

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	BoB	27/01/2022
Planning Development Manager authorisation:	JJ	28/01/2022
Admin checks / despatch completed	CC	28.01.2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	28/01/2022

**Application:** 21/01981/FUL **Town / Parish:** Frinton & Walton Town Council

**Applicant:** M and M Pharmacy

**Address:** 152A Connaught Avenue Frinton On Sea Essex

**Development:** Proposed change of use from residential use (Class C3) to sui generis use as a clinic for medical and beauty treatments with ancillary office space.

### **1. Town / Parish Council**

FRINTON & WALTON  
TOWN COUNCIL  
13.12.2021

Recommends - Approval

### **2. Consultation Responses**

ECC Highways Dept  
18.01.2022

The information that was submitted in association with the application has been fully considered by the Highway Authority. A previous site visit was undertaken in conjunction with another planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image dated April 2019. It is noted that the upper floor space to 152a Connaught Avenue has previously been used as office space and was granted planning permission in 1993 to convert from offices to residential use. The overall site will retain ten off-street parking spaces and it is anticipated that three full-time staff members will use the converted space. The site is close to existing public transport facilities. Access to the upper floor level would be via the existing entrance door and lobby area on Pole Barn Lane. Parking provision is located to the rear of the building for customers and staff. No external changes are proposed to the building to facilitate the use. Considering these factors and the application represents a change of use of the upper floor only:

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

Informative:

1: 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](mailto:development.management@essexhighways.org)

2: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

NHS East Essex CCG

No response

Essex County Council  
Heritage  
21.12.2021

The application is for the proposed change of use from residential use (Class C3) to use as a clinic and associated office space (Class E) of the non-designated asset within the Frinton and Walton Conservation Area.

152 Connaught Avenue is highlighted in the Conservation Area description as a non-designated asset of architectural interest due to its prominence, bronze glazing and excellent Art-Deco detailing. The building was originally built as County Council building and due to its siting and detailing it is considered to make a positive contribution to the Frinton-on-Sea Conservation Area. While the ground floor retained its commercial use over time, the first floor was converted into residential in 1993 and it is now proposed to revert it to commercial.

The proposal does not allow for any change to both the exterior appearance of the building and the internal layout of the first floor and is considered to preserve the character and appearance of the Conservation Area, in line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Chapter 16 of the NPPF.

It is not possible to assess whether internally there is any original feature of architectural, historical or artistic interest which could potentially be affected by the proposal of change of use from residential to commercial/office (e.g., fireplaces, doors, cornices). It is advised that the applicants provide further information to confirm any features of significance (if existing) are preserved.

Overall, subject to the submission and approval of additional information, there is no objection to the above application.

### 3. Planning History

UL	93/01102/F	(152A Connaught Avenue, Frinton on Sea) Change of use of first floor from office to residential use	Approved	26.11.1993
	21/01981/FUL	Proposed change of use from residential use (Class C3) to sui generis use as a clinic for medical and beauty treatments with ancillary office space.	Current	

### 4. Relevant Policies / Government Guidance

#### National:

NPPF National Planning Policy Framework July 2021

National Planning Practice Guidance

Town and Country Planning (Use Classes) Order 1987 (as amended)

## **Local:**

### Tendring District Local Plan 2013-2033 and Beyond

#### Section 1:

SP1 Presumption in Favour of Sustainable Development

SP7 Place Shaping Principles

#### Section 2:

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

PP2 Retail Hierarchy

PP5 Town Centre Uses

PP4 Local Impact Threshold

PP7 Employment Allocations

PPL8 Conservation Areas

CP1 Sustainable Transport and Accessibility

### **Supplementary Planning Documents:**

Essex County Council Development Management Policies 2011 (the Highways SPD)

### **Local Planning Guidance:**

Essex County Council Car Parking Standards - Design and Good Practice

### **Status of the Local Plan**

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

## **5. Officer Appraisal**

### Site Description

The site lies within the Frinton, Walton and Kirby Cross Settlement Development Boundary, and the Frinton and Walton Conservation Area.

The application site relates to the upper (first) floor area of the building at number 152 Connaught Avenue. The upper floor of the building is currently used for residential purposes (152a).

Number 152 Connaught Avenue is a landmark building, highlighted within the Conservation Area description and is considered to be a non-designated Heritage Asset due to its prominence, glazing features and art-deco detailing.

