefore considered to be acceptable in principle subject to detailed local plan policy considerations.

Appearance, Layout and Scale

- 6.6 The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. (Para 126 NPPF).
- 6.7 Policy SP7 states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Policy SPL3 seeks to provide new development which is well designed and maintains or enhances local character and distinctiveness. The development should relate well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials and should respect or enhance local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features.

- 6.8 The proposal is sited in close proximity of other beach huts, close to the seafront in a location where beach huts or similar types of coastal development could reasonably be expected. As such the placement of the beach huts appears congruent to the surrounding character and appearance of the area.
- 6.9 The overall size of the development is not excessive in comparison to other linear beach hut placements and the surrounding open land. Whilst the beach huts are clearly visible from public viewpoints, they do not block any coastal vistas.
- 6.10 The development does encroach onto public recreation land, however the placement of the beach huts does not significantly prevent the use of the Jubilee Ground, any access paths or the play area.
- 6.11 Overall, the appearance, scale and layout of the proposal is considered to be in character with the locality and the proposal is considered acceptable with regard to Policies SP7 and SPL3.

Highway Safety/Parking

- 6.12 Policy CP1 seeks new development that is sustainable in terms of transport and accessibility and therefore should include and encourage opportunities for access to sustainable modes of transport, including walking, cycling and public transport.
- 6.13 Given the current use of the beach huts that exist in the area, and the location within the Jubilee Ground, which is accessible by various modes of transport and is well located for Walton on the Naze, the proposal is considered to be acceptable on highways grounds. There is adequate public car parking provision close to the site on Naze Park Road and within a public car park 250 yards along the nearby Old Hall Lane. Whilst it is accepted that there will be some intensification of the use of the nearby parking facilities, this would not be significant, it would be temporary, and given that the site is considered to be highly accessible, it is further considered that the development would not have a detrimental impact on highway or pedestrian safety and complies with local policy CP1.

Impact on Residential Amenity

- 6.14 Paragraph 130 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.
- 6.15 Policy SP7 states that all new development protect the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking. 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.
- 6.16 The use of beach huts within this location is considered to be a low-key use that would have minor, if any, impacts on nearby residential or public amenity. The nearest residential site is approximately 30m from the development and it is considered that the living conditions of the residents of that property are unaffected. Therefore, it is considered that the proposal would not have a harmful impact on the neighbouring occupiers in the surrounding residential areas.

Trees and Landscaping

- 6.17 No trees or other significant vegetation would be adversely impacted by the development proposal. However, it is accepted that there will be damage caused by the development to a section of the existing grass area of Jubilee Ground. However, the site should be returned to its original state upon the removal of the huts and this matter can be secured by planning condition.

7. Conclusion

- 7.1 It is considered that the proposed development is consistent with the National and Local Plan Policies identified above. The retrospective development is considered necessary to meet the needs of the public by way of providing alternative beach hut accommodation whilst vital public works are taking place. In the absence of any identified 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 informative.

8.2 Conditions and Reasons

1. The development hereby permitted shall be retained in accordance with the following approved drawings:

Site Location Plan

Existing Block Plan

Proposed Block Plan

Reason – For the avoidance of doubt and in the interests of proper planning.

2. The period of this permission shall expire on 16.08.2023 at which date the beach huts and fencing hereby permitted shall be removed.

Reason – This planning permission has been assessed and granted on a temporary basis. Permanent planning permission would require the circumstances of the development to be assessed on the basis of permanent, rather than temporary, impacts.

3. Upon the cessation of use, all beach huts and fencing shall be removed from Jubilee Ground and the site and its landscape features returned to its condition prior to the commencement of the approved development.

Reason- To ensure the reinstatement and protection of coastal views and landscape in the interests of visual amenity and local biodiversity.

8.3 Informatives

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)

- 9.1 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:

- 9.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- 9.3 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
- 9.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 9.5 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.
- 9.6 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.
- 9.7 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

- 9.8 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.
- 9.9 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).
- 9.10 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

- 9.11 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.
- 9.12 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

- 10.1 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.tendingdc.gov.uk/online-applications/>.