

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	13/05/2021
Planning Development Manager authorisation:	JJ	13/05/2021
Admin checks / despatch completed	DB	13.05.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	13.05.2021

Application: 21/00071/LBC **Town / Parish:** Mistley Parish Council

Applicant: Mrs Susan Clements - Mistley Parish Council

Address: Swan Basin High Street Mistley

Development: Proposal to place original 18 century milestone and replace 19 century mile marker against brick wall of Swan Basin. The Mile Stone and Marker will not be attached to, supported by or leaning against the rear wall.

1. Town / Parish Council

Mistley Parish Council
01.04.2021

The Planning Committee simply noted this application by the Parish Council.

2. Consultation Responses

Essex County Council
Heritage
06.05.2021

Built Heritage Advice pertaining to an application for: Proposal to place original 18 century milestone and replace 19 century mile marker against brick wall of Swan Basin. The Mile Stone and Marker will not be attached to, supported by or leaning against the rear wall.

Following the submission of additional evidential information, and clarified plans, I am unopposed to this application subject to the following recommended conditions:

- Prior to casting commencing, the pattern shall be made available for viewing by the Local Planning Authority, or a series of detailed photographs shall be submitted of the pattern to be used for casting, to be approved in writing by the Local Planning Authority. Casting shall be implemented in accordance with the approved details and shall be permanently maintained as such.
- Expanded details of the interpretation board's size, materials, and fixing method to be submitted to the LPA for approval in writing. The size and method for fixing to the railings should be sympathetic to, and not result in damage to the railings.

3. Planning History

21/00070/FUL

Proposal to place original 18 century milestone and replace 19 century mile marker against brick wall of Swan Basin. The Mile Stone and Marker will not be attached to, supported by or leaning against the rear wall.

Current

4. Relevant Policies / Government Guidance

National Planning Practice Guidance

NPPF National Planning Policy Framework February 2019

Adopted Tendring District Local Plan 2007 (part superseded)

EN22 Extensions or Alterations to a Listed Building

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021)

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 site refers to Swan Fountain, a Grade II Listed Fountain located within the development boundary of Mistley and located within the Conservation Area.

The Listing Description is as follows:

10/236 Swan Fountain 17.11.66 GV II

Fountain. C18 for Richard Rigby. Large oval cement basin with moulded base, sides and rim. Central life size stone swan fountain. Brick wall to north with smaller, semi-elliptical, but similarly moulded horse trough beneath a central arch q.v. 3/227.

Proposal

This application seeks listed building consent to place the original 18 century milestone and replace 19 century mile marker against brick wall of Swan Basin. The Mile Stone and Marker will not be attached to, supported by or leaning against the rear wall.

Appraisal

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act imposes a statutory duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest.

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.

Paragraph 189 of the National Planning Policy Framework ("the Framework") requires applicants to describe the significance of any heritage assets affected. This requirement is reflected by saved policy EN23 of the Tendring District Local Plan (2007) and emerging Policy PPL9 of the Tendring District Council Local Plan 2013-2033 and Beyond Publication Draft (June 2017). Both these policies also confirm that development should be of a scale, design and use that respects the listed building and its setting.

As this application relates to a Grade II Listed Fountain, the Historic Environment Officer from Place Services has been consulted on this application and has stated that following the submission of additional evidential information, and clarified plans, the officer is unopposed to this application subject to the following recommended conditions, prior to casting commencing, the pattern shall be made available for viewing by the Local Planning Authority, or a series of detailed photographs shall be submitted of the pattern to be used for casting, to be approved in writing by the Local Planning Authority. Casting shall be implemented in accordance with the approved details and shall be permanently maintained as such and expanded details of the interpretation board's size, materials, and fixing method to be submitted to the LPA for approval in writing. The size and method for fixing to the railings should be sympathetic to, and not result in damage to the railings.

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 have noted this application.

No letters of representation have been received.

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 development hereby permitted shall be carried out in accordance with the following approved plans:

- Milestone Plaque Wording - Scanned 12 May 2021
- Milestone Specifications - Scanned 06 May 2021
- Milestone Specifications - Scanned 06 May 2021
- Drawing No. 1 - Front Elevations
- Drawing No. 2 - Milestone Specifications
- Drawing No. 3 - Side Elevations
- Drawing No. 4 - Elevations of Front Sections
- Drawing No. 5 - Lettering Sizes
- Drawing No. 6 - Railings
- Drawing No. 7 - Heritage Statement with Additional Notes
- Drawing No. 8 - Plan View
- Drawing No. 9 - Front Elevation Showing Positioning

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

- 3 Prior to casting commencing, the pattern shall be made available for viewing by the Local Planning Authority, or a series of detailed photographs shall be submitted of the pattern to be used for casting, to be approved in writing by the Local Planning Authority. Casting shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason - In the interests of the Listed Building

- 4 Expanded details of the interpretation board's size, materials, and fixing method are to be submitted to and agreed in writing by the Local Planning Authority.

Reason - In the interests of visual amenity and the Listed 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