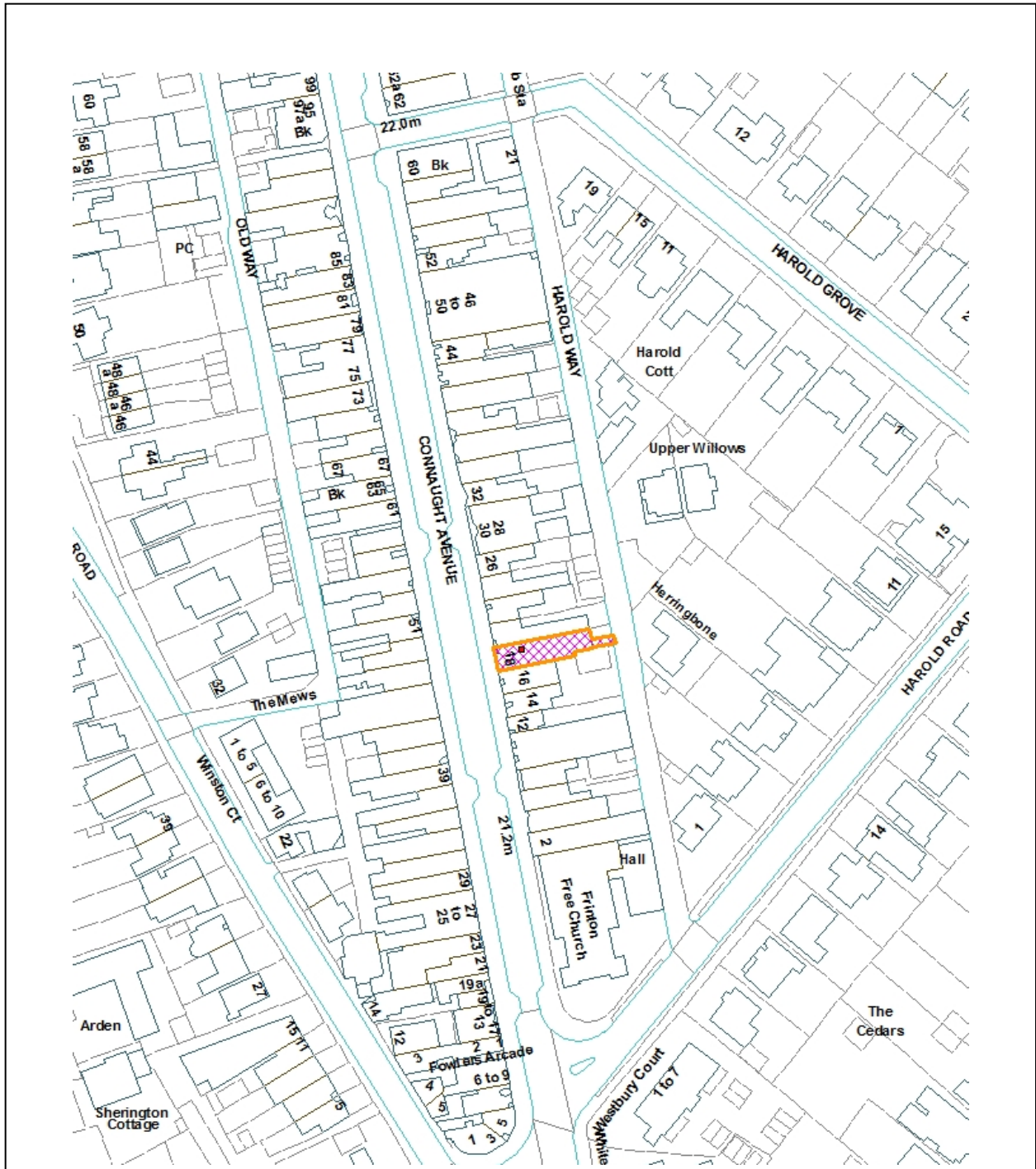


PLANNING COMMITTEE

9 AUGUST 2016

REPORT OF THE HEAD OF PLANNING

A.3 PLANNING APPLICATION - 16/00880/FUL – SPAR, 18 CONNAUGHT AVENUE, FRINTON ON SEA, CO13 9PW



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Application:	16/00880/FUL	Town / Parish: Frinton & Walton Town Council
Applicant:	Southern Dental Ltd	
Address:	18 Connaught Avenue, Frinton-on-Sea, CO13 9PW	
Development:	Change of use of 18 Connaught Avenue from vacant retail unit (A1) to dental studio (D1) and associated works to create two units.	

