

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	20/08/2020
Planning Development Manager authorisation:	SCE	21.08.2020
Admin checks / despatch completed	CC	24.08.2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	24.08.2020

Application: 20/00765/LBC **Town / Parish:** Great Bentley Parish Council

Applicant: Mrs Kay Sadler

Address: The Old Rectory The Green Great Bentley

Development: Proposed widening of existing gate opening.

1. Town / Parish Council

Great Bentley Parish
Council
10.08.2020

Great Bentley Parish Council Planning Committee reviewed the application at the meeting held on 6th August 2020 and resolved to make no comment.

2. Consultation Responses

Essex County Council
Heritage
30.07.2020

Built Heritage Advice pertaining to an application for: Proposed widening of existing gate opening.

The proposal is located within Great Bentley Conservation Area.

The property is Grade II listed as The Old Rectory (List UID: 1111406).

The gate and portion of wall to which the proposals apply are of limited historic or architectural significance and were rebuilt and repaired under a previous consent.

I am unopposed to this application subject to the following condition:
- Prior to commencement, detailed elevation and section drawings at minimum scale 1:10 shall be submitting to the local authority. These shall show the area of reconstructed wall and the proposed gates with materials and finish specified through annotations.

3. Planning History

TPC/28/91	Surgery to 3 trees	Current	10.12.1991
TPC/94/61	Works to 1 Horse Chestnut	Current	11.11.1994
02/00092/TCA	Fell - 16 No. Leylandii; thin, reduce and remove lower growth - line of Beech; reduce - 1 No. Eucalyptus; lift and reduce - 1 No. Sycamore; lift and thin - 1 No. Horse Chestnut and lift - 1 No. Acacia	Approved	30.01.2002

03/00642/FUL	Orangery/conservatory extension.	Approved	28.08.2003
03/00643/LBC	Orangery/conservatory extension	Approved	28.08.2003
03/01115/LBC	Replacement windows.	Approved	18.08.2003
03/02172/TCA	Reduce, shape and balance 1 Gleditsia by 15%; Reduce and shape Euonymus type shrub/tree; Reduce 1 Eucalyptus tree by 20%, shape and lift crown; Reduce and shape 1 large Sycamore tree by 30% to 35%; Reduce Laurel by 35%; Fell 1 purple leafed Prunus tree to ground level; Fell 1 diseased Prunus tree; and Reduce and shape 1 winter flowering Prunus tree.	Approved	25.11.2003
05/02119/TCA	Fell dead Cherry tree. Reduce by 20% Eucalyptus tree. Fell dead Prunus trees. Fell 1 Beech in line of trees	Approved	04.01.2006
05/02121/TPO	Lightly reduce Horse Chestnut by trimming the lower branches as needed. Reduce by 1.5 metres the branch growing over the new extension on adjacent property. Reduce Sycamore by trimming branch over service cables and adjacent to pole on 1 Sycamore tree near the road	Approved	05.01.2006
08/00430/TCA	1 No. Eunonymus - reduce. 1 No. Cherry tree - reduce to shape and balance. 1 No. Laurel - reduce. 1 No. Apple tree - fell. 1 No Bramley apple tree - pruning and thinning. 1 No. Worcester pearmain - prune. 1 No. Purple leaf prunus reduce and shape. Beech trees on boundary - reduce the height.	Approved	14.04.2008
09/00963/LBC	Proposed single storey extension to form bedroom and bathroom.	Refused	04.11.2009
09/00964/FUL	Proposed single storey extension to form bedroom and bathroom.	Refused	04.11.2009
11/01119/LBC	Proposed re-building of existing front boundary wall.	Approved	09.11.2011
11/01120/FUL	Proposed re-building of existing front boundary wall.	Approved	09.11.2011

