

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	BB	22/05/2025
EIA Development - Notify Planning Casework Unit of Decision:	N/A	
Pre-commencement condition agreement:	N/A	
Team Leader authorisation / sign off:	MP	23/05/2025
Assistant Planner final checks and despatch:	ER	23/05/2025

Application: 24/01040/LBC **Town / Parish:** St Osyth Parish Council

Applicant: Rev Graham Edwards

Address: The Cottage 60 Colchester Road St Osyth

Development: Application for Listed Building Consent - treatment of damp chimney breast with lime render.

1. Town / Parish Council

St Osyth Parish Council No Objections.

2. Consultation Responses

Essex County Council The application is for treatment of a damp chimney breast with lime
Heritage render.

04.04.2025 (additional
comments)

These further comments follow those dated 28th of October 2024, since then additional information (Chimney Breast Defect Inspection Report) and the following amended schedule of works (that is set out in the email of the agent dated the 18th of March 2025) have been submitted for the proposal.

1. Sweep the chimney breast thus removing the soot;
2. Install a slate DPC across the chimney breast;
3. Replace any damaged masonry with similar bricks (soft reds);
4. Clean any masonry showing signs of salt deposits;
5. Repoint the chimney breast using a lime-based mortar.
6. All works to the adjacent timber framed walls has already been discussed but it is believed wood panel insulation is acceptable in lieu of the existing mineral fibre quilt installed within the timber studs. Once the insulation is installed, the wall will be finished with a breathable lime render.

Having reviewed the findings of the 'Chimney Breast Defect Inspection Report', the investigation to identify the possible causes of the damp appears to have been thorough and carried out at all levels in accordance with the best-practice advice of the Royal Institute of Chartered Surveyors (RICS). It concludes that the potential sources of the damp within the chimney breast are likely to be at a low-level and a combination of lateral penetrating dampness from driving rain, rising dampness from ground, and moisture retention of salt crystals within the brickwork, exacerbated by high external ground levels, modern surfaces treatments, and a lack of damp proof course. It advises the following measures are undertaken:

- o Close off the top of the chimney more robustly so that driving rain

- cannot enter the chimney via the open flue(s).
- o Repair all cracked rendering, this including the haunching and external wall rendering.
- o Repair all defective paintwork.
- o Subject to further opening-up advised under 5.1.1 above, consider the introduction of a French drain detail externally where the external ground meets the chimney stack.

It is understood from the email of the agent that external ground levels have been checked and found to be three brick courses below the internal finished floor levels, so further investigation of the junction between the chimney breast and external ground will not be undertaken, and as such the amended Schedule of Works does not include for installation of a French Drain. Furthermore, that the internal masonry which had been installed to block the chimney flue has been removed to improve ventilation.

Although the amended schedule of works does not include the removal of the external cementitious render, which is still an action that is recommended, in the interests of the Listed Building's conservation there is no objection to the proposal in its amended state. This is because the works largely correspond with the other measures that have been advised for the treatment of the damp, and the use of traditional (lime mortar/render) and compatible (breathable wood panel insulation) materials has been specified.

With regards to the National Planning Policy Framework (NPPF), the amended schedule of works does not give rise to harm to the significance of the Listed Building and is considered to preserve the special interest of the Listed Building in accordance with the expectations of Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Essex County Heritage 28.10.2024 comments)	Council (initial	Built Heritage Advice pertaining to a Listed Building Consent application for the treatment of a damp chimney breast with lime render.
---	-------------------------	--

The designated heritage asset that is affected by this proposal is The Cottage, a Grade II Listed Building (Entry No. 1111480) that dates from the eighteenth century. As such, it is necessary to consider whether the proposal will impact the special architectural and historic interest of the building.

It is acknowledged that this application follows on from a pre-application enquiry 23/30229/PREAPP for the proposal, which advised that the internal modern finishes should be carefully stripped out and the historic fabric exposed. The submitted Heritage, Design and Access Statement presents that this action has been undertaken.

However, the removal of the modern internal wall linings was recommended to allow the wall to start drying out in conjunction with a thorough investigation (at all levels, including above the roof level) of the affected chimney breast. In the aim of identifying any defects with its structure and the surrounding building fabric that could be potential sources of water ingress leading to the damp issues.

I am unable to support this application, since no report of such an investigation being undertaken has been submitted for the proposal.

