

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	OA	25.04.24
Team Leader authorisation / sign off:	JJJ	26/04/2024
Assistant Planner final checks and despatch:	ER	26/04/2024

Application: 24/00158/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr John Barter - Frinton and Walton Heritage Trust

Address: 120 Pole Barn Lane Frinton On Sea Essex

Development: Planning Application - Change of use from ambulance station (Sui Generis) to new heritage centre, museum and community use (Class F1) and alterations to openings and installation of PV solar panels to south roof pitch.

1. Town / Parish Council

FRINTON AND WALTON
TOWN COUNCIL

RECOMMEND APPROVAL

2. Consultation Responses

ECC Highways Dept
02.04.2024

The information that was submitted in association with the application has been fully considered by the Highway Authority. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material and google earth image.

Having considered the information submitted with the planning application from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority.

Informative:

i. All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

ii. On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

iii. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Environmental Protection
07.03.2024

With reference to the above application, please see below for comments from the EP Team:

Construction Activities: In order to minimise potential nuisance caused by demolition/construction works, Environmental Protection recommend that the following below is conditioned;

- No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst construction works and alterations are being carried out.

- No materials produced as a result of the site development or clearance shall be burned on site.

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

REASON: to protect the amenity of nearby residential premises

Network Rail

3. Planning History

23/00320/FUL	Proposed change of use from ambulance station to heritage centre, museum and community use. Replace flat roof to pitched to match existing, alterations to openings and installation of solar PV panels to south roof pitch.	Approved	28.04.2023
24/00158/FUL	Planning Application - Change of use from ambulance station (Sui Generis) to new heritage centre, museum and community use (Class F1) and alterations to openings and installation of PV solar panels to south roof pitch.	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.

In relation to housing supply:

The Framework requires Councils to significantly boost the supply of homes to meet the District's housing need. However, the revised Framework, published on 19th December 2023, sets out in Paragraph 76 that (for applications made on or after the date of publication of this version of the Framework) local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met:

- their adopted plan is less than five years old; and
- that adopted plan identified at least a five-year supply of specific, deliverable sites at the time that its examination concluded.

The adopted Local Plan meets these criteria.

Notwithstanding this updated provision, the Council will continue to demonstrate an updated supply of specific deliverable sites within its Strategic Housing Land Availability Assessment (SHLAA), which is published annually. The most recent SHLAA was published by the Council in November 2023, and demonstrates a 6.44-year supply of deliverable housing sites against the annual requirement of 550 dwellings per annum set out within the adopted Local Plan, plus a 5% buffer to ensure choice and competition in the market. (The SHLAA can be viewed on the Council's website: <https://www.tendringdc.gov.uk/content/monitoring-and-shlaa>)

On 19th December 2023 the Government published the Housing Delivery Test (HDT) 2022 measurement. Against a requirement for 1,420 homes for 2019-2022, the total number of homes delivered was 2,207. The Council's HDT 2022 measurement was therefore 155%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to decisions relating to new housing development.

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>

6. 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 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

PPL3 The Rural Landscape

PPL10 Renewable Energy Generation

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

7. Officer Appraisal

Site Description

The application site is 120 Pole Barn Lane, which is the former ambulance station. It is sited to the north of Pole Barn Lane, within the parish of Frinton-on-Sea.

The surrounding area is heavily urbanised, with significant residential and commercial properties located to all sides. The main town centre for Frinton-on-Sea is sited approximately 450 metres to the south-west.

The site falls within the Settlement Development Boundary for Frinton-on-Sea within the adopted Local Plan 2013-2033, but has no other designations

Description of Proposal

This application seeks planning permission for a change of use from the former ambulance station into a heritage centre/museum (Use Class F1 - Learning and non-residential institutions), which is proposed to be used for archiving, an interpretation centre with electronic displays and presentations, and would also be for use as a community facility for meetings of 20+ attendees. This application is a revision to the previously approved scheme of 23/00320/FUL. Within the submission it has been clarified that such meetings will not be significant noise generating uses, and would include local art and craft groups, rehearsals for the local theatre, business training days and coffee mornings.

The application proposes the following revisions to the previously approved scheme:

- South Elevation
 - o Recovered flat roof raised replacing tile hung gable
 - o Photo-Voltaic panels across whole roof plane
 - o Raised cill PVCU window with opening fanlights
 - o Remodelled door & side panel

- North Elevation
 - o Recovered flat roof raised replacing tile hung gable
 - o Removal of PVCU windows
 - o Front entrance screen relocation to rear of meeting room

Assessment

1. Principle of Development

Officers understand that the site was previously operating as an ambulance station, however closed in 2022 due to the poor condition of the building and lack of suitability for its previous use - the service has since relocated to Frinton Fire Station approximately 100 metres to the west, so the proposed development would not result in any loss of services.

The application site is not within an allocated site protected for any specific use, and is also within the Settlement Development Boundary for Frinton-on-Sea, and in good walking distance to the key facilities and amenities within the local area. In addition, while the building is located in a predominantly residential area, it was not previously in residential use. The proposal for an F1 use, therefore, will help to re-use the currently vacant building in a sustainable location and is accepted in principle.

2. Visual Impacts

Paragraph 135 of the National Planning Policy Framework (NPPF) (2021) 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.

Adopted Policy SP7 of Section 1 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Policies SPL3 and LP4 of Section 2 of the 2013-33 Local Plan also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout that relates well to its site and surroundings, create a unique sense of place.

