

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	BB	11/10/2024
EIA Development - Notify Planning Casework Unit of Decision:	NO	
Team Leader authorisation / sign off:	AN	14/10/24
Assistant Planner final checks and despatch:	JJ	15/10/2024

Application: 24/01197/LBC **Town / Parish:** Manningtree Town Council

Applicant: Mr Gwinneel - R C Gwinneel and Sons

Address: 24 High Street Manningtree Essex

Development: Application for Listed Building Consent - repair to Grade II Listed Structure further to vehicle impact.

1. Town / Parish Council

Manningtree Council Town No Comments or objections

2. Consultation Responses

Essex County Council Built Heritage Advice pertaining to an application for Listed Building Consent to repair the structure, following damage from vehicle impact.
Heritage
20.09.2024

No. 24 the High Street (R Gwinneel and Sons Funeral Directors) forms the end part of a Grade II Listed Building (List Entry Number: 126135) that now consist of three shops. The building dates from the sixteenth century, but its façade was altered in the nineteenth century by brick plastered walling. It occupies a prominent position within the Manningtree and Mistley Conservation Area on the corner of the South Street junction. There is a sufficient level of information provided by the applicant to meet the requirements of the NPPF paragraph 200 to describe the significance of the affected assets.

As such, the main considerations of this proposal are whether the alterations will impact the special architectural interest of the listed building, and if there is an impact to the character and appearance of the Conservation Area.

Overall, I support this proposal on the basis that it is desirable to repair the listed building in the interest of its preservation and for enhancement of its appearance within the Conservation Area. The method of repair for the historic timber lath and framing detailed by the Schedule of Works is considered appropriate in this circumstance where the expanded stainless-steel lath is limited in use.

It is considered that there will be no harm caused to the significance of the building by the work, as the repairs are otherwise on a like-for-like basis and will restore the building to its former appearance, thereby preserving the special architectural interest of the listed building in accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Furthermore, the

proposal will 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 Chapter 16 of the NPPF.

3. Planning History

24/01197/LBC Application for Listed Building Consent - Current
repair to Grade II Listed Structure further
to vehicle impact.

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>.

There are currently no neighbourhood plans for this area.

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 [Section 2](#) (adopted January 2022)

PPL8 Conservation Areas

PPL9 Listed Buildings

7. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is located on the corner of High Street and South Street. The property is a Grade II Listed three storey terraced building, which falls within the Manningtree and Mistley Conservation Area.

Description of Proposal

This application seeks Listed Building Consent to repair damage sustained to the interior and exterior of the Listed Building.

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.

The proposal involves removing the damaged sections of external render, wooden framework and architrave from the eastern facing side elevation and replacing these like for like. As these alterations will be to the exterior, they will be prominent to the streetscene. Some minor internal repair works (fill in cracks, re-painting the wall & woodwork, new internal architrave and fixing & reset the front door) are also proposed. Due to the buildings status, Essex County Council Heritage Team (Place Services) have been consulted for their advice, full details of which can be found above.

Taking Place Services comments into consideration, the proposal is not considered to have a detrimental effect on the Listed Building but rather will help preserve its historical and architectural features, subject to a condition being attached to the planning permission pertaining to the final appearance of the proposal. Further, there is clear and concise justification for the need of the proposal, which will be of great benefit and prevent the fabric of the building from sustaining further degradation. These benefits are considered to outweigh the relatively minor harm, if any, the proposal could have upon the Listed Building.

Other Considerations

Manningtree Town Council have raised no concerns with the proposal.

No other 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.

8. Recommendation

Approval - Listed Building Consent

9. Conditions / Reasons for Refusal

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. 10039225/002

Drawing No. 10039225/003 Revision A

Document titled. Schedule of Works for: Repair and reinstatement of impact damage – Rec'd 09/08/2024

Document titled; Heritage Statement, Ref: 24_1135_021 – Rec'd 09/08/2024

Document titled; Design & Access Statement and Flood Risk Statement – Rec'd 22/08/2024

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 **CONDITION:** No development/works shall be commenced above slab level until precise details of the external colour finishes to be used on the development have been submitted to and approved, in writing, by the Local Planning Authority. Such colours as may be agreed shall be those used in the development and fully applied prior to the first use/occupation and thereafter retained unless otherwise approved, in writing, at a later date with the Local Planning Authority.

REASON: To secure an orderly and well designed development sympathetic to the character of the existing building(s) and in the interests of visual amenity and the character and appearance of the area.

NOTE/S FOR CONDITION:

Slab level inormally refers to the concrete slab supported on foundations or directly on the subsoil and is used to construct the ground floor of the development. In any other case, please assume slab level to be the point before any walls and/or development can be visually above ground level or seek confirmation from the Local Planning Authority for your development.

10. Informatives

Not Applicable

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	<u>NO</u>
Are there any third parties to be informed of the decision? If so, please specify:	YES	<u>NO</u>
Has there been a declaration of interest made on this application?	YES	<u>NO</u>