

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	11/05/2021
Planning Development Manager authorisation:	JJ	12/05/2021
Admin checks / despatch completed	ER	12/05/2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	12.05.2021

Application: 20/01505/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Ms Stephanie Condron

Address: Bruff House 29 The Parade Walton On The Naze

Development: Installation of recessed door (in previous location of around 70 years ago), recessed stepped access with glazed box light above and re-painting of shop frontage.

1. Town / Parish Council

Frinton and Walton Town Council
11.01.2021

Recommends approval.

2. Consultation Responses

ECC Highways Dept
12.02.2021
ORIGINAL COMMENTS

The information that was submitted in association with the application has been fully considered by the Highway Authority. The site is situated on a stretch of The Parade that already has a narrow footway and existing step on the highway to serve the entrance at the front of the building. It is noted that the proposal is for the installation of a second door with stepped access.

From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:

The Highway Authority will protect the principle use of the highway as a right of free and safe passage of all highway users.

The proposal would see the introduction of a second stepped access on the publicly maintainable highway, on a section of footway that is less than 2.0 metres in width, potentially introducing an additional trip hazard.

The existence of an existing step in this location is a matter of fact and therefore some degree of conflict and interference to the passage of pedestrians already occurs but the intensification of that conflict and interference which this proposal would engender would potentially force some pedestrians users to walk in the road and would be to the detriment of highway safety.

The proposal would create an obstruction on the highway and a hazard to highway users, therefore, this proposal is contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative:

1: The Highway Authority's preferred choice would be to set the door back within the building, recess it so the building at the access to the footway provides the step. A similar solution could be considered for the existing door so the step at the front can be removed.

ECC Highways Dept
27.04.2021
LATEST COMMENTS

The information that was submitted in association with the application has been fully considered by the Highway Authority. No site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image dated April 2019. It is noted that the amended proposal is for a recessed door and stepped access, reducing any impact on the existing footway width at the proposed access, therefore:

The Highway Authority does not object to the proposals as submitted.

Informative:

1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 - Development Management Team
Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester,
CO7 7LT

2: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

Essex County Council
Heritage
18.01.2021
ORIGINAL COMMENTS

The application is for installation of door (in previous location of around 70 years ago) and stepped access.

The building is located in a Conservation Area and is considered a non-designated heritage asset with regard to the NPPF.

I do not support this application. Whilst the interior block work suggests alteration to this wall in the late twentieth century, the historic photographs provided do not suggest a door was historically located here.

The detailing of the proposed new door is inappropriate. The opening is wider than the existing window and box light detail detracts from the architectural interest of the building in its positioning within the window head.

The colour of the proposed paint scheme is unclear and the red shown in the drawings is not considered appropriate to the conservation area.

The scheme is not considered to preserve or enhance the character and appearance of the conservation area and will detract from its significance, therefore paragraph 196 of the NPPF is relevant. The harm to the architectural interest of the building should be considered under paragraph 197 of the NPPF.

Essex County Council
Heritage
10.05.2021

The application is for installation of door (in previous location of around 70 years ago) and stepped access.

LATEST COMMENTS

The building is located in a Conservation Area and is considered a non-designated heritage asset with regard to the NPPF.

I have no objection to this revised application. I recommend conditions are attached to any permission requiring detailed drawings of the new door and window.

3. Planning History

None.

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)

EN17 Conservation Areas

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021)

SP7 Place Shaping Principles

SPL3 Sustainable Design

PPL8 Conservation Areas

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 26th 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 10th 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 26th 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

The application relates to Bruff House (previously known as Pedlar's Emporium) at 29 The Parade, Walton on the Naze. The building comprises a mixed use of commercial and residential. The shop front wraps around the junction of The Parade with Newgate Street and New Pier Street fronting the seafront promenade. This application relates to the elevation which addresses Newgate Street being the eastern elevation of the building containing the residential entrance.

The site is located within the settlement development boundary for the area and within the Frinton and Walton Conservation Area as defined within both the adopted Tendring District Local Plan 2007 the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

Description of Proposal

The application seeks full planning permission for the installation of a door into an existing blocked up opening (previously a door around 70 years ago) and the installation of a new stepped access.

Following concerns with the position of the step and detailed design of the new doorway, the proposal has been amended so that the new stepped access is recessed and the new door, box light and brick detailing are more sympathetic to the historic character of the building and conservation area.

