

DELEGATED DECISION OFFICER REPORT

AUTHORISATION		INITIALS	DATE
Planning Officer recommendation:		ER	01/08/2024
EIA Development - Notify Planning Casework Unit of Decision:	NO		
Team Leader authorisation / sign off:		ML	02/08/2024
Assistant Planner final checks and despatch:		ER	02/08/2024

Application: 24/00867/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Frinton On Sea Lawn Tennis Club

Address: 36 Holland Road Frinton On Sea Essex

Development: Planning Application - Siting of container to form a gym equipment store.

1. Town / Parish Council

Frinton And Walton Town Council Recommend Approval

2. Consultation Responses

Environmental Protection
09.07.2024

Thank you for your consultation regarding the proposed development above. The Environmental Protection Team's comments are given below:

I have reviewed the above application and can confirm that Environmental Protection have no comments to make.

Essex County Council
Heritage
29.07.2024

Built Heritage Advice pertaining to a planning application for the siting of a container to form a gym equipment store.

The site is within the Frinton on Sea and Walton on the Naze Conservation Area and comprises of the Frinton on Sea Lawn Tennis Club that is designated as safeguarded open space and an important factor of its positive contribution to the character and appearance of the Conservation Area. The club is also historically important founded in 1899 to cater for the recreational interests of the occupants attracted to the town as a seaside resort and at a time when the Avenues were still being developed.

Its Clubhouse is formed by several adjoining thatched buildings that are considered to be a potential non-designated heritage asset due to their architectural and historical social interest to the area.

The Tennis Club is situated at the edge of the settlement and Conservation Area at the end of Holland Road where it backs onto the countryside. At the time the site was visited on the 24th of July it was noted that views into the site from the street on approach of the Tennis Club were limited. Due to the conifer hedging used as landscaping around the perimeter of the Club and its parking areas, and the location where the proposed container is to be sited was not visible until within the parking area.

Along Holland Road to the southwest is the grade II* Listed Building known as The Homestead (List ID: 1111531). There is considered to be adequate distance between the designated heritage asset and

the proposed siting of the container at the Clubhouse to mitigate any visual impact to its setting.

The proposal is supported by a Heritage Statement that considers the Conservation Area, and the Listed Building, but does not describe the significance of the Frinton on Sea Tennis Club itself and its positive contribution to the Conservation Area. As such the application does not accord with the requirements of the NPPF paragraph 200.

In principle there is no objection to the proposed siting of a container as shown adjacent to the 1970s built building that acts as a gym and is considered to not be of historic or architectural interest. Whilst placement of the container to the rear of the gym would be preferred in order to avoid any possibility of intervisibility with the Clubhouse should there be seasonal differences to screening landscape, the proposed timber trellis surround to mitigate visual impacts of the container is considered to be appropriate and sufficient screening for the development given that it is in the context of the car park.

However, trellis will not screen the container entirely, so its external colour should be given consideration, and it is recommended that a muted tone that is harmonious with the surroundings be used such as brown or dark green. This should be clarified prior to determination of the application.

It is also considered that the container is sited in such a way that it will act as though it is an extension to the building and so would appear to have a greater degree of permanence. In this respect, it may be beneficial to consider a long-lasting and more substantial form of screening such as brick walling.

Therefore, this proposal is considered to not be harmful to the heritage assets and can be supported with conditions recommended to ensure installation of an appropriate screening prior to beneficial use of the container as a store to the gym, and for agreement of the container's colour.

Overall, subject to the recommended conditions, the proposals are considered to preserve the character and appearance of the Conservation Area, in line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Chapter 16 of the NPPF.

