

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL/JR	25/05/2021
Planning Development Manager authorisation:	JJ	26/05/2021
Admin checks / despatch completed	ER	26/05/2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	26.05.2021

Application: 21/00557/COUNOT **Town / Parish:** Frinton & Walton Town Council

Applicant: Ross and Wheatley

Address: 130 Connaught Avenue Frinton On Sea Essex

Development: Proposed conversion of Retail Unit Use Class E (a) (formally Use Class A1) into residential to create 2 no. flats.

1. Town / Parish Council

Prior Notification application – no comments required.

2. Consultation Responses

ECC Highways Dept	The existing retail unit is within a town centre location with good public transport links and it is noted parking is being provided for each flat to the rear of the building off an established vehicular access, there is no objection to the proposal subject to conditions regarding loading and unloading of building materials, provision of car parking and cycle parking before occupation and provision of travel information pack.
Environmental Protection	Construction Activities – no objection subject to conditions in order to minimise potential nuisance caused by demolition/construction works, vehicle movements and burning of materials on site.
Waste Management	Bin storage area required to accommodate wheeled bin and recycling containers for each residential unit.
Building Control and Access Officer	Building Control have no comments at this stage

3. Planning History

14/01399/FUL	Alterations to shop front.	Approved	17.11.2014
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4. Relevant Policies / Government Guidance

Schedule 2, Part 3, Class M of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Planning Policies Not applicable (as it is a prior approval notification).

5. Officer Appraisal (including Site Description and Proposal)

Site Description and Context

The application relates to Ross and Wheatley greengrocers shop located on the eastern side of Connaught Avenue, Frinton on Sea. The building is single storey in scale and located immediately

adjacent to the former Pollendines Motors car showroom to its north and a collection of commercial units to its southern side.

The site has an open forecourt frontage and vehicular access to its southern side leading to the rear of the building and Radcliffe Court, a collection of 4 self-catering holiday apartments. To the rear are the residential dwellings fronting Old Parsonage Way to the east.

Application Description

Proposed conversion of Retail Unit Use Class E (a) (formally Use Class A1) into residential to create 2 no. flats comprising:

- Unit 1 – 2 bedrooms, open plan living / kitchen, bathroom, frontage amenity and 1 parking space the rear of 124 Connaught Avenue
- Unit 2 – 1 bedroom, open plan living / kitchen, bathroom, small private amenity area and parking space to the rear

The proposal is submitted under under Schedule 2, Part 3, Class M of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Assessment

This is a "prior notification" under Schedule 2, Part 3, Class M of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The applicant is seeking the Council's determination as to whether its "prior approval" is required for the change of use of the existing A1 (shop) use to C3 (Residential). The assessment against the relevant criteria is made below.

Permitted development:

Class M. Development consisting of—

- (a) a change of use of a building from—
 - (i) a use falling within Class A1 (shops) or Class A2 (financial and professional services) of the Schedule to the Use Classes Order;
 - (ii) a use as a betting office or pay day loan shop, or
 - (iii) a mixed use combining use as a dwellinghouse with—
 - (aa) a use as a betting office or pay day loan shop, or
 - (bb) a use falling within either Class A1 (shops) or Class A2 (financial and professional services) of that Schedule (whether that use was granted permission under Class G of this Part or otherwise), to a use falling within Class C3 (dwellinghouses) of that Schedule, and
- (b) building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

Development not permitted:

M.1 Development is not permitted by Class M if -

- (a) the building was not used for one of the uses referred to in Class M(a) –
 - (i) on 20th March 2013, or
 - (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use;

The building is currently in use as a retail shop falling within M (a)(i). The proposal complies.

- (b) permission to use the building for a use falling within Class A1 (shops) or Class A2 (financial and professional services) of the Schedule to the Use Classes Order has been granted only by this Part;

Permission to use the building for a use falling within Class A1 (shops) or Class A2 (financial and professional services) (Now referred to as Class E) of the Schedule to the Use Classes Order has not been granted only by this Part. The proposal complies.

- (c) the cumulative floor space of the existing building changing use under Class M exceeds 150 square metres;

At approximately 140sqm, the cumulative floor space of the existing building changing use under Class M does not exceed 150 square metres. The proposal therefore complies.

