

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	09/05/2019
Planning Development Manager authorisation:	AN	9/5/19
Admin checks / despatch completed	AN	2/5/19

*ERC*

**Application:** 19/00059/LBC **Town / Parish:** Manningtree Town Council

**Applicant:** Mr John and Elizabeth Caldow

**Address:** 17 South Street Manningtree Essex

**Development:** Replace and strengthen joists and installation of mechanical ventilation to cellar and retrospective consent for internal secondary glazing.

### 1. Town / Parish Council

Manningtree Town Council have not commented on this application.

### 2. Consultation Responses

Essex County Council  
Heritage

The application is for the replacement and strengthening of joists and the installation of mechanical ventilation to cellar, along with retrospective consent for internal secondary glazing. The building is Grade II Listed (List UID: 1261251) and lies within the Manningtree and Mistley Conservation Area.

With regard to the retrospective consent for internal secondary glazing, as a method of retaining heat and reducing noise from outside, secondary glazing within a listed building is doubtless the least challenging solution. I therefore have no objection to the installation of secondary glazing in this case.

The applicant has provided a very thorough assessment of the significance of the Listed building, a detailed structural survey of the basement and a clear description of the proposed work. The condition of some of the timbers would certainly appear to warrant repair and replacement, in order to ensure the structural integrity of the Listed building. The use of oak or similar hardwood for the repair and replacement of the basement timbers would be in keeping with the building's original materials and its use is appropriate in this case. The documentation makes clear that the rot that has effected the timbers is likely to return and that the mechanical ventilation is required in order to try to reduce the moisture in the basement. This has been sited close to an existing vent.

In my opinion, the repair work described would result in an acceptable level of loss of original fabric, which is justifiable in that it would preserve the buildings life, ensuring its continued use. I have no objection to the basement works to repair and replace the rotten timbers. However, once the work is underway, should it be discovered that it is necessary to extend the area of repair beyond what was originally envisaged, consultation with the Local Planning Authority will be required. In addition, should it be found in the future that the

mechanical ventilation has failed to sufficiently reduce the moisture in the basement and that rot has returned, any waterproofing system would need specific Listed Building Consent.

Finally, were permission to be granted I request the following condition is imposed.

- Construction shall not be commenced until samples of the hardwood timber to be used in the repair and replacement of timbers has been submitted to and approved in writing by the Local Planning Authority.

### 3. Planning History

19/00059/LBC	Replace and strengthen joists and installation of mechanical ventilation to cellar and retrospective consent for internal secondary glazing.	Current
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### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

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 site relates to 17 South Street, Manningtree a two storey listed end of storey dwelling located within the development boundary of Manningtree. The application site is located within the Manningtree Conservation Area and the Area of Outstanding Natural Beauty.

The listing description is as follows:

House with shop front. C15 origin, C16, C17 and later alterations and additions. Timber framed and plastered. Red plain tiled roof. Chimney stacks to rear right and rear wing. 2 storeys and attics and cellars. First floor, 2 C19 vertically sliding sash windows. Ground floor left 3 light shop window with segmental heads and carved spandrels; fascia over. 6 panel door to right, moulded surround, frieze, flat canopy. The left return has an attic window, 4 first floor windows, that to left a small paned horizontal sliding sash. 3 ground floor vertically sliding sash windows, including an angled bay to right, small C20 light to left of 4 panel door. The rear wing is an altered hall and interior features include octagonal crown post, moulded capital and base, braced to purlin and collars, C16 circular newel staircase and plastered ceiling to first floor, C18 wall paintings.

### Proposal

The application seeks listed building consent to replace and strengthen joists and installation of mechanical ventilation to cellar and retrospective consent for internal secondary glazing.

### Appraisal

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act imposes a statutory duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest.

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.

Paragraph 189 of the National Planning Policy Framework ("the Framework") requires applicants to describe the significance of any heritage assets affected. This requirement is reflected by saved policy EN22 of the Tendring District Local Plan (2007) and emerging Policy PPL9 of the Tendring District Council Local Plan 2013-2033 and Beyond Publication Draft (June 2017). Both these policies also confirm that development should be of a scale, design and use that respect the listed building and its setting.

A heritage statement has been provided in accordance with the above requirements.

With regard to the retrospective consent for internal secondary glazing, as a method of retaining heat and reducing noise from outside, secondary glazing within a listed building is doubtless the least challenging solution. Therefore there is no objection to the instillation of secondary glazing.

The applicant has provided a very thorough assessment of the significance of the Listed building, a detailed structural survey of the basement and a clear description of the proposed work. The condition of some of the timbers would certainly appear to warrant repair and replacement, in order to ensure the structural integrity of the Listed building. The use of oak or similar hardwood for the repair and replacement of the basement timbers would be in keeping with the building's original materials and its use is appropriate in this case.

The documentation makes clear that the rot that has effected the timbers is likely to return and that the mechanical ventilation is required in order to try to reduce the moisture in the basement. This has been sited close to an existing vent.

The repair work described would result in an acceptable level of loss of original fabric, which is justifiable in that it would preserve the buildings life, ensuring its continued use. There is no objection to the basement works to repair and replace the rotten timbers. However, once the work is underway, should it be discovered that it is necessary to extend the area of repair beyond what was originally envisaged, consultation with the Local Planning Authority will be required. In addition, should it be found in the future that the mechanical ventilation has failed to sufficiently reduce the moisture in the basement and that rot has returned, any waterproofing system would need specific Listed Building Consent.

Therefore, there is not considered to be significant harm identified to the historic fabric or character of the Listed Building, and the proposal is therefore acceptable against this criteria.

#### Other Considerations

Manningtree Town Council have not commented on this application.

No letters of representation have been received.

#### Conclusion

It is considered that the proposal will not result in any adverse impact on the character, appearance and historic fabric of the listed building. The application is therefore recommended for approval.

### 6. Recommendation

Approval – Listed Building Consent

### 7. Conditions / Reasons for Refusal

- 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 Construction shall not be commenced until samples of the hardwood timber to be used in the repair and replacement of timbers has been submitted to and approved in writing by the local planning authority.

Reason - The application relates to a listed building and therefore such details are necessary in order to preserve and enhance the historic character and integrity of that building.

**8. Informatives**

**Positive and Proactive Statement**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

This listed building consent relates solely to the plans, drawings, notes and written details submitted with the application or as subsequently amended in writing and referred to in this notice. Any variation of the works or additional works found necessary before work starts or while work is in progress or required under the Building Regulations, or by the County Fire Services or environmental health legislation may only be carried out after approval by the Local Planning Authority. Unauthorised modifications, alterations or works not covered by this consent may constitute an offence under Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and may render the applicant, owner(s), agent and /or contractors liable to enforcement action and/or prosecution.

<b>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</b>	YES	NO
<b>Are there any third parties to be informed of the decision? If so, please specify:</b>	YES	NO