The proposed change of use will only result in minimal external works to the existing building, as outlined in more detail above. The changes are what would be expected of such a use and are minor enough in nature to avoid causing significant visual harm to the character and appearance of the area.

3. Impact on Residential Amenity

Paragraph 135 of the National Planning Policy Framework (2021) 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 and future 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.

Whilst there are neighbouring properties to either side of the application site, it is acknowledged that the proposed use would not generate significant noise disturbances and is likely, at times, to be quieter than the previous ambulance station uses. The proposed operating hours are relatively extensive, a condition will be imposed to ensure no use outside of the proposed operating hours of 09:30am – 6:00pm Monday to Friday with shorter hours at weekends.

The proposal does involve physical alterations to the building; however these are all relatively minor with no additional bulk added, and will not detrimentally impact the amenities of any neighbouring properties

4. Highway Safety

Essex Highways Authority have been consulted and have stated that from a highway and transportation perspective the impact of the proposal is acceptable.

The Essex Parking Standards (2009) state that for such a use, there should be provision for one parking space per 25sqm of floorspace. The submitted information confirms there is 56.5sqm of floorspace, which equates to a need for three parking spaces. There is a significant area of hardstanding to the front of the building that can accommodate this. There are no changes to the previously approved scheme in terms of parking layout and therefore the proposals are acceptable with regards to highway safety.

5. Renewable and Energy Conservation Measures

Policies PPL10 and SPL3, together, require consideration be given to renewable energy generation and conservation measures. Proposals for new development of any type should consider the potential for a range of renewable energy generation solutions, appropriate to the building(s), site and its location, and be designed to facilitate the retro-fitting of renewable energy installations.

Paragraph 117 of the Framework states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles (ULEV) in safe, accessible and convenient locations. However, recent UK Government announcements that ULEV charging points will become mandatory for new development have yet to be published.

While it is acknowledged that the proposal includes photovoltaic panels, there may be additional potential for ULEV charging points for electric cars and other renewable energy options, although the instance on ULEV car charging points may be considered unnecessary or unreasonable given the fact that the scheme is to reuse an existing building. The proposed floor plans show the provisional location for a water butt and solar electric storage batteries to rear. It is therefore considered reasonable and necessary to include a planning condition requiring a scheme is provided, together with a timetable to be submitted for the consideration and installation of these measures, as such a condition is capable of addressing these policy requirements.

Ecology and Biodiversity

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. The minimum requirement is for a 10% net gain in biodiversity value achieved on a range of development proposals (excluding Listed Building Consent, Advert Consent, Reserved Matters, Prior Approvals, Lawful 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). The application was submitted prior to 2nd April 2024 and is therefore exempt.

Other Considerations

Frinton and Walton Town Council recommend approval.

There have been 2 further letters of objection summarised below:

- Car parking arrangement
- Gated forecourt

Officer Response – Essex County Council Highways have been consulted on the application and raise no objections. There are no proposed alterations to the parking and access arrangements and therefore the proposals are considered acceptable in this regard. Space has been provided for 3 vehicles and a minibus as necessary.

Conclusion

The application will see the re-use of the former ambulance building for a low-key use that will aid in the diversification of uses in this section of Frinton-on-Sea and is accepted in principle. Furthermore, the physical alterations to the building are relatively minor in nature and will neither harm the character of the area or the amenities of adjoining neighbours. Essex Highways Authority raise no objections, and there is sufficient space for the necessary vehicular parking. The application is therefore compliant with both local and national planning policies and is therefore recommended for approval.

8. Recommendation

Approval – Full

9. Conditions / Reasons for Refusal

1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The works to which this consent relate must be begun not later than the expiration of three years beginning with the date of this consent.

REASON: To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) 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 consent becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk of both Enforcement Action and Criminal 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 (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Drawing Numbers 22-01-01, 22-01-12B Rev B, 22-01-13B Rev B, 22-01-04, 22-01-12F, 22-01-13F and the document titled 'Design and Access Statement' received 23.02.14.

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

3. CONDITION: No development shall commence above slab level until a scheme for the provision and implementation of water, energy and resource efficiency measures for the lifetime of the development shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme should include as a minimum the following:-

- A Water-butt;
- Compost bin;
- Agreement of heating of building; and
- Agreement of scheme for waste reduction

The scheme shall be fully implemented prior to the first occupancy of the development unless otherwise agreed in writing by the Local Planning Authority. The scheme shall be constructed and the measures provided and made available for use as may be agreed and thereafter shall be maintained.

REASON: To enhance the sustainability of the development through better use of water, energy and resources reduce harm to the environment and result in wider public benefit in accordance with the NPPF.

4. ONGOING REQUIREMENT IMPOSED - RESTRICTION ON OPERATION TIMES

CONDITION: The hereby permitted development shall only operate between the hours of 9am and 9pm Monday-Saturday and 10am and 6pm Sundays. There shall be no deliveries to the development/use arranged for outside of these approved hours.

REASON: To enable the Local Planning Authority to retain control over the development in the interests of residential amenity within close proximity.

5. SPECIFIC RESTRICTION ON DEVELOPMENT: RESTRICTION ON CHANGES OF USE

CONDITION: Notwithstanding the provisions of Article 3, Schedule 2 Part 3 of the Town & Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking and re-enacting that Order with or without modification), the hereby approved development shall be used as Class F1 (a, b, c, d & e) use and for no other purpose including any other purpose in Class F1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any Statutory instrument and re-enacting that Order with or without modification).

REASON: To enable the Local Planning Authority to retain control over the development in the interests of the amenity.

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.

Highways Informatives:

1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

2: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

3: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

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

12. 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