

DELEGATED DECISION OFFICER REPORT

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

Application: 19/01112/FUL **Town / Parish:** Manningtree Town Council

Applicant: Mr & Mrs Phillips

Address: 1 Parsons Yard South Street Manningtree

Development: Proposed demolition and rebuilding of brickwork boundary wall.

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 demolition and rebuilding of brickwork boundary wall.

The above concerns 1 Parsons Yard. The property is located within the Manningtree and Mistley Conservation Area, within which are located a number of listed buildings and places of special historic interest.

No objections to the proposal subject to the reuse of the existing bricks (where a portion of existing bricks is assumed to be salvageable and new bricks may be incorporated as needed) and the use of an appropriate mortar mix, which can be ensured with the following condition:

a) works shall not be commenced until samples of the materials to be used on the external finishes 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.

3. Planning History

19/00305/FUL	Rear extension and associated alterations.	Approved	07.05.2019
--------------	--	----------	------------

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

EN5 Areas of Outstanding Natural Beauty (AONBs)

EN17 Conservation Areas

EN23 Development Within the Proximity of a Listed Building

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

SPL3 Sustainable Design

PPL8 Conservation Areas

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 1 Parsons Yard, South Street, Manningtree. The site is located within the Manningtree and Mistley Conservation Area and the Area of Outstanding Natural Beauty. The application site is also located within an area where it lies adjacent to several Listed Buildings and non-designated heritage assets.

Proposal

The application seeks planning permission for the proposed demolition and rebuilding of the brickwork boundary wall.

Assessment

The main considerations for this application are the design and appearance, impact upon neighbouring amenities and heritage impact.

Design and Appearance

QL9, QL10 and QL11 of the Tendring District Local Plan (2007) seeks that all new development should make a positive contribution to the quality of the local environment and protect or enhance the local character and that development should not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby property.

The proposed demolition and rebuild section of the garden wall will not be visible from the street scene of Parsons Yard as the proposal is located to the rear of the application site, however it will be visible to the rear of neighbouring dwellings along Oxford Road. Due to the application proposing the rebuild of the existing wall, the rebuild will utilise the use of reclaimed bricks from the existing wall where possible, which is considered to create a visual improvement.

Impact upon neighbouring amenities

The wall referred to in this application will be visible to the dwellings along Oxford Road, however as the application is to replace the existing wall, it is considered that the proposal will not cause any significant impact upon neighbouring amenities.

Heritage Impact

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.

Policy EN17 of the Tendring District Local Plan 2007 and Policy PPL8 of the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016) state that development within a Conservation Area must preserve or enhance the special character or appearance of the Conservation Area.

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 EN23 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 respects the listed building and its setting.

The heritage statement that accompanies this application states that 'the existing wall is currently in poor condition with many damaged and spalled bricks. It has a much higher ground level on the neighbouring side which has led to the wall being over stressed and is now leaning and bowing considerably. It is considered unstable by our consulting Structural Engineer'.

The Historic Environment Consultant has been consulted on this application and does not raise any objections to the application subject to the reuse of the existing bricks (where a portion of existing bricks is assumed to be salvageable and the bricks may be incorporated as needed) and the use of an appropriate mortar mix, this will be imposed as a condition.

The plans submitted include on site photos which demonstrate the existing brick plinth in a state of decay. The proposed works will see replacement works to the boundary wall. Given that the works are all within the intention of maintaining the wall, including the removal of decayed areas and re-use of materials where possible, and that the proposal is not in a good state of repair, the works will be beneficial to the walls preservation.

Therefore, there is not considered to be significant harm identified to harm the setting of the Listed Building or impact upon the Conservation Area, and the proposals are therefore acceptable against this criteria.

Other Considerations

Manningtree Town Council has not commented on this application.

No letters of representation have been received.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Refusal

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning 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; Drawing No. 5518-102 and Heritage Statement dated 13th August 2019.

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

- 3 The proposed wall shall be constructed from the use of the existing bricks where possible. Prior to the commencement of any above ground works samples of any additional bricks and details of the proposed mortar to be used in construction shall be submitted to and agreed, in writing, by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason - To ensure that the agreed rebuild is carried out in the interests of the character and appearance of the conservation area and the setting of the listed 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.

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