### Proposal

The proposal is for the change of use of the upper floor of the building to sui generis commercial use for the provision of medical and beauty treatments. The use class of the building is currently defined as being within Class C3 (residential) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the change of use would be to a 'sui generis' use.

There would be no associated structural development, and a submitted heritage statement shows the intention to retain all existing internal features of the upper floor.

It is noted here that under the grant of LPA Ref: 93/01102/FUL the application site changed its use from office use to the current residential use.

### **Assessment**

#### Main Issues:

1. Principle of development
2. Change of Use
3. Impacts on the character and appearance of the Frinton and Walton Conservation Area
4. Impacts on the Amenity of Neighbouring Dwellings
5. Highways Access and Parking
6. Other Matters

#### Principle of Development

The development plan for Tendring comprises sections 1 and 2 of the Tendring District Local Plan 2013-2033.

The site lies within the Frinton, Walton and Kirby Cross Settlement Development Boundary as established within the local plan. The area is designated within policy SPL1 of the local plan as a 'smaller urban settlement' that is capable of accepting increases in housing stock over the plan period, and it is considered that the loss of a unit would be contrary to the general ethos of this policy.

The host site is set within the Frinton and Walton Conservation Area and is considered to be a non-designated heritage asset and a building of significant historic interest which makes a positive contribution to the Conservation Area. As the proposal involves the change of use of a building within the Conservation Area, the proposal is subject to heritage policy consideration.

Turning to the proposed future use of the site, the pre-amble to policy SPL1 (3.3.1.2.1) states that within smaller urban settlements there will be a general presumption in favour of new development that can deliver additional new jobs.

The site lies approximately 167 metres outside of the designated Town Centre and 410 metres outside of the Primary Shopping area of Frinton.

In accordance with paragraph 26 of the National Planning Policy Framework (2021) and local plan policy PP4, thresholds are set for the scale of out-of-town and edge of centre retail, office and leisure development. As the site is within 300 metres of a defined town centre, the location of the site is an 'edge of centre' location.

Therefore, given the edge of centre, Frinton location, the threshold for the requirement for this application to contain an impact assessment is 929 m<sup>2</sup> gross floor space. The floor space of the upper floor is stated as being 137 m<sup>2</sup> and therefore no impact assessment is required.

However, given that the site is on the edge of a town centre, the change of use of the unit to 'sui generis' use and the loss of a residential unit, whilst not unacceptable in principle, requires strong justification.

### Change of Use

The local plan is silent on the introduction of 'sui generis' uses in edge of centre locations. Therefore, the assessment of the justification for the proposed change of use is made on the principles of sustainability and driving economic growth plus the similarity of the proposed development to those uses within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended), such as medical and professional services.

The proposed use of the building would be in conjunction with the established pharmacy business that owns and operates at the ground floor level of the building. Therefore, the proposed development is considered to be the expansion of an existing business into a space that has failed to be fully occupied as a residential unit.

The site is in an area that has a mix of commercial and residential units. The services that are to be provided by the business are becoming ever more popular and it is considered that the provision would provide a positive impact on the wider commercial catchment area.

Furthermore, the site is highly accessible; it has ample parking to the rear of the site and is adjacent to a railway station. Being only approximately 400 metres from the Primary Shopping Area of Frinton, the site is well connected to other commercial units.

The proposed use would create 3 full time employment positions.

Given these reasons, it is considered that the proposed change of use and the loss of a residential unit is justified in accordance with the tenets of paragraph 81 of the NPPF (2021) which states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Furthermore, the proposal meets the basic ethos of local retail policies PP2 and PP5, and employment policy PP7 which promotes employment related development, outside of designated employment land, that will support economic growth.

### Impacts on the character and appearance of the Frinton and Walton Conservation Area

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Chapter 16 of the NPPF place a duty on Local Planning Authorities to preserve the character and appearance of Conservation Areas.

Paragraph 130 of the National Planning Policy Framework (2021) states that developments should function well and be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, be sympathetic to local character and history, including the surrounding built environment. Policy SPL3 seeks to ensure that all new development makes a positive contribution to the quality of the local environment, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form.

Paragraph 194 of the National Planning Policy Framework (2021) requires applicants to describe the significance of any heritage assets affected.

This requirement is retained by Policy PPL8 of the Tendring District Local Plan 2013-2033, which states that development should look to preserve or enhance the character and appearance of a Conservation Area and that proposals are explained and justified through the assessment and understanding of the significance of the heritage asset and its setting.

In line with these requirements and comments from the ECC heritage Team, a heritage statement has been submitted that explains the significance of the building, the external and internal details of the application building and that there will be no internal or external alterations carried out.

As mentioned above, in accordance with policies PP2, PP5 and PP7, primary objectives of the local plan are to support economic growth and provide needed services in accessible locations. This adds to a wider ethos of the promotion of local services and the regeneration of Town Centres and in this respect, the introduction of the proposed use at first floor level of the building, would add vitality and thus sustainability to the Conservation Area.

There would be no internal or external alterations to the building and therefore it is considered that the proposed development would not have a harmful impact on the character and appearance of the building, its surrounds and the historic and economic sustainability of the Conservation Area.

#### Impacts on the Amenity of Neighbouring Dwellings

Paragraph 130 (f) of the National Planning Policy Framework (2021) states that planning should always seek to secure a good standard of amenity for all existing and future occupants. Policy SPL3 of the Tendring District Local Plan 2013-2033 supports these objectives.

The proposal site is set on a corner plot within a main street, in an area of mixed use, where active shop fronts are adjacent to the highway and residential spaces are above and besides the shop units. The proposed medical and beauty treatments are considered to be a low key, low impact use. Therefore, the use of the application site for the proposed sui generis use, would not cause harm to the amenity of the existing and future occupants of the application site or neighbouring sites by way of noise and disturbance.

There would be no internal or external alterations to the building and therefore there would be no further impacts on the amenity of any nearby neighbouring properties by way of overbearing, overshadowing, overlooking or loss of privacy.

#### Highways Access and Parking

Paragraph 110 of the National Planning Policy Framework 2021 seeks to ensure that safe and suitable access to a development site can be achieved for all users, whilst Paragraph 104 requires that streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places. Policy CP1 of the Tendring District Local Plan 2013-2033 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 and the design and layout of the development provides safe and convenient access for people. Furthermore, the Essex County Council Parking Standards 2009 set out the parking requirements for new development.

In general terms, the Essex County Council Parking Standards 2009 require that parking spaces should measure 5.5 metres by 2.9 metres.

The proposal has been assessed by the ECC Highways Authority.

They note that the site will retain ten off-street parking spaces and it is anticipated that three full-time staff members will use the converted space. The site is close to existing public transport facilities. Access to the upper floor level would be via the existing entrance door and lobby area on Pole Barn Lane. Parking provision is located to the rear of the building for customers and staff. No external changes are proposed to the building to facilitate the use. Considering these factors and

the application represents a change of use of the upper floor only the Highway Authority does not object to the proposals as submitted.

Given these comments and the parking allowance in a sustainable location, it is considered that the proposal complies with policies CP1 and SPL3 of the local plan.

#### Other Matters

Frinton and Walton Town Council support the application.  
There have been no other representations.

#### Conclusion

Notwithstanding that the proposed development would mean the loss of a residential unit, the principle of the proposed change of use of the first floor unit, to commercial premises in association with the use of the ground floor unit, is justifiable in line with local plan objectives and policies. The unit is in a highly accessible location, close to the Town Centre and Primary Shopping Area of Frinton, it would create three employment positions and would contribute to local economic growth. Furthermore, the development would help to economically sustain the Frinton Conservation Area and there would be no impacts on the character and appearance of the Conservation Area by way of the development.

As such, it is considered that the proposal complies with local and national policies and in the absence of any identified harm the scheme is recommended for approval.

#### **6. Recommendation**

Approval – Full

#### **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 2021196/01A, 02 and 03 and approved documents Planning Statement and Heritage Statement.

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

3. The upper floor of the application building, the unit known as 152A Connaught Avenue, Frinton On Sea, Essex, CO13 9AD, shall be used for 'sui generis' use for the provision of medical and beauty treatments, and for no other 'sui generis' purpose or other purpose in the Town and Country Planning (Use Classes) Order 1987 (or in any provision in any Statutory instrument revoking and re-enacting that Order with or without modification).

**Reason** - Any other use may result in an unacceptable impacts on the site, its surrounds and the amenity of nearby residents.

#### **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.

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