Assessment

The proposed alteration is minor in nature and will not result in any impact upon residential amenities. The main considerations are therefore;

- Design and Impact on the Conservation Area;
- Accessibility and Pedestrian Safety; and;
- Representations.

Design and Impact on the Conservation Area

Paragraph 127 of the Framework requires that developments are visually attractive as a result of good architecture and are sympathetic to local character. Adopted Policy SP7 of Section 1 of the 2013-33 Local Plan seeks to secure high standards of urban and architectural design that responds positively to local character and context, and to protect the district's quality of existing places and their environs. Emerging Policy SPL3 of Section 2 of the 2013-33 Local Plan states that development should make a positive contribution to the local environment by ensuring the design and layout maintain heritage value.

The site lies within the Frinton and Walton Conservation Area. Paragraph 192 and 193 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In determining applications, local planning authorities should ensure new development makes a positive contribution to local character and distinctiveness. Saved Policy EN17 of the adopted Local Plan 2007 states that development within a conservation area must preserve or enhance its character and appearance. These sentiments are carried forward in the emerging 2013-33 Local Plan through Policy PPL8.

The Heritage Statement and supporting historic photographs explains that the access to the accommodation units in Bruff Terrace, have always been separate from the access to the retail outlets. During re-decoration, dry lining was removed from the inside wall, and the blockwork infill to the blocked window opening discovered. The extent of the blockwork, from the window lintel level down to Ground Floor is wider than the window opening. The blockwork infill extends at the base beyond the width of the opening, both sides. This infill, when compared to the existing side entrance, corresponds to the width required to accommodate entrance steps. The external wall, in this location, has a broken back nib at pavement level which corresponds in width with the bottom edge of entrance steps. The conclusion, is that the blocked opening corresponds to a door opening, which at some time was changed to a window.

ECC Heritage originally raised an objection to the proposal on the basis that the detailing of the proposed new door was inappropriate due to its proportions and detailing detracting from the architectural interest of the building.

An amended proposal has been received which satisfactorily addresses the concerns raised. Having regard to the above justification set out within the supporting statement, officers are satisfied that the proposal constitutes the re-instatement of a historic opening and no significant harm to the fabric of the building will result. The new doorway will mimic the proportions and appearance of the existing entrance but appear suitably subservient to this main residential entrance by virtue of its new recessed position. The brick quoin and glazing bar detailing now incorporated into the design secures a development that appears sympathetic to the architectural interest of the building – the subsequent details provided is considered to be acceptable and there is no need for a condition specifically requesting further details of the door and window.

Having regard to the aims of the above-mentioned national and local plan policy, the proposal is considered acceptable in design terms and will not result in any adverse impact upon the character and appearance of the Frinton and Walton Conservation Area.

Accessibility and Pedestrian Safety

Paragraph 110 of the Framework states that development should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards. Adopted Policy SP7 of Section 1 of the 2013-33 Local Plan seeks to create well-connected places that prioritise the needs of pedestrians. Furthermore, emerging Policy SPL3 of Section 2 of the 2013-33 Local Plan states that development must meet practical requirements and access to the site is practicable.

The Highway Authority originally raised an objection to the development due to the creation of a stepped access within the existing pedestrian footway (in addition to the existing). This footway is somewhat narrow and ends in line with the side elevation of the application building. This area of footway is therefore essential for pedestrian connectivity between Newgate Street and The Parade. Therefore, any additions to the street that could obstruct or hinder safe passage in this area could not be supported.

An amended proposal has been received which satisfactorily addresses these matters. The proposed doorway and stepped access are now in a recessed position ensuring the pedestrian footway remains clear. The Highway Authority raise no objection to amended proposal.

Representations

Frinton and Walton Town Council recommend approval.

No letters of representation have been received.

Conclusion

For the reasons set out above, the proposed development will not result in any harm to the character or appearance of the Frinton and Walton Conversation Area nor harm accessibility or pedestrian safety. The application is therefore recommended for approval subject to conditions.

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 and colour sample details received via email on 13th April 2021:

BH-STC-07 Rev. B Amended Cross Section and Gable End Elevation
BH-STC-16 Rev. A Amended Proposed Painting Scheme
BH-STC-18 Rev. B Amended Proposed Side Entrance Elevation

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

- 3 The new entrance door and box light hereby approved shall be painted hardwood timber in the style as shown on approved drawing number BH-STC-18 Rev. B inclusive of all detailing and glazing bars, unless otherwise agreed in writing by the Local Planning Authority.

Reason – In the interests of the character and appearance of the conservation area.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Agent, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO

