

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AN	03/10/22
Planning Development Manager authorisation:	JJ	03/10/2022
Admin checks / despatch completed	CC	03.10.2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	03.10.2022

Application: 21/01966/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mrs Susan Blanc

Address: 95 - 97 Connaught Avenue Frinton On Sea Essex

Development: Proposed conversion of upper office floors into one three bedroom apartment, change of use of former A2 bank premises into two ground floor units falling within Use Class E, installation of new doors/windows, rear outside enclosed seating area and external flue (part retrospective)

1. Town / Parish Council

None received

2. Consultation Responses

Essex County Council
Heritage
28.07.2022

Commented as follows:

- The proposed elevation is showing the new windows head to the front elevation being at ceiling height, while the windows installed have an approximately 300mm gap over. Also, the front elevation is now all tiled. These items are not considered to have a major impact on the character and appearance of the Conservation Area, however we advise the applicants update their drawings accordingly;
- The new high level window was not shown on the proposed elevations but only in plans. There is the potential here for a new window, however the one that has been fitted is considered to detract from the character and appearance of the Conservation Area. We would support a new window here to match the existing in size and painted white;
- We noted that there is a copper pipe which has been installed externally to the side elevation in a non sympathetic way and should be re-routed within the rear courtyard. There also concerns about the safety of the pipe which is installed at a very low level on a public path.
- They would also need an application for the sign

UU Open Spaces
15.02.2022

Description of Development: Proposed conversion of upper floors into 1 No three bedroom apartment. Change of use of former bank into 2 separate units at ground floor within Class E building use.
Current Position

There is currently a deficit of 14.12 hectares of equipped play & Open Space in Frinton, Walton & Kirby.

Recommendation

Due to the current deficit I contribution is both relevant and justified to this development. The money would be used to make improvement at

Crescent Gardens Frinton

Environmental Protection 09.09.2022 I have reviewed the above application and have no adverse comment to make

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
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
19/00482/FUL	Variation to condition 2 on approval 18/01116/FUL - Amendment to approved drawings.	Approved	20.05.2019
21/00073/FUL	Erection of two semi-detached dwellings and proposed demolition of rear single storey flat roofed extension and pre-fabricated garage building.	Withdrawn	11.03.2021
21/01131/FUL	Proposed change of use from bank premises with accountant's offices and maisonette on the upper floors to a ground floor retail shop with four 1 bedroom flats on the upper floors, including a replacement shopfront.	Withdrawn	20.12.2021

4. Relevant Policies / Government Guidance

National:

National Planning Policy Framework July 2021 (NPPF)

National Planning Practice Guidance (NPPG)

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

SP1 Presumption in Favour of Sustainable Development

SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP3 Housing Density and Standards

LP4 Housing Layout

PP1 New Retail Development

PP2 Retail Hierarchy

PP3 Village and Neighbourhood Centres

PP5 Town Centre Uses

PPL8 Conservation Areas

CP1 Sustainable Transport and Accessibility

DI1 Infrastructure Delivery and Impact Mitigation

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)

Tendring Provision of Recreational Open Space for New Development SPD 2008

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.

In relation to housing supply:

The Framework requires Councils 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 of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, Paragraph 11 d) of the Framework requires granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (what is often termed the 'tilted balance').

The Local Plan fixes the Council's housing requirement at 550 dwellings per annum. On 19 October 2021 the Council's Strategic Housing Land Availability Assessment (SHLAA) updated the housing land supply position. The SHLAA demonstrates in excess of a six-and-a-half-year supply of deliverable housing land. On 14 January 2022 the Government published the Housing Delivery Test (HDT) 2021 measurement. Against a requirement for 1420 homes for 2018-2021, the total number of homes delivered was 2345. The Council's HDT 2021 measurement was therefore 165%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to applications for housing.

5. Officer Appraisal (including Site Description and Proposal)

Proposal

Proposed conversion of upper office floors into one three bedroom apartment, change of use of former A2 bank premises into two ground floor units falling within Use Class E, installation of new doors/windows, rear outside enclosed seating area and external flue (part retrospective).

The application has been amended to correct inconsistencies/unacceptable retrospective elements in the application drawings, and a noise assessment has been submitted as requested by the Council.

