

## DELEGATED DECISION OFFICER REPORT

| AUTHORISATION   | INITIALS | DATE       |
|---|----------|------------|
| File completed and officer recommendation:                  | NH       | 21/10/2020 |
| Planning Development Manager authorisation:                 | TF       | 21/10/2020 |
| Admin checks / despatch completed                           | CC       | 21.10.2020 |
| Technician Final Checks/ Scanned / LC Notified / UU Emails: | BB       | 21/10/2020 |

**Application:** 20/00467/LBC **Town / Parish:** Tendring Parish Council

**Applicant:** Mr N Irven

**Address:** Brockets Hall Stones Green Road Tendring

**Development:** Replacement of the existing windows with new hardwood timber units.

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

Tendring Parish Council Have not commented on this application.

### **2. Consultation Responses**

Essex County Council Heritage The application is for replacement of the existing windows with new hardwood timber units.

The applicant has sourced window forms which relate to previous fenestration in this building (as known) prior to the insertion of the existing windows.

ECC Heritage have no objection to this application. The openings in the west elevation need to be altered and reversed to their historic sizes. The size is not yet known and as such investigations need to be undertaken. As such the following conditions are recommended.

Conditions should be attached pertaining to:

- Details of investigation works. This should simply show the extent of which internal plaster/external render will be removed to ascertain the size of earlier window openings in the west elevation.
- Detailed (updated) drawings of proposed windows in west elevation, based on the outcome of the above investigations.

### **3. Planning History**

|                 |  |               |            |
|-----------------|--|---------------|------------|
| 04/01487/OHL    | Proposed 11kv overhead line modifications  | Determination | 30.12.2004 |
| 17/00814/COUNOT | Change of use from agricultural barn to dwelling house.                                      | Determination | 10.07.2017 |
| 19/01356/FUL    | Removing of 1970 entrance porch and reinstatement of a small entrance canopy, replacement of |               | 14.11.2019 |

|                 |   |                             |            |
|-----------------|---|-----------------------------|------------|
|                 | homemade entrance door and back door with hardwood units, removing of the external cement render and reinstatement of a lime render product, internal alteration to the second floor bedroom with the removal and insertion of a new internal partition forming a new bathroom, insertion of a skylight to the back elevation of the property.  |                             |            |
| 19/01357/LBC    | Removing of 1970 entrance porch and reinstatement of a small entrance canopy, replacement of homemade entrance door and back door with hardwood units, removing of the external cement render and reinstatement of a lime render product, internal alteration to the second floor bedroom with the removal and insertion of a new internal partition forming a new bathroom and the insertion of 2 custom made rooflight windows to the rear roofslope. | Approved                    | 07.02.2020 |
| 20/00270/COUNOT | Proposed conversion of agricultural buildings into two dwellings.   | Prior Approval Not Required | 16.04.2020 |
| 20/01156/FUL    | Replacement of 2no. agricultural buildings with a three bed dwelling (in lieu of prior approval for 2no. dwellings subject of application 20/00270/COUNOT).   | 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 relates to Brockett's Hall, Stones Green Road, Tendring. The property lies outside of the settlement development boundary for the area on the southern side of Stones Green Road set back from the highway by over 140 metres. The property is a Grade II Listed Building.

The listing description describes the building as follows;

*House. C18 front range, circa 1600 rear wing with later alterations. Front range probably of plastered brick. Rear range timber framed and plastered. Red plain tiled roofs. Right and left chimney stacks to front range, that to left external. 2 storeys. 3 window range of C20 casements. Central C20 gabled porch and door. Interior features include, moulded bridging joists, jowled storey posts, vertically boarded doors, some doors with original ironmongery. Rear roof pegged at ridge, front roof with ridge board.*

### Proposal

This application seeks listed building consent for the replacement of the existing windows with new hardwood timber units.

### Assessment

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. 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 Council's Historic Environment Officer has been consulted on this application and has stated that the application is for replacement of the existing windows with new hardwood timber units. The applicant has sourced window forms which relate to previous fenestration in this building (as known) prior to the insertion of the existing windows. The officer has no objection to this application however the openings in the west elevation need to be altered and reversed to their historic sizes. The size is not yet known and as such investigations need to be undertaken. Conditions will therefore be imposed to ensure that details of the investigation works are submitted to show the extent of which internal plaster/external render will be removed to ascertain the size of earlier window openings in the west elevation. A condition will also be imposed to ensure that details of the updated drawings of the proposed windows in the west elevation based on the outcome of the investigations are submitted to and approved in writing by the local planning authority.

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

Tendring Parish Council has not commented on this application.

No letters of representation have been received.

## **6. Recommendation**

Approval - Full

## **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. 5062-01 - Location Plan and Site Plan
- Head Cill Details Scanned 06 October 2020
- Jamb Details Scanned 06 October 2020
- Jamb Section Details Scanned 06 October 2020
- Drawing No. 5062-03 Revision 008 - Elevations and Floor Plans
- Mumfords and Wood Estimate scanned 06 October 2020

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

- 3 Following the completion of investigative works to the western elevation, a written notification including drawings and photographs shall be submitted to show the extent of

which internal plaster/external render will be removed to ascertain the size of the earlier window openings in the western elevation which shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in 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.

## 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?<br/>If so please specify:</b> | YES | NO |
| <b>Are there any third parties to be informed of the decision?<br/>If so, please specify:</b>             | YES | NO |