

DELEGATED DECISION OFFICER REPORT

AUTHORISATION		INITIALS	DATE
Planning Officer recommendation:		OA	04.06.2024
EIA Development - Notify Planning Casework Unit of Decision:	NO	JJJ	07/06/2024
Team Leader authorisation / sign off:			
Assistant Planner final checks and despatch:		ER	07/06

Application: 24/00468/FUL **Town / Parish:** Great Bentley Parish Council

Applicant: Plummer Electrical Engineering

Address: Plough Farm House Plough Road Great Bentley

Development: Planning Application - replacement of windows to existing office/workshop building.

1. Town / Parish Council

Great Bentley Parish Council No comments

2. Consultation Responses

Essex County Council Heritage The application is for replacement of windows to existing office/workshop building.

The application site is a nineteenth-century farmhouse with a modern frontage, located within the southern boundary of Great Bentley Conservation Area. It makes a neutral contribution to the significance of the conservation area.

The building has double glazed uPVC windows to the front, with horizontally pivoted top panes. The existing windows to the side and rear elevations of the building are double-glazed timber, painted in white. Therefore, the existing windows are of no heritage value.

The application seeks to replace all existing windows with double-glazed uPVC in Anthracite Grey. The windows would have horizontally pivoted top panes and trickle vents. This would bring uniformity to the fenestration, although replacement of the timber windows with uPVC units would be a negative change. The Great Bentley Conservation Area Character Appraisal and Management Plan has identified the *introduction of uPVC windows is a particular concern within the Conservation Area* and states, 'The application of uPVC windows will not be supported.'

The proposed windows, owing to their materiality and design, are not considered complementary to the conservation area. There is opportunity to improve the sites contribution to the conservation area by replacing these windows with slimline double-glazed timber sash windows. Whilst there is an opportunity to enhance this part of the conservation area, considering the existing windows in the principal elevation of the building are already uPVC, and that the adjoining buildings on both sides of the site have uPVC windows, if the proposed windows are white there would be a neutral impact on the character and appearance of the area. The Anthracite Grey is not a traditional colour and not appropriate for a historic building.

Should the colour be changed to white, due to the similarities in the quality and design of the existing and proposed windows, no harm will be caused to the overall significance of the conservation area, as per the provisions of Chapter 16 of the NPPF.

3. Planning History

95/00639/FUL	Extension to office	Approved	25.07.1995
95/01290/FUL	Retention of fire escape and extended conservatory	Approved	09.01.1996
08/01217/FUL	Internal and external alterations to convert Storage Area to Workshop including new roller shutter door to rear.	Approved	06.11.2008
24/00468/FUL	Planning Application - replacement of windows to existing office/workshop building.	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 December 2023 ([NPPF](#))

National Planning Practice Guidance ([NPPG](#))

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 (adopted January 2021)

SP1 Presumption in Favour of Sustainable Development

SP3 Spatial Strategy for North Essex

SP7 Place Shaping Principles

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

SPL1 Managing Growth

SPL3 Sustainable Design

PP6 Employment Sites

PPL8 Conservation Areas

Supplementary Planning Documents

[Essex Design Guide](#)

Great Bentley Conservation Area Character Appraisal

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

7. **Officer Appraisal (including Site Description and Proposal)**

Site Context

The site comprises the building known as 'Plough Farm House' which currently has a mixed use as a Partial office and partial workshop. To the north is the detached dwelling known as The Burrow and beyond the railway line. To the east of the site is Beaver House which forms part of the Plough Road Business Centre Employment Site. To the south lies Northgate which is also part of the Business Centre. West of the site lies Plough Road and beyond the Great Bentley Village Hall.

Proposal

The application seeks planning permission for the replacement of windows to existing office/workshop building. The existing windows consist of the following:

- Front elevations are double glazed Upvc (white)
- Side elevations are double glazed painted timber (white)
- Rear elevations are double glazed painted timber (white)

The proposed windows will be new Upvc Double Glazed in Anthracite Grey.

Assessment

Visual Impact

Paragraph 131 of the National Planning Policy (NPPF) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Local Plan Policy SP7 states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Furthermore, Policy SPL3 seeks to provide new development which is well designed and maintains or enhances local character and distinctiveness. The development should relate well to its site and surroundings and should respect or enhance local landscape character and other locally important features.

The replacement windows are new uPVC windows and because other windows on properties in the vicinity of the site also consist of uPVC windows, no clear policy conflict can be identified from a visual impact perspective.

Heritage Considerations

Paragraph 205 of the National Planning Policy Framework December 2023 (NPPF) 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. Paragraph 208 of the NPPF states that when less than substantial harm to a designated heritage asset is identified, the harm must be weighed against the public benefits of the proposed development.

Policy PPL8 states that with regards to Conservation Areas, New development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area. Proposals should be explained and justified through an informed assessment and understanding of the significance of the heritage asset (including any contribution made to that significance by its setting).

Essex County Council Heritage have been consulted as part of the application and states that the application of uPVC windows will not be supported as outlined in the Great Bentley Conservation Area Character Appraisal. Whilst the concerns of ECC Place Services are noted, However, the property benefits from existing uPVC windows and it is not considered that the use of Anthracite grey colouring presents an unacceptable form of harm as to warrant refusal of planning permission due to the siting of the property between two buildings with grey and brown window fenestration and on balance the harm would not represent grounds for refusal and the proposals would preserve and enhance the character and appearance of the Conservation Area.

Impact to Neighbours

Policy SPL 3 of the Local Plan States that new development (including changes of use) should be compatible with surrounding uses and minimise any adverse environmental impacts. The

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

The proposals consists of replacement windows which are not considered to have a detrimental impact upon amenity. Surrounding properties are predominately employment use.

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.

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.

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.

8. Recommendation

Approval - Full

9. Conditions / Reasons for Refusal

1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning 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 permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action 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. 001A

Drawing No. 003A

Drawing No. 004

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

12. Notification of Decision

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