

DELEGATED DECISION OFFICER REPORT

AUTHORISATION		INITIALS	DATE
Planning Officer recommendation:		ER	03/10/2024
EIA Development - Notify Planning Casework Unit of Decision:	NO		
Team Leader authorisation / sign off:		ML	03/10/2024
Assistant Planner final checks and despatch:		ER	04/10/2024

Application: 24/00941/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Frinton War Memorial Club

Address: Frinton War Memorial Club 88 Fourth Avenue Frinton On Sea

Development: Planning Application - boundary wall facing Fourth Avenue - amendment to the wall previously approved under 23/00382/FUL to increase the height from 1.0m to 1.257m.

1. **Town / Parish Council**

FRINTON AND WALTON
TOWN COUNCIL

RECOMMEND APPROVAL

2. **Consultation Responses**

ECC Highways Dept
15.07.2024

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 highways and transportation perspective the Highway Authority has no comments to make on this proposal.

Informative:

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

Essex County Council
Heritage
03.10.2024

Built Heritage Advice pertaining to a full planning application for the erection of a new boundary wall.

This proposal seeks an amendment to increase the height (from 1.0m to 1.257m) of a new wall that is permitted by the extant application 23/00382/FUL. Which was for the change of use of the car park to an outdoor seating area to be used in conjunction with the existing club; erection of a new boundary wall facing Fourth Avenue; erection of an aluminium lean-to gazebo to shelter disability scooters and cycles; additional flag pole to match the existing one; siting of a steel shipping container for general storage and gardening equipment; and illumination of existing sign at entrance to club.

The site is located within the Frinton and Walton Conservation Area and is in the setting of Frinton War Memorial Club. Frinton War Memorial Club is considered to be a potential non-designated heritage asset owing to its architectural and historic interest and is identified as a key unlisted building for the positive contribution it makes to the character and appearance of the Conservation Area. The site is also with the setting of the McGrigor Hall, on the opposite side of Fourth Avenue. Another key unlisted building of positive contribution to the Conservation Area for its historic and social interest.

Following my re-comment on the 11th of September 2024, an amended drawing for the new boundary wall and a proposed specification for the coping stones have been submitted in response to my recommendations. These are considered to be of appropriate design and materiality for the setting.

As such, the proposals are now considered to preserve and enhance 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. Furthermore, the proposal is considered to make a positive contribution to local character and distinctiveness, as per Paragraph 203 c) of the NPPF.

Tree & Landscape Officer 03.07.2024 The proposed increase in the height of the boundary wall by .257m will not have any impact on existing vegetation.

3. **Planning History**

05/01094/TCA	Removal of dead Cherry tree.	Approved	22.07.2005
07/01449/FUL	External alterations to include provision of opening in existing brick wall adjacent to main entrance to form smoking area.	Approved	20.11.2007
17/01494/FUL	Alterations to convert outside cycle and smoking area to toilet facilities.	Approved	25.10.2017
22/01257/TCA	Reduce mixture of Holly, Leylandii, 3 No. Ivy, 2 No. Prunus and 1 No. Cherry by approx 500-1000mm in height.	Approved	31.08.2022
23/00382/FUL	Proposed change of use of car park to an outdoor seating area to be used in conjunction with the existing club; A new boundary wall facing Fourth Avenue; Erection of an aluminium lean-to gazebo to shelter disability scooters and cycles; Additional flag pole to match the existing one; Siting of a steel shipping container for general storage and gardening equipment; and illumination of existing sign at entrance to club.	Approved	31.05.2023
23/01424/NMA	Non Material Amendment to application reference 23/00382/FUL to reposition flag poles outside the new boundary wall.	Approved	18.10.2023

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 relevant to 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

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

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

This application site relates to the Frinton War Memorial Club, sited along the southern section of Fourth Avenue within the parish of Frinton-on-Sea. The site consists of the two storey Memorial Club, with a large car parking area connected to the west. The character of the area is heavily urbanised, with residential and commercial development located to all sides.

The site is within the Settlement Development Boundary for Frinton-on-Sea within the adopted Local Plan 2013-2033, and is also within the Frinton and Walton Conservation Area, and within the Frinton Neighbourhood Centre.

Relevant History

In 2023 application 23/00382/FUL (Proposed change of use of car park to an outdoor seating area to be used in conjunction with the existing club; A new boundary wall facing Fourth Avenue; Erection of an aluminium lean-to gazebo to shelter disability scooters and cycles; Additional flag pole to match the existing one; Siting of a steel shipping container for general storage and gardening equipment; and illumination of existing sign at entrance to club) was approved and included a boundary wall measuring 1m in height.

This permission was then amended by application 23/01424/NMA (Non Material Amendment) to application reference 23/00382/FUL to reposition flag poles outside the new boundary wall, which was also approved.

Proposal

This application seeks planning permission for an increase in the height of the front boundary wall facing Fourth Avenue which was previously approved under 23/00382/FUL. The height will increase from the approved height of 1.0m to 1.257m.

Assesment

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 proposal will result in the increase in height of the new wall from the previously approved 1m to 1.257m. This part of the wall will be placed along the boundary of Fourth Avenue which fronts the site and is therefore publicly visible, however given it is minor increase the proposal will not result in the boundary wall appearing prominent or intrusive as it will still retain a low height.

The proposal will be constructed from Sussex Beckley Orange facing brickwork laid in either English or Flemish bond and finished with Humber Cast Stone Ogee Wall Copping colour Natural Portland. The memorial stone will be retained and a stone tablet with black lettering will be inserted into the wall. The proposed materials are considered suitable to the site and surrounding area and will be similar in appearance to the host building and other surrounding features.

The proposal is therefore considered a suitable change to the previous permission and is considered not to result in a harmful impact to the character/ appearance of the site or streetscene.

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.

Due to the prominent location of the proposal site within the Frinton-on-Sea Conservation Area and as part of the curtilage of a non designated heritage asset, high quality design and materials are required to comply with Paragraph 197 of the NPPF. Also, as per Paragraph 135, Local Planning Authority should ensure that proposed developments are sympathetic to local character and history and contribute to 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.

The proposal will result in the slight increase in the height of the wall by only 0.257m. Following advice from ECC Heritage the materials of the wall have been agreed as; Sussex Beckley Orange facing brickwork laid in either English or Flemish bond and finished with Humber Cast Stone Ogee Wall Coping colour Natural Portland. This would better reflect existing features on the site and the wider area.

The proposal is therefore considered appropriate to the site and would not result in an adverse impact to the appearance/ character of the conservation area.

ECC Heritage have been consulted and following amendments received by the agent in respect of the materials used in construction, they do not wish to object to the proposal.

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 proposed increase in height of the wall will not result in the reduction of parking spaces available to the site and due to its set back from the main highway is not considered to impeach or endanger the movement/ views for vehicles.

The ECC Highways team have been consulted and provide no objections to the proposal. The proposal will therefore not contravene highway safety.

Habitats, Protected Species and Biodiversity Enhancement

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 not therefore applicable for Biodiversity Net Gain, as no habitat is lost via the proposal.

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.

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 is of a minor nature which will be sited sufficiently away from shared boundaries preventing a significant loss of amenities to neighbouring sites.

Other Considerations

Frinton and Walton Town Council recommend approval.

There have been no letters of representation received.

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.

FWMC/2023/02 A

HERITAGE DESIGN AND ACCESS STATEMENT - REC 24.06.24

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. 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.

10. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Highways Informative

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

Biodiversity 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>

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:		NO
Are there any third parties to be informed of the decision? If so, please specify:		NO
Has there been a declaration of interest made on this application? No Declarations Of Interest Made		NO