

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	20 th Aug 2019
Planning Development Manager authorisation:	GN	21/8/19
Admin checks / despatch completed	ER	22/8/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	SB	22/08/19

Application: 19/00913/LBC **Town / Parish:** Harwich Town Council

Applicant: Mr Nigel Bevis

Address: Capitol Gardens 45 Manor Lane Dovercourt

Development: Detached garage within the curtilage of a listed building.

1. Town / Parish Council

Ms Lucy Ballard
Town Clerk
Harwich Town Council

Harwich Town Council has no objection to this application.

2. Consultation Responses

None received

3. Planning History

15/00168/FUL	Demolition of dilapidated outbuildings to be replaced by new garage/store. Removal of conservatory to be replaced by new porch. Installation of new access door.	Refused	16.04.2015
15/00169/LBC	Demolition of dilapidated outbuildings to be replaced by new garage/store. Removal of conservatory to be replaced by new porch. Installation of new access door.	Refused	16.04.2015
15/01359/FUL	Demolition of dilapidated outbuildings to be replaced by new garage/store, removal of conservatory to be replaced by new porch, extension to rear elevation to kitchen, replacement of render and replacement of windows.	Approved	30.10.2015
15/01360/LBC	Demolition of dilapidated outbuildings to be replaced by new garage/store, removal of	Approved	30.10.2015

	conservatory to be replaced by new porch, extension to rear elevation to kitchen, replacement of render and replacement of windows.		
17/00610/FUL	Detached garage within curtilage of listed building.	Approved	02.06.2017
17/00614/LBC	Internal alterations and removal of external cement render on south and east elevations to be replaced with boarding finish.	Approved	02.06.2017
17/01434/FUL	Detached garden room.	Approved	13.10.2017
17/01435/LBC	Detached garden room.	Approved	
19/00249/FUL	Proposed erection of a two storey dwelling with a vehicular and pedestrian access from existing private driveway.	Refused	26.06.2019
19/00912/FUL	Detached garage within the curtilage of a listed building.	Approved	15.08.2019
19/00913/LBC	Detached garage within the curtilage of a listed building.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

EN23 Development Within the Proximity of a Listed Building

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

SP1 Presumption in Favour of Sustainable Development

SPL3 Sustainable Design

PPL9 Listed Buildings

Local Planning Guidance

Essex Design Guide

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 property at 45 Manor Lane is a Grade II Listed building known as Capital Gardens Nursery. The property is a detached house centrally located within its plot and built circa-1550. The property benefits from an attractive weatherboard extension that replaced a historic 1970's conservatory. The site previously contained a number of informal single storey outbuildings to the north and north-eastern corner of the site; the majority of these have been replaced by an attractive single building which is sited against the north-east boundary. The boundaries of the site are marked by low level vegetation and fencing/trellis. Directly to the north of the application site is Elizabeth Court which is a modern flat development.

Description of Proposal

The application proposes a detached outbuilding to be used as a garage. The garage would be sited between the dwelling and the north boundary, inset from said boundary by around a metre. The footprint would be approximately 5m wide and 6.3m deep, have eaves in the region of 1.8m and a gabled roof with a ridge of 4.5m. The garage would be an alternative form of development than that approved under 15/01359/FUL, which proposed a very large L-shaped outbuilding that would have occupied the entire east corner of the plot. The siting of the proposed garage is such that the two development could not exist in conjunction with one another as the footprints overlap. Being of a significantly smaller scale than that already approved, the current proposal is the preferred of the two outbuildings. Externally the building would be finished in timber feather-edge weatherboarding, have a slate roof and timber window frames.

Principle

The site is located within the Development Boundary therefore there is no principle objection to the proposal, subject to the detailed considerations discussed below.

Design and Appearance

The Government attach great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design.

Saved Policies QL9, QL10 and QL11 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Emerging Policy SP1 reflects these considerations.

Given the scale, siting and design of the proposed outbuilding it would not cause material harm to the character and appearance of the surrounding area.

Listed Building

Paragraph 192 of the NPPF requires the Local Planning Authority, when determining applications for development, to take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 196 of the NPPF requires 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, where appropriate, securing its optimum viable use.

Policy EN22 of the Saved Plan (Extensions or Alterations to a Listed Building) states that proposals for development that would adversely affect the setting of a Listed Building, including group value and long distance views will not be permitted. Emerging Policy PPL9 reflects this consideration.

In determining application 15/01360/LBC the officer commented that the outbuilding would be rebuilt on the footprint of the existing and previous buildings and the construction would utilise traditional materials like clay pegged roof tiles, timber weather boarding, timber trusses, casement windows, timber doors and metal rainwater goods. The outbuilding now currently proposed is an alternative consent to that granted previously. As a building with a much larger footprint has already been consented and is live permission it holds significant weight as a material consideration. On this basis it is concluded that the proposed building would not detract from the historic character and setting of the Listed Building.

Paragraph 189 of the NPPF requires 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. In this regard the applicants have submitted a Heritage Statement which sets out that the justification for the works is to preserve the asset by reversing much of the harmful alterations and repairs carried out to the building.

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: 2, revision A, received 20th June 2019.

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

8. Informatives

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?	NO
Are there any third parties to be informed of the decision?	NO