

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	12/09/2019
Planning Development Manager authorisation:	AN	12/9/19
Admin checks / despatch completed	AN	13/09/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	B/9/19

Application: 18/01918/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mrs J Benmore

Address: The Rock Hotel 1 Third Avenue Frinton On Sea

Development: Erection of 2 storey extension and change of use of existing hotel to create 7 units of tourist accommodation and 1 managers apartment.

1. Town / Parish Council

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| <p>Frinton and Walton Town Council
14 Dec 2018
(Original)</p> | <p>Refusal - too great a bulk and mass, overdevelopment of the site and an iconic building. Would detract from the street scene. Does not maintain or enhance the plot or the location.</p> |
| <p>Frinton and Walton Town Council
11 Jan 2019
(Amended)</p> | <p>REFUSAL - too great a bulk & mass, overdevelopment of the site and an iconic building. Would detract from the street scene. Does not maintain or enhance the plot or the location.</p> |
| <p>Frinton and Walton Town Council
1 Feb 2019
(Amended)</p> | <p>REFUSAL - too great a bulk & mass, overdevelopment of the site and an iconic building. Would detract from the street scene. Does not maintain or enhance the plot or the location.</p> |
| <p>Frinton and Walton Town Council
22 July 2019
(Amended)</p> | <p>Refusal – Block building which is an over-development of the site and would detract from the street scene.</p> |

2. Consultation Responses

Essex County Council
Heritage
(Original Comments)

The application is for erection of a two storey building and conversion of existing hotel to facilitate the creation of eight holiday apartments. The site is located in the Frinton Conservation Area.

In reviewing the application I could not find a Heritage Statement and as such do not consider the application compliant with paragraph 189 of the NPPF.

I do not support this proposal and consider this form of development 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 onto 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. These issues are not restricted to the Avenues: tall modern buildings dominate parts of the Esplanade, while there have been proposals to replace single houses in Frinton Park with flat developments.

Considering the above the proposal 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. As such paragraph 196 of the NPPF is relevant. Paragraph 196 is also relevant as the proposal will detract from the setting/significance.

I do not support this development, as an individual proposal it is considered inappropriate and in the longer term this sets a poor precedent for development in this significant conservation area.

Essex County Council
Heritage
(Amended Comments)

Revised drawings have been submitted pertaining to this application. I do not consider the revised scheme to overcome any of the concerns raised in my previous consultation response and as such this is unchanged.

The proposal 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. As such paragraph 196 of the NPPF is relevant.

I do not support this development, as an individual proposal it is considered inappropriate and in the longer term this sets a poor precedent for development in this significant conservation area.

Natural England

Thank you for your consultation on the above dated 02 July 2019 which was received by Natural England on the same day.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE - NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

European sites - Hamford Water Special Area of Conservation, Special Protection Area, and Ramsar

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the Hamford Water Special Area of Conservation, Special Protection Area, and Ramsar and has no objection to the proposed development.

Sites of Special Scientific Interest

- Hamford Water
- Holland Haven Marshes

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

ECC Highway Authority

As this is an existing dwelling with a driveway the use of the vehicular access is established. However to make the vehicular access will require improvements to make it suitable to serve the proposed development. The Essex Design Guide was refreshed and re-issued in February 2018 and the recommended and the access improvements are conditioned below. From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:

1. No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6 metres of the highway boundary.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM1.

2. Prior to occupation of the dwelling the vehicular access shall be retained at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres and shall retain an appropriate dropped kerb vehicular crossing of the footway.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1.

3. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

4. Prior to first occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1

5. There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1.

6. Cycle parking shall be provided in accordance with the EPOA Parking Standards The approved facility shall be secure, convenient, covered and provided prior to occupation of the proposed dwelling hereby permitted site and shall be maintained free from obstruction at all times for that sole purpose in perpetuity.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

7. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1.

8. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative 1:

In main urban areas with frequent and extensive public transport, cycling and walking links, the EPOA Parking Standards recommend that a reduced parking standard provision may be applied to residential developments. A reduced parking standard provision level can be applied to this proposal as it is located very close to regular public transport services and public car parking facilities.

