

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	20/05/2019
Planning Development Manager authorisation:	AN	20/5/19
Admin checks / despatch completed		

Application: 19/00482/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: D and A (2173) Ltd

Address: 95-97 Connaught Avenue Frinton On Sea Essex

Development: Variation to condition 2 on approval 18/01116/FUL - Amendment to approved drawings.

1. Town / Parish Council

Frinton and Walton Town
Council

APPROVAL

2. Consultation Responses

ECC Highways Dept

The Highway Authority does not object to the proposals as submitted.

Informative 1: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

Informative 2: 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 or by post to:

SMO1 - Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

3. Planning History

00/01700/FUL	Installation of satellite dish	Approved	22.11.2000
95/00656/ADV	Proposed Logo Panel	Approved	05.07.1995
96/01020/ADV	(Lloyds Bank Plc, Connaught Avenue, Frinton on Sea) Illuminated fascia box sign	Refused	01.10.1996

96/01596/ADV	(Lloyds Bank Plc, Connaught Avenue, Frinton on Sea) Illuminated fascia sign and projecting sign	Refused	04.03.1997
98/01336/ADV	Display of illuminated shop and projecting sign (95/97 Connaught Avenue)	Approved	03.12.1998
99/00006/FUL	Installation of cash machine	Approved	09.02.1999
99/00007/ADV	Illuminated projecting box sign	Withdrawn	01.02.2000
02/02215/ADV	One internally illuminated ATM collar surround (to replace existing non-illuminated collar where present). One internally illuminated projecting sign.	Refused	13.01.2003
03/00067/FUL	Proposed access ramp to main entrance	Approved	14.02.2003
03/00183/ADV	Non-illuminated ATM collar surround (to replace existing non-illuminated collar where present)	Approved	07.03.2003
06/01889/ADV	2 x fascia and 2 x projector signs (all illuminated).	Refused	10.01.2007
07/00465/ADV	1 non-illuminated fascia sign with trough illumination and 1 trough illuminated hanging sign.	Approved	15.05.2007
10/00394/FUL	Rebuilding of the existing brick parapet wall and the associated repair works to the existing external facades.	Approved	15.06.2010
12/01317/ADV	2 no. internal landscape A1 illuminated window marketing unit, 1 no. ATM collar surround signage to replace existing.	Approved	
13/00112/ADV	Proposed signage; 1 fascia sign, 1 hanging sign & 3 other.	Approved	21.03.2013
18/01116/FUL	Proposed change of use from Bank Premises & accountants offices with a maisonette on part of the upper floors to ground floor retail shop with 4no. 2 bed flats on the upper floors - including new shopfront, rear extension & alterations.	Approved	10.09.2018

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

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

ER31 Town Centre Hierarchy and Uses

ER32a Primary Shopping Area

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG9 Private Amenity Space

HG10 Conversion to Flats and Bedsits

EN17 Conservation Areas

TR7 Vehicle Parking at New Development

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PP1 New Retail Development

PP2 Retail Hierarchy

PP5 Town Centre Uses

PPL8 Conservation Areas

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

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.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application relates to the Lloyds Bank premises located at 95-97 Connaught Avenue, Frinton on Sea. The site is located on the western side of Connaught Avenue adjacent to the public right of way that runs between the buildings through to Old Way and Old Road to the west. The site is located within the Settlement Development Boundary, Town Centre and Conservation Area of Frinton on Sea on the main commercial thoroughfare of the town with the Primary Shopping Frontage all as defined within the adopted and emerging Local Plans.

The building itself comprises 3 storeys with the glazed bank frontage at ground floor, attractive bay windows at first and second floors and brick detailing on the upper floors with some less attractive single and two storey rear additions. The rear yard areas are enclosed by high brick walls with a double garage accessed via Old Way adjacent. The ground floor frontage is mostly glazed currently being leased by Lloyds Bank with the upper floors being split and sublet as an accountant's office in one half and a maisonette in the other.

