

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	2 nd Sept 2020
Planning Development Manager authorisation:	SCE	03.09.2020
Admin checks / despatch completed	CC	04.09.2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	04.09.2020

Application: 20/00733/LBC **Town / Parish:** Thorrington Parish Council

Applicant: Ian West

Address: Willows Salmons Lane Thorrington

Development: Proposed replacement of brickwork in living room inglenook fireplace and strip gloss paint from ceiling and wall beams.

1. Town / Parish Council

No comments received.

2. Consultation Responses

Essex County Council
Heritage
24.08.2020

Built Heritage Advice pertaining to an application for: Proposed replacement of brickwork in living room inglenook fireplace and strip gloss paint from ceiling and wall beams

I have no objections to this application subject to the following condition.
- Prior to commencement, a sample of the brick to be used in the repairs of the inglenook fireplace shall be specified in writing to the local authority for approval.

3. Planning History

03/02433/OUT	Detached single dwelling	Refused	31.01.2004
04/00735/OUT	Proposed construction of bungalow with garage for residential purposes	Refused	15.06.2004
11/00948/FUL	Erection of single storey dwelling and double garage.	Refused	18.10.2011
20/00288/LUPROP	Proposed replacement of existing sliding patio door with bifold or sliding aluminium unit.		21.04.2020
20/30044/PREAPP	Proposed repair of brickwork Inglenook fireplace (living room), Inglenook fireplace (dining room) to be returned to working order, and replace existing windows with double glazed.		20.05.2020

20/00733/LBC Proposed replacement of brickwork in living room inglenook fireplace and strip gloss paint from ceiling and wall beams. 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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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)**

Listed Building

Development affecting the setting of a Listed Building can have as dramatic, and if not properly controlled, as severe an impact as unacceptable alterations to the building itself. The setting of a Listed Building is a material planning consideration when considering planning applications.

Paragraph 192 of the NPPF requires the Local Planning Authority, when determining applications for development, to take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 196 of the NPPF requires 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, where appropriate, securing its optimum viable use.

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

The Listing is described as:

Cottage. C17 or earlier with later alterations and additions. Timber framed and plastered. Red plain tiled gambrel roofs. Central red brick chimney stack. One storey and attics, rear wing, C20 single storey flat roofed extension to rear right. 2 gabled dormers. 3 C20 3 light small paned casements, C20 door to left return. Internal features include large central chimney stack, chamfered bridging joists, flat section ceiling joists, heavy wall studs with some through bracing.

Subject to attaching a relevant condition to any forthcoming consent, the Historic Environment Office has no objection to the proposal.

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 details:- Beam-Clean Details/Method Statement received 8th June 2020 and the Heritage Statement received 2nd July 2020.

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

- 3 Prior to commencement a sample of the proposed brick to be used in the repairs of the inglenook fireplace shall be submitted to and approved in writing by the local planning authority.

Reason - To ensure the use of appropriate detailing on this listed building.

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?		NO
Are there any third parties to be informed of the decision?		NO