

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	ER	17/04/2024
Team Leader authorisation / sign off:	ML	17/04/2024
Assistant Planner final checks and despatch:	ER	17/04/2024

Application: 24/00249/LBC **Town / Parish:** Great Oakley Parish Council

Applicant: Mrs Alexander Brooke-Smith

Address: Gay House Farm Road Great Oakley

Development: Application for Listed Building Consent - Removal of one dormer and window. Like-for-like replacement to exact same position and size, with addition of breather membrane and improved waterproofing.

1. Town / Parish Council

Great Oakley Parish Council No Comments received.

2. Consultation Responses

Essex County Council Heritage
26.03.2024

The building is Grade II Listed (List Entry ID: 1147273).
There is no objection to this proposal.

It has been assumed that there is no repair to historic timbers either side of the dormer window (shown as 'north and south side of dormer' in photographs). If this is the case, more detailed specification is required.

No information has been provided relating to new timbers and framing. If this is constructed like-for-like there is no objection.

Essex County Council Heritage
17/04/2024

The application is for listed building consent for removal of one dormer and window. Like-for-like replacement to exact same position and size, with addition of breather membrane and improved waterproofing.

The building is Grade II Listed (List Entry ID: 1147273).

This letter should be read in addendum to my previous correspondence.

There is no objection to this proposal. I recommend a condition for a schedule of repair once the extent of the works are better understood.

3. Planning History

01/01753/FUL	Change of use of land from use for growing vegetables to garden/amenity	Approved	06.12.2001
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use.

02/00621/FUL	Demolition of existing single storey extension, alterations and construction of two storey extension	Approved	07.05.2002
02/00624/LBC	Demolition of existing single storey flat roof extension and dormer, alterations and two storey extension replacement. Hand made plain tiles to roof render painted/timber painted windows/doors	Approved	07.05.2002
92/00421/LBC	(Gay House, Farm Road, Great Oakley) Alterations and addition	Approved	20.05.1992
96/00516/FUL	(Part of field adjoining Gay House, Farm Road, GreatOakley) Change of use of agricultural field to additional garden for Gay House	Approved	10.06.1996
06/00100/FUL	Timber outbuilding on concrete base for use as boatshed and studio	Approved	20.03.2006
16/00795/LBC	Removal of machine-made pantiles from main house and replacement with handmade clay plain tiles. Alteration of 1969 pantiled dormer window (s.w elevation) to match slate dormers on rest of house.	Approved	22.08.2016
21/00709/LBC	Erection of front porch (following demolition of existing porch)	Approved	06.07.2021
21/00810/FUL	Erection of front porch (following demolition of existing porch)	Approved	06.07.2021
24/00249/LBC	Application for Listed Building Consent - Removal of one dormer and window. Like-for-like replacement to exact same position and size, with addition of breather membrane and improved waterproofing.	Current	
24/00250/FULHH	Application for planning permission - Removal of one dormer and window. Like-for-like replacement to exact same position and size, with addition of breather membrane and improved waterproofing.	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 Local Plan 2013-33 and Beyond (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 made and the Minerals and Waste Local Plans adopted by Essex County Council.

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 2023 (NPPF)

National Planning Practice Guidance (NPPG)

LOCAL:

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

PPL9 Listed Buildings

7. Officer Appraisal (including Site Description and Proposal)

Application Site

The proposal site is Grade II Listed Gay House. The house is set back from its front boundary and finished in render and currently benefits from a number of dormer windows to the front and rear of the building.

Proposal

This application seeks Listed Building Consent for the removal of one dormer and window. Like-for-like replacement to exact same position and size, with the addition of breather membrane and improved waterproofing.

Assesment

Heritage Impact

Paragraph 205 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 proposal relates to the replacement of one of the dormer windows within the front elevation of the house serving the bedroom.

The plans state that the replacement of this dormer window will be on a like for like basis. The replacement will be a noticeable feature on the existing house; however, as it will match the design

and scale of the existing feature and other dormers already in situ it is considered a suitable change to the existing house and locale and would therefore not result in a harmful impact to its character/ appearance.

The house is a Grade II Listed Building and therefore ECC Heritage have been consulted. They have provided no objections to the proposal; however, have asked that further information should be sought on the replacement of the timbers within the roof to ascertain if these are historic and how these should be replaced. As limited information is available on this element of the proposal at this time further details will be sought by way of a condition on the Listed Building consent.

The proposal is therefore considered a suitable change to the existing house which would not result in a harmful impact to the visual amenity of the house or area or the setting of this listed building.

Other Considerations

Great Oakley Parish Council have no objections to the proposal.

There have been no letters of representation received.

Conclusion

The proposal is therefore considered to be compliant with national and local policy as assessed in the above report. In the absence of material harm resulting from the proposed development the application is recommended for approval.

Habitats, Protected Species and Biodiversity Enhancement

Ecology and Biodiversity

General duty on all authorities

The Natural Environment and Rural Communities Act 2006 amended by the Environment Act 2021 provides under Section 40 the general duty to conserve and enhance biodiversity: "For the purposes of this section "the general biodiversity objective" is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England." Section 40 states authorities must consider what actions they can take to further the general biodiversity objective and determine policies and specific objectives to achieve this goal. The actions mentioned include conserving, restoring, or enhancing populations of particular species and habitats. In conclusion for decision making, it is considered that the Local Planning Authority must be satisfied that the development would conserve and enhance.

This development is subject to the general duty outlined above. An informative has been imposed strongly encouraging the applicant to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Therefore, the development on balance, with consideration of the impact of the development and baseline situation on site, is considered likely to conserve and enhance biodiversity interests.

Biodiversity net gain

Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. This excludes applications for Listed Building Consent, Advert Consent, Reserved Matters, Prior Approvals, Lawful Development Certificates, householders, self builds, and other types of application which are below the threshold i.e. does not impact a priority habitat and impacts less than 25 sq.m of habitat, or 5m of linear habitats such as hedgerow). This proposal is not therefore applicable for Biodiversity Net Gain.

Protected Species

In accordance with Natural England's standing advice the proposed development site and surrounding habitat have been assessed for potential impacts on protected species. It is considered that the proposal is unlikely to adversely impact upon protected species or habitats.

Conclusion

In accordance with the overarching duty outlined above, this development is considered to accord to best practice, policy, and legislation requirements in consideration of the impacts on ecology interests.

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 No's 1, 2, 3, 4, 5, 6, 7, 8

DESIGN AND ACCESS STATEMENT - REC'D 19/02/2024

HERITAGE STATEMENT - REC'D 19/02/24

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.

3 FURTHER APPROVAL: HERITAGE

CONDITION: Prior to the installation of the new dormer window, a schedule of works providing details of the existing timbers to be replaced along with details of the replacement timbers, shall be submitted and agreed, in writing, to the Local Planning Authority for approval. The details shall be carried out in full and as may be approved.

REASON: In the interests of protecting and reducing harm to the historic fabric of the designated heritage asset.

10. Informatives

In accordance with the Council's general duty to conserve and enhance biodiversity, you are strongly encouraged to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Suggested enhancements could include: <https://www.rhs.org.uk/wildlife/in-the-garden/encourage-wildlife-to-your-garden>

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