

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	MP	26/01/24
Team Leader authorisation / sign off:	ML	26/01/2024
Assistant Planner final checks and despatch:	ER	26/01/2024

Application: 23/01551/LBC **Town / Parish:** Manningtree Town Council

Applicant: Mr Colin Moxham

Address: 5 Stour Street Manningtree Essex

Development: Proposed conversion of shop to dwelling of two bedroom flat with alterations to the listed building.

1. Town / Parish Council

Manningtree Town Council No comments or objections

2. Consultation Responses

Essex County Council Heritage
16.01.2024 The proposal site is part of a group of three Grade II Listed buildings within the Mistley and Manningtree Conservation Area.

The proposal is considered to have a limited impact on the surviving historic fabric and the proposed wall between the shop and the ground floor unit is likely to reinstate the original historic layout of no 40 which was heavily altered at some point during the 20th century.

The proposed raised area within the shop front has been built over the existing concrete raised area and is overall considered acceptable.

Details submitted for the proposed replacement windows are considered acceptable.

The proposal is overall considered to preserve the special interest of the listed building and the character or appearance of the Conservation Area, as per Planning (Listed Buildings and Conservation Areas) Act 1990.

There is no objection to this application.

3. Planning History

92/00800/FUL	To replace worn out gas flues and extend hot air flue from boilers and dryers	Approved	15.09.1992
92/00802/LBC	Remove gas flues and replace them and extend outlet of hot air flue from dryers	Approved	15.09.1992
94/01000/FUL	New fire escape door, additional window to kitchen and formation of first floor patio	Approved	25.11.1994
94/01171/LBC	New fire escape door, additional window to kitchen and formation of first floor patio	Approved	25.11.1994
16/02121/FUL	Proposed alterations and extensions to provide additional bedrooms, ensuites, and	Approved	17.02.2017

	a roof garden. Additional windows and roof lights, new entrance screen and general internal alterations.		
20/00725/FUL	Proposed new roof lights, linked porch over part courtyard, removal/reposition of doors/windows providing new French doors/ screen into courtyard and reinstatement of original fireplace.	Approved	02.10.2020
20/00726/LBC	Proposed new roof lights, linked porch over part courtyard, removal/reposition of doors/windows providing new French doors/ screen into courtyard and reinstatement of original fireplace.	Approved	02.10.2020
23/01622/DISCON	Discharge of Conditions 3 (submission of drawings) and 4 (Fireplace) of planning reference 20/00725/FUL.	Current	
92/00800/FUL	To replace worn out gas flues and extend hot air flue from boilers and dryers	Approved	15.09.1992
92/00802/LBC	Remove gas flues and replace them and extend outlet of hot air flue from dryers	Approved	15.09.1992
94/01000/FUL	New fire escape door, additional window to kitchen and formation of first floor patio	Approved	25.11.1994
94/01171/LBC	New fire escape door, additional window to kitchen and formation of first floor patio	Approved	25.11.1994
16/02121/FUL	Proposed alterations and extensions to provide additional bedrooms, ensuites, and a roof garden. Additional windows and roof lights, new entrance screen and general internal alterations.	Approved	17.02.2017
16/02123/LBC	Proposed alterations and extensions to provide additional bedrooms, ensuites, and a roof garden. Additional windows and roof lights, new entrance screen and general internal alterations.	Approved	17.02.2017
20/00526/FUL	Extended first floor screen balustrade, infilling roof void with added walkover roof light, refurbishment of store to study/office with washroom adding French doors and removal of door for added windows, linked porch and screen balustrade over part courtyard. Timber pergola/frame to courtyard entrance/garden.	Approved	02.10.2020
20/00527/LBC	Extended first floor screen balustrade, infilling roof void with added walkover roof light, refurbishment of store to study/office with washroom adding French doors and removal of door for added windows, linked porch and screen balustrade over part	Approved	02.10.2020

courtyard. Timber pergola/frame to courtyard entrance/garden.

23/01181/FUL	Proposed conversion of part of existing shop to two bedroom flat.	Approved	28.11.2023
23/01644/LBDISC	Discharge of Conditions 3 (submission of drawings) and 4 (Fireplace) of planning reference 20/00726/LBC.	Current	

4. 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.

5. 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>

6. Relevant Policies / Government Guidance

National:

National Planning Policy Framework July 2021 (NPPF)

National Planning Practice Guidance (NPPG)

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

PPL9 Listed Buildings

7. Officer Appraisal

Site Description

The application site is Number 5 Stour Street/ Number 40 High Street and is located to the southern side of High Street and northern side of Stour Street, within the parish of Manningtree.

The character of the area is heavily urbanised, with commercial and residential developments to all sides. The site falls within the Settlement Development Boundary for Manningtree within the adopted Local Plan 2013-2033.

The site is a Grade II Listed Building, along with 38 and 42 High Street, and also falls within the Manningtree and Mistley Conservation Area. In addition, the site is also allocated as a Primary Shopping Area.

Description of Proposal

This application seeks Listed Building Consent for works involved in the conversion of part of the ground floor shop use (Class E(a)) into one residential unit (Class C3). The specific alterations are as follows:

- removal of a ground floor rear elevation door;
- two windows instead of three at ground floor side elevation, serving the proposed bedroom; and
- relocation of window at ground floor level serving the proposed bedroom 2.

A concurrent planning application for the conversion works was approved in November 2023 under planning permission 23/01181/FUL.

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 205 of the National Planning Policy Framework (2023) 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.

On this occasion, during the determination of planning application 23/01181/FUL, Officers recognised that alterations were proposed that differed from that previously approved under listed building consent 20/00726/LBC at this application site. Specifically, a ground floor rear elevation door was to be removed, and alterations to the fenestration. Essex County Council Place Services (Heritage) have been consulted for their heritage advice, and have confirmed the following:

"The proposal site is part of a group of three Grade II Listed buildings within the Mistley and Manningtree Conservation Area.

The proposal is considered to have a limited impact on the surviving historic fabric and the proposed wall between the shop and the ground floor unit is likely to reinstate the original historic layout of no 40 which was heavily altered at some point during the 20th century.

The proposed raised area within the shop front has been built over the existing concrete raised area and is overall considered acceptable.

Details submitted for the proposed replacement windows are considered acceptable.

The proposal is overall considered to preserve the special interest of the listed building and the character or appearance of the Conservation Area, as per Planning (Listed Buildings and Conservation Areas) Act 1990.

There is no objection to this application."

Taking the above into consideration, no objections are raised on this occasion.

Other Considerations

Manningtree Town Council have confirmed they raise no objections.

There have been no other letters of representation 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.

8. Recommendation

Approval - Listed Building Consent

9. 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.

Drawing Numbers 16316-C, 16316-A plans, 16316-B, and the three untitled documents showing window details received dated 16th November 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.

10. 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.

11. Equality Impact Assessment

In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral