

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	07/02/2020
Planning Development Manager authorisation:	TF	07/02/2020
Admin checks / despatch completed	CC	07/02/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	LNO	07/02/2020

Application: 19/01241/LBC **Town / Parish:** Harwich Town Council

Applicant: Mr Nick May

Address: 26 Kings Head Street Harwich Essex

Development: Internal alterations and modest external changes, and change of use of existing dwelling to small restaurant with rooms in conjunction with existing adjacent 'Alma' public house.

1. Town / Parish Council

Harwich Town Council

Harwich Town Council has no objection to this application.

2. Consultation Responses

Essex County Council
Heritage

The application pertains to internal alterations and modest external changes, and change of use of existing dwelling to small restaurant with rooms in conjunction with existing adjacent 'Alma' public house.

The building is Grade II* listed (List Entry ID:1281089) and located in a conservation area.

I have no objection to this proposal which provides a long-term sustainable use for this heritage asset.

I recommend conditions are attached to any permitted application requiring:

- A scheme of archaeological building recording commensurate with a 'Level 3 Record' as outlined in Historic England publication *Understanding Historic Buildings*;

Essex County Council
Archaeology

Thankyou for consulting us on the above application

The above application is for internal and some external alterations to a significant historic building which is designated Grade II* situated within the core of Harwich Town. The port of Harwich has existed since the 12th century; the town itself was planned and built by Roger, Earl of Norfolk as a commercial venture. In either 1222 or 1253 he granted a weekly market. In 1319 King Edward II confirmed a charter making Harwich a Free-Borough. By the fourteenth century Harwich had become an assembly point for the ships summoned by the King in times of war. Situated on a narrow promontory into the estuary of the River Orwell the town was walled by the mid 14th century, The present street plan is still largely that of the medieval town. There

were three main north-south streets, King's Head Street (formerly High Street or East Street), Church Street (formerly Middle Street) and West Street. At the end of the sixteenth century there were about 140 houses in the town, at that time the most prominent citizens and ships-masters all lived in Kings Head Street (East/High Street).

An archaeological survey has been submitted with the application for 24, 25 and 26 Kings Head St, which reveals the medieval origins of the houses and provides an interpretative survey of the buildings evolution and alterations over time. A historic building record should be completed prior to any alterations taking place which could incorporate the results of the archaeological interpretive survey and determine the impact of the proposal on the historic building. Where there may be considered harm to any of the historic fabric, fixtures or fittings of the historic building a programme of historic building monitoring will need to take place.

In addition, limited investigations in the surrounding area have revealed medieval occupation layers and remains of former historic buildings associated with the growth and development of the town. Any below ground works associated with the application will require archaeological monitoring.

The following recommendations are made in line with the Department for Communities and Local Government National Planning Policy Framework:

RECOMMENDATION: A Programme of historic building recording and monitoring and archaeological monitoring.

1. No development can commence until a programme of historic building recording, monitoring and archaeological monitoring has been secured in accordance with a Written Scheme of Investigation, which has been submitted by the applicant, and approved by the planning authority.

2 No development or preliminary ground-works can commence until a programme of historic building recording has been undertaken in accordance with a Written Scheme of Investigation, which has been submitted by the applicant, and approved by the planning authority.

3 A programme of historic building monitoring and archaeological monitoring will be required during the development, as detailed in the WSI. Following completion of this work a report will need to be submitted by the applicant, and approved by the planning authority.

Further Recommendations:

A brief outlining the level of archaeological investigation will be issued from this office on request. Tendring District Council should inform the applicant of the recommendation and its financial implications.

Natural England

Thank you for your letter of 30 August 2019 regarding the above application for listed building consent. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser. It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

3. Planning History

95/00224/LBC	Conservatory addition	Approved	06.06.1995
19/00607/LBC	Retrospective consent for the removal of modern wall and ceiling finishes added to the older fabric of the interior.	Approved	09.07.2019
19/01240/FUL	Internal alterations and modest external changes, and change of use of existing dwelling to small restaurant with rooms in conjunction with existing adjacent 'Alma' public house.	Current	
19/01241/LBC	Internal alterations and modest external changes, and change of use of existing dwelling to small restaurant with rooms in conjunction with existing adjacent 'Alma' public house.	Current	

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 (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.

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 application site is 26 Kings Head Street, which is a south west facing Grade II* Listed Building and is also being used in conjunction with the adjacent 'Alma' public house which is a Grade II Listed Building.

