



APPLICANT: Carly Soffe –
Cook Trading Ltd
The Cook Kitchen
Eurolink Way
Sittingbourne
Kent
ME10 3HH

AGENT:

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 24/01748/FUL

DATE REGISTERED: 2nd December 2024

Proposed Development and Location of Land:

Planning Application - Installation of two air conditioning condensers with timber enclosures.

139 - 141 Connaught Avenue Frinton On Sea Essex CO13 9PS

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **HEREBY REFUSE PLANNING PERMISSION** in accordance with the application form, supporting documents and plans submitted for the following reason(s)

- 1 The proposed air conditioning units will be sited along the side wall of the building which forms a significant and prominent feature within the Frinton and Walton Conservation Area, and the works will result in a negative impact upon both the visual amenity of the building and the character and appearance of the Frinton and Walton Conservation Area. This level of harm is considered to be less than substantial, with only minor public benefits provided that do not outweigh this identified harm.

Furthermore, the application has not been accompanied by a Heritage Impact Assessment detailing the significance of the asset and impact of the proposal will have in line with the requirements of the NPPF.

The proposal is therefore contrary to paragraphs 135, 210, 212, 213 and 215 of the National Planning Policy Framework and policies SP7, SPL3 and PPL8 of the Adopted Local Plan 2013-2033 and Beyond.

DATED: 23rd January 2025

SIGNED:

John Pateman-Gee
Head of Planning and Building Control

IMPORTANT INFORMATION :-

The local planning authority considers that the following policies and proposals in the development plan are relevant to the above decision:

National:

National Planning Policy Framework December 2024 (NPPF)
National Planning Practice Guidance (NPPG)

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 (adopted January 2021)
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
PPL8 Conservation Areas

Supplementary Planning Documents
Essex Design Guide

Frinton and Walton Conservation Area Character Appraisal and Management Plan 2023

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

Plans and Supporting Documents

The Local Planning Authority has resolved to refuse the application for the reason(s) set out above. For clarity, the refusal is based upon the consideration of the plans and supporting documents accompanying the application as follows, (accounting for any updated or amended documents):

SITE PLAN - REC'D 26.11.24
BLOCK PLAN - REC'D 02.12.24
EXISTING FRONT ELEVATION - REC'D 02.12.24
EXISTING SIDE ELEVATION - REC'D 02.12.24
PROPOSED FRONT ELEVATION - REC'D 02.12.24
PROPOSED SIDE ELEVATION - REC'D 02.12.24
NOISE IMPACT ASSESSMENT - REC'D 26.11.24
SITE PHOTO - CLAD - REC'D 26.11.24
SITE PHOTO - CLAD - REC'D 26.11.24
SITE PHOTO - NO CLAD - REC'D 26.11.24
SITE PHOTO - REC'D 26.11.24

The attached notes explain the rights of appeal.

NOTES FOR GUIDANCE

WHEN PLANNING PERMISSION IS REFUSED OR GRANTED SUBJECT TO CONDITIONS

APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within the set time frame as outlined below:
 - a. If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Householder Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - b. If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Planning Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - c. If you want to appeal against your local planning authority's decision on a development which is not caught by a. and b. above then you must do so within **6 months** of the date of this notice. A **Planning Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
- Appeals must be made using the relevant form (as detailed above) which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>. **Please note, only the applicant possesses the right of appeal.**
- Please ensure that you have read the latest procedural guidance for appeals prior to submitting an appeal. The latest guidance can be found at [Procedural Guide: Planning appeals – England - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/procedural-guide-to-planning-appeals)
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted permission for the proposed development or could not have granted it without the conditions imposed having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](https://www.gov.uk/government/publications/planning-appeals)

ENFORCEMENT

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder or minor commercial appeal) of the date of this notice, whichever period expires earlier.