

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	14/06/2019
Planning Development Manager authorisation:	SCE	17.06.19
Admin checks / despatch completed	hw	18/6/19

er

Application: 19/00648/LBC **Town / Parish:** Harwich Town Council

Applicant: Mr Peter Barringer

Address: Guildhall 11 Church Street Harwich

Development: To install dividing plasterboard faced stud partitions between office accommodation and carvings room.

1. Town / Parish Council

Harwich Town Council No comments received

2. Consultation Responses

Historic England Historic England Advice

The Guildhall, Harwich is listed at Grade I placing within the top approximately 2 percent of list buildings in the country. Formerly an inn dating to the late C17, it was rebuilt in 1769. The proposal is to infill the existing space either side of the fireplace with plasterboard partitioning to divide the office from the carvings room.

We note that whilst this application for LBC includes a copy of the statutory list description, it does not provide any information (including photographs) with regard to the provenance/significance of those parts of the heritage asset that would be most affected by the proposal, in particular the bare wooden walls which have elaborate carvings which date from the late C18 as illustrated in the Council's leaflet. It is not clear to what extent this fabric would be affected in terms of fixing of the proposed partitions.

This information is necessary in order to fully understand the impact of a proposal upon significance and to avoid or minimise conflict between a heritage asset's conservation and any aspect of the proposal, and also to assess where there may be harm to significance, as advised in paragraph 189 and 190 of the National Planning Policy Framework (NPPF).

We therefore recommend that prior to the determination of this Listed Building Consent application, your authority should be satisfied that the applicant has submitted sufficient information so that the impact of the proposal can be properly assessed, and the application determined in accordance with the principles of the NPPF and the specialist guidance of your in-house conservation expert, and that any harm that is identified is substantiated by clear and concise justification (paragraph 189 NPPF).

Historic England has concerns regarding the application on heritage grounds.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 189, 190 of the NPPF.

In determining this application you should bear in mind the statutory duty of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

3. Planning History

97/00266/LBC	Display cabinet	Approved	27.03.1997
97/00897/LBC	Repair to frontage brickwork and stone dressings. Repoint main frontage, repair timber structure, reconstruction of frontage parapet	Approved	20.10.1997
04/01654/LBC	Timber flagstaff.	Approved	25.11.2004
14/30395/PREAPP	Upgrade and re site of heating boiler to kitchen area with flue to exit pitched slate roof.		12.11.2014
15/00084/LBC	Installation of replacement heating/water boiler from existing cellar site to new kitchen site, provision of new flue through kitchen/toilet extension block.	Approved	25.03.2015
15/30047/PREAPP	Proposed stair lift.		08.04.2015
15/00527/LBC	Installation of stairlift to first floor.	Approved	12.06.2015
15/01473/LBC	Internal alterations to listed building to provide disabled persons toilet facilities.	Approved	12.11.2015
15/30288/PREAPP	Installation of 4 double 13 amp sockets in the floor below the meeting tables.	Current	10.12.2015
18/00243/LBC	Remove 2No. rear first floor windows and 5No. ground floor windows to single storey rear extension and replace with identical units.		12.04.2018
19/00648/LBC	To install dividing plasterboard	Current	

faced stud partitions between office accommodation and carvings room.

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

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

PPL9 Listed Buildings

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) 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 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. 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.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and

demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The Guildhall, Harwich is listed at Grade I placing within the top approximately 2 percent of list buildings in the country. Formerly an inn dating to the late C17, it was rebuilt in 1769.

Proposal

To install two plasterboard faced stud partitions between the office accommodation and the carvings room for the following reasons;

- i) to establish security and privacy between the two rooms (essential when there are visitors to the carvings room out of office hours).
- ii) to reduce sound transmitted between the two spaces.
- iii) to minimize disturbance to office staff when there are visitors during office hours.

The simple plasterboard faced partitions will consist of a pale matt emulsion painted finish topped with a white painted softwood capping. The partitions with six screw and rawplug fixings will be mastic sealed.

Appraisal

The Guildhall is listed Grade I and therefore is potentially very sensitive to change.

Paragraph 189 of the National Planning Policy Framework 2019 requires applicants to describe the significance of any heritage assets affected. This requirement is retained by emerging Policy PPL9 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). Saved Tendring District Local Plan (2007) Policy EN22 states that a proposal to extend or alter a listed building will only be permitted where, amongst other things, it would not result in damage to or the loss of features of special architectural or historic interest and the special character and appearance of the building would be preserved or enhanced. Emerging policy PPL9 further states that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character appearance and fabric.

In this instance the proposal seeks to infill the existing space either side of the fireplace with plasterboard partitioning to divide the office from the carvings room.

Whilst the applicant's supporting statement includes a copy of the statutory list description, it does not provide any information (including photographs) with regard to the provenance/significance of those parts of the heritage asset that would be most affected by the proposal, in particular the bare wooden walls which have elaborate carvings which date from the late C18. It is not clear to what extent this fabric would be affected in terms of fixing of the proposed partitions. This information is necessary in order to fully understand the impact of a proposal upon significance and to avoid or minimise conflict between a heritage asset's conservation and any aspect of the proposal, and also to assess where there may be harm to significance, as advised in paragraph 189 and 190 of the National Planning Policy Framework (NPPF).

The lack of a detailed heritage statement and an understanding of the significance of the heritage asset is reflected in the proposal. The proposed partitions are located in one of the earliest and

most significant parts of the building, within the carving room and below the former prison partitions. The partitions, if installed, would detract from the legibility and appreciation of this space. As a result this proposal will detract from the plan form and aesthetic value of this very significant building.

The identified less than substantial harm caused to the heritage asset is not outweighed by significant public benefits. Consequently, the proposal fails to accord with paragraph 196 of the National Planning Policy Framework 2019 and the afore-mentioned local and national planning policies.

Other Considerations

Historic England has concerns regarding the application on heritage grounds. They consider that the issues and safeguards outlined in their advice concerning the absence of a full justification for the works need to be addressed in order for the application to meet the requirements of paragraphs 189, 190 of the NPPF.

No further representations have been received.

6. Recommendation

Refusal

7. Reasons for Refusal

- 1 Paragraph 189 of the National Planning Policy Framework 2019 requires applicants to describe the significance of any heritage assets affected. This requirement is retained by emerging Policy PPL9 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). Saved Tendring District Local Plan (2007) Policy EN22 states that a proposal to extend or alter a listed building will only be permitted where, amongst other things, it would not result in damage to or the loss of features of special architectural or historic interest and the special character and appearance of the building would be preserved or enhanced. Emerging policy PPL9 further states that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character appearance and fabric.

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8. Informatives

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