

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	24/04/19
Planning Development Manager authorisation:	SCE	24.04.19
Admin checks / despatch completed	ER	25/04/19

**Application:** 18/02099/FUL **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Mrs Brenda Warnes

**Address:** All Saints Church High Street Walton On The Naze

**Development:** Supply and install replacement wall between church garden and West Street.

### 1. Town / Parish Council

Frinton and Walton Town Council Recommend the application for approval.

### 2. Consultation Responses

Not Applicable

### 3. Planning History

06/01986/TCA	Fell 5 No. trees (Yew, Monterey Cypress, Cupressus Castwellan Gold, Eunonymus Compactus, Cupressus Macrocarpa) in close proximity to north elevation of church.	22.12.2006
06/02119/TPO	Fell Cypress tree.	Approved 06.02.2007
09/00998/TCA	1 No. Ash - remove dead wood. 1 No. Copper beech, 1 No. Cherry, 3 No. Holly - lift branches over road and clear service cables. 1 No. large Lime reduce crown by 30 - 35% thin out by removing centre epicormic growth by 10-15%. 1 No. Mulberry - reduce and lift by 20%	Approved 27.10.2009
12/00593/TCA	1 No. Irish Yew - fell	05.07.2012
13/00902/TCA	1 Ash - lift lower branched to 6 metres, reduce branches and remove dead wood from crown. 1 Copper Beech - lift branches and	Approved 12.09.2013

	<p>reduce back to boundary. 1 Cherry - lifting and facing lower branches over church wall, lifting over road and reducing branches. 1 small Holly - reducing branches, cutting ivy leaders at base, reducing branches growing towards church. 2 large Holly - reduce height by approximately 4-5ft, reduce branches. 1 Lime - remove epicormic growth from trunk up to beginning of crown, reduce back whole crown to last cutting points. Lilac shrub - facing back over wall and pavement. 1 Mulberry - reducing and shaping back to last cutting points 15-20%. 1 Holly - lifting branches. 1 Pine - climbing and removing dead gale hanging branch. Various trees/shrubs (Church Road) removing lower branches to give clearance of up to 3 metres over pavement and 6 metres over carriageway.</p>		
13/00908/TPO	1 No. Yew - remove lower branches	Refused	12.09.2013
14/00611/FUL	Reposition of existing sign to the Martello road entrance and erection of a new notice board.	Approved	22.07.2014
18/01956/LBC	Supply and install replacement wall between church garden and West Street.	Approved	
18/02099/FUL	Supply and install replacement wall between church garden and West Street.	Current	

#### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

EN17 Conservation Areas

EN22 Extensions or Alterations to a Listed Building

EN23 Development Within the Proximity of a Listed Building

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SPL3 Sustainable Design

PPL8 Conservation Areas

PPL9 Listed Buildings

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

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

## **5. Officer Appraisal (including Site Description and Proposal)**

Site description

This application relates to All Saints Church, High Street Walton on the Naze, which is Grade II listed and is situated within the Walton Conservation Area.

It is an impressive church with a large tower to the West and occupies a prominent position opposite the junction of Kirby Road and the High Street. It is surrounded by an attractive red brick wall with decorative piers and copings of around 1.2m high.

The listing description is as follows:

Parish Church. Circa 1873-82. H.Stone. Mainly random stone with stone courses to West Tower. Stone dressings to windows, doors, quoins, buttresses and parapet verges. Red plain tiled roofs with fishscale striations to Nave. Stone cross finials to Nave and Chancel apices. Chancel, Nave, lean-to south east vestry and south aisle, west tower with C20 lean-to vestry to south face. Chancel, buttresses to each angle. East windows of 5 lights with 3 cusped roundels over under a moulded 2 centre arched head, label with head stops. Band under follows through returns. North wall, one single and one 2 light trefoiled window with trefoil and cinquefoil over respectively, under

