

DELEGATED DECISION OFFICER REPORT

| AUTHORISATION | INITIALS | DATE |
|---|----------|------------|
| File completed and officer recommendation: | NH | 04/02/2022 |
| Planning Development Manager authorisation: | AN | 04/02/22 |
| Admin checks / despatch completed | DB | 04.02.2022 |
| Technician Final Checks/ Scanned / LC Notified / UU Emails: | ER | 04/02/2022 |

Application: 21/02090/VOC **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: Variation of Condition 3 (Temporary Permission) of permission 20/01650/FUL to extend the permission of at least 2 years.

1. Town / Parish Council

Frinton and Walton Town
Council
10.01.2022

Recommendation - Approval

2. Consultation Responses

Essex County Council
Heritage
05.01.2022

The application is for variation of Condition 3 (Temporary Permission) of permission 20/01650/FUL to extend the permission of at least 2 years.

Given the current situation with the pandemic, there is no objection to this application given it contributes to the sustainability of the Heritage Asset (Naze Tower) in this period. Should this need to be extended again, another application should be required in two years.

Historic England

I confirm that had Historic England been consulted on planning application 21/02090/VOC to extend the permission relating to The Naze Tower for two years we would have responded with one of our 'non-intervention' letters.

We have no objections on heritage grounds to the proposed extension of the extant permission for another two years

3. Planning History

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| 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 |
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| 98/00742/FUL | Alterations to and change of use from a navigation tower to museum | Approved | 27.08.1999 |
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| | and viewing platform and small tea room | | |
| 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 |
| 20/01650/FUL | Proposed mobile shepherds hut and wooden covered shelter in the sit in area outside. | Approved | 25.02.2021 |
| 21/00380/DISCON | Discharge of condition 4 (materials) of approval 20/01650/FUL. | Approved | 25.03.2021 |

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2021

National Planning Practice Guidance

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

PP8 Tourism

PPL2 Coastal Protection Belt

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL9 Listed Buildings

Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

In relation to housing supply:

The Framework requires Councils boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, Paragraph 11 d) of the Framework requires granting permission unless any

adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (what is often termed the 'tilted balance').

The Local Plan fixes the Council's housing requirement at 550 dwellings per annum. On 19 October 2021 the Council's Strategic Housing Land Availability Assessment (SHLAA) updated the housing land supply position. The SHLAA demonstrates in excess of a six-and-a-half-year supply of deliverable housing land. On 14 January 2022 the Government published the Housing Delivery Test (HDT) 2021 measurement. Against a requirement for 1420 homes for 2018-2021, the total number of homes delivered was 2345. The Council's HDT 2021 measurement was therefore 165%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to applications for housing.

5. Officer Appraisal (including Site Description and Proposal)

Application Site

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

Planning History

Planning permission was granted under planning application 20/01650/FUL for the erection of a mobile shepherds hut and wooden covered shelter in the sit in area outside.

Proposal

This application seeks planning permission for the variation of condition 3 (Temporary Permission) of permission 20/01650/FUL to extend the permission of at least 2 years.

Assessment

1. Principle of Development

The principle of the development has been established under application 20/01650/FUL and therefore subject to detailed consideration below.

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

Paragraph 8 of the National Planning Policy Framework 2021 (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 130 of the NPPF requires that development should respond to local character and history, and reflect the identity of local surroundings. It goes onto say that local distinctiveness should be promoted and reinforced. Policy SPL3 and PPL3 of the Tendring District Local Plan 2013-2033 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 189 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 202 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. Policy PPL9 of the Tendring District Local Plan 2013-33 states that states that proposals for development that would adversely affect the setting of a listed building will not be permitted.

Paragraph 194 of the National Planning Policy Framework (2021) 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.

Historic England have been consulted on this application and have stated that they have no objections on heritage grounds to the proposed extension of the extant permission for another two years.

Essex County Council Place Services Team have been consulted on this application and have stated that given the current situation with the pandemic, there is no objection to this application given it contribute to the sustainability of the Heritage Asset (Naze Tower) in this period. Should this need to be extended again, another application should be required in two years.

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

Although there are facilities nearby including the Essex Wildlife Trust and Naze Links Cade, 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

Policy PPL2 of the Tendring District Local Plan 2013-2033 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 due to the ongoing pandemic. 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

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. Five representations have been received in support of the proposal.

6. **Recommendation**

Approval – Full

7. Conditions

1 The development hereby permitted shall be carried out in accordance with the following approved plans;

- Drawing No. 1 A - Block Plan
- 'Floor Plans and Elevations' scanned 08 Dec 2021
- 'Wooden Shelter Details' scanned 08 Dec 2021

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

2 The period of this permission shall expire on 24th February 2024 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.

3 The materials should be as approved under planning application 21/00380/DISCON and shall be implemented as approved unless the Local Planning Authority first gives written approval to any variation.

Reason - 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.

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| 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 |