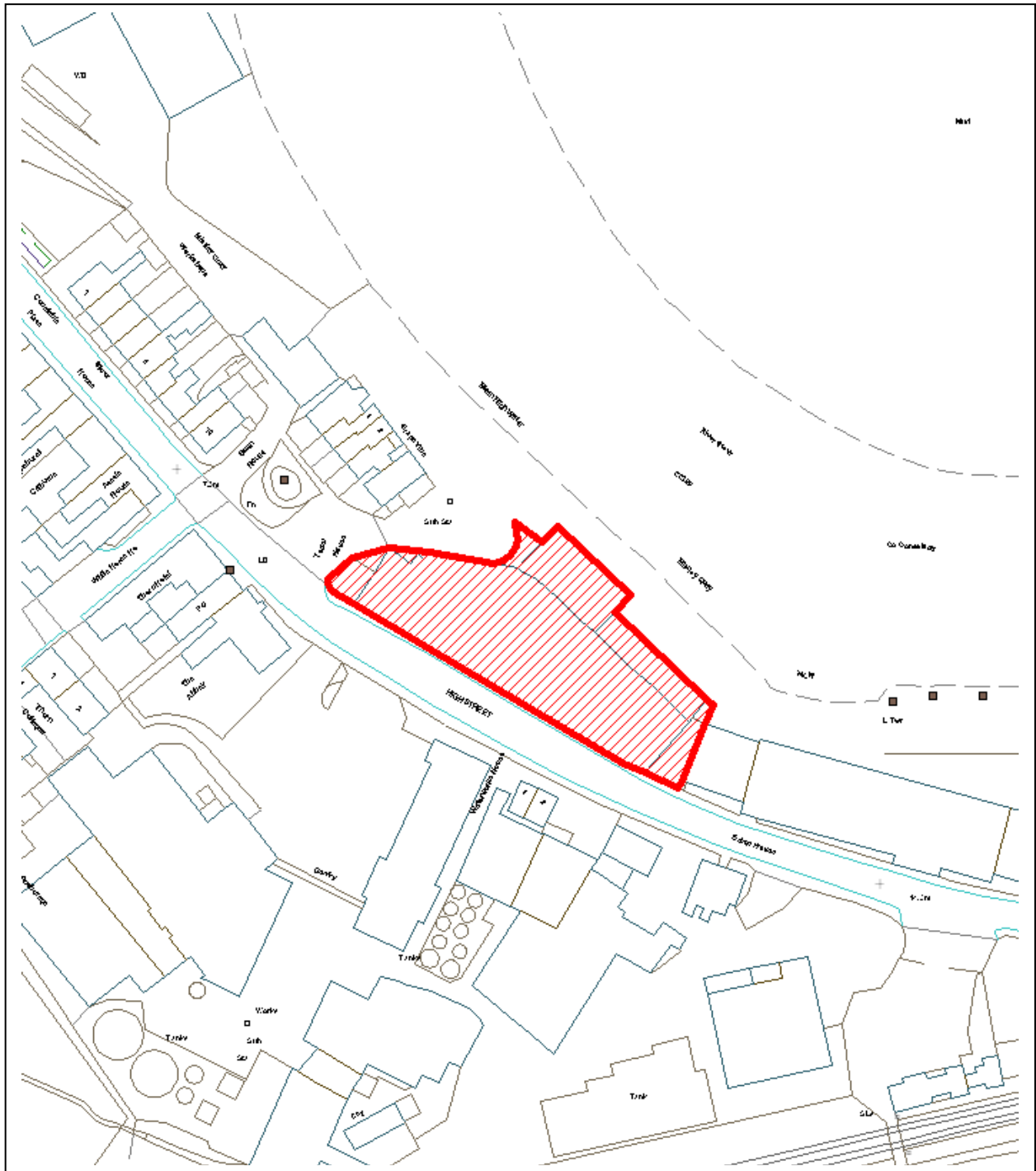


PLANNING COMMITTEE

24 JUNE 2014

REPORT OF THE HEAD OF PLANNING

**A.3 CONSERVATION AREA CONSENT APPLICATION - 12/00428/CON - THORN QUAY WAREHOUSE, HIGH STREET, MISTLEY, MANNINGTREE, ESSEX, CO11 1HB**



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<b>Application:</b>	12/00428/CON	<b>Town / Parish:</b> Mistley Parish Council
<b>Applicant:</b>	Anglia Maltings (Holdings) Ltd and Gladedale Estates Ltd	
<b>Address:</b>	Thorn Quay Warehouse High Street Mistley CO11 1HB	
<b>Development:</b>	Demolition of existing warehouse and construction of a new building comprising 45 dwellings, quay level warehouse floorspace, office floorspace and car parking provision.	

