

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	03/12/19
Planning Development Manager authorisation:	AN	3/12/19
Admin checks / despatch completed	CC	3-12-19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	3/12/19

Application: 19/01511/LBC **Town / Parish:** Thorrington Parish Council

Applicant: Mrs Lynne Aungier

Address: Pear Tree Cottage Clacton Road Thorrington

Development: Proposed rear extension.

1. Town / Parish Council

Thorrington Parish Council have not commented on this application.

2. Consultation Responses

Essex County Council
Heritage

The application is for a proposed rear extension.
The building is Grade II listed (List Entry ID: 1235266).
There is no objection to this form of extension.
It is recommend the following conditions are attached:
o Requirement for provision of samples of proposed brick and roof tile for agreement.
o Provision of proposed landscaping plan if surface treatments around the building are to change as a result of the extension.

3. Planning History

04/01693/LBC	Construction of new garden room.	Approved	30.09.2004
13/00230/FUL	Proposed single storey side extension, side porch extension, detached double car port, garden walls, gate & driveway. (Following demolition of existing side extensions & garage).	Approved	01.05.2013
13/00232/LBC	Proposed single storey side extension, side porch extension, detached double car port, garden walls, gate & driveway. (Following demolition of existing side extensions & garage).	Approved	01.05.2013

13/00547/DISCON	Discharge of condition 2 (details of the gates, wall and hardstanding area), 3 (on site parking facility for construction workers) and 4 (wheel and underbody cleaning facility) of planning permission 13/00230/FUL - FOR INFORMATION ONLY.	Split decision	04.12.2015
13/00548/DISCON	Discharge of condition 2 (details of all new windows) of listed building consent 13/00232/LBC - FOR INFORMATION ONLY.	Approved	15.10.2014
17/00497/FUL	Erection of single storey outbuilding.	Approved	02.06.2017
17/01523/FUL	Remove large windows from garden room and replace with smaller windows and rendered timber frame infill.	Approved	
17/01525/LBC	To remove large windows from garden room and replace with smaller windows and rendered timber frame infill.	Approved	03.11.2017

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 Pear Tree Cottage, Clacton Road, Thorrington, a Grade II Listed Building located within the settlement development boundary of Thorrington.

The listing is as follows;

Cottage. C16 or earlier with later alterations and additions. Timber framed, part plastered, part weatherboarded with central drip board. Red plain tiled roof outshot at rear. Central red brick chimney stack. One storey and attics. 2 C20 small paned casements, central vertically boarded door. Gable to road with ground floor and attic windows. Front single storey red tiled extension. Back to back inglenook fireplace. Part of the frame is exposed. Inserted ceiling with stop chamfered bridging and ceiling joists. Heavy widely spaced wall studs, halved and bridled top plate scarf. One storey post with mortice for a large arched brace which was possibly removed when the ceiling and chimney were inserted. Arched bracing to front wall. Combed pargetting to original rear wall. Some damage was sustained during the late C19 earthquake.

Proposal

The application seeks listed building consent for a proposed rear extension. The proposal will measure 4.7 metres in depth, 3.7 metres in width with an overall height of 3.5 metres.

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 Council's Historic Environment consultant has been consulted on this application and has stated that there is no objection subject to conditions relating to the requirement for provision of samples of proposed brick and roof tile for agreement and the provision of proposed landscaping plan if surface treatments around the building are to change as a result of the extension.

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

Thorrington Parish Council have not commented on this application.

No letters of representation have been received.

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 No development shall be commenced until samples of the materials to be used in the external finishes (to include brick and roof tile) 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 - To ensure materials are of a very high quality to respect the building and its setting.

- 3 If any changes are proposed to the surface treatments around the building, the provision of a landscaping plan shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in complete accordance with the approved specification.

To safeguard the special character of the listed building.

- 4 The development hereby permitted shall be carried out in accordance with the following approved plan:

Site Plan - Scale 1:500 Scanned 04 October 2019,
Proposed Rear Elevation - Scale 1:100 Scanned 04 October 2019
Proposed Floor Plan - Scale 1:100 Scanned 04 October 2019
Proposed Side Elevation (SE) - Scale 1:100 Scanned 04 October 2019
Proposed Side Elevation (NW) - Scale 1:100 Scanned 04 October 2019
Proposed Materials Plan Scanned - 27th November 2019
Design and Access/Heritage Statement Scanned 04 October 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