

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	22 <sup>nd</sup> 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:** 20/01490/LBC **Town / Parish:** Great Oakley Parish Council

**Applicant:** Mrs Wendy De Rosa

**Address:** Old Scantlings Farm Road Great Oakley

**Development:** Emergency repairs to replace 3 windows on a like for like basis.

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

Great Oakley Parish  
Council na  
21.11.2020

### **2. Consultation Responses**

Essex County Council Heritage I am supportive in principle of the proposed like-for-like replacement of three single glazed timber windows, appropriately detailed and with integral glazing bars.

### **3. Planning History**

02/01719/TCA	Fell one Sycamore tree	Approved	31.10.2002
06/00219/LBC	Internal and external alterations.	Approved	14.06.2006
14/00631/FUL	Raise existing chimney stack by approx 565 mm to a new height of approx 1900 mm. and associated external repairs.	Approved	30.09.2016
14/00632/LBC	Line existing chimney breasts. Raise existing chimney stack by approx 565 mm to a new height of approx 1900 mm. and associated external repairs.	Approved	30.09.2016
15/01740/TCA	G1 - Mixed group including Crab Apple, Holly - fell. G2 - mixed group including Holly, Laurel - reduce by 50%. T1, T2 - Holly, T3 - Cherry, T4 Conifer - fell	Approved	22.12.2015
20/01490/LBC	Emergency repairs to replace 3 windows on a like for like basis.	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

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10<sup>th</sup> 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 26<sup>th</sup> 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)**

##### Proposal

The application proposes consent for replacing three damaged windows (glass and frames) on a like for like basis. The windows proposed are:- Bedroom 1 – first floor, west (side) elevation, Bedroom 2 – first floor, forward-facing dormer and Kitchen – ground floor north elevation.

Bedroom 1's frame would be replaced with a pine, white-painted frame chamfered-profile with transom. Glass would be clear and single-glazed, ironmongery would be 'Monkey-Tail'. The size of the window would be 1150cm x 950cm.

Bedroom 2' frame would be replaced with a pine, white-painted frame. Glass would be clear and single-glazed, ironmongery would be 'Monkey-Tail'. The size of the window would be 970cm x 1260cm.

The kitchen's frame would be replaced with a pine, white-painted frame. Glass would be clear and single-glazed, ironmongery would be 'Monkey-Tail'. The size of the window would be 500cm x 750cm.

### 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:

*House. C17 or earlier. Timber framed, roughcast rendered, hoof thatched. 4 bays facing approx. S, with axial stack in second bay from left end, forming a lobby-entrance. C20 lean-to extension at right end. One storey with attics. 6 C20 casements on ground floor, and one more in gabled dormer. C20 door in glazed gabled porch roofed with red clay 'Roman' tiles. Chamfered axial beams, plain joists of horizontal section. At the time of survey, September 1985, the roof was stripped down to felt for re-thatching, with some red clay 'Roman' tiles below the dormer. No access to the rear or the interior.*

The Heritage Officer comments that they are supportive in principle of the proposed like-for-like replacement of three single glazed timber windows, appropriately detailed and with integral glazing bars. The Officer has requested a condition be attached to any forthcoming permission that requires additional section and elevation drawings at scales between 1:20 and 1:1, showing details of proposed glazing type (single), timber type, ironmongery, the profiles of; cills, glazing bars which should be integral and not stuck-on, mullions, transoms and frames.

In response to the request for this condition; the application is described as like-for-like replacement – as such, development which differs would not be consented. The application is accompanied by a Schedule of Works – this schedule contains details regarding single glazing, pine frames and Monkey-Tail ironmongery. The cumulative effect of the description plus the Schedule of Works are deemed sufficient for the Local Planning Authority to control the extent of development proposed and further conditions are deemed contrary to Paragraph 55 of the NPPF

which requires should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

## 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 details contained within the Amended Schedule of Works; received 5<sup>th</sup> 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.

<b>Are there any letters to be sent to applicant / agent with the decision?</b>		<b>NO</b>
<b>Are there any third parties to be informed of the decision?</b>		<b>NO</b>