

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	1 st March 2021
Planning Development Manager authorisation:	TF	02/03/2021
Admin checks / despatch completed	CC	02.03.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	DB	02.03.2021

Application: 20/00409/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: The Present Trustees of The Womens Institute

Address: McGrigor Hall Fourth Avenue Frinton On Sea

Development: Proposed installation of external mounted refrigeration units for air conditioning and notice board.

1. Town / Parish Council

No comments received

2. Consultation Responses

Environmental Health
12.05.2020

I have reviewed the application and the EP Team have the following comments to make:

"Prior to the use hereby permitted coming into beneficial use, an assessment shall be made in accordance with the current version of British Standard 4142 to satisfy the local planning authority that proposals will not have an adverse impact on the surrounding noise sensitive receptors. Confirmation of the findings of the assessment shall be provided in writing to the local planning authority for written approval. All subsequent conditions shall comply with this standard."

Essex County Council
Heritage
19.05.2020

I am not opposed in principle to works to improve the ventilation and air quality within what appears to be a highly used building with important local community importance. However there are issues within the scheme that would result in harm to the Conservation Area and the host building as a non-designated heritage asset that need to be addressed.

I am unopposed to the proposed timber signage board component of the application.

The proposed location of the two large air conditioning units, associated plastic conduiting, and an air exhaust duct to the walls in high-level, highly visible locations will result in harm to the character and appearance of the Conservation Area. The introduction of semi-industrial paraphernalia to a section of the Conservation that in part derives its significance from the residential and community buildings it consists of, which do not feature such additions to their principal elevations. The proposals would result in the partial loss of the clerestory window to the east elevation. This window appears to be original and its loss would result in harm to the architectural significance of the non-designated heritage asset.

The proposed PV panels to the principal elevation facing Fourth Avenue will also result in harm to the character and appearance of the Conservation Area in the same manner; a distinctive characteristic of the buildings within this section of the Conservation Area are plain and pantile roofs which largely remain unchanged and do not feature any modern additions to them. Installation of PV panels to the roof of this building would result in the pantiles of the roof of McGrigor Hall being obscured and a harm to the Conservation Area's significance.

The north (rear) elevation drawings show a change of glazing in the proposal drawings from the existing, there is no mention of this glazing being altered and it is therefore assumed this is a drawing error. For the avoidance of doubt no alteration of glazing to the north elevation is supported.

I do not support this application. The proposal will fail to preserve or enhance the character of the Conservation Area. The proposal would result in less than substantial harm to the Frinton and Walton Conservation Area, a designated heritage asset. Paragraph 196 of the NPPF is therefore relevant here.

It is recommended that an alternative of air exhausting and conditioning is proposed for the building that is more discrete and appropriate for the Conservation Area.

3. Planning History

02/00564/FUL	The retention of uPVC windows	Refused	14.07.2005
05/00575/FUL	Front extension for disabled person accessible WC and improved female and male WC's	Approved	17.05.2005
05/02242/FUL	Retention of 5 uPVC windows on rear elevation.	Refused	17.03.2006
19/00087/TCA	1No. Conifer - Remove. 1No. Crab Apple Tree - Remove and replace with flowering shrub.	Approved	11.02.2019
20/00409/FUL	Proposed installation of external mounted refrigeration units for air conditioning and notice board.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

COM3 Protection of Existing Local Services and Facilities

EN17 Conservation Areas

FW5 "The Avenues" Area of Special Character

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

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

PPL8 Conservation Areas

PPL11 The Avenues Area Of Special Character, Frinton-On-Sea

Local Planning Guidance

Essex Design Guide

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 (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. In this latter regard, as of 26th January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10th December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26th January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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.

5. Officer Appraisal

Site Description

The building is situated within the designated Frinton and Walton Conservation Area. The building is single storey, with white rendered walls and red tiled roof. Designed and built in the inter war period as a public hall for the local branch of the Women's Institute. The hall fronts Fourth Avenue, a busy local thoroughfare connecting residential areas to the main commercial town street of Connaught Avenue.

Description of Proposal

The application proposes the installation of external mounted refrigeration units for air conditioning to the east (flank) elevation. The ventilation scheme proposed is required to improve the supply of fresh air to the audience in the hall during stage performances and large gatherings. The air handling equipment comprises of a fan, filter and silencers leading to ductwork which then leads to the air distribution system in the hall.

The services extend are positioned in an inverted 'L' shape, extending approximately 0.9m away from the wall, have a total height in the region of 2.8m and are elevated around 0.5m from ground level. The ducting is the widest of the service at 2.7m.

Assessment

The main planning considerations are:

- Principle of Development;
- Layout, Scale and Appearance;
- Conservation Area
- Neighbouring Amenities;
- Highway Considerations; and,
- Representations.

1. Principle of Development:

The site is located within the Development Boundary therefore there is no principle objection to the proposal, subject to the detailed considerations discussed below.

2. Layout, Scale and Appearance:

The Government attach great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design.