moulded 2 centre arched heads, labels with head and foliate stops. A chamfered 2 centre arched doorway, vertically boarded door, and buttress to west are between the 2 windows. Stone ventilators to moulded plinth. South east vestry, east window of 2 trefoiled lights with quatrefoil over, 2 centre arched head, label with head stops. Angle buttress, doorway similar to that in Chancel but with stopped label. Lancet window to west. South aisle. 6 buttresses, between each a pair of lancet windows similar to that in south vestry. West doorway similar to vestry doorway but with double doors with ornate iron hinges. Moulded plinth with stone ventilators. C20 tower vestry with splayed windows to each face. Nave north wall. Moulded plinth. 5 trefoiled 3 light windows each with different tracery over and moulded labels with head stops, between stepped buttresses. The end buttresses each with stone 2 light 2 centre arches with quatrefoils over to upper stage. Stone quatrefoil ventilators to each bay. Crenellated west tower of 3 tall stages. Moulded plinth. Stepped angle buttress with trefoiled pediments to second stage of west face. South west gabled stair turret to Nave ridge height with lancet and 2 cinquefoils to apex, tripartite 2 centre arches with moulded capitals and bases to shafts under, a quatrefoil light to first and second stages. Lancet windows to each face of lower second stage, clock faces over with quatrefoils each side of south face. Belfrey louvres of 2 moulded and shafted lights, quatrefoils over under moulded 2 centre arched heads. Band to impost follows through. Second stage west tripartite window, moulded 2 centred arched heads, moulded shafts between with capitals and bases, centre window of 2 lights with cinquefoil over, foliate stops to label. 2 step approach to gabled north porch, stops to coping, cross finial to apex band below aureole. Chamfered 2 centred arch to recessed porch, moulded and stopped label. Red brick soffit to archway. Moulded 2 centre arched doorway, jambs each with moulded shafts, moulded capitals, rings and bases. Red and black tiled floor. Double vertically boarded doors with ornate iron hinges. INTERIOR. Chancel. Stone corbels with shields over support the king post roof. Traceried spandrels to arched collar braces. Arched braces from base of king posts. Reredos of 9 carved and crenellated wooden panels. Commemorative stained glass to east window. Lowered cill of north east window forms a small altar with tiled reredos. 2 centred arch to south wall. Crenellated and panelled choir stalls with Alleluia carvings. Wall plaque to Peter Schuyler Bruff, Civil Engineer, Ipswich 1900, architect of the Pier Hotel and other Walton and Clacton buildings. Chancel arch, moulded 2 centre arched head, jambs each with moulded capitals and bases to 3 shafts. Nave. Roof, double side purlins with moulded arched braces to moulded lower and upper collars. King post from lower collar. Carved octagonal wooden pulpit, double turned balusters to steps. Octagonal stone font, pointed quatrefoils to panels each with shield or foliate centre. 5 bay south aisle with alternate octagonal and circular columns, moulded capitals and bases, chamfered 2 centred arches. North east bay with angel stops to label, foliate stops to other bays. Moulded capitals, bases and rings to central shaft of each pair of aisle windows, chamfered arches. Stone foliate corbels support the arched and straight braces of the lean-to roof. Leaded coloured glass to all Nave aisle and tower windows. Moulded capitals, rings and bases to outer tower arch, jambs with triple chamfered attached shafts, moulded capitals, rings and bases to inner arch. Red and black tiled floors throughout. Chamfered 2 centre arched doorway to bell turret. Base of tower now a Memorial Hall to World Wars I and II.

### Proposal

The application seeks planning permission for the supply and installation of the replacement wall between Church Garden and West Street. The wall measures 68.2 metres in length with a height of 1.25 metres. There is a bowed section of the wall which measures approximately 6.95 metres. The wall will be constructed from salvaged bricks from the existing wall.

### Assessment

The main considerations for this application are the design and appearance, impact upon neighbouring amenities and heritage impact.

### Design and Appearance

QL9, QL10 and QL11 of the Tendring District Local Plan (2007) seeks that all new development should make a positive contribution to the quality of the local environment and protect or enhance the local character and that development should not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby property.

The proposed works will be visible from the street scene of West Street, Martello Road and Church Road, however due to the proposal being set back by approximately 1 metre from the highway as well as the fact that the application is to rebuild the existing wall, the same height using salvaged bricks from the existing wall, it is considered that the proposal will create a visual improvement.

#### Impact upon neighbouring amenities

The wall referred to in this application will be visible to the dwellings along West Street, however as the application is to replace the existing wall, it is considered that the proposal will not cause any significant impact upon neighbouring amenities.

The wall will be visible to some of the neighbouring dwellings along Martello Road and Church Road, however due to the proposal being replaced it is considered that the proposal will be beneficial to the neighbouring dwellings and therefore it will not cause any significant impact.

#### Heritage Impact

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act imposes a statutory duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest.

Paragraph 196 of the Framework adds that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy EN17 of the Tendring District Local Plan 2007 and Policy PPL8 of the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016) state that development within a Conservation Area must preserve or enhance the special character or appearance of the Conservation Area.

Paragraph 189 of the National Planning Policy Framework ("the Framework") requires applicants to describe the significance of any heritage assets affected. This requirement is reflected by saved policy EN23 of the Tendring District Local Plan (2007) and emerging Policy PPL9 of the Tendring District Council Local Plan 2013-2033 and Beyond Publication Draft (June 2017). Both these policies also confirm that development should be of a scale, design and use that respects the listed building and its setting.

The proposal will restore the boundary wall to its original state using as many of the original bricks as possible and replacing the ones which cannot be used. The bond and mortar will also match the existing.

The proposal is considered acceptable in listed building terms being a repair to an existing wall in a suitable and sympathetic manner.

The information submitted shows the wall is in need of repair. The proposed works will see the replacement works to the brick boundary wall. A condition will be imposed to ensure that the details of the replacement bricks are submitted to and agreed in writing to the Local Planning Authority. Given that the works are all with the intension of maintaining the buildings historic fabric, including the removal of the decayed areas and re-use of materials where possible, and that the proposal is not in a good state of repair, the works will be beneficial to the buildings preservation. The works will result in a small visual enhancement to the curtilage of St Marys Church. The impact of the proposed works will be minor and beneficial, will assist in the long term preservation of the asset, and will not detrimentally affect the buildings special architectural and historic interest and significance.

Therefore, there is not considered to be significant harm identified to harm the setting of the Listed Building or impact upon the Conservation Area, and the proposals are therefore acceptable against this criteria.

Other Considerations

Frinton and Walton Parish Council supports this application.

No letters of representation have been received.

Conclusion

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

**6. Recommendation**

Approval - Full

**7. Conditions / Reasons for Refusal**

- 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: Block Plan 1:1000, photos with annotated measurements scanned 7th Feb 2019 and Heritage Statement scanned 28 Feb 2019.

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

- 3 No development shall be commenced until precise details of the manufacturer and types and colours of the external replacement bricks to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development unless otherwise agreed, in writing, at a later date with the Local Planning Authority.

Reason - To ensure materials are of a very high quality to respect the building and its setting and to also match the existing materials in all respects.

**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>	YES	NO
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**Are there any third parties to be informed of the decision?**  
**If so, please specify:**

YES

NO