

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	27/01/2021
Planning Development Manager authorisation:	TF	27/01/2021
Admin checks / despatch completed	DB	27/01/2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	27.01.2021

Application: 20/01579/LBC **Town / Parish:** Weeley Parish Council

Applicant: Mr Harry Wenden

Address: Weeley House 70 The Street Weeley

Development: Proposed internal alterations and thermal upgrade to loft space.

1. Town / Parish Council

Weeley Parish Council Not commented on this application.

2. Consultation Responses

Essex County Council The application is for proposed internal alterations and thermal
Heritage upgrade to loft space.
25.01.2021 Number 70 is a Grade II listed building.
No objection to this application which provides a sympathetic use
of the loft space. It has been assumed that all new windows are
timber.
It is recommended that a condition is attached requiring a schedule
of repair for the dormer windows.

3. Planning History

94/00688/OUT	(Gardens of Weeley House, The Street, Weeley) Five one-bedroom Retirement Homes	Refused	03.08.1994
94/01254/OUT	(Garden of Weeley House, The Street, Weeley) 5 one bedroom retirement homes	Refused	24.01.1995
97/00728/FUL	(Weeley House, 70 The Street, Weeley) Change of use of former shop area to be incorporated into existing dwelling	Withdrawn	20.11.1998
16/00021/LUEX	Change of use of shop to residential.	Lawful Use Certificate Granted	01.03.2016
17/01567/OUT	Proposed detached dwellings & double garage on land to the rear	Refused	01.12.2017

of Weeley House.

18/01848/LBC	Proposed replacement of top three sash windows on East Side facade.	Approved	
19/00802/LBC	Proposed replacement of upper 3 sash windows on East Side facade.	Approved	09.08.2019
19/01537/FUL	Proposed detached house.	Refused	03.02.2020
20/00117/LBC	Proposed brickwork repairs to facade and parapet wall.	Approved	26.03.2020
20/01578/FUL	Proposed internal alterations and thermal upgrade to loft space.	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)

SPL3 Sustainable Design

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)

Site Description

The application site refers to Weeley House, a Grade II Listed building located within the settlement development boundary of Weeley.

Weeley House Listing is as follows:

House. C18. Red brick, plastered returns. Hipped red plain tiled double range roofs. 2 central red brick chimney stacks. 2 storeys and attics. 2 gabled dormers to rear block. Parapet and moulded brick cornice. 3 window range of small paned vertically sliding sashes, excepting ground floor right which it without glazing bars. Central C20 door with top light, reveal panels, moulded surround, brackets, moulded open pediment.

Proposal

The application seeks Listed Building Consent for internal alterations and thermal upgrade to loft space.

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 Councils Historic Environment Manager has been consulted on this application and has stated that there is no objection to this application which provide a sympathetic use of the loft space. It has been assumed that all new windows are timber. A condition will be imposed requiring a schedule of repair for the dormer windows.

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

Weeley Parish Council have not commented on this application.

No letters of representation have been received.

6. Recommendation

Approval - Listed Building Consent

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 plans:

- Drawing No. 03B - Proposed Loft Floor Plan
- Drawing No. 04 - Proposed Roof Plan
- Drawing No. 05D - Proposed Cross Sections
- Drawing No. 06C - Proposed Cross Sections
- Drawing No. 08B - Proposed Elevations
- Drawing No. 09 - Glazing Bar Details

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

- 3 Before any work is commenced, a schedule of repair for the dormer windows 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.

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