

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	15/04/19
Planning Development Manager authorisation:	AN	15/4/19
Admin checks / despatch completed	AP	17/4/19

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**Application:** 19/00243/LBC **Town / Parish:** Mistley Parish Council

**Applicant:** Mr & Mrs Steven Godwin

**Address:** Anchor House 1A High Street Mistley

**Development:** Replacement of roof on like for like basis.

### 1. Town / Parish Council

Mistley Parish Council At its Planning Committee Meeting on the 28th February 2019 the Parish Council wished to make No Comment.

### 2. Consultation Responses

N/A

### 3. Planning History

TPC/1/92	Sycamore	Current	22.01.1992
01/01200/LBC	Alterations to single storey rear outshot	Approved	04.09.2001
02/00288/LBC	Installation of roof light in single storey roof to the rear	Approved	10.04.2002
02/00317/FUL	Installation of roof light to single storey roof at rear of property		10.04.2002
03/02274/LBC	Works of repair - alteration to comply with repairs notice and alteration to ground rear elevation.	Approved	28.07.2004
90/00340/FUL	Change of use of shop to domestic use.	Approved	04.05.1990
11/01375/TCA	1 No. Sycamore - rear garden - remove 2 of 5 stems to relieve pressure on garage	Approved	13.12.2011
17/01376/LBC	Replacement of first floor rear windows to vertical sliding sash windows.	Approved	26.09.2017
17/02181/DISCON	Discharge of Condition 3 (finishes) of listed building consent 17/01376/LBC.	Refused	09.01.2018

#### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework February 2019

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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.

#### **5. Officer Appraisal**

##### Site Description

The application site in question is a property known as 'Anchor House', which is located at 1a High Street within the parish of Mistley. The Grade II Listed Building is a 2.5 storey mid-terrace residential dwelling and is located in a prominent position within the immediate street scene. The site also falls within the Mistley Conservation Area. There is no specific mention of the property within the Conservation Area Appraisal; however the importance of the areas prominent siting is referenced. The surrounding areas character is generally heavily urbanised, with numerous built form occupying residential properties, all of which are Listed Buildings.

The site falls within the Settlement Development Boundary of Mistley within both the Saved Tendring Local Plan 2007 and the Emerging 2013-2033 Tendring Local Plan Publication Draft.

Anchor House's listing is as follows:

"House and shop, part of a terrace. C18 for Richard Rigby. Probably plastered brick. Red plain tiled roof. Chimney stack to right. 2 storeys and attics. Flat headed dormer with C19 2 light window. Plinth, central band, pilasters to left and right shared by adjoining houses. 2 storey and attics. 2 first floor small paned vertically sliding sashes. Central C19 shop window to ground floor with glazing bars and fascia. Board door to right with fanlight over. 5 panelled door to right, fanlight over, capitals and bases to pilasters and 2 columns supporting a flared canopy. No. 1A on this door. q.v. 3/227."

#### Description of Proposal

This application seeks Listed Building Consent to remove the existing plain roof tiles and slates from the front and rear elevations (due to them being degraded and leaking), and replace them on a like-for-like basis with a new Sandtoft Goxhill handmade clay plain tile to the main front roof and traditional slate to the rear roof. 5mm thick TLX Gold breathable underfelt is also proposed to be used, to provide additional insulation.

#### Assessment

The only consideration as part of this application is the above mentioned amendments on the character, appearance and historic fabric of the curtilage listed buildings.

Paragraph 189 of the National Planning Policy Framework ("the Framework") requires applicants to describe the significance of any heritage assets affected. This requirement is retained by draft Policy PPL9 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. Paragraph 196 of the 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 EN22 of the Saved Plan states that development involving proposals to extend or 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. These requirements are carried forward to Policy PPL9 of the Emerging Publication Draft (June 2017) which also requires the use of building materials, finishes and building techniques that respect the listed building and its setting.

The proposal will see the like-for-like replacement of the existing roof to the front and rear. A Heritage Statement has been supplied to justify the works will either preserve or enhance the historic importance of the Grade II Listed Building. The statement provides a brief history of the Listed Building, stating it was formally listed as a drug store and dwelling as part of a C18th terrace built for Richard Rigby, before a rear extension dating late 18<sup>th</sup> century or early 19<sup>th</sup> century was included. Further single storey extensions were then added to the rear of the property. It further explains the works are necessary due to a number of small recent leaks in the plain tile high level main roof and the rear slate roof above the early rear extension.

The works will involve the removal of the existing degraded plain tiles and slate from these roofs, to be replaced on a like-for-like basis, with the statement clarifying that a large percentage of the plain tiles are second hand and were likely added when the roof was refurbished in the 1950's. Existing rain water goods are to be cleaned, repaired and reused. These replacement works will result in no internal alterations, while the external image of the building will also remain unaltered due to the materials being proposed, that there will be no change to the physical roof line, and that all windows will remain in position.

It is therefore concluded that the works will not detrimentally affect the buildings special architectural and historic interest and are therefore acceptable.

#### Other Considerations

Mistley Parish Council wish to make no comment on the application.

There have been no other letters of representation received.

## 6. Recommendation

Grant 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 development hereby permitted shall be carried out in accordance with the following approved plans, drawing numbers 1332-1, 1332-2, 1332-3, the document titled 'Historic and Design and Access Statements' received 15 April 2019 and the submitted photographs.

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

## 8. 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 planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.