

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	AP	23/5/2023
Planning Manager / Team Leader authorisation:	AN	25/05/23
Planning Technician final checks and despatch:	ER	25/05/2023

Application: 23/00480/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Andrew Thornton

Address: 122 Connaught Avenue Frinton On Sea Essex

Development: Removal of existing recessed shop front and erection of new shop front along frontage of building.

1. Town / Parish Council

FRINTON & WALTON TOWN COUNCIL Recommends - Approval.

2. Consultation Responses

Essex County Council
Heritage
09.05.2023

RE: 122 Connaught Avenue Frinton On Sea Essex CO13 9AD

The application is for removal of existing recessed shop front and erection of new shop front along frontage of building. The proposal site is a modern, red brick commercial and residential building within an area of modern development located outside the boundary of the Frinton and Walton Conservation Area. It faces the properties along Connaught Avenue included within the Walton and Frinton Conservation Area and make a neutral impact to its character and appearance.

The proposal is not considered to affect the setting of the Conservation Area, providing that any future proposal for a new signage is also submitted for approval by the Local Planning Authority.

There is no objection to this application, subject to the following conditions:

- Prior to installation, a schedule of drawings that show details of the proposed shopfront, including doors, windows, fascia and timber panelling, in section and elevation at scales between 1:20 and 1:1 as appropriate, showing details of glazing type, framing, glazing bars, and cills, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

3. Planning History

98/00945/FUL	Change of use from shop (Use Class A1) to office (Use Class A2)	Approved	03.09.1998
99/00602/ADV	Advertisement sign	Approved	09.06.1999

23/00480/FUL Removal of existing recessed shop front and erection of new shop front along frontage of building. Current

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)
SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)
SPL3 Sustainable Design
PPL8 Conservation Areas

Supplementary Planning Documents
Frinton Shopfront Design Guide

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

Proposal

The application seeks planning permission for the removal of the existing recessed shop front and the erection of a new shop front at 122 Connaught Avenue. The application site lies within the Frinton, Walton and Kirby Cross settlement development boundary and the town centre boundary of Frinton on Sea. The application site also lies adjacent to the Frinton and Walton Conservation Area. The shop is situated north of the Connaught Mews retail units, set back from the road in the busy main street of Frinton on Sea.

Design, Appearance and Heritage Impact

The existing shopfront is outdated, the surround is damaged in places and in need of refurbishment. The shopfront is individual, as is the building the shop occupies and therefore changing the shopfront arrangement is considered acceptable. The adjoining block of Connaught Mews to the south benefits from shop fronts which are different in style to the existing shopfront of number 122 however the shop front windows are flush with the front elevation as proposed at 122. To the north of number 122 is 130 Connaught Avenue, again a shop front which is flush with the front elevation. The proposal is consistent with the general theme of shopfronts in the immediate area.

The proposal seeks to update the shopfront while recognising the intrinsic qualities of other shopfronts within Frinton on Sea. The changes install timber panelling and surround, with timber framed doors and windows which are level with the front elevation and meets the priorities contained within the Frinton Shopfront Design Guide which reduce the palette of materials related to history and status, generally timber, faience and occasionally bronze.

Due to the application site being adjacent to the Frinton and Walton Conservation Area, Essex County Council Place Services were consulted for their heritage advice and they confirm that the proposal is not considered to affect the setting of the Conservation Area and there is no objection to the application subject to a condition requesting detailed drawings of the proposed shopfront a simplified version of which will be imposed on the grant of planning permission. Place Services also note that any future proposal for new signage shall be submitted for approval by the Local Planning Authority and an informative will be added to inform the applicants of this.

The design and scale of the shopfront would result in no material harm to visual amenity and is not considered to detract from the character and appearance of the Conservation Area.

Impact upon Residential Amenity

As a result of the shopfront being level with the front elevation of the existing building there is not considered to be any significant impact to neighbouring amenities.

Other Considerations

Frinton and Walton Town Council recommend approval of the application.

No other representations have been received.

Conclusion

In the absence of material harm resulting from the development the application is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions

1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later 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 Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

The approved red line plan drawing is site plan 1:1250 received 30 March 2023

Dwg No. 0441/PL/01
Dwg No. 0441/PL/02
Dwg No. 0441/PL/03

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

- 3 Prior to installation, a schedule of drawings that show details of the proposed shopfront, including doors, windows, fascia and timber panelling, in elevation at a scale of 1:20, showing details of glazing type, framing, glazing bars, and cills, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason - In the interests of preserving the setting of the 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.

You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement or sign at the property.

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