

Planning and Heritage Statement

Town and Country Planning Act 1990 Planning (Listed Building and Conservation Areas) Act 1990

**The Rock Hotel, The Esplanade, Frinton-on-
Sea, Essex, CO13 9EQ**

Prepared on Behalf of the Applicant

STATEMENT WRITTEN BY:

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1. INTRODUCTION

- 1.1 This Statement has been prepared on behalf of the Applicant in support of an application seeking full planning permission for the erection of an extension to the existing building and change of use to self-catered tourist accommodation with a manager's apartment.
- 1.2 The Rock Hotel (the Site) currently comprises a seven bedroom hotel with manager's accommodation. The building is dated internally and significant investment is required in order to ensure the long term survival of the business. There has been a significant decline in visitor numbers, not only since the start of the pandemic in March 2020 but for many years now.
- 1.3 This was reflected within the Applicant's statement in connection with a previous application in 2018, which noted that the Rock Hotel is the only surviving Hotel in Frinton and, despite continuing after the decline of other Hotels in Frinton, it had reached the point that in order to meet current demands and market trends, it was necessary to adapt the building to an alternative tourist offer, thereby allowing it to continue making an offer to the tourist industry.
- 1.4 These issues have only got worse and been exacerbated by the current economic climate. It remains the owner's desire to continue to contribute to the tourist industry and local economy through the use of the building as tourist destination accommodation.
- 1.5 These arguments were largely accepted by the Council under the 2018 application (ref. 18/01918/FUL) with the Council officers acknowledging that the proposed use as holiday apartments is an appropriate alternative use that will continue making an offer to the tourist industry whilst meeting current market demands. The principle of development was therefore considered acceptable in accordance with Saved Policy ER24.
- 1.6 The Council previously recognised that there would be some impact on neighbouring amenities, however this could not be considered significant as to warrant a refusal for planning permission.

- 1.7 Therefore, the focus of this statement is to address the Council's previous reason for refusal, namely the impact on the Frinton and Walton Conservation Area and "The Avenues" Special Character Area.
- 1.8 This statement has been prepared in accordance with Paragraph 189 of the NPPF, which states that 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.

