


DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	26/07/2018
Planning Development Manager authorisation:	AN	30/7/18
Admin checks / despatch completed	PN	31/7/18

Application: 18/00715/LBC

Town / Parish: Frinton & Walton Town Council 

Applicant: Damian Thomas

Address: Flat 2 6 East Terrace Walton On The Naze

Development: Proposal to replace rotten window frames & windows with equivalent new ones.

1. Town / Parish Council

Frinton and Walton Town Council APPROVAL with the condition that the replacements are in keeping with Listed Building Conditions.

2. Consultation Responses

None required.

3. Planning History

18/30070/PREAPP Proposal to replace rotten windows with equivalent new sash windows to front elevation & to install gas central heating with radiators to all rooms. 27.04.2018

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

EN22 Extensions or Alterations to a Listed Building

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

PPL9 Listed Buildings

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's

initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application relates to 6 East Terrace, Walton on the Naze specifically Flat 2 which comprises the second floor. The building is Grade II Listed building.

Description of Proposal

The application seeks listed building consent for the replacement of the 3 front windows at second floor level with like-for-like replacements consisting of a timber frame and single glazing.

Assessment

The only consideration as part of this application is the impact of the works on the character, appearance and historic fabric of the listed building.

Paragraph 189 of the National Planning Policy Framework 2018 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. It goes on to say that 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 into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. 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 EN22 of the Saved Plan states that development involving proposals to extend or alter a Listed Building will only be permitted where; it would not result in the damage or loss of features of special architectural or historic interest; and the special character and appearance or setting of the building would be preserved or enhanced. These requirements are carried forward to Policy PPL9 of the emerging plan which also requires the use of building materials, finishes and building techniques that respect the listed building and its setting.

A Heritage Statement has been provided in accordance with the above requirements.

After discussion with the applicant, unfortunately it has not been possible to secure a resolution which would allow for the re-use of the glass panes within the existing windows to be transferred into new timber frames. The windows are full height and due to safety reasons required by building regulations the lower section must be modern, toughened glass. The option to re-use glass panes in the upper section of the window was considered. However the glass would appear quite different in colour and texture to the modern glass appearing visually detrimental in overall appearance.

Therefore, having regard to the aims of the NPPF and local plan policies, the proposed replacement windows will sustain and enhance the significance of the heritage asset. The development is acceptable in design terms being a like-for-like replacement using timber and single glazed panels and glazing bars resulting in little visual or street scene impact. The development will preserve the character and historic integrity of the listed building whilst making a positive contribution to the overall tidiness of the building.

Conclusion

The proposed replacement windows will preserve the character and appearance of the listed building. The application is recommended for approval.

6. Recommendation

Approval - Listed Building Consent

7. Conditions

- 1 The works hereby permitted shall begin before the expiration of three years from the date of this consent.

Reason - To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: DRAWING NUMBER VENT0103.

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

8. Informatives

Not applicable.