

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AN	10/12/2018
Planning Development Manager authorisation:	SCE	10.12.18
Admin checks / despatch completed	AS SB	11/12/18 11/12/18.

Application: 18/00097/LBC **Town / Parish:** Lawford Parish Council

Applicant: Mr & Mrs Edmond

Address: Shirburn Mill Mill Hill Lawford

Development: Repairs to existing mill to facilitate conversion to residential annexe.

1. Town / Parish Council

N/a

2. Consultation Responses

None

3. Planning History

92/00043/FUL	Proposed replacement of felted flat roof to existing two storey rear extension, with Natural Slated pitched roof, enlarging existing single storey extensions	Approved	31.03.1992
92/00044/LBC	(Shirburn Mill, Lawford) Repair of basement wall and roof structure. Installation of handrailing and rainwater goods. Reconstruction of existing garden wall	Approved	10.07.1998
18/00096/FUL	Erection of a detached two storey dwelling & single storey cartlodge. Repairs to existing mill, along with conversion to residential annexe.	Current – recommend ed for approval	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

EN22 Extensions or Alterations to a Listed Building

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

PPL9 Listed Buildings

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivered over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line with the plan-led approach.

5. Officer Appraisal (including Site Description and Proposal)

Proposal

- Repairs to existing Grade II listed mill to facilitate conversion to residential annexe.
- The associated planning application 18/00096/FUL is for the erection of a detached two storey dwelling & single storey cartlodge; repairs to existing mill, along with conversion to residential annexe. That planning application for enabling development is considered acceptable subject to completion of works to restore Shirburn Mill to a structurally sound, wind and weathertight condition as detailed within '3.0 Schedule of Works for Structurally Sound, Wind and Weathertight' in Structural Assessment Report by The Morton Partnership reference EJM/CE/18065~srep rev 0. This LBC application considers the detail of the conversion works.

Representations

- 3 letters of objection have been received on the following summarised grounds:
- Not in accordance with the development plan or Paragraph 55 of the NPPF
 - Affects the setting of two listed buildings which are a non-renewable resource

- Loss of trees
- Harm to neighbouring amenity in terms of outlook, privacy and light
- Enabling development should not justify the dwelling the owner should repair the listed building
- Harmful to conservation area and Dedham Vale AONB
- Garden grabbing and overdevelopment
- The amount of enabling development must be the minimum necessary to secure the future of the place this exceeds that
- Internal mill workings are historically valuable and should not be sacrificed
- Highway safety concerns with narrow road and poor visibility
- The AONB comprises both the natural landscape and the built infrastructure
- The enabling dwelling is only a short term measure to preserve the listed mill

In response these concerns primarily relate to matters addressed under the planning application 18/00096/FUL and have been addressed under that application. This application 18/00097/LBC is purely to assess the impact of the proposal on the character and historic fabric of Shirburn Mill.

Context

- Shirburn Mill is a Grade II listed building which was placed on the at risk register in 2010.

History

- Shirburn Mill was constructed at the beginning of the nineteenth century (c.1800) and ceased to operate in the early 1930s. Thereafter the building has been used for purposes ancillary to the adjacent mill house which was itself constructed in about 1840. The former watermill was subsequently listed in 1966 and the mill house in 1987. Shirburn Mill was entered on the 'Essex Heritage at Risk Register' in 2010 and was recorded as being in a 'poor condition' and 'in need of repair'.
- In 1988 the site had planning permission and LBC refused and dismissed at appeal for residential conversion of the mill. In 1989 there was a second refusal for residential conversion as the Council wanted to explore ancillary use to Mill House. The reasons for refusal related to the significant loss of historic fabric and failure to consider other, more appropriate uses.

List entry

17.11.1966. GV II. Former water mill, now empty. C18/C19. Timber-framed and weather-boarded, red brick ground floor. Red plain-tile roof. Three storeys and loft with lucam to north face, outshot lean-to to south. North face: Central lucam on curved brackets, window to north. Three window range of small paned vertically sliding sashes, moulded surrounds, those to ground floor with segmental heads, central door to first floor, central panelled door to ground floor within segmental head, small vertically boarded door to right. The south lean-to faces the mill pond and the exterior overshot wheel, removed 1930s, was to the west face. Of five bays with hanging knees to tie beams. Two pairs of stones remain in the mill, one by H & C Collins (Melton) and the other by Tinsley (Ipswich), and two stone nuts. The dam wall curves to enclose the mill pond to the south and is of concrete faced brick. The mill stream passed under a bridge to the west of the Mill (not now visible) to drive the waterwheel. Once a partner to a long demolished upper mill formerly situated across the mill pond.