Saved Policies QL9, QL10 and QL11 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Emerging Policy SP1 reflects these considerations.

The proposed air conditioning units will be publicly visible from the adjacent car park and from viewpoints within the highway due to their location on the side of the building. However, the

adjacent buildings in the locale are of a non-residential use and the introduction of mechanical services will not appear as prominent features within the street scene resulting in a development that is not considered to have any adverse impact on the visual amenity of the area.

3. Conservation Area

Heritage assets range from sites and buildings of local historic value to those of the highest significance. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. The character of an area is made up not only by individual buildings but also their relationship to each other and the sense of place that they create. The setting of a building is therefore a material consideration when assessing the suitability of development proposals in Conservation Areas.

Paragraph 192 of the NPPF requires the Local Planning Authority, when determining applications for development, to take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness.

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Policy EN17 of the Saved Plan (Development within a Conservation Area) requires that development must preserve or enhance the character or appearance of the Conservation Area. Development will be refused where it would harm the character or appearance of the Conservation Area, including historic plan form, relationship between buildings, the arrangement of open areas and their enclosure, grain, or significant natural or heritage features. Emerging Policy PPL8 reflects this consideration.

The "Avenues" to the west of Connaught Avenue shopping centre and north of the Esplanade forms a sedate residential area of outstanding Arcadian character, with wide, straight, tree and hedge lined avenues, grass verges and large, spacious detached houses set in mature gardens. The mature landscape features must be retained to preserve the Arcadian setting of the many individually designed houses of distinctive architectural styles. In addition, new development, both extensions and the very limited opportunities for infilling, will be expected to reinforce this special quality with appropriate landscaping and tree planting. "The Avenues" were developed exclusively with substantial individually designed houses and remain almost unspoilt by any form of multi-occupation or commercialisation. This sedate residential character forms an important quality of this part of the Conservation Area and should be safeguarded. Even individual changes of use of large houses, particularly to institutional uses, private hotels, or sub-division into flats, would undermine the area's outstanding character and the quiet enjoyment of residents in the locality.

Frinton as a planned resort dates from the end of the 19th century, with its heyday some 30 years later. It contains many fine examples of English domestic architecture of the period, set in a spacious residential suburb, and linked to a famous main street and an important open space on the sea front. The extensive Area includes these important locations and much of their general setting.

The property is located within Frinton and Walton Conservation Area, and is mentioned in the Conservation Area Character Appraisal as "Women's Institute of some antiquity with an entrance in 1930's style. The forecourt is simply paved and could be more cheerful."

The Heritage Officer objects to the scheme on the basis that the proposed location of the two large air conditioning units, associated plastic conduiting, and an air exhaust duct to the walls in high-level, highly visible locations will result in harm to the character and appearance of the Conservation Area. The introduction of semi-industrial paraphernalia to a section of the Conservation that in part derives its significance from the residential and community buildings it

consists of, which do not feature such additions to their principal elevations. The proposals would result in the partial loss of the clerestory window to the east elevation. This window appears to be original and its loss would result in harm to the architectural significance of the non-designated heritage asset.

In response to this, it is acknowledged that refrigeration services can appear awkward and/or unsightly – notwithstanding this, there is a relatively high degree of screening around the east boundary of the site comprises established trees and hedges. Primarily the purposes of the Conservation Area, specifically The Avenue, is to retain the Arcadian setting of the many individually designed houses of distinctive architectural styles. This building clearly has a very valuable use as a community asset and this benefit is considered to outweigh the nominal effect to the external appearance of this flank elevation the development would have.

3. Amenities of Existing & Future Occupiers:

The NPPF, at paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, 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).

No. 2 Upper Fourth Avenue is the closest residential property and the units would be sited approximately 15m away from them. The noise emanating from the equipment would be reduced by the silencing measures fitted within the air handling plant to reduce the noise from the fan. The extra level of noise above the ambient level deemed to be acceptable for the surrounding area should be less than 5 db according to current guidelines from WHO (World Health Organisation) and others. The next nearest residential property is in excess of 50m away. For these reasons the proposal is considered to secure a good standard of amenity for all existing and future occupants of land and buildings

4. Highways

Paragraph 108 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate. These objectives are supported by emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

The proposal would not diminish the existing parking provision at the site nor generate any additional need for parking.

5. Representations

No letters have been received in response to either the public consultation or the site notice.

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 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 plan:- WIMG-01, revision A; received 18th February 2021.

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

- 3 Prior to the use hereby permitted coming into beneficial use, an assessment shall be made in accordance with the current version of British Standard 4142 to satisfy the local planning authority that proposals will not have an adverse impact on the surrounding noise sensitive receptors. Confirmation of the findings of the assessment shall be provided in writing to the local planning authority for written approval. All subsequent conditions shall comply with this standard.

Reason - In the interest of protecting residential amenity.

8. **Informatives**

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Are there any letters to be sent to applicant / agent with the decision?		NO
Are there any third parties to be informed of the decision?		NO