11/01250/TPO	1 No. Acacia - reduce by 15%. 1 No. Horse Chestnut - remove epicormic growth, reduce by 15%, lift lower branches. 2 No. Sycamore - prune to give clearance to cables and lift to 6 metres above ground level.	Approved	15.11.2011
11/01252/TCA	1 No. Yew - reduce height to match adjacent Yew. 1 No. Eucalyptus - fell. 1 No. Cherry - reduce by 0.85 metre. 1 No. Sycamore - crown reduce by 15%. 1 No. Laurel - reduce and shape by 25%. 1 No. Acacia - lift lower branches to 3-3.5 metres above ground level. 1 No. Magnolia reduce by 15% to contain.	Approved	15.11.2011
13/00693/TCA	Beech trees on the rear boundary with graveyard - reduce by 30% to approximately previous cutting points.	Approved	17.07.2013
13/01293/TPO	Front garden; 1 No. Sycamore - remove epicormic growth, clear around service cables and reduce branch over the drive, 1 No. Sycamore - remove epicormic growth, clear around service cables, reduce branch over the drive and 30% reduction, 1 No. Horse Chestnut - lifting the crown by up to 2m all round	Approved	10.12.2013
13/01295/TCA	Rear garden; 1 No. Laurel - 50% reduction, 1 No. Sycamore - reduce/remove the lower branches to give 6m clearance above ground level, 1 No. Cherry - remove lowest right hand side branches, 1 No. Acacia - 30-35% reduction, raising the crown to give 4m above ground level.	Approved	12.12.2013
15/01620/TCA	1 No. Sycamore - rear garden - fell	Approved	17.11.2015
16/01510/TPO	1 No. Acacia - roadside - cut back branches overhanging road	Approved	25.10.2016
16/01512/TCA	1 No. Gleditsia - reduce by 35%. 1 No. Spruce - fell. 1 No. Acacia - adjacent neighbours garage - remove lowest branch, reduce the corner nearest of the canopy by 2 m, lift remaining crown to 5 m above ground level.	Approved	20.10.2016

17/02058/TCA	Group of Beech trees on rear boundary - reduce by approximately 25%, both side of the trees back to previous cutting points.	Approved	02.01.2018
17/02059/TPO	Acacia tree - reduce branches to give 2 m clearance over the garage. Horse Chestnut - reduce bough growing over the terrace by 3 m.	Approved	02.01.2018
19/00505/LBC	Proposed repairs to existing windows, re-wiring works, new heating system, re-roofing works and replacement fireplace, skirting boards, cornice, snug and flooring.	Approved	24.01.2020
19/00817/LBC	Widening of existing gate openings.	Refused	22.11.2019

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

This application refers to The Old Rectory, The Green, Great Bentley which is a Grade II Listed Building and is located within Great Bentley Conservation Area. The site faces onto the Great Bentley Village Green and with the church and churchyard to the rear.

The listing description is as follows;

House. C18 or earlier. Timber framed, red brick faced, plastered returns and rear. Double range, half hipped, and gambrelled red plain tiled roofs. 3 rear red brick chimney stacks. 2 storeys and attics. Central dormer window. Stone coping to parapet, brick band under and central band. 3 window range of vertically sliding sashes with glazing bars, painted gauged arches. Central 6 panelled door, fluted pilasters, frieze, flat canopy.

Proposal

This application seeks listed building consent for the proposed widening of the existing gate opening.

Appraisal

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. Policy EN23 of the Saved Plan states that proposals for development that would adversely affect the setting of a Listed Building, including group value and long distance views, will not be permitted. 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 Councils Historic Consultant has been consulted on this application and has stated that the gate and portion of wall to which the proposals apply are of limited historic or architectural significance and were rebuilt and repaired under a previous consent. The team are unopposed to this application subject to a condition to provide detailed elevation and section drawings to demonstrate the area of reconstructed wall and the proposed gates with finish specified through annotations.

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

Great Bentley Parish Council make no comment on the application.

No letters of representation have been received.

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 No. P3 -01

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

- 3 Before any work is commenced, drawings to a scale of not less than 1: 20 (elevation and section) fully detailing the area of reconstructed wall and the proposed gates with materials and finish specified through annotations shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be installed/carried out in complete accordance with the approved details.

Reason - The application relates to a listed building and therefore such details are necessary in order to preserve and enhance the historic character and integrity of that building. Insufficient information has been submitted within the application for full consideration of these details.

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