

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	ER	14/05/2025
EIA Development - Notify Planning Casework Unit of Decision:	N/A	
Pre-commencement condition agreement:		
Team Leader authorisation / sign off:	ML	16/05/2025
Assistant Planner final checks and despatch:	ER	16/05/2025

Application: 25/00411/LBC **Town / Parish:** Manningtree Town Council

Applicant: Mr Matthew Bensilum

Address: 5 Brook Street Manningtree Essex

Development: Application for Listed Building Consent - Swinging sign centrally above entrance door.

1. Town / Parish Council

Manningtree Town Council No objections received.

2. Consultation Responses

Essex County Council The application is for the installation of a swinging sign mounted centrally above entrance door.
Heritage
01.05.2025

This proposal effects No. 5 Brook Street, a Grade II Listed Building (List Entry No. 1254251) that is located within the Manningtree and Mistley Conservation Area and occupies a prominent corner plot in the Marketplace and Mill Lane Character Area.

The Listed Building's significance is mainly derived from its special historic interest as a corner block formed of three cottages that date from the early nineteenth century with later alterations and additions, and from its special architectural interest which derives from well-crafted details and decoration such as the classical surround (featuring pilasters, frieze and a flat canopy) used for the external door fronting onto Brook Street, the pairs of eaves brackets, and the curved brickwork used to address the corner.

In principle there is no objection to the installation of a traditional bracket mounted signage upon the Listed Building, but the introduction of commercial paraphernalia need to be sensitively located upon the elevation facing towards Brook Street, as this side of the block appears to have retained a residential character, unlike the elevation of the two cottages fronting onto Brook Street which have been altered historically to include a traditional shopfront.

However, additional information is required to assess whether the proposed signage is appropriate, since it is unclear how the bracket is to be attached to the brickwork, whether the bracket will be positioned above or below the projecting brick band, and what materials the hanging sign is formed from. These precise details should be clarified prior to determination of the application.

It is recommended that the:

- Bracket be fixed into the mortar joints.
- Bracket be positioned below the brick band.
- Bracket be positioned off-centre over the door towards the lean-to addition.
- Hanging sign be formed of a painted timber panel, with hand painted lettering in a serif font.

With regards to the National Planning Policy Framework (NPPF), in its current state the new signage with sans serif font is considered to give rise to less than substantial harm to the significance of the designated heritage assets, which engages the balancing exercise of Paragraph 215. The Local Planning Authority should weigh the harm against any public benefits that flow from the proposal.

In respect of the Planning (Listed Buildings and Conservation Areas) Act 1990, the proposal in its current state fails to preserve the special interest of the Listed Building in accordance with the expectations of Section 16(2), and the character and appearance of the Conservation Area in line with the expectations of Section 72(1) of the Act.

There is potential for the installation of new signage upon the Brook Street facing elevation of the Listed Building to be considered acceptable, if traditional signage is used and sensitively positioned.

3. **Planning History**

99/01087/FUL	Demolish existing extension. Rebuild new extension	Current	26.07.1999
99/01088/LBC	Demolish existing extension and rebuild new extension	Refused	24.11.1999
10/01003/LBC	Construction of an external plastic boiler flue.	Approved	07.12.2010
23/01514/FUL	Proposed change of use from residential to office with no alterations.	Approved	03.01.2024

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>

At the time of writing, there are no draft or adopted neighbourhood plans relevant to this site.

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 is 5 Brook Street, which is located on the corner of Brook Street and Stour Street, within the parish of Manningtree. The building is currently a two-storey property in residential use and is accessed via Brook Street.

The property is a Grade II Listed Building and sited within the Manningtree and Mistley Conservation Area. In addition, the site falls within the Settlement Development Boundary for Manningtree within the adopted Local Plan 2013-2033 and is also within Manningtree Town Centre boundary.

The character of the area is heavily urbanised, with commercial and residential built form to all sides, including the main hub of Manningtree Town Centre which is approximately 50 metres to the north.

Proposal

This application seeks Listed Building Consent for a swinging sign above entrance door.

The proposed sign panel will be 45cm high and 80cm wide.

This application has been submitted by a Tendring District Councillor. The Tendring District Council Constitution (Delegated Powers) refers to only applications for full planning permission to be taken and assessed by the planning committee where a councillor is the applicant. This application is for Listed Building Consent only and upon confirmation from the Head of Planning Services does not meet the requirements to be taken to planning committee and can be considered under delegated powers.

Relevant History

A previous application for full planning permission was considered and approved under planning reference 23/01514/FUL for the change of use from residential to office with no alterations.

The new signage will display the name of the business to advertise the approved business.

Assessment

Heritage Impact

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 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 212 of the NPPF (2025) confirms 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 213 requests that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paragraph 215 states that where a 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, where appropriate, securing its optimum viable use.

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 proposed new signage will be displayed upon the existing west facing elevation of the building and advertise the office approved under the previous planning permission 23/01514/FUL. The proposed sign will be publicly visible from Brook Street; however, is of a suitable size and design.

Given the Grade II Listed status of the building the ECC Heritage Team have been consulted and have confirmed that in principle there is no objection to the installation of a traditional bracket mounted signage upon the Listed Building, but the introduction of commercial paraphernalia needs to be sensitively located upon the elevation facing towards Brook Street, as this side of the block appears to have retained a residential character, unlike the elevation of the two cottages fronting onto Brook Street which have been altered historically to include a traditional shopfront.

They have requested further information on how the bracket will be attached to the brickwork and the exact siting of the proposed sign along with additional information of the materials.

They confirmed that in its current state the new signage sans serif font is considered to give rise to less than substantial harm to the significance of the designated heritage assets, which engages the balancing exercise of Paragraph 215. The Local Planning Authority should weigh the harm against any public benefits that flow from the proposal. In this instance given the nature of the proposal there are little public benefits which could outweigh this level of harm.

Whilst they have concerns over the proposal, they have provided some recommendations which could allow the proposal to overcome this harm as detailed below.

- Bracket be fixed into the mortar joints.
- Bracket be positioned below the brick band.
- Bracket be positioned off-centre over the door towards the lean-to addition.
- Hanging sign be formed of a painted timber panel, with hand painted lettering in a serif font.

Following this consultation feedback from the applicant has confirmed that the bracket will be fixed into the mortar joints and be positioned below the brick band. The applicant has also provided amended plans to show that the proposed signage will be positioned off centre over the existing door and would consist of a timber painted panel with the lettering in a serif font in line with the above recommendations.

As the applicants have provided further information to address the concerns raised by ECC Heritage required it is considered that the new signage in this instance is appropriate to the existing building and would not result in a harmful impact to the historic fabric or setting of this listed building in this instance.

Ecology and Biodiversity

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 (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.

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.

Other Considerations

Manningtree Town Council has no objections to the proposal. There have been no letters of representation received.

The advertisement will not exceed 4.6m off the ground level and meets the requirements of Class 5 of the advertisement regs and therefore does not require separate advertisement consent.

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 – 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.

Amended Existing And Proposed Elevations – Rec'd 09/05/25

Amended Proposed Sign Details – Rec'd 09/05/2025

Email - Applicant Agreement To ECC Heritage Comments – Rec'd 02/05/2025

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.

10. **Informatives**

Ecology and 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
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