1. **Executive Summary**

- 1.1 This application has been referred to Planning Committee at the request of Councillor M Cossens due to strong public support where your Officer's view is that the application should be refused because it is contrary to adopted local plan policy as it represents an unacceptable non retail development in an area designated as Primary Shopping Frontage in Connaught Avenue.
- 1.2 The site is located within the Town Centre Boundary of Frinton on Sea in the heart of the main shopping area along Connaught Avenue.
- 1.3 The proposed change of use does not accord with the criteria and objectives of Local Plan Policy ER33 by introducing a non-retail use in a Primary Shopping Frontage and is contrary to the aims of the National Planning Policy Framework. The application proposal is therefore recommended for refusal.

Recommendation: Refuse

Reason for Refusal:

One of the Core planning principles of the National Planning Policy is to proactively drive and support sustainable economic development to deliver business and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the business and other development needs of an area, and respond positively to wider opportunities for growth.

It is recognised that the proposal will bring a vacant unit back into use and continue to provide employment for the area. Saved Appendix 3a of the adopted Tendring District Local Plan (2007) sets out the requirements for marketing a premises to demonstrate that it is no longer viable for the existing or defined use. The marketing campaign does not demonstrate that all options have been explored and advertised accordingly. No evidence has been provided to suggest that a retail use could not be achieved in this unit.

Moreover, the site lies within the Primary Shopping Area defined by the Tendring District Local Plan 2007. Policy ER33 of the Tendring District Local Plan (2007) states that proposals for non-retail development at ground floor level within defined Primary Shopping Areas will not be permitted.

The proposed change of use does not accord with the criteria and objectives of Local Plan Policy ER33 by introducing a non-retail use in a Primary Shopping Frontage and is contrary to the aims of the National Planning Policy Framework.

2. **Planning Policy**

NPPF National Planning Policy Framework

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

EN17 Conservation Areas

ER31 Town Centre Hierarchy and Uses

Policy ER33 Non retail uses within Primary Shopping Frontages

TR1A - Development Affecting Highways

Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016)

Policy SPL2 Settlement Development Boundaries

Policy SPL3 Sustainable Design

Policy PP5 Town Centre Uses

Policy PPL8 Conservation Areas

Policy PPL12 The Avenues of Special Character, Frinton on Sea

3. **Relevant Planning History**

15/01835/FUL	Change of use from vacant retail unit (A1) to dental studio (D1) and associated works to create two units.	Refused	21.04.2016
16/00358/FUL	Sub-division of 18-20 Connaught Avenue to two retail units, single storey rear extension and re-location of external staircase.	Approved	05.05.2016
16/00880/FUL	Change of use of 18 Connaught Avenue from vacant retail unit (A1) to dental studio (D1) and associated works to create two units.	Current	

4. **Consultations**

Regeneration Team
(TDC)

The Regeneration Team strongly object to this application for a change of use from A1 to D2 as this specific unit is in the protected primary shopping frontage of Connaught Avenue, and the number of non A1 units already exceeds the percentage permitted in both the draft and adopted local plan. We have no objection to splitting the unit into two smaller shops, and as such, we supported the previous application for this purpose. Although the property has remained vacant for a considerable amount of time, a new marketing campaign has not been undertaken to market the two individual retail units since planning permission was given to split the unit into two in early May 2016. We would therefore expect to see this property marketed for a further period of 6 months as two separate retail units as we believe that these will appeal to a different type of business. We are aware of an offer from an independent retailer for the smaller unit and if the second unit were to be marketed appropriately, we are confident it would not be long before this was also let. We are also aware of interest from a national retailer in the whole site, proving that there is substantial demand from retailers for sites in Connaught Avenue and thus providing additional justification for refusing the change of use of this unit.

5. **Representations**

- The Frinton and Walton Parish Council submits an approval for this application.
- Councillor Cossens has brought this application to committee due to it being contrary to Local Policy and the strong public support for it as it would be in the interests of public health and well being, the development would be making a positive contribution in the area.
- A petition signed by 162 people have been received for the relocation of the dentists to 18 Connaught Avenue; the majority of comments are positive with the location of the dentists at ground floor level more suitable for accessibility to older residents.
- One separate letter for support has been received

6. **Assessment**

The main planning considerations are:

- Site Context
- Proposal
- Planning History
- Principle of development
- Design
- Marketing
- Other issues
- Conclusion

Site Context

- 6.1 The application site is located within the Town Centre Boundary of Frinton on Sea in the heart of the main shopping area along Connaught Avenue. The street scene here is uniform in appearance with terraced buildings consisting predominantly of retail, restaurant and café use (Class A1 to A5) predominantly at ground floor level. The rear of the property can be accessed via Harold Way; here the property begins with an elongated flat roofed single

storey element with an existing metal stair case along the side elevation that accesses the first floor flats of the connecting two storey element, this is the main facade facing Connaught Avenue. The sea front and the 'Avenues of Special Character' are located in close proximity.

