

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	17/08/2021
Planning Development Manager authorisation:	SCE	17.08.2021
Admin checks / despatch completed	ER	18/08/2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	18.08.2021

Application: 21/00976/LBC **Town / Parish:** Ardleigh Parish Council

Applicant: Lorraine Thornton

Address: Chilvers Cottage Lodge Lane Ardleigh

Development: Proposed removal of existing clay tiles, add new membrane and battens and replace with new clay tiles.

1. Town / Parish Council

Ardleigh Parish Council Not commented on this application

2. Consultation Responses

Essex County Council
Heritage
20.07.2021

The application is for proposed removal of existing clay tiles, add new membrane and battens and replace with new clay tiles.

Chilvers Cottage is Grade II listed (List Entry ID: 1308406).

There is no objection to this application. I recommend conditions are attached pertaining to:

- Samples of all new tiles and slates.

3. Planning History

95/00134/FUL (Chilvers Cottages, Crown Lane North, Ardleigh) Proposed alterations and extensions Approved 01.05.1995

95/00135/LBC (Chilvers Cottages, Crown Lane North, Ardleigh) Alterations and extension to form single storey rear and side additions and minor internal alterations Approved 01.05.1995

95/00674/LBC (Chilvers Cottages, Crown Lane North, Ardleigh) Removal of brickwork chimney, extending from the dining room on the eastern side of the building. Approved 17.07.1995

16/00654/FUL Repositioning of existing stables (two stables and hay store), removal of shed and replace with two new stables with a hard paved area to the front and removal of Approved 02.08.2016

	single dilapidated garage and replace with a new three bay cart lodge.		
16/00655/LBC	Repositioning of existing stables (two stables and hay store), removal of shed and building of two new stables with a hard paved area in front and removal of single dilapidated garage and replaced with a new three bay cart lodge.	Approved	
16/00688/LBC	Form a new porch on front of the cottage.	Approved	24.06.2016
20/00389/FUL	Proposed demolition of existing sun room/conservatory, construction of new pitched roof extension together with additional roof lights. Re roofing of property and replacement roof felt.	Withdrawn	20.05.2020
20/00390/LBC	Proposed demolition of existing sun room/conservatory, construction of new pitched roof extension together with additional roof lights. Re roofing of property and replacement roof felt.	Withdrawn	20.05.2020
21/00368/FUL	Proposed demolition of existing sunroom/conservatory, construction of new sloped roof extension	Approved	20.04.2021
21/00369/LBC	Proposed demolition of existing sunroom/conservatory, construction of new sloped roof extension	Approved	20.04.2021

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2021

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

Planning law requires that decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory

Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework 2021 (the Framework).

The 'development plan' for Tendring comprises, in part, the 'saved' policies of the 2007 Local Plan. Paragraph 219 of the Framework allows local planning authorities to give due weight to policies adopted prior to its publication according to their degree of consistency with the policies in the Framework. On the 26th January 2021 Section 1 of the 2013-2033 Local Plan was adopted and now also forms part of the 'development plan' for Tendring, superseding some of the more strategic policies in the 2007 Local Plan. Notably, the housing and employment targets were found sound and have been fixed, including the housing requirement of 550 dwellings per annum.

Paragraph 48 of the Framework 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 the policies of the Framework. In this regard 'Proposed Modifications' to emerging Section 2 of the 2013-33 Local Plan which contains more specific policies and proposals for Tendring has been examined and hearing sessions have now closed. The main modifications recommended to make the plan legally compliant and sound were considered at the Council's Planning Policy and Local Plan Committee on 29th June 2021. The Council is holding a six week public consultation on the Main Modifications and associated documents, which began on 16th July 2021. The consultation will run for just over 6 weeks, closing at 5pm on 31st August 2021, following which adoption is expected later this year. Section 2 will join Section 1 as part of the development plan, superseding in full the 2007 Local Plan. Section 2 of the 2013-33 Local Plan is therefore at a very advanced stage of preparation and should be afforded considerable weight.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is Chilvers Cottage, which is a Grade II Listed building located outside the settlement development boundary of Ardleigh.

The listing description is as follows:

Pair of cottages. C18 features. Timber framed and rough rendered, weatherboarded return. Red plain tiled roof. Off centre right red brick chimney stack. One storey and attics. 2 gabled dormers. 3 vari-light small paned casements, pentice boards over, 2 vertically boarded doors, pentice boards continuing over windows. A family named Chilvers lived here 1796. F.H. Erith "Ardleigh in 1796", 1978.

Proposal

This application seeks listed building consent for the removal of existing clay tiles, add new membrane and battens and replace with new clay tiles.

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 202 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 194 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 the host dwelling is a Grade II Listed Building, the Historic Environment Manager has been consulted on this application and have stated that there is no objection to this application subject to a condition requesting that the samples of all new tiles and slates are agreed in writing with the local planning authority. The applicant provided the samples and they have been agreed with the Historic Environment Manager.

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

Ardleigh Parish Council have not commented on this application.

No 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 No. 05.0101.2020 REV
-Proposed Materials - scanned 17th August 2021

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.

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