

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NW	25.02.2021
Planning Development Manager authorisation:	TF	25/02/2021
Admin checks / despatch completed	DB	25.02.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	25.02.2021

Application: 21/00032/LBC **Town / Parish:** Manningtree Town Council

Applicant: Dr and Mrs Bettle

Address: 18 High Street Manningtree Essex

Development: Proposal to remove Portland cement render from the cellar of the property.

1. Town / Parish Council

Manningtree Town Council No comment received.

2. Consultation Responses

Essex County Council Heritage
10.02.2021 Built Heritage Advice pertaining to an application for: Proposal to remove Portland cement render from the cellar and fireplace of the property.

The Property is Grade II listed as Manningtree Gallery OG Thorpe and Son Butchers (List UID: 1254309).

It should be noted that there is a potential here for the bricks behind the cement to be spalled or damaged, there is also the potential for the render removal to result in damage to the bricks as the cement may pull the face of the bricks away in its removal.

However, ECC Heritage unopposed to this application subject to the following conditions:

- Prior to the commencement of any works, the areas of proposed cement removal shall be shown in scale drawings at 1:10 to be submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved drawings.

- Prior to the commencement of any works, a written method statement shall be provided describing in detail the proposed method of removal which should be by hand and not involve any machine cutting tools. This shall be submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved method statement.

- Prior to the commencement of works and following the approval of the above two conditions, the existing cement render shall be

removed from a sample area of 500x500 centimetres at ground floor level to ascertain the viability of the mortar's removal and inform the need for any remedial works to the brickwork. This area shall demonstrate the method of removal so that the impact of removal upon the bricks can be assessed and the method approved in writing by the local planning authority. The works shall be implemented in accordance with the approved sample panel.

- Should the removal of the cement mortar result in the need for remedial works to be undertaken, this can be covered by a condition requiring details of the proposed remedial works including any replacement bricks and repointing, to be proposed in drawings and a method statement, to be submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved drawings and method statement.

3. Planning History

04/01028/FUL	Change of use from retail shop and workshop to domestic dwellinghouse and garage		14.07.2004
04/01031/LBC	Change of use from retail shop and workshop to domestic dwellinghouse and garage		08.07.2004
04/01947/FUL	Reversion of use from craft display room and rear workshop & garage to dwelling house and garage.	Approved	07.01.2005
14/30331/PREAPP	Roof repairs.		15.08.2014
15/01014/LBC	Removal of existing roof tiles and underfelt and replace with new clay hand made plain tiles with breathable insulating underfelt (front elevation store only).	Approved	07.10.2015
19/00317/LBC	Proposed replacement rear extension.	Approved	03.06.2019
19/01060/DISCON	Discharge of condition 3 (Written Scheme of Investigation) of approved application 19/00317/LBC.	Approved	03.09.2019
20/00444/LBC	Installation of low-profile aluminium roof light, and boxing-in of exposed drainage pipework. Removal of two timber stud work walls to outbuilding. Installation of timber access gates in gap in boundary wall. Cladding another outbuilding with horizontal boarding. Replacement of existing external timber door affected by damp with	Approved	27.07.2020

	new timber door to match adjacent door. Minor repairs to brick boundary wall.		
20/00445/FUL	Installation of low-profile aluminium roof light, and boxing-in of exposed drainage pipework. Removal of two timber stud work walls to outbuilding. Installation of timber access gates in gap in boundary wall. Cladding another outbuilding with horizontal boarding. Replacement of existing external timber door affected by damp with new timber door to match adjacent door. Minor repairs to brick boundary wall.	Approved	27.07.2020
20/01545/FUL	Proposed secondary glazing to sash windows on principle elevation and new cast iron grille at pavement level.	Withdrawn	12.01.2021
20/01546/LBC	Proposed secondary glazing to sash windows on principle elevation and new cast iron grille at pavement level.	Approved	13.01.2021
21/00032/LBC	Proposal to remove Portland cement render from the cellar of the property.	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
QL11 Environmental Impacts and Compatibility of Uses
EN17 Conservation Areas
EN22 Extensions or Alterations to a Listed Building

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

SPL3 Sustainable Design
PPL8 Conservation Areas
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. In this latter regard, as of 26th January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

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 has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26th January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have 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)

The application site contains a Grade II Listed Building that fronts on to the High Street in Manningtree with a secondary elevation to Brook Street.

