

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	AP	29/01/2025
EIA Development - Notify Planning Casework Unit of Decision	NO	
Team Leader authorisation / sign off:	ML	30.01.2025
Assistant Planner final checks and despatch:	ER	30.01.25

Application: 24/01777/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mrs Gemma Peck - Poundstretcher

Address: 78 - 80 Connaught Avenue Frinton On Sea Essex

Development: Planning Application - Alteration to the front of the building to include hand painted Light grey Egg shell panels.

1. Town / Parish Council

Frinton and Walton Town Council - No comment on the application
- Supports application

2. Consultation Responses

Essex County Council Heritage
08.01.2025 Built Heritage Advice pertaining to a Full Planning Application for the alteration to the front of the building to include hand painted light grey eggshell panels.

Nos. 78-84 Connaught Avenue form an unlisted building that is located within the Frinton and Walton Conservation Area. The flat roofed building is part of a terraced streetscape characterised by the mainly commercial premises. Nos. 78-84 were built during the latter half of the twentieth century as two commercial premises that have since been combined into one. As such, its shopfront formed of three bays is much wider than the neighbouring premises and appears prominent in the streetscene.

A concurrent application (24/01783/ADV) has been submitted for the display of advertisements at the same premises, consisting of signage above the door and graphics upon the ground floor windows. Additional comments on the proposed signage are provided in a letter pertaining to the concurrent application.

There is no objection to this proposal, as the change of colour is considered appropriate for the building in its context. This is because the Character Appraisal and Management Plan for the Conservation Area identifies that the Frinton Commercial Centre has a predominately light paint palette of whites and creams. Currently, the shopfront is painted a dark grey that appears to be out of keeping with the streetscene and emphasises its width. The proposed light grey painted finish will soften the appearance of the shopfront so that the premises harmonises better with the streetscene.

As such, the proposal causes no harm to the significance of the Conservation Area in regard to Chapter 16 of the National Planning Policy Framework (NPPF), and the change of colour used for the

shopfront is considered to enhance the character and appearance of the Conservation Area in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. Planning History

01/00487/ADV	Projecting sign	Refused	20.06.2001
08/01316/FUL	Proposed extensions, alterations and minor demolition works to provide 8 no. residential units above and adjacent to ground floor and commercial units and outbuildings - with associated garaging to rear.	Refused	22.12.2008
09/01295/FUL	Proposed extensions, alterations and minor demolition works to provide 8 No. residential units above and adjacent to ground floor commercial units and outbuildings with associated garaging to the rear, as amended by drawing No.'s 641/01B and 641/04B.	Approved	07.06.2010
13/00601/FUL	Proposed extensions, alterations & minor demolition works to provide 8 no residential units above and adjacent to ground floor commercial units and outbuildings with associated garaging to the rear, as amended by drawing no's 641/01B & 641/04B. (Extension of time to previously approved application 09/01295/FUL)	Approved	23.07.2013
14/00693/FUL	Demolition of existing buildings and redevelopment of site to provide retail units (use class A1) at ground floor level, eight two - bedroom residential units (use class C3) at first and second floor level, and associated parking and works.	Approved	15.07.2014
14/01270/FUL	Variation of condition 2 of planning permission 14/00693/FUL - To replace a number of the current approved scheme drawings with drawings CHQ13.13.10385 - PL08 C and CHQ.13.10385 - PL04 B, which show alterations to the shopfront.	Approved	31.10.2014
14/01271/ADV	Erection of 2 x externally illuminated fascia signs, 1 x externally illuminated hanging sign and 2 x other signs.	Approved	29.10.2014
14/01739/DISCON	Discharge of conditions 02 (materials) and 03 (windows and doors) of planning permission 14/01270/FUL.	Approved	14.01.2015
14/01856/DISCON	Discharge of conditions 04 (balcony), 06 (construction/demolition method statements), 09 (highway construction	Approved	04.03.2015

	method statement) and 14 (local recruitment strategy) of planning permission 14/01270/FUL.		
17/01078/ADV	3 x non-illuminated fascia signs and 1 x non-illuminated projecting hanging sign.	Approved	07.09.2017
17/01099/FUL	Amalgamation of existing units into one retail unit with the additional of 27 square metres of floor space. Alterations to existing shop front. Change of use of unit 84 from A3 to A1. Change of use of unit 84A on the first floor from D1 to ancillary A1 (retail staff accommodation and stock areas).	Approved	07.09.2017
24/00359/ADV	Application for Advertisement Consent - illuminated company brand logo sign above door.	Refused	21.05.2024

4. **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 Local Plan 2013-33 and Beyond (adopted January 2021 and January 2022, respectively), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any Neighbourhood Plans that have been made and the Minerals and Waste Local Plans adopted by Essex County Council.