## 1. Executive Summary

- 1.1 This Conservation Area Consent application was presented to the Planning Committee on 4 March 2014 with an officer recommendation of approval: see Planning Committee Report dated 4 March 2014 Appendix B. The associated planning application 12/00427/FUL was also considered at that meeting. The Planning Committee resolved to approve both applications subject to the recommended conditions and subject to completion of an agreement under Section 106 of the Town and Country Planning Act being entered into within three months of the Planning Committee's resolutions. The legal agreement involves a clawback clause to ensure that a fair share of the profit from any future increase in the predicted sale value of the development can be recouped and used for the contributions which would normally apply to the scale of development proposed.
- 1.2 The three month deadline was 4 June 2014 however the completed legal agreement was not received until 9 June 2014 meaning that the Head of Planning was no longer authorised by the Planning Committee to grant conservation area consent. It is therefore necessary that fresh consideration is given to any material changes in planning policy or circumstances in the intervening period. This report therefore provides an updated position in this regard.
- 1.3 Having considered the changes in national planning guidance, and having regard to all other material considerations, it is the view of your officers that there are no significant changes to affect the Council's decision to approve.
- 1.4 The application is recommended for approval subject to the conditions as detailed within the previous recommendation at Appendix B.

**Recommendation: Grant Conservation Area Consent subject to completion by Tendring District Council of the legal agreement under Section 106 of the Town and Country Planning Act and subject to the conditions detailed at Appendix B.**

## 2. Planning Policy

### National Policy:

National Planning Policy Framework (2012)

- 2.1 The NPPF states Local Planning Authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment and should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. Applicants should describe the significance of any

heritage assets affected, including any contribution made by their setting. Where a site has the potential to include heritage assets with archaeological interest, developers should be required to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

- 2.2 Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 2.3 Paragraph 134 states "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 securing its optimum viable use".
- 2.4 Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

Local Plan Policy:

*Tendring District Local Plan (2007)*

EN17 Conservation Areas

EN20 Demolition within Conservation Areas

*Tendring District Local Plan Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014)*

PLA6 The Historic Environment

PLA7 Conservation Areas

Other guidance:

Manningtree and Mistle Conservation Area Management Plan (2010)

**3. Relevant Planning History**

13/00479/FUL	Removal of existing Quay edge safety fence and replacement with reclaimed nineteenth century hand forged wrought iron railings.	Refused	21.06.2013
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**4. Assessment**

4.1 Due to the time that has elapsed since the Council's original resolution to approve the applications, it is necessary that fresh consideration is given to any material changes in planning policy or circumstances in the intervening period. This report therefore provides an updated position in this regard.

4.2 The following matter requires consideration:

- Planning Practice Guidance

### **Planning Practice Guidance**

- 4.3 On 6 March 2014 the Department for Communities and Local Government (DCLG) launched the Planning Practice Guidance (PPG) web-based resource. This resource links to the National Planning Policy Framework and is updated as needed. The PPG provides guidance on categories including Conserving and enhancing the historic environment.
- 4.4 The guidance reflects and expands on advice in the National Planning Policy Framework. As the guidance is not considered to conflict with the assessment and conclusions reached in the Planning Committee Report dated 4 March 2014 (attached at Appendix B) and does not alter the view of your officers that there are no significant changes to affect the Council's decision to approve.
- 4.5 No additional representations or comments from statutory consultees have been received. Having considered the changes in national planning guidance, and having regard to all other material considerations, it is the view of your officers that there are no significant changes to affect the Council's decision to approve.

### **Background Papers**

Appendix B – Planning Committee Report Dated 4 March 2014.