Proposal

- 6.2 This Proposal seeks to change the use of 18 Connaught Avenue from vacant retail unit (A1) to dental studio (D1) and associated works to create two units. Separation of the unit from number 20 has already been approved under 16/00358/FUL. The only external changes included will be the introduction of a refuse bin and compressor at the rear of the property.

Planning History

- 6.3 Planning permission was refused under 15/01835/FUL in April 2015 for the change of use from vacant retail unit (A1) to dental studio (D1) and associated works to create two units. The reason for refusal was again the proposal was contrary to National and Local Policy in introducing a D1 dental studio into an area of Primary Retail Frontage, an approval could not be sustained.
- 6.4 Planning permission was approved under 16/00358/FUL for the sub division of 18-20 Connaught Avenue to two retail units along with a single storey rear extension and re-location of external staircase. This application was acceptable as it simply proposed the sub-division of the premises which has for many years been used as one retail unit and was granted in May 2016.

Principle of development

- 6.5 The National Planning Policy Framework (NPPF) states that local authorities should define areas within their town centres as primary shopping areas. These areas comprise the parts of the town centre where retail development is concentrated. It is the primary shopping areas of the town centres which are the preferred location for new retail development. According to the NPPF, the primary shopping area should contain the primary shopping frontages and secondary shopping frontages which are adjacent, and closely related to, the primary shopping frontages. Connaught Avenue is considered a Primary Shopping Frontage as designated within the Local Plan (2007).
- 6.6 Local Plan Policy (2007) ER33 clearly states that non-retail uses within Primary Shopping Frontages in District Town Centres will not be permitted at ground floor level. The Council is recommended under Government Guidance and retail consultants to retain a high proportion of A1 uses within identified shopping frontages. Allowing a number of non-retail uses in close proximity to one another within Primary Shopping Frontages will have the effect of breaking up the coherence of centres, undermining the vitality and viability of centres.
- 6.7 Policy PP5 of the Preferred Options Consultation Document carries forward the sentiments of this saved Policy reiterating that developments within Primary Shopping Frontages will be permitted provided that they encourage the vitality and viability of a town centre and are for main town centre uses, specifically A1. This plan is however at an early stage and so only limited weight can be applied to the emerging policy.
- 6.8 The development is contrary to Local Policy ER33 in that it specifically allocates retail uses within areas designated as Primary Shopping Frontages. 18 Connaught Avenue is within a Primary Shopping Frontage and therefore in line with the policy criteria no non-retail uses will be permitted at ground floor level, which this development is proposing. The large volume of representations received from the public petition in support of the proposal does

not outweigh the identified harm as highlighted within Local Policy which should strongly inform an officers decision for a proposal.

Design

- 6.9 No major internal or external changes are proposed that would create a significant material change to the premises or the wider conservation area. There will be an inclusion of a refuse bin and compressor to the rear of the property adjacent to Harold Way, these offer no significant alterations. Overall design wise no significant changes are proposed therefore the application is acceptable.

Marketing

- 6.10 One of the Core planning principles of the National Planning Policy is to proactively drive and support sustainable economic development to deliver business and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the business and other development needs of an area, and respond positively to wider opportunities for growth.
- 6.11 Whilst it is recognised that the proposal is for a non-retail use, the use will bring a vacant unit back into use and continue to provide employment for the area. Appendix 3a of the Saved Plan sets out the requirements for marketing a unit to demonstrate that it is no longer viable for the existing or defined use.
- 6.12 The original marketing campaign (as set out in the supporting information provided by Fenn Wright within 15/01835/FUL) advertised the premises 18-20 as a whole unit. It was not until recently with the submission of 16/00358/FUL that part of the marketing campaign was amended to include the sub-division of the property though it is still strongly marketed as a whole unit even though it has permission for two (this is again highlighted within the submission for this application).
- 6.13 The marketing campaign does not demonstrate that all options have been explored and advertised accordingly. No evidence has been provided to suggest that a retail use could not be achieved in this unit. Evidence suggests otherwise and the Council are confident that if the unit was advertised properly then it could be occupied by a retailer as highlighted by the Regeneration Team which has shown there is interest from other retailers in the letting of number 18 the larger of the two properties and if a sustained six month marketing campaign was applied then it would be right to assume a suitable retailer could be found based on evidence.

Conclusion

- 6.14 The site is located within the Town Centre Boundary of Frinton on Sea in the heart of the main shopping area along Connaught Avenue.
- 6.15 The proposed change of use does not accord with the criteria and objectives of Local Plan Policy ER33 by introducing a non-retail use in a Primary Shopping Frontage and is contrary to the aims of the National Planning Policy Framework. The application proposal is therefore recommended for refusal.

Background papers

None