

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	01/10/2020
Planning Development Manager authorisation:	TF	01/10/2020
Admin checks / despatch completed	DB	01/10/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	PW	02/10/2020

Application: 20/00725/FUL **Town / Parish:** Manningtree Town Council

Applicant: Messrs C Moxham & R Brookhouse

Address: 40 High Street Manningtree Essex

Development: Proposed new roof lights, linked porch over part courtyard, removal/reposition of doors/windows providing new French doors/ screen into courtyard and reinstatement of original fireplace.

1. Town / Parish Council

No comments received

2. Consultation Responses

Essex County Council
Heritage
25.08.2020

Built Heritage Advice pertaining to four concurrent applications across to the two above addresses for:

20/00726/LBC & 20/00725/FUL - 40 High Street (Ground floor)
Proposed new roof lights, linked porch over part courtyard, removal/reposition of doors/windows providing new French doors/ screen into courtyard and reinstatement of original fireplace.

I am unopposed to these two above applications concerning 40 High Street subject to the following conditions:

- A schedule of windows and doors proposed shall be submitted to the local authority for approval including the conservation roof light. This schedule shall consist of the proposed windows and doors and show typical details and sections of the differing windows proposed.
- Works to the fireplace shall be carried out in accordance with "Drawing: 09/841-2 - 205 - Renovations to Fireplace".
- The repointing of the brickwork of the fireplace where left exposed shall be finished in flush pointed and brushed back into the arrises of the brickwork while green to match existing, and not struck pointed as proposed.
- Proposed paving shall be specified in writing to the local authority for approval.

20/00527/LBC & 20/00526/FUL - 5 Stour Street (First and second floors)

Extended first floor screen balustrade, infilling roof void with added walkover roof light, refurbishment of store to study/office with washroom adding French doors and removal of door for added windows, linked porch and screen balustrade over part courtyard. Timber pergola/frame to courtyard entrance/garden.

I am unopposed to these two above applications concerning 5 Stour Street.

3. Planning History

92/00800/FUL	To replace worn out gas flues and extend hot air flue from boilers and dryers	Approved	15.09.1992
92/00802/LBC	Remove gas flues and replace them and extend outlet of hot air flue from dryers	Approved	15.09.1992
94/01000/FUL	New fire escape door, additional window to kitchen and formation of first floor patio	Approved	25.11.1994
94/01171/LBC	New fire escape door, additional window to kitchen and formation of first floor patio	Approved	25.11.1994
16/02121/FUL	Proposed alterations and extensions to provide additional bedrooms, ensuites, and a roof garden. Additional windows and roof lights, new entrance screen and general internal alterations.	Approved	17.02.2017
20/00725/FUL	Proposed new roof lights, linked porch over part courtyard, removal/reposition of doors/windows providing new French doors/ screen into courtyard and reinstatement of original fireplace.	Current	
20/00726/LBC	Proposed new roof lights, linked porch over part courtyard, removal/reposition of doors/windows providing new French doors/ screen into courtyard and reinstatement of original fireplace.	Current	

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 Areas

EN5A Area Proposed as an Extension to the Suffolk Coasts and Heaths AONB

EN23 Development Within the Proximity of a Listed Building

EN30 Historic Towns

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

SPL3 Sustainable Design

PPL3 The Rural Landscape

PPL8 Conservation Areas

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

Site Description

40 High Street is a Grade 2 listed building, part of a terrace with numbers 38 and 42 High Street and 5 Stour Street which are listed as a group in the historic town of Manningtree. The application site is situated within the development boundary of Manningtree, the Mistley and Manningtree Conservation Area as well as the newly designated Suffolk Coasts and Heaths Area of Outstanding Natural Beauty. 40 High Street is predominantly situated in the southern part of the building which fronts the High Street with the front area of the ground floor retained as a shop.

Description of Proposal

The application proposes building works to the Listed Building which is listed below:

- Removal of the roof covering on a small section of sloping roof which faces south and replace with a conservation roof light and lead surround
- Reconfiguration of windows and doors on the east facing ground floor part of the building adjacent to the new porch
- Removal of ground floor south facing window serving the kitchen and create a door opening
- Porch link over part of the courtyard
- Reinstatement of original fireplace

The application is being considered alongside applications 20/00726/LBC and, 20/00526/FUL and 20/00527/LBC for 5 Stour Street.

Design and Appearance

There is an existing first floor roof veranda situated immediately behind the main building of 40 High Street, the new porch link will provide a walkway from the veranda to the roof garden which was previously approved under application reference 16/02121/FUL and 16/02123/LBC but never implemented. The black steel balustrade and willow screening takes on a more modern design approach which is acceptable and complements the original building. The proposed additions and alterations are fairly minor in nature and retain the overall character and appearance of the dwelling. The reconfiguration of the windows and doors takes place on the older part of the building and in order to preserve the character of the building the applicant is required to submit details of the windows, doors and roof lights for approval and which is secured by condition. The reinstatement of the fireplace will bring it back to its former glory and make this again a focus of the ground floor room.

