

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	06/07/2020
Planning Development Manager authorisation:	TF	08/07/2020
Admin checks / despatch completed	CC	08/07/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	08/07/2020

Application: 20/00257/LBC **Town / Parish:** Manningtree Town Council

Applicant: Wendy Osborne

Address: 20 High Street Manningtree Essex

Development: Proposed removal of all asbestos sheeting from studio with replacement of windows and door on ground floor west elevation and insertion of 8 telescopic mole posts (bollards) in yard.

1. Town / Parish Council

n/a

2. Consultation Responses

Essex County Council
Heritage

Built Heritage Advice pertaining to an application for: Proposed removal of all asbestos sheeting from studio and insertion of 8 telescopic mole posts (bollards) in yard.

The proposal site is a Grade II listed building listed as; *Manningtree Gallery OG Thorpe and Son, Butchers* (List entry ID: 1254309). It is also located within Mistley and Manningtree Conservation Area and immediately adjacent to several listed buildings and non-designated heritage assets.

It is noted that this application relates to the similar application 20/00256/FUL for which comments were provided on 19th March 2020.

This is a retrospective application. Whilst ECC Heritage do not condone carrying out works without the required planning permissions, they have no objection to the removal of asbestos sheeting from the studio or the telescopic mole posts as carried out.

They are unopposed to the proposed replacement of windows, however, there is limited information about the proposed windows. This can be resolved by the following condition to mitigate against potential harm to the significance of the listed building and the Conservation Area which would potentially make paragraph 196 of the NPPF relevant here:

Construction replacement of windows shall not be commenced until additional drawings that show details of proposed new windows to be used in section and elevation at scale 1:5 have been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Should any further alterations be required anywhere within the curtilage of the listed building in order to facilitate the uses discussed in the applicant's Heritage Statement, or any other use, the applicant should submit the required planning permission to the local authority.

3. Planning History

02/00814/FUL	Partial change of use. Art Gallery 75%. Estate Agency 25%	Withdrawn	29.04.2002
15/01014/LBC	Removal of existing roof tiles and underfelt and replace with new clay hand made plain tiles with breathable insulating underfelt (front elevation store only).	Approved	07.10.2015
16/30116/PREAPP	Replacing old wood windows with larger barn wood windows by removing some brick work below sill level.		29.06.2016
17/01145/FUL	Removal of 2 No. large existing windows and replace with 3 No. slightly smaller windows with some removal and replacement to some existing brickwork, removal of existing door and replace with a 'horsebox' design door adjacent to windows and removal of 1 No. large existing window and replace with a larger 'barn design' window with removal of some brickwork below sill level.	Approved	30.08.2017
17/01146/LBC	Removal of 2 No. large existing windows and replace with 3 No. slightly smaller windows with some removal and replacement to some existing brickwork, removal of existing door and replace with a 'horsebox' design door adjacent to windows and removal of 1 No. large existing window and replace with a larger 'barn design' window with removal of some brickwork below sill level.	Approved	30.08.2017
20/00256/FUL	Proposed removal of all asbestos sheeting from studio and insertion of 8 telescopic mole posts (bollards) in yard.	Approved	14.04.2020
20/00257/LBC	Proposed removal of all asbestos sheeting from studio with replacement of windows and door on ground floor west elevation and insertion of 8 telescopic mole posts (bollards) in yard.	Current	
20/00814/LBC	Proposal to stabilise and secure	Refused	

structural brick wall.

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

EN22 Extensions or Alterations to a Listed Building

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

SPL3 Sustainable Design

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, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities 'Garden Communities' proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector's advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. 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

Proposal

This application seeks Listed Building Consent for the removal of asbestos sheeting from a studio roof and replacement with felting, the insertion of 8 telescopic bollards in the yard to the rear of the main property and the replacement of the windows and door to the single storey studio extension. The property of 20 High Street is a Grade 2 Listed Building within the Conservation Area and the

settlement development boundary of Manningtree. The application site also lies within the proposed Suffolk Coasts and Heaths AONB and is within the designated 'Historic Town' area.

Heritage Assessment

The insertion of the telescopic bollards and replacement roofing were granted retrospective planning permission via application 20/00265/FUL. Heritage advice was sought from Place Services at Essex County Council and they confirmed that although they don't condone the works that have been carried out without planning permission they have no objection to the completed development in this case.

The proposed sash type and small pane windows and wooden door will replace the conventional windows and door in situ and which will offer an improvement to the existing fenestration which will be more in keeping with the character of the area and the existing listed building. The replacement of the windows and door to the studio is a proposed alteration on which Place Services have also been consulted and they have confirmed that they do not object to the proposal, however as limited information has been provided there is a requirement for more detailed drawings to be approved prior to commencement, this requirement has been secured by a condition on the listed building consent.

The retrospective alterations and those proposed have not and would not adversely impact upon the historic fabric of the listed building.

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 plan: Drawing of proposed windows and door titled 'Proposed Changes to Frontal Elevation' received 7 May 2020.

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

- 3 The construction of, and replacement of windows and door shall not be commenced until additional drawings in section and elevation at a scale of 1:5 fully detailing the new or replacement windows and door to be used shall be submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason - To protect the special character and architectural interest and integrity of the building in accordance with the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8. Informatives

n/a

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
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