

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	24/07/2020
Planning Development Manager authorisation:	SCE	24.07.2020
Admin checks / despatch completed	CC	27.07.2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	27.07.2020

**Application:** 20/00444/LBC **Town / Parish:** Manningtree Town Council

**Applicant:** Dr and Mrs Bettle

**Address:** 18 High Street Manningtree Essex

**Development:** Installation of low-profile aluminium roof light, and boxing-in of exposed drainage pipework. Removal of two timber stud work walls to outbuilding. Installation of timber access gates in gap in boundary wall. Cladding another outbuilding with horizontal boarding. Replacement of existing external timber door affected by damp with new timber door to match adjacent door. Minor repairs to brick boundary wall.

### **1. Town / Parish Council**

Manningtree Town  
Council

Not Commented on this application.

### **2. Consultation Responses**

Essex County Council  
Heritage  
26.05.2020

Built Heritage Advice pertaining to a retrospective application for: Installation of low-profile aluminium roof light, and boxing-in of exposed drainage pipework. Removal of two timber stud work walls to outbuilding. Installation of timber access gates in gap in boundary wall. Cladding another outbuilding with horizontal boarding. Replacement of existing external timber door affected by damp with new timber door to match adjacent door. Minor repairs to brick boundary wall.

The property is a Grade II listed building listed as Manningtree Gallery, OG Thorpe And Son, Butchers (List UID: 1254309), and is located in Mistley and Manningtree Conservation Area. The property is also located adjacent to and in close proximity to a number of designated and non-designated heritage assets.

Whilst the team do not promote the undertaking of works without the requisite planning consents, conducting work that diverges from approved consents there is no objection the application based on the information provided. The team find no harm to the heritage assets concerned and am unopposed to the undertaken works for which retrospective planning permission is being sought.

### **3. Planning History**

04/01028/FUL	Change of use from retail shop and workshop to domestic dwellinghouse and garage	Refused	14.07.2004
04/01031/LBC	Change of use from retail shop and workshop to domestic dwellinghouse and garage		08.07.2004
04/01947/FUL	Reversion of use from craft display room and rear workshop & garage to dwelling house and garage.	Approved	07.01.2005
14/30331/PREAPP	Roof repairs.		15.08.2014
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
19/00317/LBC	Proposed replacement rear extension.	Approved	03.06.2019
19/01060/DISCON	Discharge of condition 3 (Written Scheme of Investigation) of approved application 19/00317/LBC.	Approved	03.09.2019
20/00445/FUL	Installation of low-profile aluminium roof light, and boxing-in of exposed drainage pipework. Removal of two timber stud work walls to outbuilding. Installation of timber access gates in gap in boundary wall. Cladding another outbuilding with horizontal boarding. Replacement of existing external timber door affected by damp with new timber door to match adjacent door. Minor repairs to brick 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

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, 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 (including Site Description and Proposal)**

### **Site Description**

The application site is 18 High Street, Manningtree, a Grade II, two storey dwelling located within the development boundary of Manningtree.

The listing description is as follows;

Former house, now 2 shops. Early C16 or earlier with C17 and C18 and later additions and alterations. Timber framed and plastered. Red plain tiled roofs. Rear off centre right red brick chimney stack. Rear wiings. 2 storeys, attics and cellars. 3 flat headed dormers with vertically sliding sashes. Moulded eaves cornice, 6 window range of small paned vertically sliding sashes, moulded surrounds. 3 similar windows to ground floor right, C20 double doors approached by steps with iron handrails between central and second window. C20 shop window to left, board door with top light, blocked fanlight over. Moulded bridging joists run through the front of the building. Probably part of RCHM q.v. 9/142

## Description of Proposal

This application seeks retrospective listed building consent for the following:

- Installation of low-profile aluminium roof light, and boxing-in of exposed drainage pipework.
- Removal of two timber stud work walls to outbuilding.
- Installation of timber access gates in gap in boundary wall.
- Cladding another outbuilding with horizontal boarding.
- Replacement of existing external timber door affected by damp with new timber door to match adjacent door.
- Minor repairs to brick boundary wall.

## Assessment

The only consideration as part of this application is the above mentioned amendments on the character, appearance and historic fabric of the curtilage 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.

A heritage statement has been provided in accordance with the above requirements.

Essex County Council Heritage Team has been consulted on this application. The dwelling is a Grade II listed building listed as Manningtree Gallery, OG Thorpe And Son, Butchers (List UID: 1254309), and is located in Mistley and Manningtree Conservation Area. The property is also located adjacent to and in close proximity to a number of designated and non-designated heritage assets. Whilst the team do not promote the undertaking of works without the requisite planning consents, conducting work that diverges from approved consents there is no objection the application based on the information provided. The team find no harm to the heritage assets concerned and am unopposed to the undertaken works for which retrospective planning permission is being sought.

It is therefore considered that the proposed works will not cause any significant harm to the historic fabric or character of the Listed Building, and the proposal is therefore acceptable against this criteria.

## Other Considerations

Manningtree Town Council have not commented on this application.

One letter of representation has been received raising the following concerns;

- Concerns in regards to highway safety in relation to the construction of the gates.

*In response to the concern above, this application is to assess the impact of the proposal on the listed building only. Please see the delegated decision report for planning reference 20/00445/FUL for more information.*

- Concerns in regards to rights of way.

*In response to the concern above, this is not a material planning consideration and therefore has not been taken into consideration within this application as it is a civil matter.*

- Concerns that the garages will be converted to dwellings

*In response to the concern above, a planning application would be required if the garages were to be converted as well as complying with the Policies within the Local Plan.*

- Concerns in regards to the type of bricks used within the Boundary Wall

*In response to the concern above, the Historic Environment Team have been consulted on this application and have no objections.*

- Concerns in regards to the colour of the Cladding

*In response to the concern above, the Historic Environment Team have been consulted on this application and have no objections.*

- Concerns that the replacement window was illegally installed.

*In response to the concern above, the Historic Environment Team have been consulted on this application and have no objections.*

- Concerns with the drainage

*In response to the concern above, drainage is controlled under Building Regulations and therefore this is not a material planning consideration and it has not been taken into consideration when assessing this application.*

### Conclusion

It is considered that the proposal will not result in any adverse impact on the character, appearance and historic fabric of the listed building. The application is therefore recommended for approval.

## **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 and document:

-PA2-01

-PA2-02A

-Design and Access Statement - Project Ref:3366, Doc Ref: PA-DAS, Date: March 2020

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.

<b>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</b>	YES	NO
<b>Are there any third parties to be informed of the decision? If so, please specify:</b>	YES	NO