

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	08/07/2021
Planning Development Manager authorisation:	TF	08/07/2021
Admin checks / despatch completed	DB	08.07.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	08.07.2021

**Application:** 21/00803/LBC **Town / Parish:** Elmstead Market Parish Council

**Applicant:** Mr Mike Laws

**Address:** Tudor House Chapel Lane Elmstead

**Development:** Proposed removal of chimney to rear of property.

### 1. Town / Parish Council

Elmstead Parish Council      Not commented on this application

### 2. Consultation Responses

Essex County Council      The application is for proposed removal of chimney to rear of  
Heritage      property.  
02.07.2021

The building is Grade II listed.

Having been provided with additional information and visited the site, I have no objection to this proposal. Whilst the removal of a historic chimney would not normally be supported, the lack of structure below (flue and fireplaces historically removed) necessitated the removal of the chimney in this circumstance.

### 3. Planning History

15/01532/LBC	Remove existing boiler which is not fit for purpose. Re-site new boiler in existing airing cupboard upstairs. Provision of ventilation of exhaust gasses by way of 4 inch pipe horizontal through first floor wall. Provision of services to new boiler. The only alteration proposed is a 4 inch hole in wall and discreet external flue.	Approved	22.12.2015
16/00180/LBC	Reinstatement of fireplace in the dining room. Installation of wood burning stove.	Approved	11.04.2016
16/00643/LBC	Replacement of rear windows and doors.	Approved	17.06.2016

16/00718/LBC	Install appropriate internal and external plumbing for shower room on first floor consisting of a 6 inch hole in external wall and 6 inch external soil pipe finished in black to match existing pipe work.	Approved	28.06.2016
16/00995/LBC	Proposed construction of garden shelter, comprising of pantile roof over corner of garden using existing garden wall as support.		23.08.2016
17/00968/FUL	Erection of rain shelter.	Approved	20.09.2017

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

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)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 26<sup>th</sup> 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 10<sup>th</sup> 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 adopted Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26<sup>th</sup> 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 Tudor House, a Grade II Listed building located within the settlement development boundary of Elmstead Market.

*Tudor House Listing is as follows:*

*House. C17 or earlier with later alterations and additions. Timber framed, C19 gault brick faced with parapet. Red plain tiled roof. Right red brick chimney stack. Rear wings. 2 storeys. 3 window range of C19 vertically sliding sashes with horns. Plastered arches. Shutters with iron catches. Gault brick gabled porch. Plank and muntin door.*

### Proposal

The application seeks Listed Building Consent for the removal of chimney to rear of property. This application is seeking retrospective Listed Building Consent.

### 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.

The Council's Historic Environment Manager has been consulted on this application and has stated that having been provided with additional information and visiting the site, there is no objection to the proposal. Whilst the removal of a historic chimney would not normally be supported, the lack of structure (flue and fireplaces historically removed) necessitated the removal of the chimney in this circumstance.

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

Elmstead Parish Council have not commented on this application.

No letters of representation have been received.

**6. Recommendation**

Approval - Listed Building Consent

**7. Conditions**

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

- Proposed Rear Elevation - Scanned 03 May 2021
- Proposed Block Plan - Scanned 13 May 2021
- Roof Plan dated 02 May 2021 showing the Chimney Removed.

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.

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