

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	29 <sup>th</sup> Aug
Planning Development Manager authorisation:	GA	29/8/19
Admin checks / despatch completed	ER	20/8/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	RE	30/8/19

**Application:** 19/00998/LBC

**Town / Parish:** Harwich Town Council

**Applicant:** Mr Ranson

**Address:** The Hanover Inn 65 Church Street Harwich

**Development:** Retention of extraction flue.

### 1. Town / Parish Council

Ms Lucy Ballard, Town  
Clerk Harwich Town  
Council

Harwich Town Council has no objection to this application.

### 2. Consultation Responses

None received

### 3. Planning History

01/00328/LBC	Alterations to accommodate managers flat	Approved	27.04.2001
01/00329/FUL	Alterations to accommodate managers flat	Approved	18.09.2001
96/00281/LBC	(65 Church Street, Harwich) Retention of replacement advertisement (side and rear of building)	Approved	10.10.1996
96/00282/ADV	(Hanover Inn, 65 Church Street, Harwich) Retention of replacement advertisements (side and rear of building)	Approved	10.10.1996
18/01032/FUL	Repaint exterior.	Approved	
18/01033/LBC	Repaint exterior.	Approved	
19/00998/LBC	Retention of extraction flue.	Current	

### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

EN23 Development Within the Proximity of a Listed Building

EN17 Conservation Areas

EN30 Historic Towns

HAR4A Harwich Masterplan

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

SP1 Presumption in Favour of Sustainable Development

SPL3 Sustainable Design

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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. 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.

## **5. Officer Appraisal (including Site Description and Proposal)**

### **Description of Development**

The application seeks consent to retain a galvanised steel extraction flue which was installed in September 2018. Internally the flue is entirely contained within a flat-roofed 20<sup>th</sup> century addition. The addition itself is sited within an enclosed courtyard. Externally the flue exits approximately 1.2m from the eaves, projects away from the building face around 0.6m and extends upwards by 1.8m.

### Listed Building

The Listing is described as:

*HARWICH TM2632NW CHURCH STREET 609-1/2/37 (North East side) 20/06/72 The Hanover Public House (Formerly Listed as: CHURCH STREET (North East side) The Hanover Inn) GV II Public house, former house. Late C18 and early C19. Brick partly painted and partly rendered with hipped Welsh slate roof. PLAN: 3 storeys and cellars and of 'U' plan form. Two ridgeline stacks with gault dressings. EXTERIOR: front has, on second floor, 3 flush double-hung sash windows with central vertical glazing bars. First floor has 2 similar deeper windows and central blind window. Raised band at second-floor level returning down NW flank where there is second similar band above ground-floor level. Ground floor has C19 public house front with fascia, console end stops and 2 bands of windows with elliptical heads to each light and central transoms. Central entrance (now blocked) has door of raised-and-fielded panels. Small entrance door on left of facade. Exposed NW flank has 3 double-hung sash windows with central glazing bars on second floor and small paned, tripartite double-hung sash on first floor. 2-storey red Flemish-bond brick extension to rear with gabled plain tile roof, ridgeline stack and 2 double-hung sash windows with small panes on first floor. Further 2-storey extension to SE of this of painted render. INTERIOR: the rear arch of the entrance passage survives, from earlier dwelling with keystone and panelled pilasters. Also of this build is an openwell C18 staircase with turned balusters and pulvinated string rising in gabled rear staircase tower, exposed on the rear. First-floor room has simple cornices and panelling and part of ceiling has 2 plaster fleurs-de-lys (copies of C17 version?). Access to rear of public house is via alley into King's Quay Street and under oversailing floor of No.25 King's Quay Street (qv). The adjoining NW wall is partly of septaria with later brickwork overlaying.*

Development affecting the setting of a Listed Building can have as dramatic, and if not properly controlled, as severe an impact as unacceptable alterations to the building itself. The setting of a Listed Building is a material planning consideration when considering planning applications.

Paragraph 192 of the NPPF requires the Local Planning Authority, when determining applications for development, to take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 196 of the NPPF requires 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, where appropriate, securing its optimum viable use.

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

As the flue is neither contained within nor attached to any element of the Listed Building a determination is made in regards to the effect of the development on the setting of the Listed Building.

The 20<sup>th</sup> century addition is entirely enclosed within the 'U' plan form as described in the listing; surrounding the courtyard development ranges from two to three storey in height; the courtyard itself is extremely small and only used to provide rear access to the premises for staff and servicing. There are no views of the flue from any public vantage-point.

It is acknowledged that a galvanised steel flue is a utilitarian form of development; it is nonetheless understood that very little (if any) options exist for alternative forms of fume-extraction from a

commercial kitchen. In regards to weighing the harm against the public benefits of the proposal; without appropriate fume-exhausting it is unlikely that the pub's kitchen could function which would likely result in them having to cease food preparation for sale; this could in turn affect the future vitality of the pub itself. For this reason, and the fact that the flue is not directly attached to any part of the Listed Building, it is considered that the public benefit outweighs the harm to the heritage asset.

**6. Recommendation**

Approval - Listed Building Consent

**7. Conditions / Reasons for Refusal**

1 No conditions.

**8. Informatives**

Attention should be drawn to the fact that it is likely an express grant of retrospective planning permission is required for the extractor flue

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?</b>		NO
<b>Are there any third parties to be informed of the decision?</b>		NO