

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	MP	18/09/23
Planning Manager / Team Leader authorisation:	ML	18/09/2023
Planning Technician final checks and despatch:	JJ	19/09/2023

**Application:** 23/01093/LBC **Town / Parish:** Tendring Parish Council

**Applicant:** Elysium Healthcare Ltd

**Address:** Oaktree Manor Heath Road Tendring

**Development:** Proposed works to repair and refurbish building including: structural remediation including repointing and 'Helifix' crack stitching; Remove redundant fire door and infill brickwork; Remove redundant steel beam across window, repair and reinstate masonry; Internal refurbishment and decoration; Reinstatement of guttering as necessary; Replace existing timber joists at second floor level with matching joist sizes; and other associated works in line with Structural Report including window glazing replacement to repair cracked glazing near the office.

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

Tendring Parish Council      No comments received.

### **2. Consultation Responses**

Essex County Council      The proposal site is Grade II Listed Heath Hospital (List Entry  
Heritage      Number: 1396442), built in 19th century as workhouse for Tendring  
14.09.2023      Union.

The proposed works as per Structural Engineer report and recommendation are considered to preserve the special interest of the heritage asset and prevent the building from further damage due to its overall poor condition.

Repair to the historic walls will be carried out re-using existing bricks. Should additional bricks be required, specifications and samples of proposed bricks to closely match existing in colour, size and texture, should be submitted for approval of the LPA. Reclaimed bricks to match existing would be preferable for this site.

As discussed on site, repair works would be supervised by their appointed CARE structural engineer as a qualified professional specialised in conservation. Any proposed changes to the agreed supervision arrangements shall be subject to the prior written agreement of the LPA, in order to ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Any proposed changes to the to the approved schedule of works or any additional work required, shall also be subject to the prior written agreement of the LPA.

### 3. Planning History

02/01886/FUL	Existing C2 use to have additional use of buildings for general offices, administration, maintenance and storage facilities in connection with use of site as assessment and treatment units for people with learning difficulties	Approved	06.01.2003
03/01056/FUL	Alterations to existing building and 6 no. new build residential care homes	Approved	28.07.2003
03/01057/LBC	Alterations to existing building and demolition of outbuildings	Approved	31.07.2003
04/00434/FUL	Electrical intake and generator building	Approved	19.04.2004
05/00099/FUL	20 No. recuperation apartments and pre-diagnosis centre	Approved	06.04.2005
06/01609/FUL	Construction of link corridors between existing patient bungalows.	Approved	08.01.2007
07/00682/TPO	T27 - Lime - fell	Approved	27.04.2007
07/01989/FUL	Construction of a 30 bed 2 storey mental health building with ancillary living accommodation, two storey occupational therapy suite and enclosed/covered sports barn.	Refused	04.04.2008
09/00021/FUL	Erection of 3.5 metre high mesh fence and gates.	Approved	26.02.2009
11/00494/FUL	Erection of link corridor and lobby between existing buildings.	Approved	08.07.2011
11/01057/FUL	Construction of a 30 bed 2 storey mental health building with ancillary living accommodation, two storey occupational therapy suite and enclosed/covered sports barn. (Extension of time on previously approved 07/01989/FUL).	Approved	24.11.2011
13/00903/TPO	Lime - 50% reduction - dead and dying branches.	Approved	12.09.2013

#### Relevant Policies / Government Guidance

National:

National Planning Policy Framework July 2021 (NPPF)

### **Status of the Local Plan**

Planning law requires that decisions on 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 (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any neighbourhood plans that have been brought into force.

### **Neighbourhood Plans**

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

## **4. Officer Appraisal**

### **Site Description**

The application site is Oaktree Manor, which is a Grade II Listed Building sited along the northern section of Heath Road, within the parish of Tendring.

The immediate surrounding area consists of some built form, with residential properties sited to the south and west. Further south is a haulage depot, and to the east is Tendring Meadows Care Home.

The site falls outside of a Settlement Development Boundary within the adopted Local Plan 2013-2033.

### **Description of Proposal**

This application seeks the approval of Listed Building Consent for works to repair and refurbish the Grade II Listed Building as follows:

- Structural remediation including repointing and 'Helifix' crack stitching;
- Remove redundant fire door and infill brickwork;
- Remove redundant steel beam across window, repair and reinstate masonry;
- Internal refurbishment and decoration;
- Reinstatement of guttering as necessary;
- Replace existing timber joists at second floor level with matching joist sizes; and
- Other associated works including window glazing replacement to repair cracked glazing near the office, and re-surfacing of existing driveway with tarmac.

### **Assessment**

The main consideration is the impact of the proposal on features of special architectural or historic interest and that the special character and appearance or setting of the building would be preserved or enhanced.

Paragraph 199 of the National Planning Policy Framework ("the Framework") states that 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Policy PPL9 of the Tendring District Local Plan 2013-2033 and Beyond Section 1 states that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric, although the Plan recognises that the scope for a listed building to adapt to modern life and requirements will itself depend upon a number of considerations and it will not always be possible to incorporate modern design solutions without also causing harm to its special character fabric, or appearance.

The changes to the building, which are listed in detail above, are all to facilitate the retention and improvement to this important listed building and aim to ensure the building continues to contribute to the historic character of the area.

Essex County Council Place Services (Heritage) have been consulted for their heritage advice, and have confirmed the following:

*"The proposed works as per the Structural Engineer report and recommendation are considered to preserve the special interest of the heritage asset and prevent the building from further damage due to its overall poor condition.*

*Repair to the historic walls will be carried out re-using existing bricks. Should additional bricks be required, specifications and samples of proposed bricks to closely match existing in colour, size and texture, should be submitted for approval of the LPA. Reclaimed bricks to match existing would be preferable for this site.*

*As discussed on site, repair works would be supervised by their appointed CARE structural engineer as a qualified professional specialised in conservation. Any proposed changes to the agreed supervision arrangements shall be subject to the prior written agreement of the LPA, in order to ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.*

*Any proposed changes to the to the approved schedule of works or any additional work required, shall also be subject to the prior written agreement of the LPA."*

Accordingly, no objections to the proposed development are raised.

#### Other Considerations

Tendring Parish Council have not provided any comments.

No additional letters of representation have been received.

#### Conclusion

In the absence of any significant material harm as a result of the proposed development, the policy aligns with local and national planning policies and is therefore recommended for approval.

## 5. Recommendation

Approval - Listed Building Consent

## 6. Conditions

### 1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The works to which this consent relate must be begun not later than the expiration of three years beginning with 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 Section 51 of the Planning and Compulsory Purchase Act 2004

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the consent becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk of both Enforcement Action and Criminal proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

### 2 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Documents titled 'Heritage Assessment, incorporating Design and Access Statement', 'Structural Inspection Report' and 'Method Statement', untitled Site Location Plan received 2 August 2023, and untitled floor plans for 'Pine and Maple Wards', 'Redwood and Rowan Wards' and 'Yellowwood and Cherry Wards' all received 2 August 2023.

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be

considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

## **7. 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.