

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	23/02/2021
Planning Development Manager authorisation:	TF	23/02/2021
Admin checks / despatch completed	DB	25/02/2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	25.02.2021

**Application:** 20/01650/FUL **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Ms Michelle Nye-Browne - Naze Tower

**Address:** The Naze Tower Old Hall Lane Walton On The Naze

**Development:** Proposed mobile shepherds hut and wooden covered shelter in the sit in area outside.

### **1. Town / Parish Council**

Frinton and Walton Town Council  
15.12.2020

Recommends this application for approval.

### **2. Consultation Responses**

Historic England  
21.12.2020

Thank you for your letter of 16 December 2020 regarding the above application for planning permission. Approval is sought for a proposed mobile shepherds hut and wooden covered shelter in the 'sit in' area outside.

On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Historic England Advice

The significance of the historic environment

This Navigation Tower was erected in 1720 for Trinity House. It is octagonal, of plum coloured brick and comprises three reducing stages with clasping buttresses to angles. The upper stage dates from the 19th/20th century. It has a moulded brick plinth with a concrete plinth dating from 1979 below. The third stage has two upper round-headed window openings; one now blocked and three windows above the second stage, two now blocked. There are two round-headed windows to the second stage and a single window to the first stage. There are 20th century double vertically boarded doors with a concrete lintel over. A lead plaque over the doorway relates 'Trinity House 1720'. Internally, the tower has several storeys reached by an iron spiral staircase and there is iron framework to the top section. It was designed to serve with Walton Hall Tower as a guide to vessels through the Goldmer Gap and also with a light in Suffolk to lead into the Suffolk/Essex border rivers. The Tower is listed at grade II\* in recognition of its special architectural and historic interest.

The proposals and their impact on the significance of the historic environment

Due to Coronavirus the Naze Tower has been closed during 2020 as a result of the inability to achieve social distancing due to the layout of the building. The aim of the proposals is to enable the visitor attraction to function with Covid-19 restrictions in place.

The first proposal involves siting a mobile Shepherd's Hut at the base of the Tower temporarily, in an area owned by Tendring District Council and with protection from the weather due to the Tower's exposed location. This will significantly reduce the number of people in the ground floor of the Tower at any one time and will assist in making the building operational. The Shepherd's Hut is a wooden structure measuring 3.8m x 2.1m x 3.0m in height, with a corrugated steel roof; placed on a metal trailer with wheels, and incorporating a metal canopy above the serving area.

The second proposal is for a wooden Covered Shelter measuring 6.0m x 3.2m x 3.04m in height to facilitate educational visits during the pandemic. The Shelter will have full height wall panels on the rear (north) elevation and on the east elevation to provide protection from the wind. The shelter will also be used for workshops, events and as a covered seating area; mitigating the reduced covers inside the Tower Tea Rooms during Covid.

We are satisfied that both proposals will not cause harm to the setting of the Tower or affect its significance.

The proposals are being grant-funded via the Government's Culture Recovery Fund for Heritage grant scheme and must be in place by 31 March 2021.

The policy context

The National Planning Policy Framework clearly sets out the requirement to conserve the significance of heritage assets, and emphasises that great weight should be given to this (and the more important the asset the greater that weight should be), paragraphs 184, 192 and 193. For this reason any harm requires a clear and convincing justification. Less than substantial harm should be weighed against the public benefits of the proposals (paragraphs 194 and 196).

Historic England's position

Historic England is supportive of these grant-funded proposals as they will enable the Tower to operate efficiently during the pandemic, thereby assisting in safeguarding the future of this nationally significant, grade II\* listed landmark.

Recommendation

Historic England supports the application on heritage grounds. We consider that the application meets the requirements of the NPPF, in particular paragraph numbers 194 and 196.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the

desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

Essex County Council  
Heritage  
07.12.2020

Built Heritage Advice pertaining to an application for: Proposed mobile shepherds hut and wooden covered shelter in the sit in area outside.

The Naze Tower is Grade II\* listed as (List UID: 1165846).

ECC Heritage are supportive of these temporary proposals as it will help ensure the ongoing viability of the heritage asset in the medium term, while the tower remains closed due to the restrictions ensuing from the Coronavirus pandemic.

ECC Heritage recommend the following conditions are attached to any consent:

- The proposals shall be removed after a period of no longer than 12 months, unless otherwise agreed upon in writing by the Local Planning Authority through submission and permission of a new planning permission.
- Prior to above ground works being commenced for the shelter, a schedule and samples of the proposed finish materials shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with these approved details and permanently maintained as such.

