



## TENDRING DISTRICT COUNCIL

### Planning Services

Council Offices, Thorpe Road, Weeley, Clacton-on-Sea, Essex CO16 9AJ

**AGENT:** Mr Andy Cameron  
Wright Ruffell Cameron  
Beaver House  
Plough Road Centre  
Great Bentley  
Essex  
CO7 8LG

**APPLICANT:** Mrs J Benmore  
The Rock Hotel  
1 Third Avenue  
Frinton On Sea  
Essex  
CO13 9EQ

#### TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO:** 18/01918/FUL

**DATE REGISTERED:** 22nd November 2018

Proposed Development and Location of Land:

**Erection of 2 storey extension and change of use of existing hotel to create 7 units of tourist accommodation and 1 managers apartment.  
The Rock Hotel 1 Third Avenue Frinton On Sea Essex**

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 Paragraph 8 of the National Planning Policy Framework 2019 (NPPF) sets out the overarching objectives for achieving sustainable development, one being the environmental objective which requires the planning system to contribute to protecting and enhancing our natural, built and historic environment.

Paragraph 127 of the National Planning Policy Framework 2019 (NPPF) requires that development should respond to local character and history, and reflect the identity of local surroundings. It goes on to say that local distinctiveness should be promoted and reinforced. Saved Policy QL9 of the Tendring District Local Plan (2007) and Policy SPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) seeks to ensure that all new development makes a positive contribution to the quality of the local environment and protect and enhance local character and distinctiveness.

The site lies within "The Avenues" Special Character Area where Saved Policy FW5 is relevant which states that new development in this area of Frinton shall have particular regard to the special character and appearance of the area. Proposed development which would result in a reduction in the spacious character of the area will be refused planning permission. These sentiments are carried forward within PPL11 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Also of particular relevance in this instance due to the siting of the building within the Frinton and Walton Conservation Area is Paragraph 184 of the NPPF which states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Specifically Paragraph 196 of the NPPF



states 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.

Paragraph 189 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

Saved Policy EN17 states that development within a conservation area must preserve or enhance the character or appearance of the conservation area and that development will be refused where it would harm the character or appearance of the Conservation Area, including relationship between buildings, the arrangement of open areas and their enclosure would not preserve or enhance the character of an area. These sentiments are carried forward within Policy PPL8 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The Rock Hotel is set at an obtuse angle with the main entrance facing on to Third Avenue with the other side elevation being visible within the street scene when viewed from The Esplanade. Due to the undeveloped nature of the parcel of public open space opposite, the openness of the adjacent Greensward, height and scale of the building and the change in site levels The Rock Hotel boasts a very prominent and spacious corner position currently contributing positively to the character and appearance of the Frinton and Walton Conservation Area and the Special Character Area. The Frinton and Walton Conservation Area Appraisal specifically refers to the application site as '...another fine Arts and Crafts design with decorative chimneys and tile hanging...'

The proposed form of development is considered inappropriate within the conservation area. The proposal presents an over development of the site which is incongruous to the rhythm of development which the conservation area appraisal describes as 'a planned layout with wide streets and large house plots enclosed by the railway and the sea.' The conservation area appraisal goes on to state with regard to the impact of new development 'The historical houses in the Avenues tend to be individual, often asymmetrical, designs set in large plots. This character is easily eroded by poorly designed alterations and extensions, by the sub-division of plots and by the construction of similar and undistinguished house types'. Furthermore, a Heritage Statement that accords with the requirements of the NPPF has not been provided and as such the application fails to comply with paragraph 189 of the NPPF.

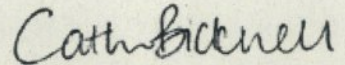
Additionally, the proposed extension will obstruct the views of the existing trees to the detriment of the character and appearance of the Frinton and Walton Conservation Area and the loss of the 'gap' and the spacious setting of the existing buildings will not have a positive impact on the public realm nor the Special Character Area.

Having regard to the aims of the aforementioned national and local plan policies and the conservation area appraisal, although the use as holiday apartments could be independently acceptable therefore securing a viable use of the existing hotel and the longevity of the tourism facility, the proposed extension and alterations will fail to preserve or enhance the character and appearance of the conservation area and will cause harm to the significance of a designated heritage asset and detract from its setting contrary to Paragraph 196 of the NPPF. There are no public benefits that outweigh the identified harm. As an individual proposal it is considered inappropriate and in the longer term this sets a poor precedent for development.



**DATED:** 13th September 2019

**SIGNED:**




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Catherine Bicknell  
Head of Planning

IMPORTANT INFORMATION :-

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

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

ER16 Tourism and Leisure Uses

ER24 Protection of Hotels and Guest Houses

COM6 Provision of Recreational Open Space for New Residential Development

EN17 Conservation Areas

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

FW1 Tourism Related Development

FW5 'The Avenues' Area of Special Character

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

SP1 Presumption in Favour of Sustainable Development

SPL3 Sustainable Design

HP5 Open Space, Sports & Recreation Facilities

PP8 Tourism



PP9 Hotels and Guesthouses

PPL4 Biodiversity and Geodiversity

PPL8 Conservation Areas

PPL11 The Avenues Area of Special Character, Frinton-On-Sea

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Conservation Area Character Appraisals

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 discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

**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.**
- 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](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. Further details are on GOV.UK.

#### 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.