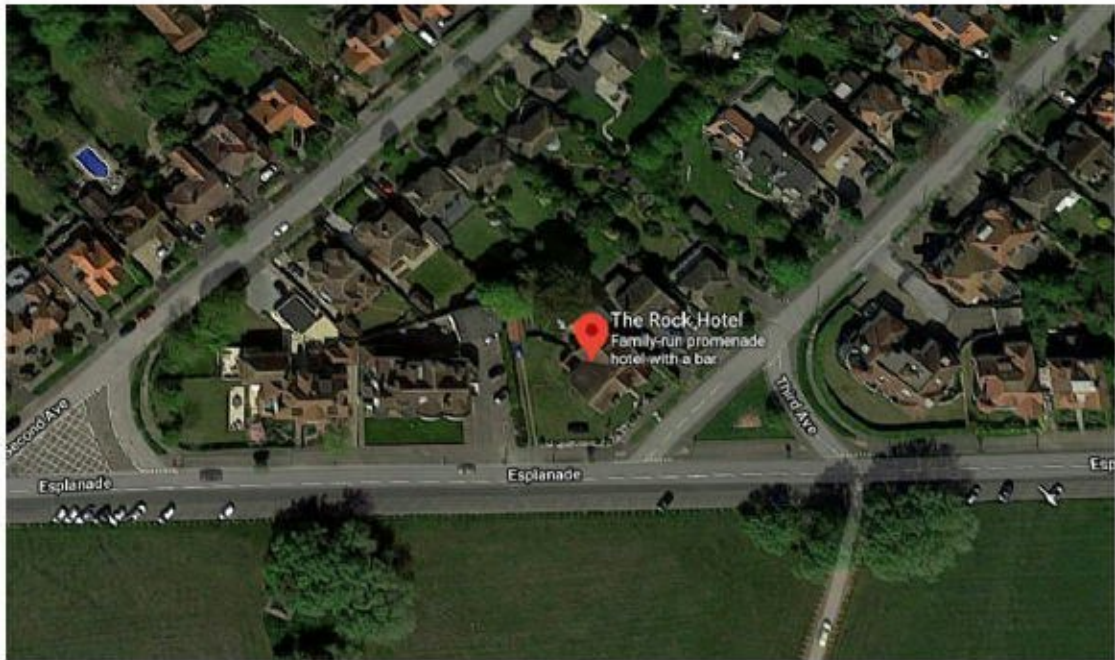
Report Structure

- 1.9 Section 2 of this Statement provides a description of the site and surrounding area; section 3 provides a summary of the relevant planning history; section 4 describes the proposed development; section 5 outlines the planning policy and legislative context; section 6 sets out the heritage methodology; section 7 provides a heritage assessment; and section 8 provides a conclusion.

2. SITE AND SURROUNDINGS

- 2.1 The Rock Hotel (the Site) is located on the northern side of the Esplanade, on the corner of the junction with Third Avenue, as shown below:

Figure 1: Site Location



- 2.2 The site benefits from a prominent corner plot, with the building set back from the roadside and representing an 'Arts and Craft' design. The building is set at an obtuse angle within the plot, therefore benefitting from two main views. From the south, the view is characterised by the south elevation and mature trees in the background. These are positive factors, with the single storey extension to the main building, as well as that of the neighbouring dwelling, forming negative features of this view.

Figure 2: Site viewed from the south



2.3 The view from the east similarly reflects the Site’s prominent position on this corner junction.

Figure 3: Site viewed from the east



2.4 The site is located within a predominantly residential area, within the Frinton-on-Sea settlement boundary, Frinton and Walton Conservation Area and “The Avenues” Special Character Area.



3. PLANNING HISTORY

3.1 The planning history most relevant to this Application is listed below:

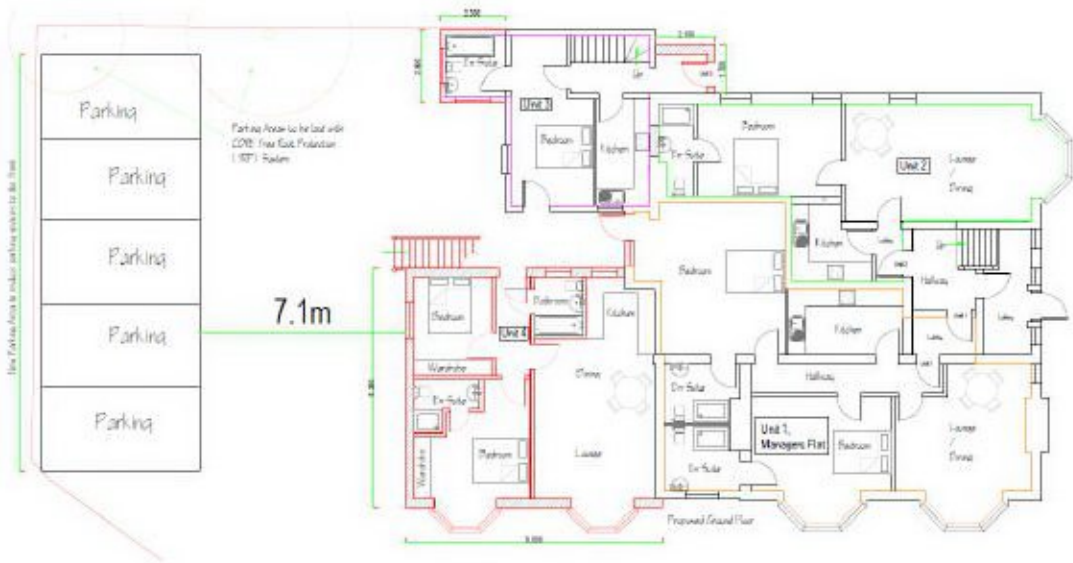
- **18/01918/FUL** - Erection of 2 storey extension and change of use of existing hotel to create 7 units of tourist accommodation and 1 managers apartment. *Application Refused on 13th September 2019.*
- **TEN/1210/82 & TEN/1788/87** - Approval for a swimming pool with manager's accommodation.

