

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	ML	12/05/2025
EIA Development - Notify Planning Casework Unit of Decision:	NO	
Pre-commencement condition agreement:	N/A	
Team Leader authorisation / sign off:	AN	13/05/25
Assistant Planner final checks and despatch:	ER	16/05/2025

Application: 25/00592/NMA **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Neil Dobbie - Simply Investment Real Estate Ltd

Address: 132 Connaught Avenue Frinton On Sea Essex

Development: Non Material Amendment to 24/01673/VOC - Fire exit door and goods hoist door recessed so the doors do not obstruct the external fire escape route. Stair 3 changes proposed for rationalising the layout and fire escape. Bedroom A-09 changes proposed to standardize the bedrooms. Day/Dining room balcony size reduced to achieve compliance with fire escape travel distances. Stair 3 window relocated to be 2 metres away from the bedroom window, to protect the fire escape zone. Areas of render external wall changed to brick to improve the durability and longevity of the facade. Vertical mansard roof at the resident's terrace revised as 70° mansard, to simplify the junction detail to the mansard roof either side and also so that the openings have dormers similar to the rest of the second floor.

1. Town / Parish Council

Frinton & Walton Town Council No comments

2. Consultation Responses

N/A

3. Planning History

92/00212/FUL	Extension to form cleaning bay (part renewal of permission TEN/1466/86)	Refused	12.05.1992
99/00451/ADV	Illuminated totem sign	Refused	09.06.1999
91/00029/FUL	Variation of Condition 3 attached to planning permission TEN/293/88 and Condition 2 attached to planning permission TEN/1704/88.	Refused	12.03.1991
07/02055/ADV	Sign A; Internally illuminated 5m pole; Sign B; Single sided internally illuminated sign; Sign C; Internally illuminated oval Ford sign; Sign D Internally illuminated fascia with dealer name clip; Sign E; Oval	Approved	16.04.2008

	Ford sign.		
16/02031/FUL	Change of use of part of rear garden at adjoining residential property for additional 8 parking spaces for Ford.	Refused	21.04.2017
23/00801/FUL	Construction of new care home (Use Class C2) with associated parking and garden following demolition of existing garage and large areas of hardstanding. Relocation of vehicular access.	Approved	30.05.2024
24/00836/S106	Legal Agreement in relation to Schedule 1 - Education contribution for application reference 23/00801/FUL.		05.06.2024
24/01673/VOC	Application under Section 73 of the Town and Country Planning Act for Variation of Conditions 2 (Approved Drawings) of application (23/00801/FUL) to enable/allow some minor amendments to the elevations and add a substation to serve the development.	Approved	24.01.2025
25/00476/DISCON	Discharge of conditions application for 24/01673/VOC - Condition 3 (External facing and roofing materials); Condition 4 (Fenestration details); Condition 5 (Screen walls and fences); Condition 23 (Construction methodology).	Approved	23.04.2025
25/00592/NMA	Non Material Amendment to 24/01673/VOC - Fire exit door and goods hoist door recessed so the doors do not obstruct the external fire escape route. Stair 3 changes proposed for rationalising the layout and fire escape. Bedroom A-09 changes proposed to standardize the bedrooms. Day/Dining room balcony size reduced to achieve compliance with fire escape travel distances. Stair 3 window relocated to be 2 metres away from the bedroom window, to protect the fire escape zone. Areas of render external wall changed to brick to improve the durability and longevity of the facade. Vertical mansard roof at the resident's terrace revised as 70° mansard, to simplify the junction detail to the mansard roof either side and also so that the openings have dormers similar to the rest of the second floor.	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.

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>

At the time of writing, there are no draft or adopted neighbourhood plans relevant to this site.

6. Relevant Policies / Government Guidance

N/A

7. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is located on the eastern side of Connaught Avenue within the settlement development of Frinton-on-Sea. The site previously consisted of a large vacant commercial unit which operated as a car showroom and servicing garage. This has recently been demolished.

In terms of its immediate surroundings, detached residential properties of varying urban form are positioned to the north and east of the subject site. Further commercial units (alongside holiday let accommodation) are positioned to the south of the site whilst residential dwellings can be found to its west.

The Frinton-on-Sea Conservation Area adjoins the site to the north and west and the site is situated within the Frinton-on-Sea Town Centre Boundary.

Overview and Main Considerations

Section 96A of the Town and Country Planning Act allows a Local Planning Authority, on application, to make a change to any planning permission if it is satisfied that the amendment proposed is non-material.

