

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	21 st Dec 2020
Planning Development Manager authorisation:	SCE	22.12.2020
Admin checks / despatch completed	ER	23.12.2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	23.12.2020

Application: 20/01444/LBC **Town / Parish:** Thorrington Parish Council

Applicant: Mrs Lynne Aungier

Address: Pear Tree Cottage Clacton Road Thorrington

Development: Proposed erection of a summer house with veranda and landscaping.

1. Town / Parish Council

No comments received

2. Consultation Responses

Built Heritage Consultant I am unopposed in principle to the proposed summer house and veranda, however the proposed crown roof is not supported.

3. Planning History

04/01692/FUL	Construction of new garden room.		30.09.2004
04/01693/LBC	Construction of new garden room.	Approved	30.09.2004
13/00230/FUL	Proposed single storey side extension, side porch extension, detached double car port, garden walls, gate & driveway. (Following demolition of existing side extensions & garage).	Approved	01.05.2013
13/00232/LBC	Proposed single storey side extension, side porch extension, detached double car port, garden walls, gate & driveway. (Following demolition of existing side extensions & garage).	Approved	01.05.2013
13/00547/DISCON	Discharge of condition 2 (details of the gates, wall and hardstanding area), 3 (on site parking facility for construction workers) and 4 (wheel and underbody cleaning facility) of planning permission 13/00230/FUL - FOR INFORMATION ONLY.		04.12.2015
13/00548/DISCON	Discharge of condition 2 (details of all new windows) of listed building	Approved	15.10.2014

consent 13/00232/LBC - FOR
INFORMATION ONLY.

17/30037/PREAPP	Erection of single storey outbuilding.		14.03.2017
17/00497/FUL	Erection of single storey outbuilding.	Approved	02.06.2017
17/01523/FUL	Remove large windows from garden room and replace with smaller windows and rendered timber frame infill.	Approved	
17/01525/LBC	To remove large windows from garden room and replace with smaller windows and rendered timber frame infill.	Approved	03.11.2017
19/30121/PREAPP	Erection of rear single storey flat roof extension.		02.10.2019
19/01494/FUL	Proposed rear extension.	Approved	03.12.2019
19/01511/LBC	Proposed rear extension.	Approved	03.12.2019
19/01847/DISCON	Discharge of condition 02 (materials) and 03 (surface treatments) of planning permission 19/01511/LBC.	Approved	14.01.2020
20/01443/FUL	Proposed erection of a summer house with veranda and landscaping.	Current	
20/01444/LBC	Proposed erection of a summer house with veranda and landscaping.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

EN23 Development Within the Proximity of 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) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10th December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council is now making arrangements to formally adopt Section 1 of the Local Plan in its modified state and this is expected to be confirmed at the meeting of Full Council on 26th January 2021 – at which point will become part of the development plan and will carry full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan. In the interim, the modified policies in the Section 1 Local Plan, including the confirmed housing requirement, can be given significant weight in decision making owing to their advancement through the final stages of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) is now expected to proceed in 2021 and two Inspectors have already been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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.

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. C16 or earlier with later alterations and additions. Timber framed, part plastered, part weatherboarded with central drip board. Red plain tiled roof outshot at rear. Central red brick chimney stack. One storey and attics. 2 C20 small paned casements, central vertically boarded door. Gable to road with ground floor and attic windows. Front single storey red tiled extension. Back to back inglenook fireplace. Part of the frame is exposed. Inserted ceiling with stop chamfered bridging and ceiling joists. Heavy widely spaced wall studs, halved and bridled top plate scarf. One storey post with mortice for a large arched brace which was possibly removed when the ceiling and chimney were inserted. Arched bracing to front wall. Combed pargetting to original rear wall. Some damage was sustained during the late C19 earthquake.

In recommending granting consent for the large garage adjacent the dwelling in 2013 the officer considered that “The proposed detached open fronted car port is set well away from the main dwelling and it is considered that this structure is of an overall scale, bulk and design that would appear subservient to the main dwelling and would as a result not detract from its setting”. The outbuilding under consideration is of minimal scale in comparison to the garage and sited considerably further away from the main dwelling.

The Councils Historic Environment consultant has been consulted on this application and has stated that they are unopposed in principle to the proposed summer house and veranda, however the proposed crown roof is not supported. In response to this, the ratio of roofscape to wall height is entirely appropriate and changing it to a dual pitched would require an overall increase in height.

6. Recommendation

Approval - Listed Building Consent

7. Conditions / Reasons for Refusal

- 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 plans:- 1, 2, 3, 4, 5, 6 and 7 - received 2nd November 2020.

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

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?	YES	NO
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If so please specify:		
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO