

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	ER	25/05/2023
Planning Manager / Team Leader authorisation:	AN	30/05/23
Planning Technician final checks and despatch:	CC	31.05.2023

Application: 23/00556/FULHH **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Peter Dukes

Address: 1 Old Pier Street Walton On The Naze Essex

Development: Proposed retention of glazed seating pod to roof top with access.

1. Town / Parish Council

Mr FRINTON AND
WALTON TOWN
COUNCIL

Recommends - Refusal - overlooking and on grounds of heritage trust.

2. Consultation Responses

Essex County Council
Heritage
16.05.2023

The application is for proposed retention of glazed seating pod to roof top with access.

The proposal site is located in a prominent position within the Frinton and Walton Conservation Area, at the corner between Old Pier Street and The Parade. This is a late 19th century building which has been much altered over the past decades, including the construction of an unsympathetic second- floor extension and new façade in 2015-16 which completely changed the character of the original building.

A previous retrospective application has been submitted for the retention of pergola, glazed seating pod, spiral staircase and new flue. This application has been refused as the proposed features were considered an incongruous addition to the street scene and the Conservation Area, resulting in 'less than substantial harm' to the significance of the Conservation Area. The current advice only pertains to the retention of the glazed seating pod and spiral staircase providing access.

The proposed glazed pod and spiral staircase introduces a very prominent and intrusive feature within the street scene which, contrary to what stated in the heritage statement, is visible from the public way and within the important views along The Parade and towards The Pier.

The proposed glazed pod and staircase are not considered to preserve the character or appearance of the Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The harm to the significance of the Conservation Area is 'less than substantial' and paragraph 202 of the NPPF is relevant.

Furthermore the proposed fail to make a positive contribution to local character and distinctiveness, as set out in Paragraph 197c of the NPPF.

3. Planning History

91/01065/FUL	Conversion of first floor from a flat and kitchen facility for former cafe to two flats.	Refused	29.10.1991
91/01309/ADV	Retention of 2 illuminated fascia signs, 2 neon signs, 4 neon window signs.	Approved	28.01.1992
92/00468/FUL	(1-5 Old Pier Street, Walton-on-the-Naze) Use of first floor as snooker and pool room with a maximum of six video game machines and four fruit machines	Approved	05.08.1992
92/01330/ADV	(39 The Parade and 1-5 Old Pier Street, Walton on the Naze) 3 additional illuminated signs	Refused	26.01.1993
93/00722/ADV	(39 The Parade and 1-5 Old Pier Street, Walton on the Naze) 3 additional illuminated signs [re-submission of application TEN/92/1330]	Refused	04.08.1993
03/01023/FUL	`Change of use from craft shop to Tanning and Nail Salon including electric sunbeds and spray lotion tanning booth	Withdrawn	05.06.2003
11/01344/FUL	Change of use from ground floor amusement arcade to shop use.	Refused	03.01.2012
12/00068/FUL	Change of use of amusement arcade to A1 shop use (Travel Agents). (Resubmission of 11/01344/FUL).	Approved	08.03.2012
12/01305/FUL	Proposed alterations at first floor level and extension at second floor level to form two flats.	Approved	15.02.2013
13/00703/FUL	Conversion of the ground floor premises into 2 x one-bed flats.	Refused	14.08.2013
14/30444/PREAPP	Conversion and extension into single residential dwelling.	Refused	16.01.2015
15/00213/FUL	Proposed conversion and extension into single residential dwelling.	Refused	07.04.2015
15/00214/FUL	Proposed conversion and extension into single residential dwelling at first and second floor with commercial space at ground floor level.	Approved	08.04.2015

15/00787/DISCON	Discharge of condition 02 (Materials) and condition 03 (Construction Method Statement) of planning permission 15/00214/FUL.	Approved	02.07.2015
15/00887/FUL	Proposed conversion into single residential dwelling and proposed extension.	Refused	14.08.2015
15/01221/FUL	Variation of condition 05 of approved planning permission 15/00214/FUL - Variation to approved drawings showing three smaller roof lanterns.	Approved	05.10.2015
22/01771/FULHH	Proposed retrospective application for a new pergola to existing second floor front balcony, a new glazed seating pod to roof top with access and a new flue to log burner and associated works.	Refused	30.01.2023
23/00430/FULHH	Proposed retrospective application for erection of new pergola to existing second floor balcony.	Approved	17.05.2023
23/00504/FULHH	Proposed retention of new flue to log burner and associated works.	Current	
23/00556/FULHH	Proposed retention of glazed seating pod to roof top with access.	Current	

4. Relevant Policies / Government Guidance

National:

National Planning Policy Framework July 2021 (NPPF)

National Planning Practice Guidance (NPPG)

Local:

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)

SPL3 Sustainable Design

PPL8 Conservation Areas

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.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is 1 Old Pier Street, which is located on the corner of Old Pier Street and The Parade, within the parish of Walton-on-the-Naze. The property is three storeys, with the ground floor in commercial use and the first and second floors in residential use following planning permission 15/00214/FUL.

The site falls within the Settlement Development Boundary for Walton-on-the-Naze within the adopted Local Plan 2013-2033, and also falls within the Frinton and Walton Conservation Area. The site is also located within the Urban Regeneration Area and town centre core boundary. The character of the area is heavily urbanised, with residential and commercial built form located to all sides. The main hub of the Walton Town Centre lies approximately 100 metres to the west, with the beach sited to the east. The Walton-on-the-Naze Pier is sited approximately 175 metres to the south.