4. PROPOSED DEVELOPMENT

- 4.1 The Applicant is seeking planning permission for an extension to the existing building and change of use to self-contained tourist accommodation.
- 4.2 The footprint of the proposed extension protrudes less from the existing building when compared to the previous approved building in the 1980s, as shown below:



- 4.3 The extension projects no more than 9.3m from the west elevation of the existing building, leaving 7.1m to the nearest parking space. This demonstrates that the Site remains spacious to the rear as well as the front, ensuring that it is not being overdeveloped.



- 4.4 The ground floor of the existing hotel will comprise Unit 1 (2-bed managers flat); Unit 2 (1-bed holiday apartment); and Unit 3 (1-bed holiday apartment including a single storey rear addition to create an en-suite bathroom and single storey porch addition. Unit 3 is spread over two floors). The first floor of the existing hotel will comprise Unit 6 (2 bed holiday apartment) and Unit 7 (1-bed holiday apartment). On the second floor of the existing hotel will be Unit 8 (2-bed holiday apartment).
- 4.5 The proposed extension will comprise 2no. further 2-bed holiday apartments (Units 4 and 5) with a rear external staircase and first floor balcony infill between the proposed extension and host building to serve Unit 5.
- 4.6 The development will be served by 8no. parking spaces, with 3no. to the front of the proposed extension and 5no. to the rear of the Site.
- 4.7 The design will reflect the Arts and Craft style of the existing building, also retaining the view of the mature trees to the rear whilst blocking the view of the unattractive flat roof single storey extension, as shown below.



- 4.8 The extension will be subservient to the existing building and retains ample space at the front of the Site, which is a key characteristic of this part of the Conservation Area.

5. PLANNING POLICY FRAMEWORK AND LEGISLATION

Legislation

- 5.1 Legislation relating to the Built Historic Environment is primarily set out within the Planning (Listed Buildings and Conservation Areas) Act 1990 which provides statutory protection for Listed Buildings and Conservation Areas.
- 5.2 With regards to development within Conservation Areas, Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

"In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Planning Policy

- 5.3 Tendring District Council, by decision at the meeting of Full Council on Tuesday 26 January 2021, has formally adopted the Tendring District Local Plan 2013-2033 and Beyond: North Essex Authorities' Shared Strategic Section 1 Plan. The Development Plan also still comprises the adopted Tendring District Local Plan (2007), however aspects of this are out-of-date and do not comply with national planning policy.
- 5.4 Material considerations include the National Planning Policy Framework (February 2019) (the "NPPF"); National Planning Practice Guidance; and the emerging Local Plan – 'Tendring District Local Plan 2013-2033 and Beyond Publication Draft Section 2'.
- 5.5 The most relevant policies from the documents highlighted above are summarised below:

National Planning Policy Framework (2019)

- 5.6 *Paragraph 38* - Planning decisions should be approached in a positive and creative way. Decision makers at every level should seek to approve applications for sustainable development where possible.

- 5.7 *Paragraph 184* – 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.
- 5.8 *Paragraph 192* - In determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 5.9 *Paragraph 193* - 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 5.10 *Paragraph 201* - Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.

Section 1 - Tendring District Local Plan 2013-2033 and Beyond: North Essex Authorities' Shared Strategic

- 5.11 **Policy SP 7 – Place Shaping Principles** – All new development must meet high standards of urban and architectural design. Development frameworks, masterplans, design codes, and other design guidance documents will be prepared

in consultation with stakeholders where they are needed to support this objective. All new development should reflect the following place shaping principles, where applicable:

- Respond positively to local character and context to preserve and enhance the quality of existing places and their environs;
- Provide buildings that exhibit individual architectural quality within well-considered public and private realms;
- Protect and enhance assets of historical or natural value;
- Create well-connected places that prioritise the needs of pedestrians, cyclists and public transport services above use of the private car;
- Provide a mix of land uses, services and densities with well-defined public and private spaces to create sustainable well-designed neighbourhoods;
- Provide streets and spaces that are overlooked and active and promote inclusive access;
- Include parking facilities that are well integrated as part of the overall design and are adaptable if levels of private car ownership fall;
- Protect the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking.