Environment Agency

No comments received

3. **Planning History**

01/00149/FUL	Installation of 18 No. floodlights to one section of hardcourts i.e. courts C, D and G	Approved	28.03.2001
96/00340/FUL	Installation of 32,275 litre cold water storage tank for court sprinkler system	Approved	19.04.1996
99/00216/FUL	Realignment of existing hardcourts A & B, and installation of air supported dome cover; revisions to floodlighting; and resurfacing of courts. Provision of small	Approved	09.06.1999

	timber shed for storage of dome during summer months		
99/01831/FUL	To install two new Hard Courts with porous macadam finish within the Club's boundaries and change of use from agricultural to tennis club.	Approved	27.01.2000
02/02343/FUL	Renewal of 99/0216 for retention of Air Supported Dome for a further 5 years and variation to condition 6 (storage of dome)	Approved	28.01.2003
07/01692/TCA	1 No Willow - cut back to 18 inches above last cutting points and reduce the crown. Reduce the crown of 1 No. Willow to leave at 12" below the last pruning cuts.	Approved	12.11.2007
08/00375/FUL	Removal of condition 1 (a) of 02/02343/FUL.	Approved	16.06.2008
11/01455/FUL	Reconstruction of 4 no. existing tennis courts, including erection of 2.5m high level fencing and installation of replacement and additional associated flood lighting. Extension to existing courts.	Approved	09.02.2012
13/00030/FUL	Reconstruction of 4 no. existing tennis courts, including erection of 2.5m high level fencing, installation of replacement and additional associated flood lighting. Extension to existing courts (variation to planning permission 11/01455/FUL); and erection of Proprietary GRP Meter Cabinet.	Approved	15.05.2013
13/00264/FUL	Variation of condition 1 and 2 of 08/00375/FUL for erection of airdome for a period of 9 months in any one year.	Approved	16.05.2013
14/00055/FUL	Variation of condition 4 and 5 of approved application 13/00030/FUL to change the general arrangement of the proposed trees as per drawing no. 1203/31 rev A1.	Approved	06.03.2014
17/02041/LUPRO P	Replace existing Crittall steel windows with white UPVC windows to be of similar design.	Approved	30.01.2018
21/01774/TCA	1 No. Conifer Hedge - Reduce by 2 metres.	Approved	12.11.2021
22/01302/TCA	Tree adjacent to footpath at north side of tennis courts - fell.	Approved	02.09.2022
22/01834/TCA	2 No. Willows - 1 to be removed and 1 to	Approved	13.12.2022

be pollarded.

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>

There are no neighbourhood plans in place for this location.

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 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):

SPL1 Managing Growth

SPL3 Sustainable Design

PPL8 Conservation Areas

PPL2 Coastal Protection Belt

PPL1 Development and Flood Risk

Supplementary Planning Guidance:

Essex Design Guide

Local Planning Guidance:

Essex County Council Car Parking Standards - Design and Good Practice

7. Officer Appraisal (including Site Description and Proposal)

Application Site

The site is within the Frinton on Sea and Walton on the Naze Conservation Area and comprises of the Frinton on Sea Lawn Tennis Club that is designated as safeguarded open space and forms a positive contribution to the character and appearance of the conservation area. The club is also historically important and was founded in 1899 to cater for the recreational interests of the

occupants attracted to the town as a seaside resort and at a time when the Avenues were still being developed.

Its clubhouse is formed by several adjoining thatched buildings that are a potential non-designated heritage asset due to their architectural and historical social interest to the area.

The Tennis Club is situated at the edge of the settlement and conservation area at the end of Holland Road where it backs onto the countryside. Views into the site from the street on approach of the Tennis Club are limited.

Proposal

This application seeks planning permission for the siting of a container to form a gym equipment store. The container will be located in front of the gym and will achieve access by an internal door into the gym and a second door which will achieve access to the external space.

The container will measure 6m by 2.4m and will be constructed from dark green cladding as confirmed by the agent on 01st August 2024. The plans show that two elevations (facing the public areas) will be enclosed by soft wood trellis.

Assessment

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 proposed building will be positioned in front of the existing gym allowing for additional storage ancillary to the main building. The plans state that the proposed container will be clad in dark green with the eastern and southern elevations being enclosed by softwood trellis.

The new container will be set back from the site's boundaries, which comprise of vast hedging which will screen the development from views from Fourth Avenue. Due to the proposal's siting the installation of the container will be visible from the car park which serves the tennis club and associated building. It is noted that whilst views of the proposal will be achieved from the public car park the new container is of a single storey flat roof design which, when viewed in context with the wider site and large buildings already in situ, would not appear as a prominent or intrusive feature. Furthermore, the plans show that the two public facing elevations will be screened in soft wood trellis which would predominantly screen the large elements of green cladding and help to reduce its impact.