Informative 2:

All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

3. Planning History

TEN/1210/82	Two storey extension to existing hotel, ground floor indoor swimming pool, sauna etc, first floor flat for owner's and family.	Approved	04.01.1983
TEN/1788/87	Renewal of TEN/1210/82 two storey extension to existing hotel, ground floor indoor swimming pool, sauna etc, first floor flat for owner's and family.	Approved	13.01.1988
TEN/2010/88	Proposed extension with link block to The Rock Hotel	Refused	10.01.1989
TPC/95/55	1 Monterey Cypress - 30% crown reduction and density	Current	21.11.1995
09/00893/TCA	2 No. Thuya - fell. Remainder of hedge reduce by 3 ft. 1 No. multi stemmed Lime - fell	Approved	21.09.2009
13/00103/TCA	Cuppressus Macrocarpa - reduce side branches and reduce height by approximately 25% by removing top pinnacle growth. Remove gale damaged branches.	Approved	26.02.2013

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

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

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) 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

The application relates to The Rock Hotel located on Frinton Esplanade, with the junction of Third Avenue. The site is located within the Parish and Settlement Development Boundary of Frinton-on-Sea and is also located within the Frinton and Walton Conservation area and "The Avenues" Area of Special Character as defined within the adopted Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017). Currently the Hotel comprises a 7 bedroom hotel with manager's accommodation.

Description of Proposal

The application seeks full planning permission for the erection of a 2 storey side extension and change of use of the existing hotel to create 7 units of tourist accommodation and 1 manager's apartment overall.

The ground floor of the existing hotel will comprise unit 1 (2 bed managers flat); unit 2 (1 bed holiday apartment); and unit 3 (1 bed holiday apartment including a single storey rear addition to create an en-suite bathroom and single storey porch addition. Unit 3 is spread over 2 floors). The first floor of the existing hotel will comprise unit 6 (2 bed holiday apartment) and unit 7 (1 bed holiday apartment). Finally on the second floor of the existing hotel will be unit 8 (2 bed holiday apartment).

The proposed extension will comprise 2 further 2 bed holiday apartments (units 4 and 5) with a rear external staircase and first floor balcony infill between the proposed extension and host building to serve unit 5.

The development will be served by 8 parking spaces; 3 to the front of the proposed extension and 5 to the rear side of the extension.

Assessment

The main considerations in this instance are;

- Planning History;
- Principle of Development – Hotel to Holiday Apartments;
- Design, Appearance and Visual Impact (including Heritage Assets and Special Character Area);
- Trees and Landscaping;
- Impact on Residential Amenities;
- Access and Parking;
- Recreational disturbance Avoidance and Mitigation Strategy (RAMS); and,
- Representations.

Planning History

The application plans and supporting documents refer to the approval of an extension to the building and how the current proposal has taken this into account when designing the development (application references TEN/1788/87 and TEN/1210/82).

It is also noted that a larger scale extension was refused under TEN2010/88 due to the impact on the Frinton and Walton Conservation Area, the Special Character Area and residential amenities.

Although this planning history forms a material consideration, given the period of time that has lapsed, these decisions pre-date the National Planning Policy 2019, the adopted Tendring District Local Plan 2007 and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 and only limited weight can be given to these decisions due to the material change in national and local plan policies.

Principle of Development – Hotel to Holiday Apartments

The government states in the National Planning Policy Framework 2019 (NPPF) that it is committed to securing economic growth in order to create jobs and prosperity and is committed to ensuring that the planning system does everything it can to support sustainable growth.

Saved Policy ER24 of the adopted Tendring District Local Plan 2007 states proposals for the change of use of existing hotels and guest houses in the centres of coastal resorts will not be permitted unless it can be proven that the current land use is no longer viable. The pre-amble refers to the steady decline in serviced tourist accommodation and recognises the need to retain and upgrade the existing stock of hotels and guest houses particularly within the core resort areas of the main resorts. The sentiments of this are carried forward within Emerging Policy PP9, where it states that within defined centres and along the seafront within the district's coastal towns, the Council will refuse proposals for the change of use or redevelopment of existing hotels and guesthouses to alternative uses, either in part or in whole.