Tendring District Local Plan (2007)

- 5.12 **Policy FW5 (“The Avenues” Area of Special Character)** – New development in “The Avenues” area of Frinton shall have particular regard to the special character and appearance of the area, including the scale, aspect and design of adjoining buildings and the density of existing development. Proposed development which would result in a reduction in the spacious character of the area will be refused planning permission.

- 5.13 **Policy QL9 (Design of New Development)** - All new development should make a positive contribution to the quality of the local environment and protect or enhance local character.
- 5.14 **Policy QL10 (Designing New Development to meet Functional Needs)** - All new development should meet functional requirements.
- 5.15 **Policy QL11 (Environmental Impacts and Compatibility of Uses)** - All new development should be compatible with surrounding land uses and minimise any adverse environmental impacts.
- 5.16 **Policy EN17 (Conservation Areas)** - Development within a Conservation Area must preserve or enhance the character or appearance of the Conservation Area.

Tendring District Local Plan 2013-2033 and Beyond Publication

- 5.17 **Policy SPL3 (Sustainable Design)** - All new development (including changes of use) should make a positive contribution to the quality of the local environment and protect or enhance local character. New development (including changes of use) must meet practical requirements. New development (including changes of use) should be compatible with surrounding uses and minimise any adverse environmental impacts.
- 5.18 **Policy PPL8 (Conservation Areas)** - 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.

6. HERITAGE METHODOLOGY

6.1 The aim of this Statement is to assess the heritage significance of the site and its contribution. It will also identify any harm or benefit to the heritage assets which may result from the implementation of the development proposals, along with the level of any harm caused if relevant.

6.2 The following key sources have been consulted as part of the heritage assessment:

- Frinton and Walton Conservation Area Character Appraisal; and
- Aerial / satellite imagery and photographs from site visits.

Assessment of significance

6.3 In the NPPF (2019) at Annex 2, heritage significance is defined as:

"The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance".

6.4 Historic England's Historic Environment Good Practice advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment (2015) (henceforth referred to as 'GPA 2: Managing Significance') gives advice on the assessment of significance as part of the application process. It advises understanding the nature, extent, and level of significance of a heritage asset. In order to do this, GPA 2: Managing Significance also advocates considering the four types of heritage value an asset may hold, as identified in Historic England's *Conservation Principles Policies and Guidance for the Sustainable Management of the Historic Environment* (2008); evidential, historical, aesthetic and communal. These essentially cover the heritage 'interests' given in the glossary of the NPPF, which comprise archaeological, architectural, artistic and historic interest.

6.5 *Conservation Principles* provide further information on the heritage values it identifies:

Evidential value: the potential of a place to yield evidence about past human activity. This value is derived from physical remains, such as archaeological remains, and genetic lines.

Historical value: the ways in which past people, events and aspects of life can be connected through a place to the present - it tends to be illustrative or associative. Illustrative value is the perception of a place as a link between past and present people and depends on visibility. It has the power to aid interpretation of the past through making connections with and providing insights into past communities and their activities through shared experience of a place. By contrast, associative value need not necessarily be legible as an asset, but gives a particular resonance through association with a notable family, person, event or movement.

Aesthetic value: the ways in which people draw sensory and intellectual stimulation from a place. Aesthetic values can be the result of conscious design or fortuitous outcome or a combination of the two aspects. The latter can result from the enhancement of the appearance of a place through the passage of time.

Communal value: the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory. This can be through widely acknowledged commemorative or symbolic value that reflects the meaning of the place, or through more informal social value as a source of identity, distinctiveness, social interaction and coherence. Spiritual value may also be part of communal value.