Planning Policy

- Paragraph 189 of the NPPF requires the applicant to provide an appropriately detailed heritage assessment to describe the significance of any heritage assets affected, including any contribution made by their setting. A high quality heritage assessment has been provided with the application which appropriately describes the significance of, and impact upon, all affected heritage assets.
- Paragraph 191 of the NPPF confirms where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision. This is not considered to be the case here as detailed within the heritage assessment significant repair works have been undertaken over the years however the ultimate aim is to find a use for the building to ensure its long term viability and preservation.
- Paragraph 192 of the NPPF states in determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic

vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.

- Paragraph 194 of the NPPF confirms 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 196 confirms 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.

- The Planning (Listed Buildings and Conservation Areas) Act 1990 S. 66 imposes a general duty as respects listed buildings in the exercise of planning functions. In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- Saved Policy EN22 states development involving proposals to alter a listed building will only be permitted where it would not result in the damage or loss of features of special architectural or historic interest, and the special character and appearance or setting of the building would be preserved or enhanced.

- Emerging Policy PPL9 states 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, fabric, and are explained and justified through an informed assessment and understanding of the significance of the heritage asset and its setting, and are of a scale, design, use, materials and finishes that respect the listed building and its setting.

Assessment

- The proposal includes the use of the 'stone floor' as a home office/studio with the 'bin floor' being used as annexe accommodation. This allows both the spatial arrangement and the features of the first and second floors of the original building to be retained. The ground floor would continue to be used for workshop and storage purposes whilst the hoist loft would remain unused.

- The works include the reinstatement of the internal cladding on the 'bin floor' and reverse unsympathetic alterations to the sash windows. Insulation is introduced in the voids between the frame components at first and second floor level, and the kitchen and cloakroom will be in the early twentieth century extension.

- Floor openings are infilled to existing hatches and stair case. Insulation will be added to the floor with new oak floor boards above. A new external timber entrance staircase with timber hand rail is proposed no specific details are provided so this is secured by condition.

- New windows and doors are timber and a condition will be imposed to secure appropriate detailing.

- The second (top) floor is retained as a bat roost so is not altered except for the floor insulation and closing of floor hatch.

Conclusion

- Paragraph 196 of the NPPF confirms 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.

- The works proposed to convert the Grade II listed Shirburn Mill into a residential annexe to Shirburn Mill House are therefore considered appropriate and will ensure that the building can be converted to the optimum viable use. The loss of the building for its intended function and the alterations proposed are therefore outweighed by the public benefits of preserving and converting the listed building into a viable use. It is also highly desirable in conservation terms for the former watermill and the mill house to be retained as a single unit and, in particular, for the mill to continue in ancillary use with the house.

6. Recommendation

Approval - Listed Building Consent

7. Conditions

- 1 The works hereby permitted shall begin before the expiration of three years from 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 the Planning and Compulsory Purchase Act 2004.

- 2 The works hereby permitted shall be carried out in accordance with the following approved plans and documents: Drawing numbers 5616-22, 23, 24, 25, 26, and 27.

Reason - For the avoidance of doubt and in the interests of proper planning:

- 3 Before any work is commenced drawings to a scale of not less than 1:20 fully detailing the new or replacement windows and doors to be used and indicating materials and method of glazing shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be installed/carried out in complete accordance with the approved details.

Reason - To protect the special character and architectural interests and integrity of the building in accordance with the requirements of section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 4 Before any work is commenced scaled drawings detailing the new staircase including materials shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be installed/carried out in complete accordance with the approved details.

Reason - To protect the special character and architectural interests and integrity of the building in accordance with the requirements of section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8. Informatives

This listed building consent relates solely to the plans, drawings, notes and written details submitted with the application or as subsequently amended in writing and referred to in this notice. Any variation of the works or additional works found necessary before work starts or while work is in progress or required under the Building Regulations, or by the County Fire Services or environmental health legislation may only be carried out after approval by the Local Planning Authority. Unauthorised modifications, alterations or works not covered by this consent may constitute an offence under Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and may render the applicant, owner(s), agent and /or contractors liable to enforcement action and/or prosecution.

A European Protected Species Licence (EPSL) will be required for the development of the Mill building that includes the apex bat roost area and you should contact Natural England prior to commencement of any works.