Description of Proposal

This application follows the previously approved 18/01116/FUL for:

Change of use of the existing A2 bank premises, A2 accountants offices and C3 maisonette to A1 retail shop at ground floor with 2 no. 2 bed flats and 2 no. 1 bed flats on the upper floors including a new shopfront, rear extension and alterations to facilitate the development.

This variation application seeks a revision to the approved plans which can be summarised as follows;

- Rear extension omitted (previously contained access to above flats)
- Internal layout revised to allow for access to flats to be taken from the side/yard area via an existing external concrete stair case
- Internal layout revised to 4 no. 1 bed flats

Assessment

The main considerations are;

- Principle of Mixed Use Development;
- Design and Appearance (including the impact on the conservation area);
- Residential Amenities;
- Parking and Accessibility;
- Financial Contribution - RAMS, and;
- Representations.

Principle of Mixed Use Development

The principle of the mixed use development has been established through the grant of 18/01116/FUL.

Design and Appearance (including the impact on the conservation area)

In terms of the alterations to the shop frontage, this variation does not alter the previous approval.

The proposed variation results in the external appearance of the building from the rear and side remaining as existing therefore preserving the character and appearance of the Frinton on Sea Conservation Area.

Residential Amenities

The existing apartment is not served by any private amenity space. The proposal involves the demolition of an existing double garage making way for a yard area. The development has been amended to include a boundary wall utilising this area for some, albeit limited, outside space for the flats. This will allow private and secured access to the bin store and cycle store areas and the yard are to be used for shared amenity space for clothes drying for example.

The proposed variation results in all 1 bed units therefore reducing the amenity space requirement.

Due to the highly sustainable location within easy walking distance of amenities and recreational facilities, the small amount of amenity space serving the flats is considered acceptable in this town centre location.

Parking and Accessibility

No parking provision is proposed as part of the development but the proposals do incorporate secure cycle storage for the flats. The site is located within a highly sustainable location in close proximity to all amenities, leisure activities and employment opportunities with easy access to well linked public transport.

The proposed variation results in a likely reduction in the number of vehicles serving the dwellings all being 1 bed units.

In this instance it is considered acceptable to relax the requirements of the parking standards given the town centre location of the site and the public transport links.

Essex County Council Highway Authority also raise no objection on this basis.

Financial Contribution - RAMS

This application seeks a variation of the previously approved plans omitting a rear extension and revising the internal layout to provide access to the flats and amending the flats to all 1 bed units.

It is the Council's view that it would be unreasonable to seek mitigation measures in this instance as the application varies an existing extant permission and the variation results in a reduction in likely recreational disturbance from fewer occupants.

Representations

Frinton and Walton Town Council recommend approval of the application.

No individual letters of representation have been received.

Conclusion

The proposed variation does not result in any material harm in relation to any of the material considerations set out above and is therefore recommended for approval.

6. Recommendation

Approval - Full

7. Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from 10.09.2018 (approval date of 18/01116/FUL).

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: DRAWING NO. 1916/06 REV. B and DRAWING NO. 1916/05 REV.B.

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

- 3 The extension, alterations and new boundary wall hereby approved shall be constructed in facing brickwork and roofing materials to match the host building.

Reason - In the interests of visual amenity and the character and appearance of the conservation area.

- 4 The A1 Retail use hereby permitted shall only be open during the hours of 9:00am to 6:00pm Monday to Saturday and 10:00am to 4:00pm Sundays and Bank Holidays.

Reason - To ensure the use of the site is appropriate to the locality and to safeguard the amenities of local residents.

- 5 Prior to the occupation of the flats, the cycle store, bin store and yard areas shall be provided and enclosed in accordance with the approved plans and retained in this approved form in perpetuity.

Reason - In the interests of residential amenities.

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.

Advertisement Consent

Please note that any new signage and illumination is likely to require separate advertisement consent.