6.6 Significance results from a combination of any, some or all of the values described above.

7. HERITAGE ASSESSMENT

- 7.1 The predominant considerations of this application are the design and impact on the Frinton and Walton Conservation Area and "The Avenues" Special Character Area, in addition to general design considerations. Local Policy QL9 (Design of new Development), Policy QL10 (Designing New Development to meet Functional Needs) and QL 11 (Environmental Impacts and Compatibility of Uses), seek to ensure that all new development makes a positive contribution to the quality of the local environment and protects or enhances local character, and the development will not have a materially damaging impact on the privacy, daylight and other amenities of occupiers of nearby property.
- 7.2 This ensures that the principles of good design contained within local Policies Policy QL9 (Design of New Development), Policy QL10 (Designing New Development to meet Functional Needs) and Policy EN17 (Conservation Areas) are complied with.
- 7.3 In accordance with Historic England's Good Practice Advice Note 3, after identifying the heritage asset and its setting which is affected, Step 2 is to assess "*whether, how and to what degree settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated*". The guidance includes a (non-exhaustive) check-list of elements of the physical surroundings of an asset that might be considered when undertaking the assessment including, among other things:
- topography,
 - other heritage assets,
 - green space,
 - functional relationships, and
 - degree of change over time.
- 7.4 It also lists points associated with the experience of the asset which might be considered, including:
- views,

- intentional intervisibility,
- tranquillity,
- sense of enclosure,
- land use,
- accessibility, and
- rarity.

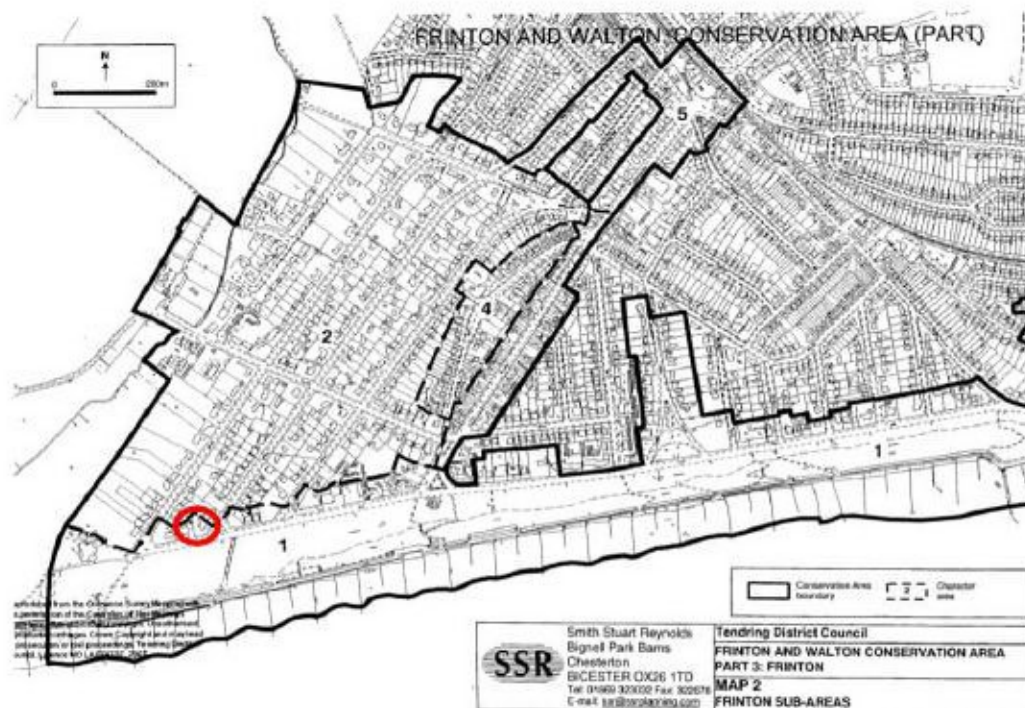
7.5 In the case of *Catesby Estates Ltd and SSCLG v Steer*, it was established that the decision-maker must apply planning judgment, having regard to relevant policy, guidance and advice. It is necessary to concentrate on the "surroundings in which the heritage asset is experienced", keeping in mind that those "surroundings" may change over time, and also that the way in which a heritage asset can be "experienced" is not limited only to the sense of sight.

