



PPL9 Listed Buildings

SPL3 Sustainable Design

### **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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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**

### **Site Description**

The application site is land to the north-west corner of St Andrew's Church, which is located along the northern section of Church Lane within the parish of Weeley. St Andrew's Church is a Grade II\* Listed Building. The site is located within a rural area, with large areas of agricultural land to all sides. Approximately 500m to the west is the nearest built form, which largely consists of residential development. The site is not situated within a recognised Settlement Development Boundary within both the Saved Tendring Local Plan 2007 and the Emerging 2013-2033 Tendring Local Plan Publication Draft. There is also a Public Right of Way sited directly adjacent to the west, running north to south.

### **Description of Proposal**

This application seeks planning permission for the erection of a detached outbuilding within the curtilage of the Grade II\* Listed Building. The structure, which will measure 2.3m height, 1.9m width and 2.6m depth and be finished with timber weather boarding, is to be utilised as a compost toilet that will incorporate a ramp to allow for disabled access.

### **Assessment**

#### **1. Visual Impact & Impact to Setting of a Listed Building**

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in

Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Policy EN23 of the Adopted Local Plan states proposals for development that would adversely affect the setting of a Listed Building, including group value and long distance views will not be permitted.

The submitted plans demonstrate that the proposal will include the erection of a wooden cabin to house a compostable toilet, to be sited to the north-west of the site. Due to its single storey nature, sympathetic design and its understandable necessity (cost and requirement for adequate facilities), and the fact that it is easily removed, there is no principle objection to such a proposal.

However, due to it being sited close to the front entrance of the Grade II\* Listed Building and in close proximity of a Public Right of Way running from north to south, the proposal in this location would appear prominent, thereby potentially negatively impacting the setting of the Listed Building. To overcome this, the applicant has provided additional landscaping information that details the western boundary will be enhanced with additional hedgerow, whilst the northern/eastern boundaries will see a mixture of native deciduous and evergreen planting. This will be secured by condition. Given that this will screen the majority of the proposal, and ensure the protection of views to the Grade II\* Listed Building, on balance the harm to the Listed Buildings setting is not considered to be so significant that it would warrant the application being refused. Further, following consultation Historic England have confirmed they have no objections.

It is acknowledged that the proposal will lead to less than substantial harm to the setting of the Listed Building. Paragraph 196 of the NPPF states that under such circumstances the potential harm must be weighed against the public benefits of the proposal. On this occasion, it is accepted the proposal would be beneficial to the church, and whilst there is a degree of identified harm to the setting of the Listed Building, the proposals minor nature and good screening with soft landscaping ensure this harm does not outweigh the potential public benefits of the scheme.

## 2. Impact upon neighbours

Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The application site is located within a heavily rural area, with no neighbouring properties within the immediate vicinity. Regardless, the minor single storey nature of the proposal would result in no impacts to neighbouring amenities.

## Other Considerations

Weeley Parish Council fully support the proposal.

There have been no other letters of representation received.

## **6. Recommendation**

Approval.

## **7. Conditions**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning 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, titled 'Plan No.1', 'Plan No.2', 'Drawing No.1', 'Drawing No.2', 'Drawing No.3', 'Drawing No.4 Proposed Landscaping Plan', the letter dated 12 December 2018 which includes soft landscaping details, and the document titled 'Planning and Heritage Statement'.

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

- 3 Prior to the commencement of any above ground works, a scheme of hard and soft landscaping works for the site shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in relation to design, demolition and construction.

Reason - To enhance the visual impact of the proposed works.

- 4 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason -To enhance the visual impact of the proposed works.

## 8. Informatives

### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.