

DELEGATED DECISION OFFICER REPORT

| AUTHORISATION | INITIALS | DATE |
|---|----------|------------|
| File completed and officer recommendation: | NH | 30/09/2020 |
| Planning Development Manager authorisation: | SCE | 02.10.2020 |
| Admin checks / despatch completed | DB | 02/10/20 |
| Technician Final Checks/ Scanned / LC Notified / UU Emails: | PW | 02/10/20 |

Application: 20/00388/LBC **Town / Parish:** Mistley Parish Council

Applicant: Mr John Atkinson

Address: 8 The Green Mistley Manningtree

Development: Proposed urgent repairs to roof - battening removed and replaced, and tiles reused where possible.

1. Town / Parish Council

Mistley Parish Council At its Planning Committee Meeting on the 6th August 2020, the Parish Council recommended approval, provided suitable conservation materials and methods are used which are sympathetic to the listed building. The Committee will be guided by the Conservation and Heritage Officer.

2. Consultation Responses

Essex County Council Built Heritage Advice pertaining to an application for: Proposed urgent repairs to roof - battening removed and replaced, and tiles reused where possible.
Heritage
30.09.2020

This letter should be read in addendum to my letter of 21st July 2020.

I do not condone applicants undertaking works without requisite consents in place.

Notwithstanding this, I am unopposed to this application seeking retrospective permission for the like for like restoration of the roof.

3. Planning History

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| 97/00275/LBC | Internal alterations and repairs, replace window and door and block up kitchen doorway | Approved | 14.05.1997 |
| 05/01167/FUL | Extension and alterations. | Approved | 25.08.2005 |
| 05/01168/LBC | Extension and alterations. | Approved | 05.09.2005 |

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

EN22 Extensions or Alterations to a Listed Building

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

SPL3 Sustainable Design

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities 'Garden Communities' proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector's advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. 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 (including Site Description and Proposal)

Site Description

The application site is 8 The Green, Mistley which is a terraced dwelling located within the the settlement boundary and located with the Manningtree and Mistley Conservation Area.

The listing description is as follows;

Row of 12 cottages. Late C18, may be the almshouses built for Richard Rigby circa 1778. Red brick, gault brick dentilled eaves, central band and pilasters between each dwelling, excepting nos 1-5 which are rendered. Red plain tiled roofs, hipped at each end. The entrance to No. 1 is to the left (west) return and has a separate hipped roof, with chimney stack to right. 6 ridge and 6 rear chimney stacks. 12 window range of various vertically sliding sashes. 11 mainly paired doors with pilasters between. No. 1 left return with 3 window range, central recessed porch with tiled dado. Some of the original 4 panel 2 light doors remain and also some small paned sash windows. q.v. 3/227.

Description of Proposal

This application seeks listed building consent for urgent repairs to roof - battening removed and replaced, and tiles reused where possible.

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 building.

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.

A heritage statement has been provided in accordance with the above requirements.

Essex County Council Heritage Team have been consulted on this application and have stated that the property is located within Manningtree and Mistley Conservation Area and is Grade II listed as part of 1-12 The Green (List UID: 1261081).

The heritage team stated that a condition survey and repair schedule are required. Upon receipt of these it is likely that the proposed works would be supported. A condition should be imposed to ensure that samples of the replacement tile are provided to the local planning authority prior to the commencement of works. As the application is retrospective and photos were provided, the Heritage team were re-consulted and have stated that these comments should be read in addendum to the previous letter dated 21st July 2020. The team do not condone applicants undertaking works without requisite consents in place. However, the team are unopposed to this application seeking retrospective permission for the like for like restoration of the roof.

It is therefore considered that the proposed works will not cause any significant harm to the historic fabric or character of the Listed Building, and the proposal is therefore acceptable against this criteria.

Other Considerations

Mistley Parish Council recommend this application for approval provided suitable conservation materials and methods are used which are sympathetic to the listed building. The committee will be guided by the Conservation and Heritage Officer.

No letters of representation have been received.

6. Recommendation

Approval - Listed Building Consent

7. Conditions

1 No Conditions

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.

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| Are there any letters to be sent to applicant / agent with the decision? If so please specify: | YES | NO |
| Are there any third parties to be informed of the decision? If so, please specify: | YES | NO |