7.6 When considering potential impacts of the proposed development on the character and appearance of the Conservation Area, it is important to recognise that this includes a wide variety of areas of differing characters. The Site itself represents a small but notable portion of the total area covered by the Conservation Area and, as noted in the NPPF at paragraph 201, it is necessary to consider the relevant significance of the element which has the potential to be affected and its contribution to the significance of the designation as a whole i.e. would the application proposals undermine the significance of the Conservation Area as a whole?

Frinton Conservation Area Character Appraisal (March 2006)

7.7 *Frinton and Walton occupy approximately 5 km (3.1 miles) of coastline south westwards from The Naze, a natural headland dividing Hamford Water from the North Sea. Both settlements have developed on a wide ridge of relatively higher ground between Hamford Water and the Holland Brook, the valley of which - with a tributary rising below Kirby Cross - separates Frinton from the larger conurbation of Clacton-on-Sea further to the south west. The towns are reached via B roads that divide east of Thorpe-Le Soken.*

- 7.8 The Conservation Area is divided into five character areas, with the Site located with character area 1: 'The Greensward and Esplanade', as identified below (Site circled red):



- 7.9 The Conservation Area Appraisal continues: *This is Frinton's seafront, the Esplanade being laid out from its earliest days as a resort and dominated by the wide grassy expanse at the top of the low cliffs which gradually reduce in height towards the south.*
- 7.10 *The corner with Second Avenue is just a privet hedge, part of a large garden, and not having the formality and character of the rest of the Esplanade. The Greensward is at its widest here, and the descending terrain gradually reveals the beach huts. The Rock Hotel is another fine Arts and Crafts design with decorative chimneys and tile hanging, though the roof is of modern concrete tiles. Beyond is the former Maplin Hotel, again an excellent Arts and Crafts property with distinctive lead work details between the windows of the two storey semicircular bay windows. Another similar house stands to the south, this time with the entrance bay marked out with first floor external tile cladding. Beyond is an important group of trees leading to the Frinton Golf Club.*



3. The Rock Hotel, the Maplin Hotel and its neighbour are fine examples of Arts-and-Crafts architecture. Their positioning at an obtuse angle between the Esplanade and Third Avenue helps them make a coherent group.

- 7.11 There is no doubt that the Rock Hotel forms a prominent corner plot location that positively contributes to the character and appearance of the area, as reflected within the Appraisal.
- 7.12 The view from the west forms an important view of the Arts and Craft style building, with the mature trees in the background adding to this setting. The flat roof rear extension, similar to that of the dwelling to the west (both circled red below), are unattractive features of this view.



- 7.13 The fact that the Rock Hotel and its prominent corner plot location is a positive feature of the Conservation Area, does not necessarily mean that any further development must be precluded and is automatically harmful to the heritage asset.
- 7.14 The accompanying plans, copied below, show the previously approved, albeit unimplemented, planning permission to extend the Site in the 1980s, which comprised a more prominent extension covering more of the rear of the plot and

blocking the view of mature trees. However, this proposal did not bring the development forward towards the Esplanade and retained the open front part of the plot, thereby protecting the impact on the street scene, which is the feature specifically identified within the Conservation Area Appraisal as having a positive benefit.



- 7.15 The Conservation Area Appraisal identifies that historical houses in the Avenues tend to be individual, often asymmetrical, design set in large plots, which can be easily eroded by poorly designed alterations and extensions. This is particularly seen with tall modern buildings that form areas along The Esplanade.
- 7.16 Step 3 of Historic England's Good Practice Advice Note 3 seeks to assess the effect of the proposed development on the significance of the heritage asset.

