

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

EN23 Development Within the Proximity of a Listed Building

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

SPL3 Sustainable Design

PPL9 Listed Buildings

Local Planning Guidance

Essex Design Guide

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Site Description

31 & 32 Kings Quay Street is a Grade II Listed Building lying within the Harwich Conservation Area. The wider group of properties comprise former sea captain's group of Georgian properties with big bow fronted windows; the larger of these fine properties is Esplanade House, with green paintwork and High House, of yellow brick above a stuccoed ground floor with excellent Regency ironwork.

Detailed records remain showing that 31 & 32 Kings Quay Street was 'substantially rebuilt and improved' as a single dwelling in 1808/1809. In 1812 the house was sold and then split into two houses, and remained that way for the next 177 years.

Proposal

The application seeks consent to retain a number of internal alterations that have already been undertaken. The modifications carried out are in regards to the conversion of the basement to an en-suite guestroom and typically comprise the addition of the en-suite unit, formed of plasterboard stud walls. The sandstone fireplace is of a design significant to the overall hierarchy of the individual storeys of the dwellinghouse; its simplicity is of individual importance inasmuch as it represents that typical of service quarters.

Some replastering works are required. Where internal walls have an external surface a breathable plaster would be used, in all other cases a gypsum-based plaster would be used. A cupboard with shaker-styled timber panelled doors is to be installed to the right of the fireplace, to match cupboards a servants quarters would have used in the Georgian era.

Additional kitchen units are to be installed in the adjacent utility room; the ingress/egress pipework from the en-suite will be installed behind the new units. The existing louvre window (visible at foot height at ground level) is to be replaced with a black powder coated aluminium frame, retaining the exterior bars.

Listed Building

The property is a Grade II Listed Building, first listed in September 1951.

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.

Policy EN17 of the Saved Plan (Development within a Conservation Area) requires that development must preserve or enhance the character or appearance of the Conservation Area. Development will be refused where it would harm the character or appearance of the Conservation Area, including historic plan form, relationship between buildings, the arrangement of open areas and their enclosure, grain, or significant natural or heritage features. Emerging Policy PPL8 reflects this consideration.

The Listing is described as:-

House with attached iron railings. 'newly built 1813'. Cream Gault bricks with Welsh slate gambrel roof, the upper part hipped on the SE end. 3 storeys with attics and cellars and with complex extension to rear. EXTERIOR: symmetrical front with continuous parapet and 2 full-height brick bows, each with painted timber entablature at each storey height. The bows each have 3 grouped double-hung sash windows with small panes on each floor, framed by painted timber pilasters and with stone sills. In the centre, the upper 2 floors each have a double-hung sash window with small panes and red rubbed brick arches with stone impost. The central entrance has a semi-circular red brick arched head on stone impost, enclosing an Adamesque fanlight. 6-panel door with reeded panel mouldings and reeded pilasters and frieze. Flight of stone steps with cast-iron handrails and bootscrapers. Cellars are lit by double-hung sash windows into an area enclosed by spear-headed cast-iron railings of segmental plan form echoing the bows. One stack at NW end of ridgeline. INTERIOR: substantially unchanged plan form with central hall leading through semicircular-arched opening to the staircase placed at right-angles. This is a cantilevered, open-well stair with stick balusters and wreathed hardwood handrail. Service stairs in rear. All major rooms have reeded architraves and skirtings and simple plaster cornices. 2 curved doors with curved reeded architraves survive, perhaps remnants of an earlier unrealised scheme. Some rooms have semicircular-headed recesses and cupboards with reeded surrounds. All first-floor rooms have reeded door architraves with lions' heads at the intersections.

During the site visit it was noted that the plasterboard crudely intersected the fireplace and, in conjunction with a proposal to box-in (from ceiling level down to the top of the mantel) pipework that had already been installed – the impact of these alterations would have led to substantial harm to the significance of this heritage asset. Alterations to the scheme were negotiated that secured the retention of the fireplace in its original form, with the bathroom stud wall dog-legging around the left hand side of the fireplace and the ensuite's water ingress/egress process being piped through the adjacent utility room at low level (rather than the historic storeroom at high level). This amendment is reflected in amended plans.

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:- 101, revision B and 102.

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

8. Informatives

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

This consent does not include or relate in any way to the proposed plastering works around the bay window; the subject of which would require a separate listed building consent prior to any works commencing.

Are there any letters to be sent to applicant / agent with the decision?		NO
Are there any third parties to be informed of the decision?		NO