5. **Neighbourhood Plans**

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

At the time of writing, there are no draft or adopted neighbourhood plans relevant to this site.

6. **Relevant Policies / Government Guidance**

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)

SP1 Presumption in Favour of Sustainable Development

SP7 Place Shaping Principles

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

SPL3 Sustainable Design

PPL8 Conservation Areas

7. Officer Appraisal

Proposal

This application seeks planning permission for the alteration of the shopfront which entails redecorating the exterior of the shopfront to include the fascia, windows and door frames and stallriser. 78-80 Connaught Avenue opened as a Poundstretcher retail shop in March 2024 and lies within the busy town centre. The application site lies within the Frinton settlement development boundary and within the Frinton and Walton Conservation Area.

A separate application for advertisement consent, reference 24/01783/ADV has been submitted for the illuminated fascia sign and window graphics.

Design, Appearance and Heritage Impact

Paragraph 131 of the National Planning Policy Framework states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Policy SP7 of Section 1 of the Local Plan states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Policy SPL3 of Section 2 of the Local Plan seeks to provide new development which is well designed and maintains or enhances local character and distinctiveness. The development should relate well to its site and surrounding.

The Local Planning Authority has a statutory duty to preserve or enhance the character and appearance of Frinton and Walton Conservation Area under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Paragraph 212 of the NPPF confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Policy PPL8 of Section 2 of the Local Plan seeks to ensure that any new development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area.

In March 2024 the shopfront, prior to being opened as Poundstretcher, was painted dark grey, the brand colour and theme of the previous retail outlet, M&Co. As you would expect, Poundstretcher rebranded the retail store for their purposes which included redecorating in a striking red colour with red window graphics, fascias and signage. It is noted that the building within which the retail store resides is single storey and does not embrace the Victorian era upper storeys as much of the rest of Connaught Avenue does. 78-80 Connaught Avenue is a flat roof building; however, it does benefit from some detailing in the Pilasters and Console/Corbel which is made up of creasing tiles to create a decorative finish.

The proposal seeks to tone down the striking red branding while recognising the intrinsic qualities of other shopfronts within Frinton on Sea. The changes use two tones of grey and white eggshell finish paint which are muted in colour to align with the Frinton Shopfront Guide. The proposal is consistent with the general theme of shopfronts in the immediate area.

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. They confirm that they have no objection to the alterations as the change of colour is considered appropriate for the building in its context and because the Character Appraisal and Management Plan for the Conservation Area identifies that the Frinton Commercial Centre has a predominately light paint palette of whites and creams. Moreover, it is noted that the proposed light grey painted finish will soften the appearance of the shopfront so that the premises harmonises better with the street scene.

As such they confirm that the proposal causes no harm to the significance of the Conservation Area in regard to Chapter 16 of the National Planning Policy Framework (NPPF), and the change of colour used for the shopfront is considered to enhance the character and appearance of the Conservation Area in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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.

The current shopfront decoration of red is considered unacceptable and therefore a condition will be imposed on the grant of planning permission to secure the redecoration in accordance with the plans submitted within 3 months of the date of the decision.

Impact upon Residential Amenity

As a result of the shopfront being level with the front elevation of the existing building with no additions proposed there is not considered to be any significant impact to neighbouring amenities.

Biodiversity net gain

Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. This excludes applications for Listed Building Consent, Advert Consent, Reserved Matters, Prior Approvals, Lawful Development Certificates, householders, self builds, and other types of application which are below the threshold i.e. does not impact a priority habitat and impacts less than 25 sq.m of habitat, or 5m of linear habitats such as hedgerow). This proposal is not therefore applicable for Biodiversity Net Gain as it impacts less than 25sq.m of habitat and does impact a priority habitat given the type of development proposed.

Other Considerations

Frinton and Walton Town Council have no comments and support 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.

8. Recommendation

Approval - Full

9. Conditions

1 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 Planning Portal site plan 1:1250 (received 2 December 2024)
- UK Planning Maps Block Plan 1:500
- PROPOSED POUNDSTRETCHER FRONT ELEVATION PAINT
- Design and Access Statement

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.

2 COMPLIANCE REQUIRED – SHOPFRONT ALTERATIONS

CONDITION: Within 3 months of the date of this decision the shopfront alterations and decoration shown on approved drawing PROPOSED POUNDSTRETCHER FRONT ELEVATION PAINT shall be completed in full unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of visual amenity and the character and appearance of the area.

10. 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.

11. Equality Impact Assessment

In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

12. Notification of Decision

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO
Has there been a declaration of interest made on this application?	YES	NO