The alterations will not be visible from the front elevation having no significant impact on the High Street, street scene. Stour Street is largely characterised by the rear of properties and their parking areas and garages. The alterations are well set back from Stour Street and their appropriate design and appearance will not be out of keeping.

The proposals are considered to complement the appearance of the listed building and preserve the character and appearance of the Conservation Area.

Impact upon Residential Amenity

The close proximity of the neighbouring properties and the existing veranda and roof garden at 5 Stour Street and the existing roof garden at 42 High Street means that there is little privacy or private amenity space serving the dwellings. The proposal is not considered materially different to the existing situation in terms of the impact on neighbouring amenities. The alterations will not result in a material loss of light or outlook and is not considered to result in any significant harm to neighbouring amenity.

The space currently used for car parking with direct access to Stour Street will remain unchanged.

Heritage

The listed description of 40 High Street incorporates the properties at 38 and 42 High Street. The listed description in the main describes the architectural features that are unmistakable at the front of the property which are unaffected by the proposals in this application. It is however wholly important to ensure that the character of the Listed Building is preserved albeit the alterations are to the rear and refurbishment inside.

The applicant has submitted a Heritage Statement to support their application which confirms the nature of the proposed development and justification of the development and refurbishment in this sensitive historic area. Heritage advice was sought from Place Services at Essex County Council and they confirmed that they were unopposed to the application along with the listed building consent for 40 High Street subject to four conditions relating to:

1. Submission of details pertaining to the windows, doors and conservation roof light for approval
2. Fireplace works in accordance with the appropriate plan numbered 09/841-2-205
3. Details of the repointing of the brickwork of the fireplace
4. Submission of details of the proposed paving for approval

Points 1-3 have been included as conditions. It is not necessary to impose a condition for the proposed paving as it is considered as permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1 Class F and is consistent with the provisions of the above mentioned Order.

Policy PPL9 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) states that 'Proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric' although the Plan recognises that the scope for a listed building to adapt to modern life and requirements will itself depend upon a number of considerations and it will not

always be possible to incorporate modern design solutions without also causing harm to its special character fabric, or appearance.

In this case, some traditional methods and materials will be employed in the restoration of the fireplace as well as the timber materials of the windows and doors with more modern materials of black steel balustrading proposed to enclose the roof garden and veranda. The combination of materials will enhance the Listed Building, proving that modern design can link with old.

40 High Street lies within the Manningtree and Mistley Conservation Area. The Conservation Area Appraisal describes Manningtree as '*a medieval planned town, reputedly the smallest in the country, with its character deriving from a wealth of older buildings lining its historic streets*'. The property of 40 High Street itself is mentioned as '*the listed building...is a fascinating survival of the developed burgage plot of nos 38 and 40 High Street*'.

Due to the minor nature of the proposals and internal restoration to the fireplace which will not be seen from the High Street and will be set back from Stour Street ensure that the character of this part of Manningtree and the Conservation Area will not be significantly harmed.

40 High Street is also in the Suffolk Coasts and Heaths Area of Outstanding Natural Beauty. The AONB is a landscape rich in history but largely spared from modern development. The countryside, towns and villages in the AONB have an unspoilt and tranquil atmosphere, and a distinctive character. Due to the minor nature of the alterations and internal works to the fireplace, hidden from view of the High Street in the built up historic town centre of Manningtree, there will be no significant impact to the AONB.

Other Considerations

No letters of representation have been received.

Conclusion

In the absence of any material harm resulting from the development, the application is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions

- 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: Drawing Number 09/841-2-203, 09/841-2-204, 09/841-2-205 and, Design & Access and Heritage Statement dated 03.06.2020.

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

- 3 Prior to removal of the existing windows, doors and prior to removing the roof covering for insertion of the roof light, drawings to a scale of not less than 1: 20 fully detailing the new windows, roof lights, doors and their surrounds shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include materials, cross sections for glazing bars, sills, heads (as applicable), method of opening and method of glazing. The approved works shall be installed/carried out in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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.

- 4 Notwithstanding drawing number 09/841-2-205, the reinstatement of the original fireplace hereby permitted, where the brickwork of the fireplace is left exposed shall be flush pointed and brushed back into the arrises of the brickwork while green to match the existing and shall be retained in this form unless otherwise agreed in writing by the Local Planning Authority.

Reason - To safeguard the special architectural or historic interest, character, appearance and integrity of the 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? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO