

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	1 st Oct 2021
Planning Development Manager authorisation:	SCE	07.10.2021
Admin checks / despatch completed	CC	11.10.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	TF	11.10.2021

Application: 21/01423/FUL **Town / Parish:** Brightlingsea Town Council

Applicant: Mr A Buchan

Address: 22E Marshes Yard Brightlingsea Colchester

Development: Proposed replacement windows, doors and new cladding (retrospective).

1. Town / Parish Council

No comments received

2. Consultation Responses

Essex County Council
Heritage

I do not support this application. The infilling of the pre-existing windows with UPVC windows and weatherboarding is a poor quality solution which fails to preserve or enhance the character and appearance of the Conservation Area. It also appears the wider weatherboarding may be composite which is also inappropriate in this Conservation Area.

These poor quality and incongruous materials detract from the character and appearance of the Conservation Area. This harm to the designated heritage asset should be considered under paragraph 202 of the NPPF. The application is also not considered compliant with paragraph 197 (c) or paragraph 206 of the NPPF.

3. Planning History

12/00816/FUL	Erection of 2 no. dwellings and 1no. retail unit with 3 no. flats above (following demolition of existing retail units).	Withdrawn	27.12.2012
12/00817/CON	Demolition of existing retail units (to facilitate the erection of 2 no. dwellings and 1no. retail unit with 3 no. flats above).	Withdrawn	27.12.2012
21/01423/FUL	Proposed replacement windows, doors and new cladding (retrospective).	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2021

National Planning Practice Guidance

Relevant Section 1 Policies (adopted)

SP1 Presumption in Favour of Sustainable Development

SP3 Spatial Strategy for North Essex

SP7 Place Shaping Principles

Adopted Tendring District Local Plan 2007 (part superseded)

ER7 Business, Industrial and Warehouse Proposals

EN17 Conservation Areas

Relevant Section 2 Policies (emerging)

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

PP6 Employment Sites

PPL8 Conservation Areas

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

Local Planning Guidance

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

Planning law requires that decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework 2021 (the Framework).

The 'development plan' for Tendring comprises, in part, the 'saved' policies of the 2007 Local Plan. Paragraph 219 of the Framework allows local planning authorities to give due weight to policies adopted prior to its publication according to their degree of consistency with the policies in the Framework. On the 26th January 2021 Section 1 of the 2013-2033 Local Plan was adopted and now also forms part of the 'development plan' for Tendring, superseding some of the more strategic policies in the 2007 Local Plan. Notably, the housing and employment targets were found sound and have been fixed, including the housing requirement of 550 dwellings per annum.

Paragraph 48 of the Framework 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 the policies of the Framework. In this regard 'Proposed Modifications' to the emerging Section 2 of the 2013-33 Local Plan, which contains more specific policies and proposals for Tendring, has been examined and hearing sessions have now closed.

The main modifications recommended to make the plan legally compliant and sound were considered at the Council's Planning Policy and Local Plan Committee on 29th June 2021. The Council held a six-week public consultation on the Main Modifications and associated documents which began on 16th July 2021. The consultation closed at 5pm on 31st August 2021 and adoption is expected later this year. Section 2 will then join Section 1 as part of the development plan, superseding in full the 2007 Local Plan. Section 2 of the 2013-33 Local Plan is therefore at a very advanced stage of preparation and should be afforded considerable weight.

5. Officer Appraisal

Site Description

The application site is a single-storey commercial premises which is located at the junction of Wellington Street and Victoria Place within Brightlingsea Conservation Area. The building is of very simple rectangular form with a dual pitched roof; its longer side abuts the back edge of the footpath. As recently as two years ago the structure was rendered externally with a slate roof over. The south elevation (parallel with Wellington Street) had three large window openings and had suffered badly with blown render. The west elevation (facing towards Victoria Place) had one large window which dominated the gable-end.

Description of Proposal

The alterations which have taken place are the insertion of cladding 'panels' to infill the lower two-thirds of the three window openings to Wellington Street. The remaining third comprises top-hung outwardly-opening modern-framed windows. The north and east elevations face inwards to the courtyard; these have been clad in weatherboarding and replacement window/door frames have been installed. The elevations have been repainted in a buttermilk-colour which matches the hue of the weatherboarding. The black-painted plinth remains.

At some point between April 2019 and 2020 the roof has also been replaced.