Site Description

The application relates to the previous Lloyds Bank premises located at 95-97 Connaught Avenue. 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 lies within the settlement boundary of Frinton on Sea, and within the Frinton and Walton Conservation Area and Town Centre boundary.

The building itself comprises 3 storeys with the previously 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 area is enclosed by high fencing.

Relevant history

18/01116/FUL approved change of use from Bank Premises and 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 and alterations.

19/00482/FUL approved a variation of condition of the above to remove the rear extension from the approved drawings and to amend the internal layout. At the time of this application it was stated the first and second floors were split between an accountant's office and a maisonette.

Representations

None received.

Principle of development

Policy PP1 of the 2013-33 Local Plan confirms retail development will be encouraged and permitted in the retail policy area of the town centres. This will be the main focus for new additional retail floorspace for the town centres, maintaining the District's current hierarchy and market share between centres. Retail development will be encouraged on a scale appropriate to the needs of the area served by these centres. Development will be subject to local planning, traffic and environmental considerations and the needs of people who live in or near the areas affected. Town centres act as key locations for a diverse range of uses including retail and commercial, and also provide an important, sustainable location for housing.

The site lies within the settlement boundary and Town Centre Boundary of Frinton so the principle for new dwellings and division of the existing bank to create two Class E units is accepted subject to the detailed considerations below.

Design/Layout

Section 1 Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context. Section 2 Policy SPL3 of the 2013-33 Local Plan also requires, amongst other things, that the development respects or enhances local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features. Section 2 Policy LP4 requires that the design and layout of new residential and mixed-use developments in the Tendring District will be expected to deliver new dwellings that are designed to high standards of architecture, which respect local character and which together with a well-considered site layout, create a unique sense of place. Paragraph 130 of the Framework requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

The works are partly retrospective and amended plans have been received to accurately illustrate the proposed development and to remove previously unsympathetic elements. The report is based on the amended plans.

The frontage of the building is improved by replacing the unsympathetic fenestration with more appropriately detailed aluminium entrance doors and windows, and adding green glazed tiles to match the local vernacular. To the rear the courtyard is enclosed by 1.8m high dark stained hit and

miss fencing with pedestrian gate to provide a new external seating area, with a 1.8m high fence installed internally to separate and screen the access to the first floor flat. A new external flue serves the new kitchen.

The changes to the first and second floor to create the proposed three bedroom flat are internal with changes to the sill height of two windows serving the kitchen. The proposed three-bedroom five-person occupancy flat exceeds the relevant space standard providing an acceptable living environment. No private amenity space is provided however this is conversion of an existing building within a conservation area where addition of balconies would be visually unacceptable. The site is in close proximity to the beach and greensward and there is therefore no objection to the lack of private amenity space in this case.

Heritage

The site lies within the Frinton and Walton Conservation Area and ECC have undertaken a site visit and commented on the proposal.

The unsympathetic Lloyd Bank shopfront is highlighted in the Frinton and Walton Conservation Area Review (2006): Lloyds Bank occupies the two further properties, with an unsympathetic frontage in aluminium and polished granite.

The plans have now been corrected to show inaccuracies with the as built building in terms of the height of windows and tiling to the front elevation as requested.

The new high level window to the alley way as installed is unsympathetic in terms of its size and colour. Heritage requested that this was replaced with a new window to match the size and white colour of the existing windows. However the applicant has chosen to remove this element from the proposal and to block the window opening back up, as shown on the amended ground floor plan. A condition will be imposed to secure this within 3 months of the date of the decision.

A new copper pipe has been installed externally to the side elevation and Heritage requested it should be re-routed within the rear courtyard. However this is replacing an existing gas pipe as shown in a photograph provided by the applicant.

The applicant is aware that any signage would require separate consent and an informative will be applied to confirm this.

Highway Safety

The proposal is located within a highly sustainable town centre location well served by public transport links, there is therefore no objection to the absence of any off street parking. A condition has been imposed securing the provision and implementation of a Residential Travel Information Pack 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, in order to promote sustainable development and transport.

Residential amenity

Section 1 Policy SP7 of the 2013-33 Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 Part C seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

This is a busy town centre location with existing commercial premises in the vicinity open into the evening. It is considered necessary to restrict the opening hours by condition given the amenity of the occupiers of the proposed three bedroom flat above the units, and the use of the small rear courtyard as an external seating area. An extraction fan is proposed to the rear flat roof.

Environmental Protection have reviewed the application and requested submission of a noise assessment prior to determination of the application.

The noise assessment considers opening hours of 8am-10pm and the proposed extraction equipment. It refers to the nearest noise sensitive premises being the proposed flat, neighbouring

apartment and residential properties on Old Road. The conclusion is that the noise impact of the proposed plant would be low, when assessed in accordance with BS 4142:2014, and that no additional noise control measures should be required. Environmental Protection have no adverse comments.

No new windows are proposed to serve the flat and adequate separation to existing residential uses exists in this urban context to preserve privacy.

Legal agreement

Financial Contribution - Recreational Disturbance

Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation. Mitigation measures must be secured prior to occupation.

The site is not within or directly adjacent to one of the European designated sites, but it lies within the Zones of Influence of the Essex Estuaries SAC and Ramsar, the Stour and Orwell Estuaries SPA and Ramsar, and the Hamford Water SPA, SAC and Ramsar sites. The site is approximately 2.7km from Hamford Water. A unilateral undertaking has now been completed to provide the required RAMS contribution.

Financial Contribution - Open Space and Play Space

TDLP Section 2 Policy DI1 states that all new development should be supported by, and have good access to, all necessary infrastructure. Where a development proposal requires additional infrastructure capacity to be deemed acceptable, mitigation measures must be agreed with the Local Planning Authority and the appropriate infrastructure provider. Such measures may include financial contributions towards new or expanded facilities and the maintenance thereof. For the purposes of this policy, the widest reasonable definition of infrastructure and infrastructure providers will be applied. Section 106 will remain the appropriate mechanism for securing financial contributions. The contribution would be used towards the delivery of improvements, expansion or new open spaces and/or sports facilities.

There is currently a deficit of 14.12 hectares of equipped play and Open Space in Frinton, Walton and Kirby. Due to the current deficit a contribution to make improvements at Crescent Gardens Frinton is both relevant and justified to this development. A contribution has therefore been secured under a UU.

Conclusion

It is considered that the proposal represents an acceptable redevelopment of a long term vacant commercial unit within the town centre and is recommended for approval subject to conditions and alongside the completed unilateral undertaking.

Development is already well advanced so a time limit condition, and materials samples are not required.

6. Recommendation

Approval - Full

7. Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

01C Proposed ground floor plan
101 Proposed first and second floor plans
1022_A_SC_03 rev B Proposed elevations
1022_A_SC_04 Proposed rear elevation
1022_A_SC_05 Proposed roof plan

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

- 2 Development shall be carried out in accordance with the Environmental Noise Impact Assessment Acoustic Consultancy Report ADT 3414/ENIA dated 25/08/2022. The equipment as approved shall be maintained in accordance with manufacturers instructions.

Reason - In the interests of the amenity of surrounding residential occupiers.

- 3 The two hereby approved ground floor units shall only be open between the hours of 8am and 10pm.

Reason - In accordance with the submitted noise assessment, in the interests of residential amenity.

- 4 Prior to occupation of the hereby approved flat, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack 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.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

- 5 Within three months of the date of this planning permission, the ground floor high level window shown to be removed and blocked up on drawing number 01C shall have been removed and blocked up with bricks to match the colour, texture, bond and mortar colour of the surrounding brickwork.

Reason - To remove these unauthorised works in the interests of visual amenity and the character and appearance of the Frinton Conservation Area.

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.

Legal Agreement Informative - Recreational Impact Mitigation

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017. Please note that any subsequent variation / removal of condition applications (s73 applications) will require a new legal agreement to secure this obligation unless the development has commenced (subject to all necessary condition discharges) and the contribution has already been paid.

Legal Agreement Informative - Open Space/Play Space Contribution

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: Public Open Space financial contribution in accordance with Policy HP5 and Policy DI1 of the adopted Tendring District Local Plan 2013-2033 and Beyond. Please note that any subsequent variation / removal of condition applications (s73 applications) will require a new legal agreement to secure this obligation unless the development has commenced (subject to all necessary condition discharges) and the contribution has already been paid.

Any signage is likely to require Advertisement Consent and the applicant is recommended to contact the Council for confirmation.

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