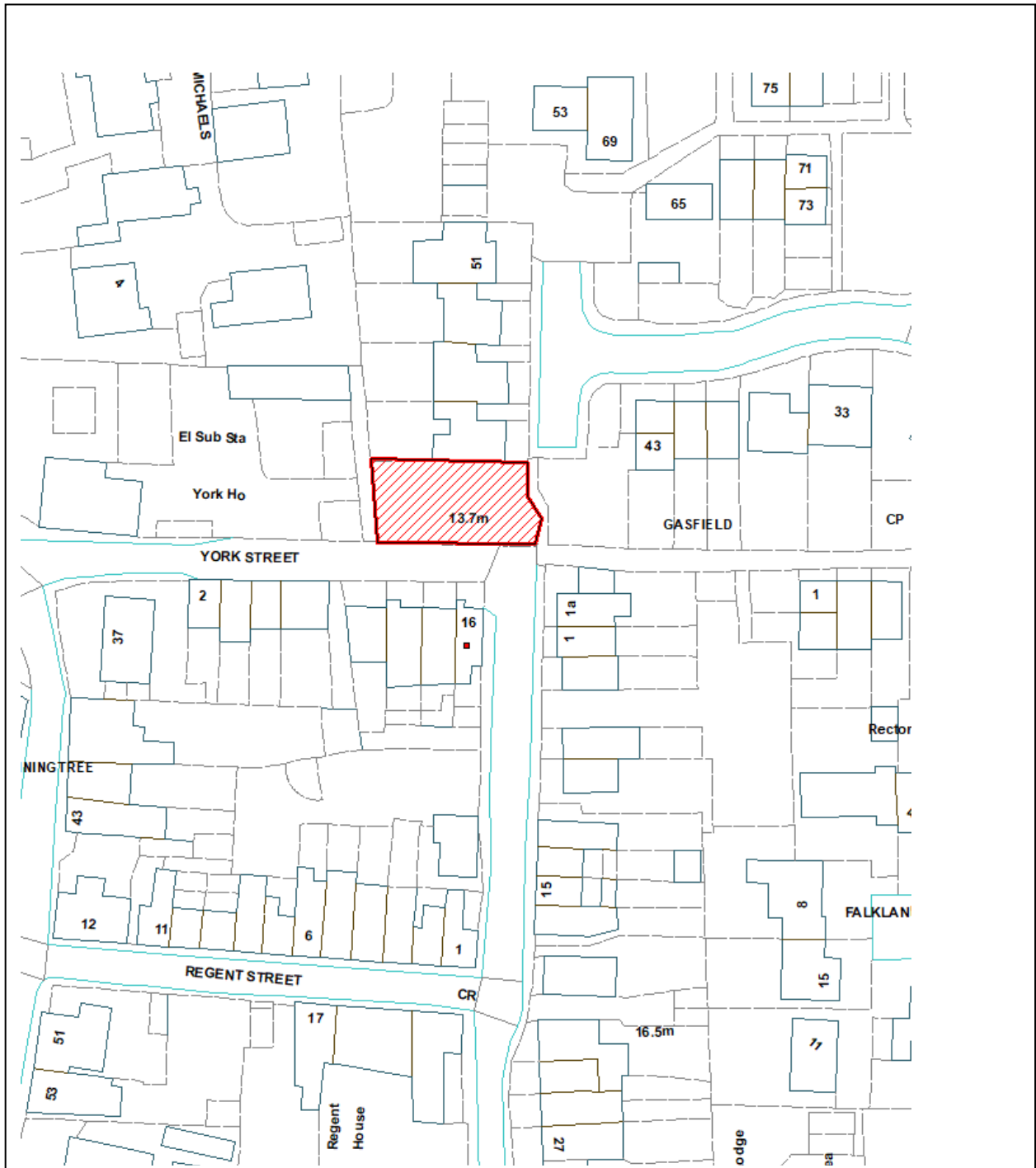


PLANNING COMMITTEE

17 November 2020

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

**A.3 PLANNING APPLICATION – 20/01034/FUL – WALL OPPOSITE 16 YORK STREET
MANNINGTREE CO11 1DD**



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Application: 20/01034/FUL

Town / Parish: Manningtree Town Council

Applicant: Mr Andy White - Tendring District Council

Address: Wall opposite 16 York Street Manningtree CO11 1DD

Development: Retrospective application to demolish and reinstate part of a wall in a Conservation Area.

1. Executive Summary

- 1.1 This application is referred to the Planning Committee as the applicant is Tendring District Council.
- 1.2 This application seeks retrospective planning permission to demolish and reinstate part of a wall located opposite 16 York Street, Manningtree.
- 1.3 The proposed demolition and reconstruction of the wall is considered acceptable. The proposed works will be a visual improvement to the street scene and will not result in any harm to neighbouring amenities, cause any adverse impact on highway safety or cause any harm to the Conservation Area.

Recommendation:

That the Head of Planning be authorised to grant planning permission for the development subject to:-

- a) Subject to the conditions stated in section 8.2

2. Planning Policy

- 2.1 The following Local and National Planning Policies are relevant to this planning application.

National Policy:

National Planning Policy Framework
National Planning Policy Guidance

Local Policy:

Tendring District Local Plan 2007

- QL1 Spatial Strategy
- QL9 Design of New Development
- QL10 Designing New Development to Meet Functional Needs
- QL11 Environmental Impacts and Compatibility of Uses
- EN17 Conservation Areas

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

- SPL3 Sustainable Design
- PPL8 Conservation Areas

Local Planning Guidance

Essex Design Guide

Status of the Local Plan

- 2.2 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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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.
- 2.3 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.
- 2.4 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.

