

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	28/02/19
Planning Development Manager authorisation:	AN	5/3/19
Admin checks / despatch completed	AP	6/3/19

GR

Application: 18/00989/LBC **Town / Parish:** Manningtree Town Council

Applicant: Mrs Heidi Jones

Address: 2 Stour Street Manningtree Essex

Development: Installation of a replacement extractor fan.

1. Town / Parish Council

Manningtree Town Council No comment.

2. Consultation Responses

Environmental Protection (Dated 9 August 2018) The proposal is for a change of use from A1 to A3 (hot food) use; the applicant must submit a scheme for dealing with odour extraction and abatement as well as dealing with noise from such systems, in accordance with BS:4142 (2014). This scheme should be submitted in writing for approval by the Local Authority. Any extracts should terminate above ridge height of this building.

The purpose of this request is protection to the local amenity.

Environmental Protection (Dated 20 February 2019 following submission of noise and odour assessments) In response to the submitted noise reports for the above application, I would like some clarification ;

The report has stated that to minimise the impact of the noise from the extraction system, a 600mm in-line attenuator must be fitted; this involves the relocation of the fan from the existing position to enable the attenuator to be fitted – are you able to confirm whether this has yet been undertaken?

Insurance as to the noise levels emitted from the new system would need to be confirmed; we would request that the following condition be imposed on any approvals that may be given –

The rating sound level of the kitchen extract system installed shall not exceed 45 dB LAeq1hr at the rear of 1 Stour Street, Manningtree, this being the nearest noise sensitive receptor

With reference to the odour control systems we note the recommendations from the report and would request confirmation as to whether this has been yet been undertaken –

Grease filtration system - Baffle filters, cartridge filters or a water wash system;

Fine dust filter - Bag or High-Efficiency Particulate Arrestance (HEPA)

filter; and,

Gaseous phase - An activated carbon filter or an oxidation system such as UV light or ozone.

Should these controls not yet be implemented, we would request the above be conditioned in relation to any approvals.

I hope this clarifies our position in relation to this application.

Should you require any additional information, please do not hesitate to contact me.

Building Control and
Access Officer

No comments.

3. Planning History

14/01800/TCA	Weeping Birch overhanging Royal Mail site - cut back to boundary.	Approved	30.12.2014
18/01216/FUL	Change of use from A1 to A3 including the upgrade existing extractor fan.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

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

Site Description

The application site is located on the south-western corner of Stour Street within the parish of Manningtree. The building is an end of terrace two storey property, constructed of red brick. It is currently occupied at ground floor level by 'Scoffers', a bakery and sandwich bar operating under an A1 shop use. The first floor is used for residential purposes. The site lies within the centre of the Manningtree Settlement Development Boundary and is surrounded by significant forms of urban development; a mixture of residential and commercial.

The site falls within the Manningtree Conservation Area; however is not referenced within the Manningtree and Mistley Conservation Area Review. The building is also Grade II Listed, with its listing being the following:

"Corner block of 3 cottages. Early C19 with later alterations and additions. Red and gault brick. grey slate roof hipped to angle. L plan corner site with curved corner to junction. 2 red brick chimney stacks with gault. ornamentation.

2 storeys. Central band. Gault ornamentation to first floor of Stour Street face. paired eaves brackets. plinth. To the right of Stour Street face is a 2 bay stable extension of similar materials. Brook Street face, 2 window range of small paned vertically sliding sashes, gauged brick ashes. C20 door to left in original surround, pilasters, frieze and flat canopy. Stour Street face, 3 similar windows to first floor, 2 similar ground floor left windows with original doorway between. Original shop window and door to left with fascia over, fluted door and windows pilasters with capitals and bases, 2 mullions to window. The right stable extension with loft door and light, ground floor vertically sliding sash window, vertically boarded door and carriage door."

Description of Proposal

This application seeks full retrospective Listed Building Consent for a replacement extractor fan to the western side elevation of the Grade II Listed Building. This was installed in August 2017 and also incorporated a number of internal alterations, as listed below:

- o A hole has been cut through a stud partition;
- o Installation of brackets to fix the duct to the wall; and
- o Silver sheeting screwed to the walls.

This proposal is in conjunction with planning reference 18/01216/FUL, which is seeking retrospective planning permission to change the use of the building from A1 Shop use to A3 food and drink use.

Appraisal

The only consideration as part of this application is the above mentioned amendment on the character, appearance and historic fabric of the Grade II Listed Building.

Paragraph 189 of the National Planning Policy Framework ("the Framework") requires applicants to describe the significance of any heritage assets affected. This requirement is retained by draft Policy PPL9 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. Paragraph 196 of the Framework adds that 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.

In this instance, the proposal seeks retrospective consent for the installation of an external extractor fan, which has also resulted in internal additions. In terms of the internal additions, the works are not of good visual merit; however are what would be expected for a kitchen area within an A3 use. The silver sheeting, hood and canopy are all entirely reversible works and are sited within more modern sections of the Listed Building. The holes drilled to secure the structure are through a modern stud partition of no historic merit. Therefore their harm is not considered to be significant. The external fan is of a larger size than that previously in situ, and while it is not of good visual design, it is a minor addition that does not impact the key features of the building located to the front elevation.

It is therefore considered that the proposed works will not detrimentally harm the character, appearance or historic fabric of the listed building.

Other Considerations

Manningtree Town Council has not commented on the application.

There have been no other letters of representation received.

6. Recommendation

Grant Listed Building Consent.

7. Condition

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans, the untitled Site Location Plan, the untitled proposed floor layout, the submitted photographs of the site, the untitled Design and Access Statement and Heritage Statement and the untitled additional information dated 13 February 2019.

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

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.