

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	31/01/19
Planning Development Manager authorisation:	AN	4/2/19
Admin checks / despatch completed	ER	7/02/19

**Application:** 18/02088/FUL **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Mrs Susanna Roberts - Wine-Boutique Frinton Ltd

**Address:** 14 Old Road Frinton On Sea Essex

**Development:** Proposed change of use from A1 to a wine bar (Class A4) with ancillary A1 shop use.

### 1. Town / Parish Council

Frinton and Walton Town Council      Approval.

### 2. Consultation Responses

Licensing Section      No objection. Licence application with us and currently on 28 day public consultation period.

Building Control and Access Officer      No comments at this stage.

ECC Highways Dept      The information that was submitted in association with the application has been fully considered by the Highway Authority.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority as it is not contrary to the following Development Management policies:

- A) Safety: Policy DM 1 of the Highway Authority's Development Management Policies February 2011
- B) Accessibility: Policy DM 9 of the Highway Authority's Development Management Policies February 2011
- C) Efficiency/Capacity: Policy DM 1 of the Highway Authority's Development Management Policies February 2011
- D) Road Hierarchy: Policy DM 2-4 of the Highway Authority's Development Management Policies February 2011
- E) Parking Standards: Policy DM 8 of the Highway Authority's Development Management Policies February

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### 3. Planning History

96/00627/FUL	Change of use from launderette to office/retail use	Approved	01.07.1996
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#### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

EN17 Conservation Areas

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

PPL8 Conservation Areas

SPL3 Sustainable Design

#### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

#### **5. Officer Appraisal**

##### Site Description

The application site is located at 14 Old Road within the parish of Frinton-on-Sea. The building, which previously operated as a hairdressers, is three storeys and detached. The surrounding character is heavily urbanised, with a number of residential and commercial properties to all sides. Approximately 200m to the south is the seafront, whilst to the east is Connaught Avenue, the main shopping centre for Frinton-on-Sea. The site is situated within the Settlement Development

Boundary of Frinton-on-Sea within both the Saved Tendring Local Plan 2007 and the Emerging 2013-2033 Tendring Local Plan Publication Draft. The site also lies within the Frinton-on-Sea Conservation Area.

### Description of Proposal

The proposal is a full planning application for a change of use of the ground floor from A1 (Shop) use to an A4 (drinking establishment) use. The building is to be used as a wine bar that will also incorporate an ancillary A1 use with the selling of wine.

The proposed opening hours are as follows:

Sundays, Mondays and Bank Holidays - Closed

Tuesdays - 5pm to 9pm

Wednesdays to Saturdays - 11am to 9pm

The proposal will result in few external changes, although the existing doors and windows will be painted white and new signage constructed of pine is to be erected.

### Assessment

#### 1. Principle of Development

The site falls within the Town Centre Boundary for Frinton-on-Sea; however importantly it does not fall within the Protected Shopping Frontage. The site is therefore not safeguarded for an A1 retail use. Further, the proposal would bring a currently vacant unit back into use and support the night time economy in Frinton-on-Sea. Therefore the principle of an A4 use is therefore acceptable subject to the detailed consideration below.

#### 2. Visual Impact/Impact on Conservation Area

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Policy EN17 of the Adopted Local Plan states that development should look to either preserve or enhance the character and appearance of a conservation Area. The sentiments of this are carried forward within Policy PPL8 in the Emerging Local Plan.

The proposal is predominantly for a change of use only; however does integrate some amendments to the front of the building, including it being re-painted and incorporated new pine signage, all of which could be easily reversible. There are no other physical amendments to the property. The small changes are considered to be a slight improvement to the existing building, and will therefore serve to enhance the character and appearance of the Frinton-on-Sea Conservation Area.

#### 3. Impacts to Neighbouring Amenities

Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Given that the sites previous use was as a hairdressers at ground floor level, the change to a wine bar will cause some disturbance to the residential amenity of neighbouring properties. This disturbance will be through the noise of people socialising and staff moving stock/waste to and from the rear store. However, given that the opening hours are reasonable (opening no later than

9pm and closed Sundays and Mondays) this level of disturbance is not deemed to be significantly harmful. Further, the site is located within a town centre where activity associated within the evening economy is not unexpected. Indeed, there are other sites in close proximity with late opening hours, namely Café 19 adjacent to the east which is open until 10pm. The site itself is relatively small, and there are no sitting out areas that could lead to additional noise disturbances, while no food is to be served that would require the use of an extraction unit.

Concern has been raised about the disposal of empty bottles into any recycling dumpster at the rear of the property before, or at, the close of business in the evening or early in the morning. However, the applicant has stated that such bottle disposal will only take place late mornings only.

It is therefore considered that the proposal will not result in undue harm to existing neighbouring amenities.

#### 4. Highway Safety

Essex Highways Authority have been consulted and have stated the proposal is acceptable and accordingly raise no objections.

The site does not have any off street parking; however, it lies within the town centre in easy reach of public transport and public parking.

#### Other Considerations

Frinton and Walton Town Council have recommended approval.

There have been three letters of objection received, with the following concerns:

1. Noise disturbances;
2. Loss of privacy;
3. No off street parking;
4. Harm to character of Conservation Area; and
5. Area already has similar businesses.

In answer to this, points 1, 3 and have 4 have been addressed within the main body of the report above. Point 5 is not a material planning consideration and can therefore not be considered, while with regards to point 2, the works are all related to the ground floor and there are no outside seating areas that could result in any loss of privacy.

It is also noted a further three objection letters were received; however these were each in relation to the application for a Premises License, which is separate to the planning application.

There have also been two letters stating no objections and an additional 16 letters of support.

#### 6. Recommendation

Approval.

#### 7. Conditions

- 1 The development hereby permitted shall be begun before 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 the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans, titled 'Site Location Plan', 'Block/Site Plan', 'Heritage Statement' and the untitled plans showing the proposed front elevation and the proposed ground floor layout.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 3 Use of the premises as hereby permitted shall be confined to the hours between 11am and 9pm Wednesdays to Saturdays, between 5pm and 9pm Tuesdays and shall be closed Mondays, Sundays and Public Holidays.

Reason - To avoid disturbance in the interest of residential amenity.

## **8. 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.