

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	CC	12.03.2025
EIA Development - Notify Planning Casework Unit of Decision	N/A	
Team Leader authorisation / sign off:	AN	13/03/25
Assistant Planner final checks and despatch:	ER	14/03/25

Application: 25/00124/LBC

Town / Parish: Brightlingsea Town Council

Applicant: Mr M Perkins

Address: 66 Red Barn Road Brightlingsea Colchester

Development: Application for Listed Building Consent - Part replacement of existing rotten decorative softwood timbers.

1. Town / Parish Council

Brightlingsea Town Council Must be in keeping with the existing building

2. Consultation Responses

Essex County Council Heritage 20.02.2025	Built Heritage Advice pertaining to a Listed Building Consent Application for part replacement of existing rotten decorative softwood timbers.
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No. 66 Red Barn Road is a Grade II Listed Building that is also known as Raggs (See List Entry No. 1337206). The Listed Building's significance comes from its special architectural and historic interest as a cottage dating from the eighteenth century with later alterations and additions, it is of a vernacular design that is well-crafted using a timber-frame. The listing description notes that there is some batten decoration and exposed framing but is not specific upon where this is present upon the building.

The submitted Heritage Statement explains that the cottage was re-built before the end of the nineteenth century following a fire in 1736. A copy of a report for a building survey carried out in 1972, found that the front and west side elevation walls have been constructed from brick laid in a rat-trap bond, that is rendered over with decorative timber fastened onto its external face. Whereas the rear and east side elevation walls were found to be constructed from a covered timber-frame.

This proposal is supported on the basis that the decorative battens are a perishable detailing that needs to be renewed to preserve the special architectural interest of the Listed Building, and therefore the loss of historic fabric is acceptable. There is no objection to this work being carried out on a careful like-for-like basis as stated upon the submitted Existing and Proposed

Elevations (Drawing No. 2805 P01), showing the extent of the work being limited to only one of the cottage's three bays.

A condition is suggested below to ensure that where the decorative battens are replaced the surrounding historic fabric is made-good in an appropriate manner, it is recommended that this condition is attached given that there is no precise specification for the existing render applied to the exterior (that is assumed to be lime), and there could be scarring to this once the battens are removed.

- Compliance Condition: All new external decorative battens and works for making good to the retained historic fabric, shall match the existing original work (including decorative battens and rendering) of the unaffected part of the Listed Building, in respect of methods, materiality, detailed execution, and finished appearance of the wall's external treatment, unless otherwise approved in writing by the Local Planning Authority.

Overall, the proposal is not in conflict with the considerations of Chapter 16 from the National Planning Policy Framework (NPPF), and Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. **Planning History**

88/01968/FUL	Erection of garden walling to replace hedgerow	Refused	31.10.1988
88/00069/LBC	Erection of garden walling to replace hedgerow	Approved	31.10.1988
25/00124/LBC	Application for Listed Building Consent - Part replacement of existing rotten decorative softwood timbers.	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>

Brightlingsea Neighbourhood Plan

Brightlingsea Town Council submitted an area application to the District Council to begin their Neighbourhood Plan on 28 May 2021. The Area Application indicated that the Town Council intended to designate the entire Brightlingsea Parish as their Neighbourhood Plan Area.

Officers considered that the submitted information was sufficient to satisfy the 2012 Regulations and be made as an application. The Plan Area was agreed by the Acting Director for Planning in consultation with the Portfolio Holder for Planning on the 24 June 2021.

No further action has been taken and therefore no weight can be given in this regard.

6. **Relevant Policies / Government Guidance**

National:

National Planning Policy Framework 2024 (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 application site serves 66 Red Barn Road, a Grade II listed residential dwelling. The site is located to the north of Red Barn Road, within the settlement development boundary of Brightlingsea.

Proposed Development

This application seeks listed building consent for the part replacement of existing rotten decorative timbers to the front elevation with like for like softwood timber to be painted black. The design and spacing of the timbers will remain unchanged.

Assessment

Design, Appearance and Heritage Impact

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act imposes a statutory duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest.

Paragraph 202 of the National Planning Policy Framework identifies that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 215 of the National Planning Policy Framework adds that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy PPL9 of the Tendring District Local Plan states that 'Proposals for 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'.

The proposal is for a like-for-like replacement of existing rotten decorative softwood timbers to the front elevation. As the proposed replacement timbers will match the existing in terms of size, scale and design they are not considered to have any adverse effects on the visual amenities of the site or its locality.

Essex County Council's Heritage Department (Place Services) have been consulted on this application. Their comments can be viewed above and have been summarised here. Place Services have supported the application on the basis that the existing decorative battens are perishable and need to be renewed to preserve the special architectural interest of the Listed Building, therefore the loss of historic fabric in this instance is acceptable. There is no objection to the works being carried out on a like-for-like basis. Place Services have suggested a condition be imposed on any subsequent approval to ensure that where the decorative battens are replaced the surrounding historic fabric is made-good in an appropriate manner. This condition has been included below.

The proposal is therefore considered to comply with the above mentioned planning policies and has an acceptable impact on the Listed Building.

BNG & ECOLOGY

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 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

Brightlingsea Town Council have made comments that the proposal must be in keeping with the existing building. The plans and documents submitted with this application show that the proposal will be carried out in a like-for-like basis.

No other letters of representation have been received.

Conclusion

The proposal complies with the above mentioned national and local planning policies. In the absence of material harm the proposal is 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. P02 - Site Plan

Drawing No. P01 - Block Plan, Elevations and Floor Plan

Design, Access and Heritage Statement - Received 29.01.2025

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 COMPLIANCE REQUIRED - DECORATIVE BATTENS

CONDITION; All new external decorative battens and works for making good to the retained historic fabric, shall match the existing original work (including decorative

battens and rendering) of the unaffected part of the Listed Building, in respect of methods, materiality, detailed execution, and finished appearance of the walls external treatment, unless otherwise approved in writing by the Local Planning Authority.

REASON; In the interests of preserving and protecting the heritage asset.

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 consent in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Biodiversity

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

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