

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	DA	22/02/2021
Planning Development Manager authorisation:	TC	23/02/2021
Admin checks / despatch completed	CC	23.02.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	DB	23.02.2021

Application: 20/00770/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Helal Miah

Address: 5 Connaught Avenue Frinton On Sea Essex

Development: Proposed alterations to provide new full height glazing, new entrance door and bi-folding doors to frontage.

1. Town / Parish Council

FRINTON & WALTON
TOWN COUNCIL
22.07.2020

The Frinton & Walton Town Council recommended APPROVAL at a meeting held on Thursday, 16 July 2020

2. Consultation Responses

Essex County Council
Heritage
28.09.2020

Built Heritage Advice pertaining to an application for: Proposed alterations to provide new full height glazing, new entrance door and bi-folding doors to frontage.

The site is located at a prominent location within Frinton and Walton Conservation Area. The building is identified as a non-designated heritage asset in its grouping with the adjacent property at Numbers 3 Connaught Avenue due to its prominence at this focal point of the Conservation Area.

It is clear from historic photos of the site that the stall riser is key to the architectural articulation of the shopfront, a feature typical of nineteenth century shopfronts:

https://www.francisfrith.com/frinton-on-sea/frinton-on-sea-connaught-avenue-1921_70307

While the original appearance of the shop has changed through unsympathetic alterations, the fundamental articulation of the shopfront has been retained, with glazing above a low stall riser.

The proposals seek to remove this stall riser and alter this articulation of the shop front to insert bifold doors, which would be detrimental to the character and appearance of this section of the Conservation Area, resulting in harm to the significance of the Conservation Area and making paragraph 196 of the NPPF relevant here. The proposals would also result in harm to the significance of

the building as a non-designated heritage asset through the loss of an important component of the building's architectural articulation.

A faithful and sympathetic re-instatement of the historic shopfront using traditional materials would be supported here.

The current iteration of the proposals within this application are not supported.

3. Planning History

03/00490/FUL	Change of use of 1st floor to restaurant	Approved	04.09.2003
03/00708/FUL	Steel portal framed assembly workshop	Approved	25.06.2003
06/00563/FUL	Variation of Condition 3 of planning permission 03/00490/FUL to allow installation of cooking facilities to first floor.	Approved	22.06.2006
20/00770/FUL	Proposed alterations to provide new full height glazing, new entrance door and bi-folding doors to frontage.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework 2019

NPPG National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional

EN17 Conservation Areas

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

SP1 Presumption in Favour of Sustainable Development

SP6 Place Shaping Principles

SPL3 Sustainable Design

PPL8 Conservation Areas

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) 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, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities ‘Garden Communities’ proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector’s advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. 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 (including Site Description and Proposal)

Site and Surroundings

The application site is situated in a prominent location on the corner of Connaught Avenue, Old Road and Harold Road. The property is a three storey building with restaurant on the ground floor and residential accommodation above.

The building and surrounding area forms part of the Frinton and Walton Conservation Area which is characterised by its mix of traditional shopfronts with front canopies.

Proposal

Planning permission is sought for the removal of the existing shopfront and its replacement with full length glazed timber framed folding doors and new entrance door as amended. No changes are proposed to the traditional pillars and the existing fascia sign will remain unaffected.

Planning Assessment

The main considerations of this application are the impact on visual amenity, conservation and heritage and effect of the bi-folding doors. Saved Policy QL9 and emerging Policy SPL3 state all new development must make a positive contribution to the quality of the local environment, and must relate well to its site and surroundings particularly in relation to its siting and scale.

Visual Amenity

The proposed shopfront will be installed across the existing double fronted shopfront. In this location the site application site is highly visible. Therefore a high standard of design and appearance is considered to be of particular importance.

The proposed folding doors would represent a modern approach to the shopfront and would serve a functional role in enabling customers to the premises to more easily take advantage of take-away

services. Officers are of the view that the proposal would have an acceptable visual impact and would make a positive contribution to the quality of the environment in accordance with saved policy QL9 and emerging policy SPL3.

Conservation and Heritage Impact

Section 16 paragraph 192 of the NPPF states, among other things, that local planning authorities should take account of

“the desirability of new development making a positive contribution to local character and distinctiveness”. (Sub-section c).

With regard to shopfronts, the Frinton and Walton Conservation Area is characterised by its mix of traditionally styled shopfronts that include stall risers, framed windows and retractable canopies.

The existing shopfront has been modernised, it retains a stall riser but it no longer includes a retractable canopy or much of its historic appearance. The shopfront includes non-traditional white UPVC windows, grey aluminium double glazed windows and modern tiling. Clearly much of the historic features of the shopfront have been eroded and the new shopfront with its bi-folding doors would represent an acceptable contrast to the more traditional shopfronts either side and along the avenue in general.

Concerns raised by the Essex County Council Heritage advisor regarding the impact of the proposed shopfront are not considered justified in this instance as it does not take into account the beneficial nature of a contrasting modern shopfront approach and function arising from the bi-folding doors.

Officers are of the view that this modern approach could have a beneficial effect by introducing a new visual approach to the area and it is considered that this should be welcomed given the decline of such parades. A new modernised shopfront in this highly visible location would introduce a contrasting element in the area and as such it is considered that it would have an acceptable impact that would preserve and enhance the character of the conservation area.

Effect of the folding doors

The applicant seeks to take advantage of the opportunities to continue trading through offering the opportunity to take food away from the premises particularly during the pandemic. It is recognised that this may give rise to additional noise, smells and disturbance, while the open nature of the shopfront with the bi-folding doors would also have an impact on the streetscene and the conservation area.

It is considered however, that the modern approach will help to attract newer perhaps younger customers to the area which would help to prevent the decline of the parade and as such the proposal would help to preserve and enhance the historic character of the conservation area.

6. Recommendation

Approval – Full

7. Conditions / Reasons for Refusal

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 92 of the Town and Country Planning Act 1990.

- The development hereby permitted shall be carried out in accordance with the following approved plans, drawing number WA-SP01 and WA-001 Revision A.

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

- Details of the facing materials to be used for the new shopfront/folding doors shall be submitted to and approved in writing by the local planning authority prior to the commencement of works hereby permitted.

Reason – In the interest of visual amenity in accordance with saved policies QL9 and EN17 of the Tendring District Local Plan 2007 and policies QL9 and EN17 of the Tendring District Local Plan 2013 and beyond Publication Draft (June 2017).

- The by-folding doors hereby permitted shall be closed by 2200 hours Monday to Sundays.

Reason - In order to protect the amenities of neighbouring residential occupiers.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal, clearly setting out opportunities for amendments and allowing the Applicant the opportunity to revise the proposal.

<p>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</p>	<p>YES</p>	<p>NO</p>
<p>Are there any third parties to be informed of the decision? If so, please specify:</p>	<p>YES</p>	<p>NO</p>