The proposal is therefore considered a suitable enlargement to the existing buildings which would not appear as a harmful addition to the overall character/ appearance of the site and local area.

Heritage Impact

Paragraph 203 requests that when determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.

Policy PPL8 of the Tendring District Local Plan 2013-2033 seeks to ensure that any new development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area.

The site is located within the conservation area of Frinton on Sea. The proposal will be sited well within the site and away from sites boundaries preventing it from being publicly visible from Holland

Road. Despite the proposal being visible from the car park it is small and will be screened by proposed trellis to reduce its impact. A Heritage Statement has been provided as part of the application.

The ECC Heritage Team have been consulted as part of the application and have provided no objections to the proposal. Their comments include the following:

"In principle there is no objection to the proposed siting of a container as shown adjacent to the 1970s built building that acts as a gym and is considered to not be of historic or architectural interest. Whilst placement of the container to the rear of the gym would be preferred in order to avoid any possibility of intervisibility with the Clubhouse should there be seasonal differences to screening landscape, the proposed timber trellis surround to mitigate visual impacts of the container is considered to be appropriate and sufficient screening for the development given that it is in the context of the car park.

However, trellis will not screen the container entirely, so its external colour should be given consideration, and it is recommended that a muted tone that is harmonious with the surroundings be used such as brown or dark green. This should be clarified prior to determination of the application.

It is also considered that the container is sited in such a way that it will act as though it is an extension to the building and so would appear to have a greater degree of permanence. In this respect, it may be beneficial to consider a long-lasting and more substantial form of screening such as brick walling

Therefore, this proposal is considered to not be harmful to the heritage assets and can be supported with conditions recommended to ensure installation of an appropriate screening prior to beneficial use of the container as a store to the gym, and for agreement of the container's colour."

The agent has confirmed that the proposed container will be dark green, and the plans show that the container will be suitable screened by soft wood trellis.

The proposal is therefore considered not to result in a harmful impact to the appearance/ character of the conservation area.

Highway Safety

Paragraph 114 of the National Planning Policy Framework 2023 seeks to ensure that safe and suitable access to a development site can be achieved for all users, whilst Paragraph 104 requires that streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places.

Adopted Policy CP1 (Sustainable Transport and Accessibility) of the Tendring District Local Plan 2013-2033 states that planning permission will only be granted if amongst other things; access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate, and the design and layout of the development provides safe and convenient access for people.

The proposal will be sited away from identified parking areas and will not interfere with the access to the site. The proposal will therefore not contravene highway safety.

Coastal Protection

The site is located within the Coastal Protection Belt. Policy PPL2 states that the Council will: a. protect the open character of the undeveloped coastline and refuse planning permission for development which does not have a compelling functional or operational requirement to be located there; and b. where development does have a compelling functional or operational requirement to be there, its design should respond appropriately to the landscape and historic character of its context and applicants will be required to demonstrate that any development proposals will be safe over their planned lifetime.

The proposal represents a functional need for the site with the new building being of an appropriate design and scale which would not result in a harmful introduction to the existing coastline. The proposal will therefore not result in a harmful impact in this regard.

Flood Risk

The site is located within the Flood zones 2 and 3. As the building is of a small-scale size which will be used solely for storage it is considered that the introduction of the proposal would not result in an additional harm to flood risk.

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 be located well within the site and away from site boundaries preventing a harmful impact to the amenities of 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. 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 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 sited within an existing car park area and below the relevant threshold noted above, therefore the application is not 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

Frinton and Walton Town council recommend approval for the application.

There have been no letters of representation received.

The Environmental Protection team have no objections to the proposal.

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 - Full

9. Conditions

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 (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.

SITE PLAN - REC'D 24.06.24

FTC-101 A

HERITAGE STATEMENT - REC'D 11/06/24

Email Rec 01/08/2024 confirming the colour of the container

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. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

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.

3 COMPLIANCE REQUIRED - CONTAINER SCREENING

CONDITION: The soft wood trellis shown on Drawing Number FTC-101 Rev A shall be installed prior to first use of the hereby approved container to which it relates and shall be retained in perpetuity.

REASON: To prevent the proposal from resulting in a harmful impact to the character/appearance of the conservation area.

10. **Informatives**

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>

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