

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	CC	25.03.2021
Planning Development Manager authorisation:	TF	25/03/2021
Admin checks / despatch completed	DB	25.03.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	25.03.2021

Application: 21/00218/LBC **Town / Parish:** Mistley Parish Council

Applicant: Mr John West

Address: Dolphin House High Street Mistley

Development: Removal of existing window and installation of new opening door with side lights to match adjacent door

1. Town / Parish Council

Mistley Parish Council At its Planning Committee Meeting on the 4th March 2021,
05.03.2021 the Parish Council recommended that this application
should be referred to the Heritage Team to make a
decision under the LPA's scheme of delegation.

2. Consultation Responses

Essex County Council The application is for the removal of an existing window and
Heritage installation of new opening door with side lights to match
11.03.2021 adjacent door.

The building is Grade II listed and located in a Conservation Area.

The design has been informed from pre-application discussions including an onsite meeting in January 2021 (REF: 20/30247/PREAPP). Recommendations were made for timber framed doors and retention of the existing segmental arch. The proposals are in line with these recommendations which has reduced the removal of historic fabric.

As such there is no objection to these works as the proposals are considered to be compliant with Section 16 of the NPPF. The following conditions should be applied:
- Prior to the commencement of any works, a written method statement (including scale drawings at 1:10) shall be provided describing in detail the proposed method of how the segmental arch will be retained in situ whilst the works are carried out, to be submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with

the approved method statement and drawings.

- Prior to the commencement of any works, a written method statement shall be provided describing in detail the proposed method of brick removal and ends made good, which should be by hand and not involve any machine cutting tools. This shall be submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved method statement.

- Further information on the proposed door to ensure the glazing bars are solid (as opposed to stuck on) and appropriately detailed.

3. Planning History

TPC/98/130	Reduce Eucalyptus	Current	01.12.1998
01/01790/TCA	Fell Eucalyptus tree in rear garden to ground level	Approved	13.11.2001
91/00923/LBC	Painting of front elevation.	Approved	23.10.1991
96/01077/LBC	To paint rendered exterior kitchen walls, smoke grey, doors and shutters - green, and window frames - white	Approved	11.10.1996
99/00698/LBC	Addition of security alarm with exterior alarm box attached to rear of house	Approved	09.07.1999
03/00181/LBC	Repairs to and part rebuilding of brick wall	Approved	14.05.2003
20/30247/PREA PP	Alterations to dining room window and installation of new external door and a conservation roof window.		07.01.2021
21/00218/LBC	Removal of existing window and installation of new opening door with side lights to match adjacent door	Current	

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

EN17 Conservation Areas

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

PPL8 Conservation Areas

PPL9 Listed Buildings

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. In this latter regard, as of 26th January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10th December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26th January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application relates to Dolphin House, High Street, Mistley, Manningtree, within the development boundary of Mistley. The property is Grade II listed and lies within a Conservation Area.

The listing description is as follows;

“House, part of a terrace. C18 for Richard Rigby. Probably plastered brick. Red plain tiled roof. Chimney to left appears to be shared with Mistley House. 2 storeys and attics. Plinth, central band, left pilaster. 3 flat headed dormers with 2 light small paned casements. 3 window range of vertically sliding sashes. Blocked half windows to right. Step approach to left door, reveal panels, fluted frieze, flat canopy, 4 panel 2 light door. q.v. 3/227.”

Proposal

This application seeks listed building consent for the removal of existing window and installation of new opening door with side lights to match adjacent door.

Assessment

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

Essex County Council's Built Heritage consultant has been consulted on this application and has stated that the design has been informed from pre-application discussions including an onsite meeting in January 2021 (Ref: 20/30247/PREAPP). Recommendations were made for timber framed doors and retention of the existing segmental arch. The proposals are in line with these recommendations which has reduced the removal of historic fabric. As such there is no objection to these works as the proposals are considered to be compliant with Section 16 of the NPPF.

It is therefore considered that the proposed works will not cause any 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, at its Planning Committee meeting on the 4th March 2021, the Parish Council recommended that this application should be referred to the Heritage Team to make a decision under the LPA's scheme of delegation.

Officer Response – This application has been considered by Essex County Council's Built Heritage Consultant who found no harm to the historic character or fabric of the Listed Building.

No other letters of representation have been received.

6. Recommendation

Approval - Listed Building Consent

7. Conditions / Reasons for Refusal

- 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 Number DS/1, dated Jan 2021
Drawing showing proposed elevations dated Jan 2021

Reason - For the avoidance of doubt and in the interest of proper planning

- 3 Prior to the commencement of any works, a written method statement (including scale drawings at 1:10) shall be provided describing in detail the proposed method of how the segmental arch will be retained in situ whilst the works are carried out, to be submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved method statement and drawings.

Reason - The application relates to a listed building and therefore such details are necessary in order to preserve and enhance the historic character and integrity of that building.

- 4 Prior to the commencement of any works, a written method statement shall be provided describing in detail the proposed method of brick removal and ends made good, which should be by hand and not involve any machine cutting tools. This shall be submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved method statement.

Reason - The application relates to a listed building and therefore such details are necessary in order to preserve and enhance the historic character and integrity of that building.

- 5 Further information on the proposed door to ensure the glazing bars are solid (as opposed to stuck on) and appropriately detailed to be submitted to and approved in writing by the Local Planning Authority.

Reason - The application relates to a listed building and therefore such details are necessary in order to preserve and enhance the historic character and integrity of that building.

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.

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