### **3. Planning History**

98/00741/LBC	Alterations to and change of use from a navigation tower to museum and viewing platform and small tea room	Approved	27.08.1999
98/00742/FUL	Alterations to and change of use from a navigation tower to museum and viewing platform and small tea room	Approved	27.08.1999
14/30455/PREAPP	Proposed internal remedial works.		09.01.2015
15/01525/LBC	Replacement of rotten timber windows finished black with new fully weatherproof windows of similar design also finished black. Installation of tie rods to complete the stabilisation of the repair work to the tower.	Approved	25.11.2015

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

*NPPF National Planning Policy Framework February 2019*

*National Planning Practice Guidance*

*Tendring District Local Plan 2007*

ER16	Tourism and Leisure Uses
EN1	Landscape Character
EN3	Coastal Protection Belt
EN11C	Protection of Local Sites: Local Nature Reserves, County Wildlife Sites, Regionally Important Geological/Geomorphological Sites
EN23	Development Within the Proximity of a Listed Building
QL1	Spatial Strategy
QL9	Design of New Development
QL10	Designing New Development to Meet Functional Needs
QL11	Environmental Impacts and Compatibility of Uses

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

PP8	Tourism
PPL2	Coastal Protection Belt
PPL3	The Rural Landscape
PPL4	Biodiversity and Geodiversity
PPL9	Listed Buildings

#### **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. In this latter regard, as of 26<sup>th</sup> January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10<sup>th</sup> December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets

in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26<sup>th</sup> January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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.

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

### Site Description

This application refers to the Naze Tower, Old Hall Lane, Walton on the Naze, a Grade II\* Listed Building.

### Proposal

This application seeks planning permission for a shepherds hut and wooden covered shelter.

### Assessment

#### 1. Principle of Development

Paragraph 83 of the National Planning Policy Framework 2019 states that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas including sustainable rural tourism and leisure developments which respect the character of the countryside.

Saved Policy ER16 of the Tendring District Local Plan 2007 states that proposals for tourism and leisure uses will be permitted provided that;

- a) The development is accessible to all potential visitors and users
- b) There is suitable vehicular and public transport access to the site and parking provision, especially where the proposal is likely to generate large traffic volumes. Proposals should be located close to the main road network and link to other public rights of way wherever possible
- c) The type of use proposed would not cause undue disturbance by reason of noise. Uses creating high levels of noise should be located well away from residential property and sensitive wildlife areas
- d) There will not be an adverse effect on agricultural holdings and the proposal would not result in an irreversible loss of high quality agricultural land
- e) Where appropriate opportunities are taken to improve the damaged and despoiled landscapes and enhance the landscape character of the area.

Whilst it is recognised that the application site is remote, it is not isolated and has easy access to Old Hall Lane. The proposal will directly support the Naze Tower until it is possible to trade again and will support the continuity of the business while Covid restrictions continue to apply. The proposed location is sufficiently far from residential properties so as not to cause undue

disturbance by reason of noise. Furthermore, the size of the site and reversible nature of the proposals will not result in an adverse impact on the agricultural holding.

On this basis, subject to the detailed considerations discussed below, there is no objection to the principle of the development.

## 2. Visual and Landscape impact (including impact on Heritage Assets)

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. Furthermore, Paragraph 127 of the 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 and EN1 of the Tendring District Local Plan (2007) and Policy SPL3 and PPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) seeks to ensure that development is appropriate in its locality and does not harm the appearance of the landscape.

The proposals will be situated adjacent to the Naze Tower which is a Grade II\* Listed Building.

Paragraph 184 of the NPPF 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. Furthermore, Saved Policy EN23 of the adopted Tendring District Local Plan (2007) states that proposals for development that would adversely affect the setting of a listed building will not be permitted. The sentiments of these policies are carried forward in Draft Policies PPL8 and PPL9 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Paragraph 189 of the National Planning Policy Framework (2019) 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. A Heritage Statement has been provided in compliance with Paragraph 189.

