

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	7 th Nov 2019
Planning Development Manager authorisation:	TF	07/11/19
Admin checks / despatch completed	CC	08/11/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	Yue	08/11/19.

Application: 19/00916/LBC **Town / Parish:** Manningtree Town Council

Applicant: Mr Stephen Feeney

Address: Jasmine House 4 Oxford Road Manningtree

Development: Proposed insulation pipe through one brick of the rear elevation for a combination gas boiler.

1. Town / Parish Council

No comments received

2. Consultation Responses

Essex County Council I have no objection to the proposal.
Heritage

3. Planning History

04/00485/FUL	Demolish front garden wall and gate. Replace with a Suffolk Greys brick plinth surmounted by period railings and gate	Approved	16.06.2004
04/00486/CON	Demolish front garden wall and gate. Replace with a Suffolk Greys brick plinth surmounted by period railings and gate	Approved	17.06.2004
19/00916/LBC	Proposed insulation pipe through one brick of the rear elevation for a combination gas boiler.	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

EN17 Conservation Areas

EN22 Extensions or Alterations to 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

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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)

Proposal

The application seeks consent to install an insulation pipe for a combination boiler through the brickwork, approximately three courses beneath the fascia at first floor level.

Listed Building

The Listing is described as:-

2 cottages. C18/C19. Gault brick, plastered return. Pantiled roof. 2 rear chimney stacks. 2 storeys. Bargeboards with finials to end gables. Paired eaves brackets, moulded brick band under. Of 3 bays with pilasters between and at ends. 3 window range of small paned vertically sliding sash windows, those to left with drip hoods, centre and right with moulded cornices. Between the 2 right

first floor windows is..a lower level blocked window with drip hood. Ornate cast iron cill railings to ground floor right. Left segmental headed archway. Left and right panelled doors, that to left with 3 moulded panels, reveal panels, bases to fluted pilasters, moulding and patera to frieze, brackets to flat canopy, step approach. 4 panelled door to right, reveal panels, capitals and bases to fluted half columns, triglyphs and metopes to frieze, flat canopy.

Development affecting the setting of a Listed Building can have as dramatic, and if not properly controlled, as severe an impact as unacceptable alterations to the building itself. The setting of a Listed Building is a material planning consideration when considering planning applications.

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.

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Rainwater downpipes are in-situ adjacent to the proposed siting of the exhausting-pipe and the diameter of the pipe is such that very little harm would be caused to the heritage asset. Overall the proposal will contribute to sustaining the heritage asset.

Recommendation

Approval - Listed Building Consent

6. 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 plans: two un-numbered photos of the proposed elevation; received 14th August 2019.

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

7. 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
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Are there any third parties to be informed of the decision?		NO
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