

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	16/09/2019
Planning Development Manager authorisation:	AN	16/9/19
Admin checks / despatch completed	SB	17/09/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	GR	17/9/19

**Application:** 19/01097/LBC

**Town / Parish:** Thorpe Le Soken Parish  
Council

**Applicant:** Mr and Mrs Bradshaw

**Address:** The Oaks High Street Thorpe Le Soken

**Development:** Proposed boundary wall.

### 1. Town / Parish Council

Thorpe Le Soken Parish  
Council

### 2. Consultation Responses

Essex County Council  
Heritage

The Listed Building Consent application is for a boundary wall - please note this conservation advice relates to this part of the application only.

The above concerns The Oaks, a Grade II listed (HE Ref: 1147697) building. The application site is located within the Thorpe le Soken Conservation Area.

Whilst the erection of a boundary wall in the specified location is not considered harmful, the incorporation of a larger amenity area into the domestic curtilage of the listed building would be encouraged.

Should Listed Building Consent be granted, I recommend the following conditions to be imposed:

- a) works shall not be commenced until samples of the materials to be used on the external finishes (to include brick, mortar and capping) have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and permanently maintained as such;
- b) works shall not be commenced until additional drawings showing details of the proposed new gates have been submitted to and approved in writing by the local planning authority;
- c) all new brickwork shall be constructed in Flemish bond.

### 3. Planning History

93/01132/FUL

(Land rear of The Oaks  
Restaurant, High Street Thorpe le  
Soken) Continued use of land for  
preparation and retail sale offood

Approved

08.12.1993

	(Renewal of Planning Permission TEN/0835/90)		
06/01773/FUL	Change of use from A3 (restaurant) to a mixed use comprising A3 (restaurant) and A5 (take-aways).	Approved	04.01.2007
12/01029/FUL	Change of use to residential and erection of boundary wall.	Approved	17.05.2013
14/30232/PREAPP	Conversion of Grade II Listed Building property into 2 dwellings.	Approved	
19/01096/FUL	Proposed demolition of former pizza parlour building and replacement with a one bed dwelling and boundary wall.	Current	

#### 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

EN23 Development Within the Proximity of 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 relates to the former Prince of India Restaurant located on the High Street, Thorpe-le-Soken on the junction with Mill Lane.

This building is Grade II listed and lies within the Thorpe Le Soken Conservation Area, Local Centre Boundary and settlement development boundary. It was previously used as a restaurant (use ceased February 2012).

### Description of Proposal

The application seeks listed building consent for the erection of a boundary wall 1850mm in height with intermittent brick piers 2075mm in height with an adjoining rear pedestrian entrance gate 1850mm in height.

There is a concurrent full application for the boundary wall and other works under reference 19/01097/FUL.

### Assessment

The only consideration as part of this application is the impact upon on the character, appearance and historic fabric of the listed building.

Paragraph 189 of the National Planning Policy Framework 2019 states that in determining applications, local planning authorities should require 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. It goes on to say that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. 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.

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 Tendring District Local Plan Publication Draft 2017 which also requires the use of building materials, finishes and building techniques that respect the listed building and its setting.

A Heritage Statement has been provided in accordance with the above requirements.

Whilst the reduction in private amenity space is unfortunate, the proposed boundary wall is not considered to result in a harmful impact upon the character or integrity of the heritage asset subject to further consideration of precise details controlled by condition.

### Conclusion

The application is considered acceptable in heritage terms and is therefore recommended for approval subject to conditions.

## **6. Recommendation**

Approval - Listed Building Consent

## **7. Conditions**

- 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 plans: Drawing No BHS-01 Revision C.

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

- 3 No development shall be commenced until samples of the materials to be used in the external finishes (to include brick, mortar and capping) have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development and permanently maintained as such.

Reason - The property is a Listed Building within the Thorpe Le Soken Conservation Area where quality, sympathetic materials are an essential requirement.

- 4 All new brickwork shall be constructed in Flemish bond.

Reason - The property is a Listed Building within the Thorpe Le Soken Conservation Area where quality, sympathetic construction techniques are an essential requirement.

## **8. Informatives**

### Full Permission Required

There are parts of the development that require full planning permission and this approval does not allow the works to be carried out in full, only giving listed building consent.