- (d) the development (together with any previous development under Class M) would result in more than 150 square metres of floor space in the building having changed use under Class M;

There has been no previous Class M development on this site and the floor area does not exceed 150 square metres. The proposal complies.

- (e) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;

The development would not result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point. The proposal complies.

- (f) the development consists of demolition (other than partial demolition which is reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order); or

- (g) the building is -

- (i) on article 2(3) land;
- (ii) in a site of special scientific interest;
- (iii) in a safety hazard area;
- (iv) in a military explosives storage area;
- (iv) a listed building; or
- (v) a scheduled monument.

The building is not on or in the areas prohibited by (i) to (iv) nor is a listed building or a scheduled monument. The proposal complies.

Conditions

M.2- (1) Where the development proposed is development under Class M(a) together with development under Class M(b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to-

- (a) transport and highways impacts of the development
- (b) contamination risks on the site; and
- (c) flooding risks on the site,
- (d) whether it is undesirable for the building to change to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order because of the impact of the change of use -
 - (i) on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops) or, as the case may be, Class A2 (financial and professional services) of that

Schedule, but only where there is a reasonable prospect of the building being used to provide such services, or

- (ii) where the building is located in a key shopping area, on the sustainability of that shopping area,
- (e) the design or external appearance of the building, and
- (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses,

(a) Transport and Highways Impacts of the Development

The site is located on the main thoroughfare of Frinton's town centre, just outside the main shopping areas of Connaught Avenue. The site is located within easy walking distance of bus and train transport links as well as being located within easy walking distance of many amenities and services. In such circumstances it is reasonable to allow a reduced parking provision and the Highway Authority raise no objection on the basis of each unit being served by 1 parking space. The proposal will not result in any significant impact or harm to highway safety.

(b) Contamination Risks on the Site

The site is not in an area where there are Contamination Risks on the site. Environmental Protection raise no objection. The proposal complies.

(c) Flooding Risks on the Site

The site is not in an area where there are Flooding Risks on the site. The proposal complies.

(d) Desirability for the Building to Change Use

Whilst the building occupies a somewhat prominent location within the retail offer for the town with commercial premises either side, the site is not located within the core of the town centre being approximately 170 metres from the main shopping area of Connaught Avenue. There are holiday lets to the rear and residential dwellings opposite and the use of the building for flats would not appear wholly inappropriate in this context. For these reasons, the change of the use of the building and loss of the A1 (Class E) use will not result in any significant harm to the character of the area or the sustainability of the shopping area.

Technical Housing Standards – Nationally described space standard (2015) require 1 bed 2 person flats to have a minimum gross internal floor area (GIA) of 50sqm and 2 bed 3 person flats to have a minimum gross internal floor area (GIA) of 61spm.

The proposed flats exceed the GIA requirements and also have the required build in storage space. The bedroom sizes and widths are also compliant with the requirements of the space standards. Therefore the proposal complies.

(e) The Design or External Appearance of the Building

The works required to convert the building to residential are minor and mostly internal alterations only. The biggest change will be the front elevation, which will alter from a large shop window and door to a smaller domestic style window/frontage. Again, these changes are not considered materially harmful to the character of the area.

(f) The Provision of Adequate Natural Light in all Habitable Rooms of the Dwellinghouses

Habitable Rooms are defined as "any rooms used or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms".

From the plans submitted all habitable rooms would be provided with adequate natural light. Therefore the proposal complies.

6. Recommendation

Prior Approval Not Required

7. Conditions

- 1 Development under Class M (a), and under Class M (b), if any, must be completed within a period of 3 years starting with the prior approval date.
- 2 A building which has changed use under Class M is to be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as such a dwellinghouse.
- 3 Areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.
- 4 The proposed development shall not be occupied until such time as a car parking space for each flat has been provided in accordance with the adopted Parking Standards. The agreed car parking shall be retained at all times for such purpose.
- 5 Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.
- 6 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, (to include six one day travel vouchers for use with the relevant local public transport operator free of charge).
- 7 No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst construction works and alterations are being carried out.
- 8 No materials produced as a result of the site development or clearance shall be burned on site.

8. Informatives

Not applicable.