- 7.17 It is possible for a development proposal to affect a heritage asset, whilst causing no harm and/or preserving its significance. A High Court Judgment¹ in 2014 concluded that with regard to preserving the setting of a Listed building or preserving the character and appearance of a Conservation Area, 'preserving' means doing 'no harm'. Similarly, NPPG (Paragraph: 018 Reference ID: 18a-018-20190723) states that: "*proposed development affecting a heritage asset may have no impact on its significance or may enhance its significance and therefore cause no harm to the heritage asset*".
- 7.18 Each case must be considered on its own merits and the Application Site comprises a large plot that is notably characterised by being open towards the front. The proposal fills in part of the site to the rear, whilst still leaving a generous area to the rear with 7metres from the west elevation to the car parking spaces. It seems reasonable to conclude, therefore, that the proposal is sympathetic and proportionate to the existing site and retains and protects the positive elements of this part of the Conservation Area.
- 7.19 The proposal will continue the Arts and Craft style by providing a rear extension that is in keep with and proportionate to the existing building. The new extension will replace the view of the existing unattractive flat roof extension, whilst allowing the views of the mature trees to be retained.



¹ EWHC 1895, R (Forge Field Society, Barraud and Rees) v. Sevenoaks DC, West Kent Housing Association and Viscount De L'Isle

- 7.20 Preservation does not mean there is no change to a heritage asset or its setting. Historic Environment Good Practice Advice in Planning: 2 *Managing Significance in Decision-Taking in the Historic Environment* (2015) states that "change to heritage assets is inevitable but it is only harmful when significance is damaged". Thus, change is accepted in Historic England's guidance as part of the evolution of the landscape and environment. It is whether such change is neutral, harmful or beneficial to the significance of an asset that matters.
- 7.21 NPPG (Paragraph: 006 Reference ID: 18a-006-20190723) states that heritage interest can derive from the following:
- **archaeological interest:** As defined in the Glossary to the National Planning Policy Framework, there will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.
 - **architectural and artistic interest:** These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skill, like sculpture.
 - **historic interest:** An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation's history, but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity.
- 7.22 As outlined within this assessment, the factors contributing towards the Conservation Area's heritage interest are its historical interest, architectural features (Arts and Craft) and important views along the Esplanade.

- 7.23 The Conservation Area Appraisal identifies that historical houses in the Avenues tend to be individual, often asymmetrical, design set in large plots, which can be easily eroded by poorly designed alterations and extensions. This is particularly seen with tall modern buildings that form areas along The Esplanade.
- 7.24 In this instance, the proposal seeks to enhance the design and layout of the existing building, with an appropriate, proportionate and carefully designed rear extension that is sympathetic to the host building, ensuring that the development is desirable and makes a positive contribution to local character and the distinctiveness of the Conservation Area.
- 7.25 The plot remains spacious and open at the front, thereby retaining this important and positive feature of the plot. This is a key feature of properties along The Esplanade, as identified within the Conservation Area Appraisal, with this proposal ensuring that the building remains set back from the front of the plot and remains subservient.
- 7.26 Therefore, in our submission this can be viewed as contributing positively towards the Conservation Area and the proposal causes no harm to the heritage asset.

8. CONCLUSION

- 8.1 This Statement has been prepared on behalf of the Applicant in support of an application seeking full planning permission for the erection of an extension to the existing building and change of use to self-catered tourist accommodation with a manager's apartment.
- 8.2 The proposed rear extension is sympathetic to and relates well to the existing building. The site forms a prominent corner plot which positively contributes to the character and appearance of the Conservation Area. The heritage value derives from the architectural style, spacious plot and the views of the mature trees.
- 8.3 The proposed extension will not adversely affect any aspect of these features and will enhance the area by providing an appropriate Arts and Craft style building in place of the existing visible flat roof rear extension.
- 8.4 With reference to the levels of harm described within the NPPF (2019), the proposal is considered to cause 'no harm' to the Frinton and Walton Conservation Area.
- 8.5 The proposals will also satisfy the requirements of Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 through the preservation or enhancement of the special architectural and historic interest of the heritage assets.