History

A previous application has been received detailed below;

22/01771/FULHH

Proposed retrospective application for a new pergola to existing second floor front balcony, a new glazed seating pod to roof top with access and a new flue to log burner and associated works. This previous application was refused as a result of it appearing as a harmful impact to the character and appearance of the conservation area. The proposal shows no change to the design/ siting of the new glazing pod.

Since then the proposal has been split into a number of applications to allow each element to be assessed on its own merit.

23/00504/FULHH - Proposed retention of new flue to log burner and associated works - Current

23/00430/FULHH - Proposed retrospective application for erection of new pergola to existing second floor balcony. - Approved.

Description of Proposal

This application seeks retrospective planning permission for a glazed seating pod to the roof top with access.

Assessment

1. Heritage and Visual Impacts

Paragraph 130 of the National Planning Policy Framework (NPPF) (2021) requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

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 including, where appropriate, securing its optimum viable use.

Adopted Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Adopted Policy SPL3 Part A (b) requires that development relates well to its site and surroundings, particularly in relation to its siting, height, scale, massing, form, design and materials.

Adopted Policy PPL8 (Conservation Areas) states new development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area.

The application site is located within the Frinton and Walton Conservation Area. Accordingly, Essex County Council Place Services (Heritage) have been consulted, and have provided the following comments:

"The proposal site is located in a prominent position within the Frinton and Walton Conservation Area, at the corner between Old Pier Street and The Parade. This is a late 19th century building which has been much altered over the past decades, including the construction of an unsympathetic second-floor extension and new façade in 2015-16 which completely changed the character of the original building.

A previous retrospective application has been submitted for the retention of pergola, glazed seating pod, spiral staircase and new flue. This application has been refused as the proposed features were considered an incongruous addition to the street scene and the Conservation Area, resulting in 'less than substantial harm' to the significance of the Conservation Area. The current advice only pertains to the retention of the glazed seating pod and spiral staircase providing access.

The proposed glazed pod and spiral staircase introduces a very prominent and intrusive feature within the street scene which, contrary to what stated in the heritage statement, is visible from the public way and within the important views along The Parade and towards The Pier. The proposed glazed pod and staircase are not considered to preserve the character or appearance of the Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The harm to the significance of the Conservation Area is 'less than substantial' and paragraph 202 of the NPPF is relevant. Furthermore the proposed fail to make a positive contribution to local character and distinctiveness, as set out in Paragraph 197c of the NPPF. The proposal therefore results in a level of less than substantial harm to the character and appearance of the Frinton and Walton Conservation Area. In accordance with the NPPF, this identified harm must be weighed against any public benefits of the development. On this occasion the works are solely beneficial to the occupants of 1 Old Pier Street and do not provide for any public benefits that would outweigh the identified harm.

2. Impact to Neighbouring Amenities

Paragraph 130 of the National Planning Policy Framework (2021) confirms planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy SP7 of Section 1 of the 2013-33 Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 (Part C) seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

There are a number of commercial and residential properties within close proximity of the application site. While the alterations, in particular the seating pod, will be partially visible it is not considered that they would be so significant that they would appear oppressive or result in loss of daylight/sunlight. In addition, the seating pod by virtue of its siting will not result in a significant degree of overlooking that would justify recommending a reason for refusal. The noise from use of the enclosed seating pod at this height is also unlikely to be materially harmful to neighbouring amenity in this town centre location.

Other Considerations

Frinton and Walton Town Council recommend - Refusal - overlooking and on grounds of heritage trust.

No other letters of representation have been received.

Conclusion

The application is for retrospective works to include a seating pod and spiral staircase. The site is located in a prominent location within the Frinton and Walton Conservation Area, and would result in a level of less than substantial harm to the areas character and appearance. Given there are no public benefits that outweigh this level of harm, the application fails to adhere with local and national planning policies and is accordingly recommended for refusal.

6. Recommendation

Refusal - Full

7. Reasons for Refusal

- 1 Paragraph 202 of the National Planning Policy Framework (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 including, where appropriate, securing its optimum viable use.

Local Plan Policy PPL8 (Conservation Areas) states new development within a designated Conservation Area will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area. Local Plan Policy SP7 seeks high standards of urban and architectural design, which responds positively to local character and context. Local Plan Policy SPL3 Part A (b) requires that development relates well to its site and surroundings, particularly in relation to its siting, height, scale, massing, form, design and materials.

The application site is located in a prominent position within the Frinton and Walton Conservation Area, at the corner between Old Pier Street and The Parade. The proposed rooftop glazed seating pod and external access staircase, are considered to be incongruous additions which are clearly visible within the important views along The Parade and towards the Pier. They would fail to preserve or enhance the character or appearance of the Frinton and Walton Conservation Area, contrary to the above local and national planning policies.

The proposed development results in less than substantial harm to the character and appearance of the Frinton and Walton Conservation Area, and given the works are solely for private use there are no public benefits that outweigh this identified harm contrary to the above local planning policies and the provisions of the NPPF.

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.

Plans and Supporting Documents

The Local Planning Authority has resolved to refuse the application for the reason(s) set out above. For clarity, the refusal is based upon the consideration of the plans and supporting documents accompanying the application as follows, (accounting for any updated or amended documents):

8053 / 323

8053 / 322

HERITAGE STATEMENT - REC'D 14/04/23