Without this information it is not possible to determine whether the proposed treatment is an appropriate way to address the dampness. Therefore, it is advised that the applicant/agent seek the assistance of a specialist contractor experienced in the treatment of damp within historic properties to carry out a suitable survey for inclusion in a resubmitted application.

For more information in regard to best practices for investigating moisture in tradition buildings please see the relevant document linked published by the Royal Institute of Chartered Surveyors (RICS):

Separately there is concern for the proposed installation of impermeable PIR type insulation between the timber frame surrounding the chimney breast prone to damp, as this could exacerbate the entrapment of moisture within the historic fabric. This should be amended to a breathable form of material that is compatible with the historic fabric such as wood fibre board or lambswool.

Overall, the application in its current form does not demonstrate that the proposal will preserve the significance of the listed building, contrary to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

In respect of the NPPF the level of harm to the non-designated heritage asset is considered to be 'less than substantial', and paragraph 208 is engaged.

3. Planning History

94/00573/LBC	Internal alterations including removal of partition, formation of ground floor w.c. and bedroom at first floor, complete re-roofing and replacement of external weather boarding	Approved	29.06.1994
09/00356/TCA	T1 - Sycamore - fell. T2 - Prunus - reduce crown by 2.5m and thin. T3 - Sycamore - reduce by 2.5m.	Approved	11.05.2009
21/02039/TCA	1 x Acer - To crown reduce and thin, to also remove 1 lower bale, 1 x Beech Tree - To remove 2 lower branches, 1 x Pittosporum - To remove 3 lower branches.	Approved	23.12.2021
23/00935/TCA	1 No. Chamaecyparis / False Cypress - Remove	Approved	10.08.2023

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 2025 ([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 eastern side of the Colchester Road and consists of a Grade II Listed Building. The dwelling is a two-storey detached property which faces west and is located directly adjacent the highway where its front elevation, which consists of cast iron railings, timber front door, red plain roof tiles and timber sash windows including tripartite styles, mouldings and portico appears prominently to the street scene. The site is located within the Settlement Development Boundary and the Conservation Area for St Osyth.

Description of Proposal

This application seeks planning permission to repair the chimney breast which has sustained damage due to water ingress.

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.

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.

Paragraph 205 of the NPPF 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 208 confirms 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, where appropriate, securing its optimum viable use.

Due to the listed status of the host dwelling, Essex County Council Heritage Team (Place Services) have been consulted for their advice, full details of which can be found above. The proposal seeks to remove and replace the damaged elements of the northern wall of the dwellinghouse which includes the chimney breast and surrounding areas. An investigation into the source of damp was carried out and identified the potential causes being at a low-level and a combination of lateral penetrating dampness from driving rain, rising dampness from ground, and moisture retention of salt crystals within the brickwork which are exacerbated by high external ground levels, modern surfaces treatments, and a lack of damp proof course. To address these issues the following works are proposed:

- Sweep the chimney breast thus removing the soot;
- Install a slate DPC across the chimney breast;
- Replace any damaged masonry with similar bricks (soft reds);
- Clean any masonry showing signs of salt deposits;
- Repoint the chimney breast using a lime-based mortar.
- Install wood panel insulation within the timber studs.
- Walls to be finished in lime render.

Additional works were also proposed and agreed by the Agent and Place Services as detailed within the email received on 05th May 2025. These works are:

- Re-block the fireplace with soft red brick and lime mortar.
- Installation of a traditional style vent into the bricked fireplace.
- Chimney breast to be finished in lime render.

Whilst, the works do not include the removal of the external cementitious render, which is still an action that is recommended, the proposed repair works correspond with other measures that have been advised for the treatment for damp, whilst the materials proposed are traditional (lime mortar/render) and compatible (breathable wood panel insulation) with the fabric of the Listed Building and as such the repair works do not give rise to harm to the significance of the Listed Building, and is in fact considered to preserve the special interest of the Listed Building.

Other Considerations

St Osyth Parish Council have raised no objections to 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

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.

Document showing the site outline in red at a scale of 1:1250 – Received 10/10/2024

Drawing No. 0501/PL/01

Emails from the Agent dated 18.03.2025 at 14:45 and 5th May at 07:15 which details the schedule of works.

Document titled; Chimney Breast Defect Inspection Report, February 2025 – Received 18/03/2025.

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

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>