

DELEGATED DECISION OFFICER REPORT

| AUTHORISATION | | INITIALS | DATE |
|--|----|----------|------------|
| Planning Officer recommendation: | | JJ | 09/10/2024 |
| EIA Development - Notify Planning Casework Unit of Decision: | NO | | |
| Team Leader authorisation / sign off: | | ML | 09/10/2024 |
| Assistant Planner final checks and despatch: | | JJ | 10/10/2024 |

Application: 24/01272/LBC **Town / Parish:** Manningtree Town Council

Applicant: Mr D Ramsey - Old Maltings Freehold Company Ltd

Address: 22, 24, 26 and 28 Maltings Wharf Manningtree Essex

Development: Application for Listed Building Consent - replacement and/or repair of all windows, repair of cracked render and repaint white, and new guttering to numbers 22, 24, 26 and 28 Maltings Wharf (on a like for like basis).

1. Town / Parish Council

Manningtree Town Council No Comments or objections

2. Consultation Responses

Essex County Council Built Heritage Advice pertaining to an application for Listed Building Heritage
19.09.2024 Consent to replace and/or repair all windows, repair cracked render and repaint white, and install new guttering on a like for like basis.

Part of Malting Wharf is designated as a Grade II Listed Building (List Entry Number: 1239944), namely, the kiln at the east end of the maltings adjacent to North Street which has been converted into flats. The tall structure dates from the early nineteenth century and is built from red brick laid in an English bond above a plain rendered ground storey level that is painted white. The timber framed windows are late twentieth century in date and are casement style without glazing bars, as are the small box dormers within the kiln's roof.

The listed building is considered to have landmark status due to its scale and prominent waterfront position along the River Stour and is located within the Manningtree and Mistley Conservation Area.

Therefore, the main considerations for this proposal are whether the alterations proposed will impact the special architectural and historic interest of the listed building, and if there will be an impact to the character and appearance of the Manningtree and Mistley Conservation Area by result of this work.

In principle I support this application on the basis that the work will be carried out on a like-for-like basis and that it is desirable to repair the defective render in the interest of the building's conservation and for the enhancement of its appearance within the Conservation Area having regard to the paragraph 203 of the NPPF. However, the following issue with the proposal has been identified:

- The Proposed Window Detail (Drawing No. 3084_000) appears to show double glazing that is of a standard thickness.

As such, the drawing does not seem to correspond with the intention to use slimline double glazing set out in the Heritage Statement. This drawing requires either amendment to specify that the windows will have slimline double glazing that is between 14mm thick or less, or alternatively omitted so that the precise details for the new or repaired windows can be agreed via a condition.

As the windows are late twentieth century replacements with thicker frames to the opening casements, there is an opportunity to enhance the Conservation Area in respect of the NPPF paragraph 212 by replacing the casement windows with a similar style that is of a higher quality of design where the framing of the opening casement is of equal width to the fixed light. Their like-for-like replacement is acceptable, however the opportunity to enhance their appearance could be considered.

Overall, subject to the clarification of the width of the double glazing or the inclusion of a condition to cover this, the proposal is considered to preserve the special interest of the listed building in accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

It will also preserve the character and appearance of the Conservation Area in line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and complies with the provisions of Chapter 16 of the NPPF.

3. Planning History

| | |
|--------------|---|
| 24/01272/LBC | Application for Listed Building Consent - Current replacement and/or repair of all windows, repair of cracked render and repaint white, and new guttering to numbers 22, 24, 26 and 28 Maltings Wharf (on a like for like basis). |
|--------------|---|

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)

PPL8 Conservation Areas

PPL9 Listed Buildings

7. Officer Appraisal (including Site Description and Proposal)

Application Site

The application site comprises of a Grade II Listed building that has been converted into flats. The property is located to the North of North Street. The site is within the Settlement Development Boundary, Historic Towns, Flood Zones and Manningtree Conservation Area.

The listing is as follows:

MANNINGTREE NORTH STREET TM 1031 (north side)

9/169 Kiln at east end of Maltings adjacent to North Street

30/9/83 II

Early C19 Maltings Kiln, altered and raised in height mid C19. Red brick walls, rendered on ground floor. Tall, steeply pitched, hipped grey slate roof with flat top and timber ventilators at ends. Rectangular plan. 3 storeys with window openings to ground and top floor only, one range to North Street, 2 range to east face, flat gauged heads to first floor and North Street, segmental heads to ground floor west face, segmental head to doorway between. The ventilator towers, square plan, horizontal boarding to bases, grey slate pyramidal roofs. 2 rows of circular tie plates between ground and upper floors.

Listing NGR: TM1059731923

Proposal

The application seeks listed building consent for the replacement and/or repair of all windows, repair of cracked render and repaint white, and new guttering to numbers 22, 24, 26 and 28 Maltings Wharf on a like for like basis.

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 of the building would be preserved or enhanced.

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.

Essex CC Heritage have been consulted on this application and have provided the following comments:

Built Heritage Advice pertaining to an application for Listed Building Consent to replace and/or repair all windows, repair cracked render and repaint white and install new guttering on a like for like basis.

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Overall, subject to the clarification of the width of the double glazing or the inclusion of a condition to cover this, the proposal is considered to preserve the special interest of the listed building in accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

It will also preserve the character and appearance of the Conservation Area in line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and complies with the provisions of Chapter 16 of the NPPF.

Since receiving the comments from Essex Heritage, we have received amended plans on 8th October showing the slimline double glazing with a maximum thickness of 14mm, therefore a condition for this is not required.

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. 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.

Other Considerations

Manningtree Town Council have no comments or objections to this application. No other letters of representation have been received.

Conclusion

The proposed development is consistent with the above mentioned national and local planning policies.

The proposed alterations and improvements are acceptable and would preserve the significance of the Listed Building.

8. Recommendation

Approval - Full

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).

Drawing No.s

3084_050

3084_200

3084_201

3084_400A

Heritage Statement

REASON: For the avoidance of doubt.

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.

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

Ecology Informative

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 |
|--------------------|---|---------|

12. Notification of Decision

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|---|----|
| Are there any letters to be sent to applicant / agent with the decision? If so please specify: | NO |
| Are there any third parties to be informed of the decision? If so, please specify: | NO |
| Has there been a declaration of interest made on this application? | NO |