The key test as to the acceptability of an application for a non-material change is whether the change is material to any development plan policy. If the answer is 'no', three further tests should be applied:

1. Is the proposed significant in terms of its scale (magnitude, degree etc.), in relation to the original approval?
2. Would the proposed change result in a detrimental impact either visually or in terms of amenity?
3. Would the interests of any third party or body who participated in or were informed of the original decision be disadvantaged in any way?

Relevant History

Planning permission was originally approved under planning reference 23/00801/FUL for the construction of a 61-bed care home (following the removal of the existing buildings and sections of hardstanding).

A Section 73 permission was then granted under planning reference 24/01673/VOC, to vary the approved plans condition to incorporate revisions to the approved scheme which included; roof mounted air source heat pumps, a lift shaft structure to the roof, the introduction of an electric sub-station and various changes to the fenestration layout.

Proposed Amendments

This non-material amendment seeks permission to make the following changes to the current permission (24/01673/VOC);

West Elevation (fronting Connaught Avenue)

- Unchanged

West Facing Courtyard Elevation

- Roof now 70° pitch in full in lieu of 70° halfway up and then vertical
- Facade changed from white render to red brick
- Two windows removed from inset elevation and replaced with single stairway window
- Inset façade change from red brick to white render

East Elevation (Rear Elevation)

- Roof now 70° pitch in full in lieu of 70° halfway up and then vertical
- First floor doors reconfigured/separated for compliance with travel distance and balcony size reduced
- Rear projection façade changed from white render to red brick

North Elevation

- Rear projecting element façade changed from white render to red brick
- Fixed light obscure glazing changed to feature brick panel
- Door to ground floor changed to single leaf
- Front element – vertical stack bond and soldier course added above recess element
- Narrow recessed element changed from vertical tiling to red brick
- Fire exit door and goods hoist door recessed to not to obstruct the external escape route

South Elevation

- Bedroom 9 reduced in depth, resulting in a reduction of the flat roof single storey element and inclusion of additional patio door at ground floor
- Low level fresh air supply louvre added
- Roof now 70° pitch in full in lieu of 70° halfway up and then vertical

The changes are predominantly proposed to meet the requirements of the Building Regulations. The vertical mansard roof is revised to 70° mansard, to simplify the junction detail to the mansard roof either side.

Assessment

The degree of changes proposed compared to the original approval would not be significant in terms of the overall appearance of the development. The proposed amendments represent minor changes to the fenestration arrangement, and the revisions to various elements of the building from render to red brick are located on elevations that are not highly prominent in streetscene views. In this respect the principal elevation of the building fronting onto Connaught Avenue, remains unchanged. The

changes to the degree of pitch to the mansard roof would be largely undiscernible from street level and the insertion of low level fresh air louvre to the south elevation would not cause any harm to amenity.

Consequently, these changes would not result in any additional impact or harm to visual amenity and no third parties would be disadvantaged by way of the proposed alterations. The resultant changes do not add extra openings to the building and, in the case of the flat roof single storey projection to the southern elevation, this will be reduced in depth to reflect the changes to bedroom 9.

Moreover, there are no changes to the quantum of units and the alterations do not create any additional bedrooms.

Therefore, officers are satisfied that the proposed amendments fall under the considerations set out within Section 96A of the Town and Country Planning Act and are considered as a non-material amendment to the approved permission reference 24/01673/VOC.

Conclusion

Overall, the proposed non-material amendments do not represent any material change to a development plan policy. The amendments being sought are minor and are therefore acceptable as a non-material amendment to the approved plans attached to 24/01673/VOC.

8. Recommendation

Approval – Non-Material Amendment

9. Conditions

1. APPROVED PLANS AND DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the following approved drawings / documents, 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 be subsequently approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard:

25/00592/NMA Approved Drawings

2405_00_005 A1 Site Plan As Proposed
2405_00_100 A1 Ground Floor Plan
2405_00_101 A1 First Floor Plan
2405_00_102 A1 Second Floor Plan
2405_00_103 A1 Basement Plan
2405_00_105 A1 Roof Plan
2405_00_210 A1 West Elevation
2405_00_211 A1 East Elevation
2405_00_212 A1 North Elevation
2405_00_213 A1 South Elevation

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

10. Informatives

Non-Material Amendment Informative

You are advised that this decision is for minor amendments only and should be read in conjunction with the decision notice for application 24/01673/VOC which will contain a number of conditions and

informatives that still apply. Any original conditions that refer to previously approved plans should be read in conjunction with the corresponding updated plans and information forming part of this Non-Material Amendment application.

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
--	--	----