

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: 20/00445/FUL **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

Have not commented on this application.

2. Consultation Responses

ECC Highways Dept
08.07.2020

Due to COVID-19 restrictions, no site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material.

The Highway Authority does not object to the proposals as submitted. Informative 1: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

Informative 2: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 - Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

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 I do not promote the undertaking of works without the requisite planning consents, conducting work that diverges from approved consents I have no objection the application based on the information provided. I 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
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
20/00444/LBC	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	Current	

timber door affected by damp with new timber door to match adjacent door. Minor repairs to brick boundary 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

EN17 Conservation Area

EN22 Extensions or Alterations to a Listed Building

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

SPL3 Sustainable Design

PPL8 Conservation Area

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 and within the Conservation Area.

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 wings. 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 planning permission 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 main considerations for this application are the;

- Design and Appearance
- Impact upon Neighbouring Amenities
- Heritage Impact
- Highways Provision
- Representations

Design and Appearance

Saved Policies QL9, QL10 and QL11 of the adopted Tendring District Local Plan (2007) seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward within Policy SPL3 of the emerging Local Plan.

The proposed rooflight will be located to the rear of the property and therefore it will not be visible from the street scene of High Street however there will be some views of the proposal from Stour Street. The proposal is considered to be a minor addition and it is for light purposes only. It is therefore considered that the rooflight is acceptable in terms of design and appearance.

The proposed removal of the two timber stud walls to the outbuilding are internal only. Therefore the proposal will not impact upon the street scene and is considered to be a minor alteration.

The timber access gates will not be visible to the High Street however they will be visible to the street scene of Stour Street. Due to their appearance and height, the proposed gates are considered acceptable in terms of design and appearance.

The proposed cladding of the outbuilding will not be visible to the High Street but it will be visible from Stour Street. The use of cladding is considered a minor alteration and it is considered acceptable in terms of design and appearance.

The proposed replacement door will not be visible from the street scene and therefore it will not cause any significant impact upon High Street and Stour Street. Due to the proposal replacing the existing door and the fact that it will match the adjacent door, it is considered that the proposal is acceptable in terms of visual amenity.

The proposed repairs to the brick boundary wall are considered minor and the bricks used within the rebuild are the existing bricks which have been cleaned and re-pointed. It is therefore considered that the repairs are acceptable in terms of design and appearance.

Impact upon Neighbouring Amenities

Paragraph 108 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate. These objectives are supported by emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

The roof light will be visible to the neighbouring amenities. However, as the proposal is high level and for light purposes only, the proposal will not cause any significant impact upon neighbouring amenities.

The removal of the stud walls within the outbuilding are internal and therefore will not cause any impact upon neighbouring amenities.

The installation of the timber access gates will be visible to number 20 however due to the use of materials and the height of the gates, it is considered that the proposal will not cause any significant impact upon neighbouring amenities.

The proposed cladding and the proposed door will both be visible to the neighbouring amenities however due to the minor alterations, the proposals will not cause any significant impact upon neighbouring amenities.

Although the repairs to the boundary wall will be visible to number 20 High Street, the repairs are considered to be minor and will not cause any impact to the neighbouring dwelling.

Highways Provision

Essex Highways Authority have been consulted on this application and have stated that due to COVID-19 restrictions, no site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material. The Highway Authority have no objection to the proposals as submitted.

Heritage Impact

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 EN17 of the Tendring District Local Plan 2007 and Policy PPL8 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) state that development within a Conservation Area must preserve or enhance the special character or appearance of the Conservation Area.

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 or the Conservation Area, and the proposal is therefore acceptable against this criteria.

Representations

Manningtree Town Council have not commented on this application.

Six letters of representation has been received from the same address 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.

- Concerns in regards to Emergency Vehicle Access

In response to the concern above, this matter is controlled under building regulations and is therefore not a material planning consideration and it has not been taken into consideration when assessing this application.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Approval

- 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 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.

Highways

Informative 1: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

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SMO1 - Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

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