

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	06/08/2019
Planning Development Manager authorisation:	AN	8/8/19
Admin checks / despatch completed	AN	09/08/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	SB	09/08/19

Application: 19/00802/LBC **Town / Parish:** Weeley Parish Council

Applicant: Mr Harry Wenden

Address: Weeley House 70 The Street Weeley

Development: Proposed replacement of upper 3 sash windows on East Side facia.

1. Town / Parish Council

Weeley Parish Council Has no objection to this application

2. Consultation Responses

Essex County Council Heritage The application is for proposed replacement of upper 3 sash windows on east side facia.
Weeley House is a Grade II listed building.
I have no objection to this application on the understanding that these are single glazed replacements.
I recommend a condition requiring a section of the window/glazing bar profiles for approval, unless this can be provided prior to determination.

3. Planning History

94/00688/OUT	(Gardens of Weeley House, The Street, Weeley) Five one-bedroom Retirement Homes	Refused	03.08.1994
94/01254/OUT	(Garden of Weeley House, The Street, Weeley) 5 one bedroom retirement homes	Refused	24.01.1995
16/00021/LUEX	Change of use of shop to residential.		01.03.2016
17/01567/OUT	Proposed detached dwellings & double garage on land to the rear of Weeley House.	Refused	01.12.2017
18/01848/LBC	Proposed replacement of top three sash windows on East Side facia.	Approved	

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 refers to Weeley House, a Grade II Listed building located within the settlement development boundary of Weeley.

Weeley House is as follows:

House. C18. Red brick, plastered returns. Hipped red plain tiled double range roofs. 2 central red brick chimney stacks. 2 storeys and attics. 2 gabled dormers to rear block. Parapet and moulded brick cornice. 3 window range of small paned vertically sliding sashes, excepting ground floor right which it without glazing bars. Central C20 door with top light, reveal panels, moulded surround, brackets, moulded open pediment.

Proposal

The application seeks listed building consent for the replacement of 3 x upper sash windows on the east side facia.

Assessment

The only consideration as part of this application is the above mentioned amendments on the character, appearance and historic fabric of the 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.

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 Publication Draft (June 2017) which also requires the use of building materials, finishes and building techniques that respect the listed building and its setting.

The Councils Historic Environment consultant has been consulted on this application and has stated that there is no objection to this application on the understanding that the windows are single glazed replacements. A condition was suggested to ensure that the window/glazing bar profiles are submitted to and approved in writing by the Local Planning Authority. However, the applicant provided additional plans demonstrating the window details and the Councils Historic Environment Consultant was re-consulted. Based on the additional information provided, no objection was raised.

It is therefore considered that the proposed works will not cause any harm to the historic fabric or character of the Listed Building, and the proposal is therefore acceptable against this criteria.

Other Considerations

Weeley Parish Council have no objection to the 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 The development hereby permitted shall be carried out in accordance with the following approved plan and document: Proposed window details scanned 29th May 2019, Drawing number: 05082019HLW and Heritage, Design & Access Statement dated 23rd May 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 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.

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