The supporting information provided with the application explains how The Rock Hotel is the only surviving hotel in Frinton and despite continuing after the decline of other hotels in Frinton it has now reached the point that in order to meet current demands and trends, it is necessary to adapt the building to an alternative tourist offer thereby allowing it to continue making an offer to the tourist industry. It is the owner's desire to continue to contribute to the tourist industry through the use of the building as tourist destination accommodation. In summary the offer is adapted to meet current demand. The Hotel has become dated, where investment has not been feasible due to declining visitor numbers, alongside changes across the tourist industry. The advancement of self-catered, self-contained tourist accommodation and the availability and growth of Airbnb has been instrumental in the decline of the traditional hotel offer in the location.

In this instance, officers are satisfied that the proposed use as holiday apartments is an appropriate alternative use that will continue making an offer to the tourist industry whilst meeting current market demands. For these reasons, it is not considered necessary for the applicant to provide details of a marketing campaign or viability assessment.

The principle of the use is therefore considered acceptable.

Design, Appearance and Visual Impact (including Heritage Assets and Special Character Area)

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 by ensuring that the development relates well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials. In addition, it states that development should respect or enhance open spaces and other locally important features.

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, including the scale, aspect and design of adjoining buildings and the density of existing development. 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 the 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.

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 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. It goes on to say that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

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 or where the height, siting, form, massing, proportions, elevation, design, or materials would not preserve or enhance the character of an area. These sentiments are carried forward within the 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 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.

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 in this significant conservation area.

Trees and Landscaping

The main body of the application site is mown grass and contains no significant vegetation. On the western boundary abutting the fence at the bottom of the garden of properties in Second Avenue there are 4 established trees: a Sycamore, 2 hedging conifers (*Cupressocyparis 'Castlewellan'*) and a Bay (*Laurus nobilis*). On the northern boundary adjacent 3 Third Avenue there is a large Monterey Cypress (*Cupressus macrocarpa*). As the trees are situated in the Frinton Conservation area they are afforded formal legal protection. No works to them is permitted unless the required period of notice has been served on the Council.

The Sycamore is a multi-stemmed specimen that is situated directly adjacent to the fence line and the building in the curtilage of 3 The Esplanade. It has almost certainly grown from a self-set seedling and is not really an appropriate species for its position. The tree is a reasonable specimen although its position is such that it has a limited safe useful life expectancy ' primarily because of its juxtaposition with the building on adjacent land. With regard to the hedging conifers, they are sparsely foliated, as a result of competition for light with adjacent specimens. Their main stems are covered in Ivy. They are not well formed and their condition and appearance is unlikely to improve. The Bay situated in the north western corner is also multi-stemmed and this growth habit is typical of this species. It is a good specimen and shows no obvious defects or exhibits signs of any pest or disease infestation or attack.

The largest and most prominent tree on the application site is the Monterey Cypress which is a dominant feature in its setting. The tree provides its greatest benefit to the amenity of the locality when viewed from a distance. It can be seen from several positions on The Greensward and glimpsed above and between surrounding properties. From positions closer to the application site views of the tree are obstructed by surrounding dwellings.

Collectively the trees make a positive contribution to the character and appearance of the conservation area. The amended layout appears to make provision for the retention of all existing trees on the application site. This is an improvement to the previous proposal. The amended extension also provides an opportunity for new planting to be carried out to the frontage.

However, 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.

Impact on Residential Amenities

Paragraph 127 of the NPPF states that planning should always seek to secure a high standard of amenity for existing and future users. In addition, Policy QL11 of the Tendring District Local Plan (2007) states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) supports these objectives.

In terms of the proposed use, this is considered comparable with the existing hotel use and cannot be considered to result in a material loss of amenity to neighbouring properties.

The amended proposal retains 6 metres to the south western side boundary at the corner/pinch point of the extension, 13 metres to the western rear boundary and 8 metres to the northern side boundary (7 metres to external staircase). The orientation of the site and juxtaposition of the existing with neighbouring dwellings means that no material loss of sunlight or daylight would result from the proposed extension.

Having regard to overlooking and loss of privacy to neighbouring the neighbouring properties to the north and west, again the distance retained to the boundaries and windows within the properties themselves is considered sufficient to safeguard the privacy of the occupiers of these dwellings.

As set out above, all trees are to be retained helping to screen the development from neighbouring properties and minimising the impact on their residential amenities.