Principle of Development

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 & Appearance

Adopted Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context. Emerging Policy SPL3 of Section 2 of the 2013-33 Local Plan also requires, amongst other things, that the development respects or enhances local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features. Paragraph 130 of the Framework requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

The building reflects the changes that have occurred to Brightlingsea over the previous decades. This is further enhanced by the changing retail uses and their corresponding shop fronts, reflecting how shopping areas are changing due to the changing requirements of consumers. There are buildings within the locale which have modern finishes, for example the café which fronts Victoria Place - which also has an element of weatherboard cladding to its side elevation. The alterations are entirely appropriate to both the host dwelling and wider streetscene in general.

Impact to Neighbouring Amenities

The NPPF, at paragraph 130 states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Adopted Policy SP7 of the Tendring District Local Plan 2013-2033 and

Beyond requires that all new development protects the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking.

The development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

Highway Safety

Paragraph 112 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. These objectives are supported adopted Policy SP7 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

The proposal does not generate any additional requirement for parking places, nor does it cause the loss of any existing parking spaces.

Conservation Area

Heritage assets range from sites and buildings of local historic value to those of the highest significance. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. The character of an area is made up not only by individual buildings but also their relationship to each other and the sense of place that they create. The setting of a building is therefore a material consideration when assessing the suitability of development proposals in Conservation Areas.

Paragraph 197 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.

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.

Policy EN17 of the Saved Plan (Development within a Conservation Area) requires that development must preserve or enhance the character or appearance of the Conservation Area. Development will be refused where it would harm the character or appearance of the Conservation Area, including historic plan form, relationship between buildings, the arrangement of open areas and their enclosure, grain, or significant natural or heritage features. Emerging Policy PPL8 reflects this consideration.

Brightlingsea is in essence a medieval town with historic maritime connections. This history lends a unique character to the High Street flanked by ancient greens, and to expansion from the medieval core during the 19th century, most notably to connect the town with its historic waterfront. The Area recognises this evolution, which has created a sequence of streets and spaces closely defined by a range of mostly-two storey buildings with a strong family relationship.

The relevant appraisal area is Lower Green Gardens and Station Road. The wide southern arm of what is now Victoria Place is another long-established feature of the town. Development in the 19th century was hastened by its later function as the main access to the railway station.

On the eastern side of Lower Green, there are individual shop fronts, mostly in premises with gable ends to the road. The largest is a supermarket and Post Office a substantial 19th century building, though beyond it is a single storey building with a regrettable flat roof. Next again is another old property, of two-and-a-half storeys under a gambrel roof. The elevations are now rendered with modern window details. The prominent corner into Wellington Street is just an open tarmac forecourt leading behind to a series of single storey sheds with a variety of antique businesses.

The development does not alter the description of the Conservation Area Appraisal. Historically the outbuildings were of a single storey constructed in blockwork with a sand and cement painted render, a mixture of painted timber frames, all in a state of disrepair.

The evolution of buildings has included the rendering or pebble dashing of elevations, the replacement of original roofs usually with concrete profiled tiles, and the removal of original windows in favour of modern variants, most recently in UPVC. A survey of all properties in Sydney Street as part of this review showed that out of 124 buildings, 64 (52%) had been rendered or painted, 86 (69%) had replacement windows, and 46 (37%) had replacement roof coverings. A small number of buildings are free from any of these alterations, while others exhibit more than one kind. Given this level of attrition, it is doubtful that additional controls can be considered a reasonable response.

As highlighted in the Conservation Area Appraisal, the setting of the shop is surrounded by a mix of other commercial units. The architecture varies, reflecting the changing styles and influences over the past 100+ years, and it is this mixture around the Green which creates its character.

It is acknowledged that the Historic Environment Manager does not support this application. He considers that the infilling of the pre-existing windows with UPVC windows and weatherboarding is a poor quality solution which fails to preserve or enhance the character and appearance of the Conservation Area. It also appears the wider weatherboarding may be composite which is also inappropriate in this Conservation Area. In response to this it was noted at the site visit that two buildings in the locale comprise modern materials; one of the principal buildings facing Lower Green Gardens (Victoria Café) has a large bright blue Perspex fascia with modern silver lettering (internally illuminated with LED's) and the public toilets are circa 1980's engineered brick of very little architectural merit; one of the buildings attached to the application site is also finished in a modern engineered brick. For these reasons it is considered that the weatherboarding (to the main gable end) and the small infill areas beneath the windows are not so out of place to warrant refusal and the retrospective alterations preserve the character of the conservation area.

6. Recommendation

Approval - Full

7. Conditions

1 No conditions.

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?		NO
Are there any third parties to be informed of the decision?		NO