The land is situated within the Town Centre and Conservation Area that contains numerous Listed Buildings.

The Listed Building description is as follows:

'Former house, now 2 shops. Early C16 or earlier with C17 and C18 and later additions and alterations. Timber framed and plastered. Red plain tiled roofs. Rear off centre right red brick chimney stack. Rear wings. 2 storeys, attics and cellars. 3 flat headed dormers with vertically sliding sashes. Moulded eaves cornice. 6 window range of small paned vertically sliding sashes, moulded surrounds. 3 similar windows to ground floor right, C20 double doors approached by steps with iron handrails between central and second window. C20 shop window to left, board door with top light, blocked fanlight over. Moulded bridging joists run through the front of the building. Probably part of RCHM 3 q.v. 9/142.'

Proposal

Proposal to remove Portland cement render from the cellar of the property

Appraisal

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.

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.

Paragraph 189 of the National Planning Policy Framework ("the Framework") requires applicants to describe the significance of any heritage assets affected. This requirement is reflected by saved policy EN23 of the Tendring District Local Plan (2007) and emerging Policy PPL9 of the Tendring District Council Local Plan 2013-2033 and Beyond Publication Draft (June 2017). Both these policies also confirm that development should be of a scale, design and use that respects the listed building and its setting.

The proposed development only consists of removal of the Portland cement render in the cellar, originally this included similar works on the ground floor around the chimney place.

The host building dates back to the C16th and is likely to be timber framed.

The applicant has submitted a Method Statement for the proposed works, and this includes the use of electrical equipment to undertake the works. Officers agree with ECC Heritage that hand tools only should be used on this proposal, largely due to the age of the building.

Therefore, although the principle of the works is not objectional, a revised Method Statement is required prior to the commencement of the works, detailing the fact that only hand tools will be used. It is highly likely that parts of the bricks and render will be damaged during this process. The use of hand tools will minimise this risk.

Of equal importance is the use of a Lime based mortar for spot repairs to the render as this dries approximately 10 times faster than cement render. The use of cement therefore has a detrimental impact on the rooms ability to breath and is incongruous to the natural built form.

A full method statement with a floor plan outlining which walls are to be worked on and a remediation statements is required to be submitted prior the works being carried out. This is included as a planning condition.

ECC Heritage have been consulted on this application and have stated they are unopposed to this application subject to four conditions. However, given the works are only the removal of the render in the cellar, officers believe a revised Method Statement including remediation proposals, shall be sufficient in this instance.

Subject to planning conditions, there is not considered to be significant harm identified to the setting of the Listed Building, and the proposals are therefore acceptable against this criteria.

Other Considerations

No letters of representation have been received.

6. Recommendation

Approval

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. Prior to the commencement of any works, a written Method Statement shall be provided, describing in detail the proposed method of removal, which should be by hand and not involve any machine cutting tools. The statement shall include a floor plan outlining what walls are to be worked on. The document shall confirm the use of a Lime based mortar and details of how any damaged bricks shall be repaired / replaced, if required during the works process. This shall be submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved method statement.

Reason - In order that the special architectural and historic interest of this Listed Building is safeguarded

3. All new internal works and finishes, and any works of making good, shall match the existing original fabric in respect of using materials of a matching form, composition and consistency, detailed execution and finished appearance.

Reason - In order that the special architectural and historic interest of this Listed Building is safeguarded

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.

Monitoring: During the course of the works, should any additional repair works be necessary beyond those outlined in the method statement, these must be agreed in writing with the Local Planning Authority prior to their undertaking.

The applicant is reminded that the repair or replacement on a like for like basis with the same materials does not require listed building consent.

The submitted Method Statement dated 24/02/2021 from Rose Builders is not acceptable or an approved document of this Listed building Consent. The details therein are not to be followed in any way whatsoever.

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