

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	14 th Sept 2022
Planning Development Manager authorisation:	JJ	14/09/2022
Admin checks / despatch completed	ER	15/09/2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	15/09/2022

Application: 22/01144/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Tim Adams - Greene King Pub Co

Address: Essex Skipper Rochford Way Frinton On Sea

Development: Proposed improvements to the outdoor customer area.

1. Town / Parish Council

Frinton & Walton Town
Council
26.08.2022

Noted

2. Consultation Responses

No comments

3. Planning History

98/01582/ADV	Retention of illuminated name and other sign board, fixed to wall of building	Approved	11.08.1999
98/01583/FUL	Kitchen ventilation ductwork (retrospective)	Approved	18.01.1999
07/00610/FUL	Installation of 1 no. freestanding retractable awning in the decked area.	Approved	29.06.2007
16/00958/FUL	Erection of new front entrance porch and seating pergola to garden.	Approved	16.09.2016
19/00830/FUL	Relocation of fence and new smoking shelter.	Approved	19.09.2019
22/01144/FUL	Proposed improvements to the outdoor customer area.	Current	
22/01510/ADV	Proposed installation of new pictorial panel and amenity boards to existing post and gibbet. Including 3 brass lanterns, 2 door plaques, 2x sets of sign written house names, 2x new panels to	Refused	

existing double sided post signs, 2x disclaimer signs, 1x sign written welcome sign, 1x transom sign, 1x garden sign, 1x amenity sign and two sets of sign written letters and logos.

4. Relevant Policies / Government Guidance

National:

National Planning Policy Framework July 2021 (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
- 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
- HP2 Community Facilities
- PP5 Town Centre Uses
- PP6 Employment Sites
- CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

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.

5. Officer Appraisal

Before preparing this summary report the planning officer has visited the application site, considered any relevant previous planning applications in relation to the development and considered any comments made by those interested in the application such as consultees with specialist knowledge, nearby residents and a Parish or Town Council where there is one.

By indicating that the development proposal complies with relevant Local Plan Policies, the planning officer is taking into account the information submitted with the application, any previous relevant applications, observations during the site visit, any comments received in connection with the application and any other case specific considerations which are material to the decision.

Design

The application proposes providing covered areas in the form of four timber huts to the east boundary; the huts are of modest height (circa 2.3m ridge height) and would allow for use of the outdoor area during periods of inclement weather.

In December 2021 The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 3) Order 2021, Part 2, Class G introduced permitted development rights for one moveable structure subject to the height not exceeding 3m and the footprint not exceeding 50sqm – although not specifically referred to, examples of this type of structure would be marquees. It is acknowledged that marquees are sometimes not classed as permanent structures (depending on the nature of the structure) however there are no time limits with regards to how long the structure can be in-situ for. The right to carry out this development without requiring planning permission has additional restrictions if the structure is within 2m of the curtilage of residential properties; the closest residential premises are on the south side of Rochford Way – in excess of 60m away.

On the basis that the application before us is for four very small timber buildings (each with a footprint in the region of 2sqm) and that permitted developments are available to the premises for significantly larger structures; little objection can be offered in regards to the siting and design of the proposal. In addition, the huts are considered to be of an appropriate design and will formalise and improve this back of public house location which is currently an area dominated by fencing, bland brick elevations (facing the space) and utilitarian buildings in the background.

Impact on residential amenity and amenity generally

In regards to the amenity of adjoining occupiers in terms of noise, it is considered that the 'huts' (having a roof) will marginally shield noise overspill when compared to the benches which are in-situ. By comparison, the installation of further benches is not something that the LPA would have any control over.

In terms of the above, the proposal is a well design, and controlled way of providing a high quality external seating area which will improve this back of public house location which is currently an area dominated by fencing, bland brick elevations (facing the space) and utilitarian buildings in the background. In regards to noise, it is considered that the potential for increased noise level is unlikely to be materially greater as a result of the development than if additional seating were proposed.

Representations

One objection has been received from the offices of the Frinton & Walton Parish Council

I have cause for concern about the impact of excessive noise on our offices, the inability to open windows that face onto the area due to the anticipated increase in noise, and any possible anti-social behaviour that may come with extended	The area the huts are to be sited is already the outdoor area for the pub and the huts are purposely designed to face away from neighbouring buildings where benches exist already; an express grant of planning permission would not be required to install/add new benches to this area
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periods of socialising in an environment where alcohol is consumed.	The government has awarded the Hospitality trade permitted development rights for much larger structures (i.e. marquees); the resultant effect in terms of noise etc of such would be comparable.
The timber huts/areas designated for congregating would be better located elsewhere within the area to give consideration to the concerns I have raised.	Noted. Officers have to consider the application as submitted unless there are reasonable grounds to seek amendments. For the reasons outlined above it is considered unreasonable to insist on a different location especially if no material harm can be identified.
Please note, the gap between the boundary fence where the huts are to be located, and our office, is approx one metre.	Noted.

Other Considerations

Weight is given to an additional benefit which is that the proposed huts will allow a hospitality business to offer a high quality external seating area to customers during inclement weather conditions.

6. **Recommendation**

Approval - Full

7. **Conditions**

- 1 The development hereby permitted shall be begun before 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 the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:- PR001 and PR002 (received 20th July 2022).

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

8. **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.

Are there any letters to be sent to applicant / agent with the decision?		NO
Are there any third parties to be informed of the decision?		NO