2.5 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.

3. **Relevant Planning History**

20/01034/FUL	Retrospective application to demolish and reinstate part of a wall in a conservation area.	Current
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4. **Consultations**

Essex County Council Heritage
25.09.2020

Upon inspection of the wall it was agreed that the wall was in an unsafe condition and therefore required emergency repairs.

A scope of works and method statement was submitted by the applicant. Given the urgent nature of the repair works, the repairs were commenced in accordance with the submitted scope of works and method statement.

Site visits were made to check on the progress of the works and images were shared with ECC Heritage showing the works completed in accordance with the method statement and scope of works submitted.

The team support this application.

ECC Highways Dept
15.09.2020

The Highway Authority does not object to the proposals as submitted.

Informative1: 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

5. **Representations**

- 5.1 Manningtree Town Council have not commented on this application.
- 5.2 No letters of representation have been received.

6. Assessment

Site Context

- 6.1 The application refers to Wall opposite 16 York Street, Manningtree. The application site is located within the settlement boundary and is also located within the Conservation Area.

Proposal

- 6.2 This application seeks retrospective planning permission for the demolition and to reinstate part of the wall along York Street. As demonstrated within the accompanying reports and as viewed on site, the wall had become unsafe particularly in high winds where there was a danger of it falling over with risk to passers-by and to adjacent properties.

Principle of Development

- 6.3 The site is located within the Development Boundary therefore there is no principle objection to the proposal, subject to the detailed considerations discussed below.

Design and Appearance

- 6.4 Saved Policy QL9 sets out a range of general design principles, including requirements for developments to have regard in their design approach to local character and distinctiveness, architectural quality, scale and massing, and landscaping. This policy requires all new development to make a positive contribution to the quality of the local environment, and to protect or enhance local character. Draft Policy SPL3 sets out the requirement for development to achieve sustainable design.
- 6.5 Paragraph 124 of the NPPF states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.6 The proposed demolition and rebuild section of the wall will be visible to the neighbouring dwellings along York Street, however as the works are to replace the existing wall, it is not considered to cause any harm upon visual amenities. The works include: a new brickwork panel to be constructed in Flemish bond profile to match the original; original brick coping; new brick piers to be two bricks wide and two bricks deep; two courses of brickwork above the highway to match the existing in Flemish Bond; rubble wall to be constructed from reclaimed materials and to reinstate random stone dealing with the details of the stones to be located as close as possible to the original positions; reinstate the original brick detail; brickwork capping; and the existing pier and wall beyond to be retained.

6.7 It is therefore considered that the proposed works will be a visual improvement to the existing wall.

Heritage

6.8 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act imposes a statutory duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest.

6.9 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.

6.10 Policy EN17 of the Tendring District Local Plan 2007 and Policy PPL8 of the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016) state that development within a Conservation Area must preserve or enhance the special character or appearance of the Conservation Area.

6.11 The ECC Historic Environment Team have been consulted on this application and have stated that upon inspection of the wall it was agreed that the wall was in an unsafe condition and therefore required emergency repairs. A scope of works and method statement was submitted by the applicant. Given the urgent nature of the repair works, the repairs were commenced in accordance with the submitted scope of works and method statement.

6.12 Site visits were made to check on the progress of the works and images were shared with the ECC Historic Environment Team showing the works completed in accordance with the method statement and scope of works submitted. The team support this application.

6.13 Therefore, there is not considered to be significant harm identified to cause any impact upon the Conservation Area, and the proposed works are therefore acceptable against this criteria

Impact on Residential Amenity

6.14 The NPPF (2019) at paragraph 127 states that planning should secure developments with a high standard of amenity for existing and future users. Saved Policy QL11 of the Tendring District Local Plan (2007) states that amongst other criteria development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

6.15 The wall referred to in this application will be visible to the neighbouring dwellings along York Street, however as the application is to replace the existing wall, it is considered that the proposal will not cause any significant impact upon neighbouring amenities.

7. Conclusion

7.1 The proposed demolition and reconstruction of the wall is considered acceptable. The proposed works will be a visual improvement to the street scene and will not result in any harm to neighbouring amenities or have any adverse impact on highway safety.

8. Recommendation

8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives.

Conditions and Reasons

1 The development hereby permitted shall be carried out in accordance with the following approved plan and document;

- Drawing No. 102 Rev A – Elevations
- Drawing No. 103 Rev A – Panels and Sections
- Drawing No. 104 Rev A – Sections
- Drawing No. A/2020/16 – Site Plan and Block Plan
- Drawing No. TM1062-01-D-01 – Temporary Traffic Management Plan
- TDC – Dangerous Structure Report Sheet - dated 08/07/2020
- Method Statement - dated 06/07/2020
- Wall Survey – Ref 19/5679 – Dated 3rd June 2019

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

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

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,
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CO4 9YQ

9. Additional Considerations

Public Sector Equality Duty (PSED)

- 9.1 In making your decision you must have regard to the PSED under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions to:
- 9.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- 9.3 B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and
- 9.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 9.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.
- 9.6 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 9.7 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

- 9.8 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 9.9 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 9.10 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Finance Implications

- 9.11 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.
- 9.12 The New Homes Bonus (NHB) is one local finance consideration capable of being a material consideration to which the weight given shall be determined by the decision maker. The NHB is a payment to local authorities to match the Council Tax of net new dwellings built, paid by Central Government over six consecutive years. In this instance, it is not considered to have any significant weight attached to it that would outweigh the other considerations.

10. Background Papers

- 10.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.