The development will have some impact upon the most immediate neighbouring properties located directly adjacent to the south west.

The Lodge (Flat 6) 3 The Esplanade abuts the site being a 2 bed coach house style property with a garage and utility at ground floor and living areas and bedrooms above. The front elevation has 2 lounge windows and 1 bedroom window at first floor level. The proposed extension does not project forward of the host building to an extent that would result in a material loss of light to these front facing windows. Any impact on light is further minimised by the 8 metre separation distance and orientation of the site. The introduction of first floor windows within the proposed extension will only allow for obliquely angled views into the front facing windows of the neighbouring property, being 8 metres away. Therefore, any overlooking cannot be considered as resulting in a material loss of privacy. There are already rear and side facing windows in the existing hotel building with similar views toward this property.

Similarly, the relationship of the building with the adjacent first floor flat at 3 The Esplanade and its balcony will not result in any material harm having the regard to the windows within the existing hotel already allows views towards this property. Any possible views from the proposed extension could not be considered significantly more harmful than the existing relationship with The Rock Hotel.

The balcony area serving Unit 5 encloses and allows direct views into the window serving the dining room of unit 6. This is a poor and unneighbourly relationship and if approved obscure glazing would be considered essential to the dining room window of unit 6. The level of natural light into the dining room is not ideal however is not considered significantly harmful as this is a secondary living area only.

5 of the parking spaces serving the development are to be located to the rear of the site. There is an existing long driveway leading to an existing garage along the southern boundary of the site allowing vehicular access to the rear part of the site. The noise and disturbance resulting from the movements of 5 vehicles is not considered excessive and the new parking area is located alongside an existing driveway/parking area being almost comparable in terms of the impact of traffic movements.

Overall, although it is recognised that there will be some impact on neighbouring amenities from the development, these cannot be considered as significant as to warrant refusal of planning permission on this ground.

Access and Parking

Saved Policy QL10 of the Saved Plan states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate.

Self-catering holiday accommodation is defined as a Use Class C3 within the Town and Country Planning (Use Classes) Order 1987 (as amended). The Essex County Parking standards require 1 parking space per 1 bed property and 2 parking spaces per 2+ bed property.

In order to accord with the adopted parking standards, the development requires a total of 13 parking spaces to serve the 3 no. 1 bed apartments and 5 no. 2 bed apartments. The application makes provision for 8 spaces only, being a shortfall in 5 spaces.

Due to the location of the development in relation to the main centre of Frinton and the beach, the site has easy access to the Town and its range of facilities, including bus and train services. Cycle and walking opportunities exist to the neighbouring resorts of Clacton and Walton. The shortfall in parking is not considered to warrant a refusal on this ground in this highly sustainable location.

Essex County Council Highway Authority raise no objection.

Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation. This development lies within the Zone of Influence of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS).

This relates to Regulation 63 of the Conservation of Habitat and Species Regulations 2017, Saved Policies EN6 and EN11a of the Saved Tendring District Local Plan 2007 and Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

In this instance the proposal is for holiday units only and on that basis would fall outside the scope of the RAMS. Natural England have been consulted on the proposal and confirm no objection and consider that the proposed development will not have significant adverse impacts on designated sites.

Representations

Frinton and Walton Town Council recommend refusal on the following grounds;

- Too great a bulk and mass.
- Overdevelopment of the site and an iconic building.
- Would detract from the street scene.
- Does not maintain or enhance the plot or the location.

41 letters of representation have been received. The concerns and issues raised can be summarised as follows;

- Loss of hotel.
- Proposal fails to preserve or enhance the conservation area.
- Inaccurate plans.
- Overlooking and loss of privacy.
- Loss of trees.
- Loss of spacious garden area.
- Scale, size and massing are excessive.
- Design is out of keeping.

- Overshadowing and loss of light.
- Overbearing appearance.
- Lack of parking.

The justified reasons for refusal are addressed in the main report above.

Conclusion

For the reasons set out above, the development is considered to result in form of development that fails to preserve or enhance the Frinton and Walton Conservation Area and is therefore recommended for refusal.

6. Recommendation

Refusal - Full

7. Reasons for Refusal

- 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.

8. Informatives

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 Agent. 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.