

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	25/11/19
Planning Development Manager authorisation:	AN	26/11/19
Admin checks / despatch completed	CC	04.12.19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	04/12/19

**Application:** 19/01127/FUL **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Ms H Piggott - RNLI (Charity)

**Address:** The Lifeboat House The Parade Walton On The Naze

**Development:** Erection of temporary fencing and change of use of part of the land for temporary car park.

### 1. Town / Parish Council

Frinton and Walton Town Council Refusal - The Town Council would not like to see this green open space fenced off and it was not clear within the application for the need to do so.

Councillor Mrs D. Miles was asked as the Tendring District Councillor for Walton to call this application in for consideration by Committee.

### 2. Consultation Responses

ECC Highways Dept The information that was submitted in association with the application has been fully considered by the Highway Authority.

The proposals are within the boundary of the premises and do not alter any vehicle accesses to the site therefore:

From a highway and transportation perspective the Highway Authority has no comments to make on this proposal.

Informative 1: Any 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.

Essex County Council Heritage (Initial comments dated 30 August 2019) The application is for temporary fencing associated with the provision of a parking area.

The above concerns the site of The Lifeboat House, located within the Frinton and Walton Conservation Area.

Whilst the temporary nature and the need for the proposed fence and parking area is not fully understood, the scheme is considered to propose the loss of open green spaces within the conservation area and introduce ranch style fencing (typically agricultural) which is out of keeping with the surroundings, where an urban environment prevails. Encouraging the proliferation of cars within key views of the conservation area, encroaching on a significant verdurous element within a heavily built up environment, the creation of parking on the

specified green is not considered appropriate in principle. For the above, the proposed scheme is seen to cause "less than substantial" harm to a designated heritage asset and paragraph 196 of the NPPF is relevant.

Essex County Council  
Heritage (Revised  
comments following  
additional information,  
dated 17 October 2019)

The application is for temporary fencing associated with the provision of a parking area.

The above concerns the site of The Lifeboat House, located within the Frinton and Walton Conservation Area.

Following the submission of additional information, the creation of an emergency temporary parking area may be acceptable, however the necessity of fencing appears questionable if the use of parking is only occasional and reconsideration is encouraged. Should fencing be unavoidable, a simple low post and chain fence would be recommended, in-keeping with the existing.

Should permission be granted, I recommend the following conditions (or similar to that effect, modified in accordance with final details agreed) to be imposed:

- a) details of all boundary treatments must be approved in writing by the local planning authority prior to works commencing;
- b) the period of this permission shall expire 3 years post the decision date (date to be specified by Tendring District Council), at which time the boundary treatment and mesh hereby permitted shall be removed.

### **3. Planning History**

97/00131/FUL	(RNLI Lifeboat Station, New Pier Street, Walton on Naze) Alteration and extension to provide improved facilities for lifeboat crew members and small souvenirs outlet	Approved	11.03.1997
97/00999/FUL	(RNLI Lifeboat Station, New Pier Street,) Temporary permission for 6 months for one accommodation cabin and one container unit - all in association with use as lifeboat station during construction works	Approved	10.09.1997
18/01435/FUL	Siting of temporary storage container to house T45 tractor and modified D-Class 6-man launch vessel.	Approved	19.10.2018

### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

EN17 Conservation Areas

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

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

CP1 Sustainable Transport and Accessibility

PPL8 Conservation Areas

SPL3 Sustainable Design

### **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**

### **Site Description**

The application site is the RNLI Lifeboat House, sited to the south-western section of The Parade within the parish of Walton-on-the-Naze. The character of the surrounding area is heavily urbanised, with residential development to the north, west and south. Further to the south is Walton Pier. Immediately adjacent to the west is area of open space with an array of planted vegetation. The site is situated within the Settlement Boundary of Walton-on-the-Naze, as agreed within both the Adopted Tendring Local Plan 2007 and the Emerging 2013-2033 Tendring Local Plan Publication Draft, and also falls within the Walton-on-the-Naze Conservation Area.

### **Description of Proposal**

This application seeks planning permission for the erection of temporary post and chain fencing around the perimeter of the RNLI station to allow for a temporary parking area. The fencing is to be 0.4 metre high.

The car parking area is to have Terram GrassProtecta grass reinforcement mesh to protect the grass from damage from vehicles. However, this is not a form of development and would not require planning permission. As such it does not form part of the determination of this application.

Initially there were objections raised by the Case Officer that the scheme was considered to propose the loss of open green spaces within the conservation area and introduce ranch style fencing (typically agricultural) which was out of keeping with the surroundings, where an urban environment prevails. Following this, the agent for the application submitted amended plans that amended the design from post and rail fencing to post and chain style fencing.

### Site History

Under planning reference 18/01435/FUL retrospective planning permission for the temporary siting of a storage container to house a T45 tractor and modified D-Class 6 man launch vessel was approved.

### Assessment

#### 1. Impact to surrounding area

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Paragraph 196 of the National Planning Policy Framework (2019) 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 including, where appropriate, securing its optimum viable use.

Policy EN17 of the Adopted Local Plan states that development within a Conservation Area must preserve or enhance the character or appearance of the Conservation Area. The sentiments of this policy are carried forward within Policy PPL8 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The application site falls within the Walton-on-the-Naze Conservation Area. The fencing is located to the perimeter of the RNL station with parking to the west of the RNL station, and is set within a wider scene of residential development. Immediately adjacent to the west is a small greensward that acts as a pleasant and open feature. Views from the west looking downhill at the site are particularly prominent. Given this, there were initial concerns that the post and rail fencing would not be in-keeping with the surrounding area and cause less than substantial harm to the designated heritage asset Walton-on-the-Naze Conservation Area. However, amended plans have been provided that have amended the design to a post and chain fence of 0.4 metres height. This design is in-keeping with the existing fencing adjacent to the storage container. Given this, and the reduced height, the fencing is far less prominent, and the Council's Historic Environment consultant has accordingly removed earlier objections.

#### 2. Impact to Neighbouring Amenities

Policy QL11 of the Saved Plan 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'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Whilst the proposed development is visible to a number of residential properties within the surrounding area, there will be no overlooking concerns or loss of light, whilst the additional noise

generated will only be minor. Therefore there will be a neutral impact to existing neighbouring amenities.

### 3. Highways

Essex County Council as the Highways Authority have been consulted and raise no objection to the proposed works.

### Other Considerations

Frinton and Walton Town Council recommend refusal on the grounds that fencing off the green open space was not welcomed.

There has been one letter of observation received, outlining concerns that the fencing is not necessary.

### 6. Recommendation

Approval.

### 7. Conditions

- 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, drawing numbers 3414-PA-LOC, PA-10A, and the document titled 'Heritage Statement'.

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

- 3 The period of this permission shall expire on 25 November 2022, at which date the fencing hereby permitted shall be removed.

Reason - A temporary planning permission is only acceptable in this sensitive and prominent location in order to allow further time for a scheme of permanent accommodation to come forward.

### 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 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.