Historic England have been consulted on this application and have stated *that 'due to the Coronavirus the Naze Tower has been closed during 2020 as a result of the inability to achieve social distancing due to the layout of the building. The aim of the proposals is to enable the visitor attraction to function with Covid-19 restrictions in place'.*

*'The first proposal involves siting a mobile Shepherd's Hut at the base of the Tower temporarily, in an area owned by Tendring District Council and with protection from the weather due to the Tower's exposed location. This will significantly reduce the number of people in the ground floor of the Tower at any one time and will assist in making the building operational. The Shepherd's Hut is a wooden structure measuring 3.8m x 2.1m x 3.0m in height, with a corrugated steel roof; placed on a metal trailer with wheels, and incorporating a metal canopy above the serving area'*

*'The second proposal is for a wooden Covered Shelter measuring 6.0m x 3.2m x 3.04m in height to facilitate educational visits during the pandemic. The Shelter will have full height wall panels on the rear (north) elevation and on the east elevation to provide protection from the wind. The shelter will also be used for workshops, events and as a covered seating area; mitigating the reduced covers inside the Tower Tea Rooms during Covid'. Historic England are satisfied that both proposals will not cause harm to the setting of the Tower or affect its significance. Historic England is supportive of these grant-funded proposals as they will enable the Tower to operate efficiently during the pandemic, thereby assisting in safeguarding the future of this nationally significant,*

*grade II\* listed landmark. Historic England supports the application on heritage grounds and considers that the application meets the requirements of the NPPF, in particular paragraph numbers 194 and 196.'*

Essex County Council Place Services Team have been consulted on this application and have stated that the team are in support of the temporary proposals as it will help ensure the ongoing viability of the heritage asset in the medium term, while the tower remains closed due to the restrictions ensuing from the Coronavirus pandemic. The team have recommended conditions are imposed to ensure that the proposals shall be removed after a period of no longer than 12 months and to ensure that prior to works, the materials are submitted to and approved in writing to the local planning authority.

Therefore, in weighing up the economic benefits of the proposals together with the benefits it provides in supporting the longevity of the existing business (following the adverse impacts of Covid-19), the development is considered acceptable in heritage terms.

No trees or other significant vegetation will be adversely affected by the development proposal. For the reasons set out above, the proposed use will not result in any significant or demonstrable harm to the landscape character or setting of the heritage assets.

### 3. Residential Amenities

The NPPF, at paragraph 127 states that planning should always seek to secure a good standard of amenity of all existing and future occupants of land and buildings. In addition, 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).

Although there are facilities nearby including the Essex Wildlife Trust and Naze Links Cafe, as the proposed development is temporary, it is considered that the proposals will not cause any significant impact upon the neighbouring amenities.

### 4. Coastal Protection Belt

Saved Policy EN3 of the Tendring District Local Plan 2007 and Draft Policy PPL2 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) seeks to protect the unique and irreplaceable character of the Essex coastline from inappropriate forms of development as well as seeking to improve public access to and enjoyment of the coast in accordance with the National Planning Policy Framework.

The proposal will not have a substantial impact on the Coastal Protection Belt as it will directly support the Naze Tower until it is possible to trade again and will support the continuity of the business while Covid restrictions continue to apply. Due to its temporary nature, it is therefore considered that the development will not cause any impact upon the Coastal Protection Belt.

### 5. Protection of Local Sites: Local Natural Reserves, County Wildlife Sites, Regionally Important Geological/Geomorphological Sites

Policy EN11c of the Tendring District Local Plan 2007 states that development likely to have an adverse effect on a Local Nature Reserve, a County Wildlife Site or a Regionally Important Geological/ Geomorphological Site, will not be permitted unless it can be clearly demonstrated that there are reasons for the proposal which outweigh the need to safeguard the substantive nature conservation value of the site. In all cases where development is permitted which would damage the nature conservation value of the site or feature, such damage will be kept to a minimum. Where appropriate the Council will consider the use of conditions and/or planning obligations to provide appropriate mitigation and compensatory measures.

The proposed development is not considered to cause any harm to the County Wildlife Site. The proposed development as mentioned above is of a temporary nature and will support the continuity of the business while Covid restrictions continue to apply.

## 6. Recreational Disturbances

The proposal is for a temporary shepherds hut and wooden covered shelter. The proposal is outside the scope of the Essex Coast RAMS.

## 7. Other Considerations

Frinton and Walton Parish Council recommends this application for approval.

No letters of objection have been received.

## 6. **Recommendation**

Approval - Full

## 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:

- Covered Shelter - Proposed Elevations - Scanned 17 Nov 2020
- Shepherds Hut - Proposed Floor Plans and Elevations - Scanned 17 Nov 2020
- Drawing No. 1 Revision A - Block Plan

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

- 3 The period of this permission shall expire on 24th February 2022 at which date the shepherds hut and wooden covered shelter hereby permitted shall be removed from the site, and the land reinstated to its former condition.

Reason - In the interests of visual amenity and to protect the setting of the Naze Tower.

- 4 Prior to above ground works being commenced for the shelter, a schedule and samples of the proposed finish materials shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with these approved details and permanently maintained as such.

Reason - The proposed development will be in the setting of a Grade II\* Listed Building

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