

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	26/03/19
Planning Development Manager authorisation:	AN	2/4/19
Admin checks / despatch completed	-AP	3/4/19

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**Application:** 19/00034/FUL **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Mr G Hartley

**Address:** 109 Connaught Avenue Frinton On Sea Essex

**Development:** Proposed replacement shop front.

### 1. Town / Parish Council

Frinton and Walton Town Council      REFUSAL – not in keeping with the Connaught Avenue Shop Front Policy.

### 2. Consultation Responses

Building Control and Access Officer      Proposals will need to comply with Approved Document M.

### 3. Planning History

93/00448/FUL	Change of use from Class A1 retail to Class A2 financial and professional services	Refused	13.07.1993
96/00786/FUL	(First and Second Floors, 109/109A Connaught Avenue, Frinton on Sea) Change of use from offices back to residential flat of first and second floors	Approved	26.07.1996

### 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

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 109 Connaught Avenue a north facing three storey end of terrace property situated to the western side of Connaught Avenue. The ground floor is occupied by Frinton Kitchen & Bathroom Centre Ltd, an A1 retail unit, while above is residential accommodation. The surrounding area is characterised by urban built form, with a variety of commercial and residential properties to all sides. The site is situated within the Settlement Development Boundary of Frinton-on-Sea in both the Saved Tendring Local Plan 2007 and the Emerging 2013-2033 Tendring Local Plan Publication Draft. The site also falls within the Frinton-on-Sea Conservation Area.

### **Description of Proposal**

This application seeks planning permission for a replacement shop frontage, which will see the existing recess into the shop extended, equating to 1.6 metres in depth and 1.7 metres in width. The works will also include replacing the existing timber with a white powder coated aluminium frame. Following the submission of amended plans, an additional glazing bar to the top of the door head has been included.

### **Assessment**

#### **1. Visual Impact**

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).

The proposed changes will result in the removal of the existing shop front windows, which are to be reinstated approximately 1.6 metres further forward in order to create a straight line at the front of

the building, and the use of white powder coated aluminium frame. Whilst these changes do not necessarily result in an improved design, the existing shop front is of no special visual merit. Furthermore the character of the surrounding area sees a mixture of some shop fronts set in and some further forward, and therefore the proposals will not detrimentally impact the areas character.

Therefore, on balance, there is not considered to be significant detrimental visual harm.

## 2. Impact on Conservation Area

Paragraph 196 of the National Planning Policy Framework (2018) states less than substantial harm to a designated heritage asset should be weighed against the public benefits of the proposal.

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 site falls within the Frinton-on-Sea Conservation Area and accordingly the agent for the application has supplied a Heritage Statement to justify that the proposal will preserve or enhance the character and appearance of the surrounding area.

Following the submission of amended plans, the design has been altered to include an additional glazing bar above the door head, which is in accordance with the Frinton Shopfront Design Guide. Therefore, the proposed works will preserve the character and appearance of the Frinton-on-Sea Conservation Area.

### Other Considerations

Frinton and Walton Town Council object as the proposal is not in-keeping with the Connaught Avenue Shop Front Policy.

In answer to this, the visual impacts of the proposal have been assessed within the main body of the report above.

There have been no other letters of representation received.

### Conclusion

In the lack of significant material harm resulting from the proposed development, this application is recommended for approval.

## 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' and drawing number FKB-01 Revision A.

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

## 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.