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## Appeal Decision

Site visit made on 9 January 2017

**by Zoe Raygen Dip URP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 19 January 2017**

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**Appeal Ref: APP/P1560/W/16/3158044**

**39 The Parade, Walton on the Naze, Essex CO14 8AP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Peter Dukes against the decision of Tendring District Council.
  - The application Ref 15/01864/FUL, dated 10 December 2015, was refused by notice dated 11 March 2016.
  - The development proposed is change of use of existing ground floor shop. Shop to be divided in half with half of the shop facing Old Pier Street to be retained as a shop & the other half next door to 37 The Parade to be used as a garage in connection with the development of 1-5 Old Pier Street.
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### Decision

1. The appeal is allowed and planning permission is granted for the change of use of existing ground floor shop. Shop to be divided in half with half of the shop facing Old Pier Street to be retained as a shop & the other half next door to 37 The Parade to be used as a garage in connection with the development of 1-5 Old Pier Street at 39 The Parade, Walton on the Naze, Essex CO14 8AP in accordance with the terms of the application, 15/01864/FUL, dated 10 December 2015 subject to the conditions below.
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan, 8053/04B.

### Preliminary matter

2. The Council confirm that as of 14<sup>th</sup> July 2016, following their determination of the planning application, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (the emerging Local Plan). I have not though been referred to any Policies in this document in support of the Council's decision.

### Main Issue

3. The main issue is the effect of the proposal on the vitality and viability of Walton Town Centre
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## Reasons

4. Saved Policy ER31 of the Tendring District Local Plan 2007 identifies the Town Centre of Walton on the Naze and states that development which adversely affects the vitality, viability and the urban regeneration objectives associated with each centre will not be permitted. The explanatory text identifies appropriate town centre uses as retail, leisure, offices cultural and tourism uses.
5. The Plan designates primary and secondary shopping streets within the town centre. Although the appeal site is not included in either designation, it is located alongside the primary shopping area. I saw at my site visit that the retail offer within the centre is mainly via small independent retailers which are predominantly located along the High Street away from the sea front. Old Pier Street is characterised by cafes and restaurants as the sea front is approached. In addition I noted, and the appellant's evidence confirms, that there are already a number of vacant units within the town centre and more particularly within the primary and secondary shopping streets.
6. Both High Street and Old Pier Street offer access to the sea front from the town centre. Access from the High Street though is facilitated by a pedestrian crossing adjacent to the tourist information office. As a result I found it easier and safer to access the sea front at this point than from Old Pier Street.
7. 39 The Parade forms a large property on the corner of The Parade and Old Pier Street. Currently vacant, I saw at the time of my site visit that work was being undertaken on the property and I am aware that planning permission has been granted for the conversion/extension of the building at first and second floor to residential use (15/00214/FUL). The appeal proposal allows for the subdivision of the ground floor of the premises to provide a garage for the flat above and retain a commercial use fronting Old Pier Street.
8. I note the Council's assertion that the appeal property, being in a prominent location connects the core town centre to the seafront. However, the area around the appeal site on The Parade is predominantly formed from housing with the exception of a small restaurant adjacent to the south. Although there are commercial premises further south towards the pier these are limited. As a result the overall character of the area is residential. Furthermore, I have already found it is more convenient to access the sea front from the High Street.
9. The provision of a garage in the southern part of the ground floor would integrate with the residential character of The Parade. I saw that the prominent view of the appeal site from the main shopping core would be from the west. I see no reason therefore why the retention of the northern part of the ground floor in shop use would not enable a commercial frontage to feature in this view. As a consequence footfall would still be encouraged towards the property and the seafront.
10. The Council suggest that the viability of the commercial space that would remain following the proposed sub-division would be compromised due to its reduced size. However, I have seen no evidence to suggest that this would be the case. I saw that the resultant unit would be of a similar size to a number of other commercial properties in the town centre.
11. I understand that the Council granted planning permission for the change of use of the ground floor of the property from an amusement arcade to a shop

(12/00068/FUL) to improve the attractiveness of the unit to a potential user. Saved Policy HG3 of the Local Plan states that the residential development of sites protected for non- residential uses by other Policies will not be permitted unless demonstrated that the communities need for a particular non- residential use in that location no longer exists.

12. I acknowledge that the marketing of the unit was only carried out for two months, which is a limited time. Nevertheless, the marketing was unsuccessful and importantly, the ground floor of the appeal site has not been used for either retail purposes or a conventional 'town centre' use since 2010. As a result it is hard to see how this proposal to utilise the southern part of this empty building for a garage for residential purposes could have any adverse effect on the existing vitality and viability of the Town Centre given that it would be closely allied with the residential character of the adjacent area to the south. Furthermore, paragraph 23 of the Framework recognises that residential development can play an important role in ensuring the vitality of centres.
13. Walton Sea Front and Town Centre is also designated as an Urban Regeneration Area through Policy QL6 of the Local Plan which seeks amongst other things to improve vitality and environmental quality. It would seem to me that the proposal to reuse part of the ground floor of the unit while retaining the commercial use on one of the main routes into the Town Centre following a long period of neglect would facilitate a chance to improve the environmental quality of the building. Moreover it would also offer a small unit which may be attractive to independent retailers that I have already found predominate in the Town Centre.
14. For the reasons above I conclude that the proposal would not be harmful to the vitality or viability of Walton Town Centre. It would therefore be in accordance with saved Policies HG3, QL6 and ER31 of the Local Plan and the Framework.

### **Other matters**

15. The appeal site is located within the Frinton and Walton Conservation Area and therefore special attention should be paid to the desirability of preserving or enhancing the character or appearance of the area. The Conservation Area comprises the sea front area between Frinton and Walton on the Naze. As it covers a large area it has a very varied character and appearance. I note that the Walton on the Naze Conservation Area Character Appraisal 2006 describes the appeal site as much altered.
16. The property currently has a glazed commercial frontage. The proposal shows a glazed door on the front elevation which would provide access to the garage and retain interest at ground floor level. The proposed alterations are therefore minor and would preserve the character and appearance of the Conservation Area.

### **Conclusion**

17. For the reasons set out above, having had regard to all other matters raised, I conclude that the appeal should be allowed.

*Zoe Raygen*

INSPECTOR