26 Kings Head Street Listing is as follows:

House and frontage wall to SE. Early and late C16. timber-framed and rendered with gabled plain clay tile roof. 2 storeys with attics with 2-storey extensions of rear and SE flank.

EXTERIOR: gabled front elevation has 2-light casement to attic, double-hung sash window with 2 vertical glazing bars to first floor and entrance with moulded surround and 6-panel door. Southern flank extension has richly moulded frieze window on 3 exposed sides above a lean-to machine-made clay plain tile roof and C19 double-hung sash window in former door opening. This is linked to a high, ancient, knapped flint front boundary wall also linking to No. 27 (qv). The rear of this wall reveals rubble construction.

INTERIOR: 2-bay high quality timber frame, at right-angles to street with spine beam in rear bay. Probably originally jettied to street. All posts are jowled and principal timbers are flat-chamfered with plain stops. A crown post with straightish arch braces has been reused to support ceiling on first floor. Door of elaborate linenfold panelling is now on ground floor. Until recently a brick spiral staircase (as part of stack) existed behind rear of C16 wing. 2-storey rear extension probably of C18 with gabled clay plain tile roof and reused timber.

The small southern flank extension is of considerable interest and is a box-like structure, windowed on the 3 side of upper floor. Elaborate moulded 'cornice' at front and rear eaves and joisted ceiling

beneath roof. West front elevation (now concealed) has 2 short ogee-profile wall braces to a central stud below the window sill. Cross-wing may have formed part of a single dwelling with The Alma Inn (qv), to the NW. (RCHME: Essex NE: London: 1922-: 136 (22))

The Alma Listing is as follows:

Public House, early to mid C16 and C19. Timber framed and pebbledashed with clay plain tile roofs.

EXTERIOR: 2 storeys with attics. Front has timber parapet and, on first floor a tripartite and canted oriel bay window with double-hung sash windows with small square panes. Ground floor is of 5 bays with pilaster piers, a double door, 2 single doors and 2 bays of windows. Stallrisers and lower part of doors have raised-and-fielded panels. Continuous fascia between console stops. All window and door glass is etched. Rear elevation to yard has black glazed pantiles and flat-roofed dormer. Here frame is exposed showing C16 original brick nogging infill and 2 frieze windows of moulded mullions. Short bay to the NW has black tarred weatherboarding. Rear ground floor has part Welsh slate, part patent glazed single-storey extension.

To the rear at right angles is a 2-storey timber-framed extension linking with Eastgate Street range (qv). This is rendered with Welsh slate roof and C19 double-hung sash windows with small panes. Large stack penetrates roof and ground floor is recessed to allow through route.

INTERIOR: main block is 2 bays of elaborately moulded timber-framing some exposed. Moulded bridging joists and spine beams, formerly jettied to street. Upper floor has jowled post and part of central tie beam exposed with mortice for missing tie beam brace. North wall has remains of contemporary stack, hearth now forming cupboard with reused mantel beams. Framing in NW wall appears 'open'. Roof rebuilt and some suggestions for the loss of a 3rd wall.

Proposal

This application seeks listed building consent for the internal alterations, most external changes, and change of use of the existing dwelling to a small restaurant with rooms in conjunction with the existing 'Alma' public house.

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.

Number 26 King Street is currently vacant and any works undertaken will be considered to be a positive contribution to the local area.

The Councils Historic Environment consultant has been consulted on this application and has stated that there is no objection to the proposal which provides a long term sustainable use for this heritage asset. A condition has been imposed to ensure that the applicant provides a scheme of

archaeological building recording commensurate with a 'Level 3 Record' as outline in Historic England publication 'Understanding Historic Buildings'.

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

Harwich Town Council have no objection this application.

1 letter of support has been received raising the following comments;

- The application represents a really positive outcome for this fascinating building and secures another section of its history. When any building is being renovated and re-purposed in a historic town, but especially when it is Grade II*, there is bound to be some nervousness but the current owners have proved with their previous work on the Alma and their sympathetic and considered approach that the project is in very safe hands.
- In fact the research conducted by the owners has provided an amazing insight into the history of this range of buildings in Kings Head Street, and proves that they were originally part of one intercommunicating complex dating back to the 15th Century and possibly beyond, being on the old quayside and having a long association with commerce and shipping.
- The buildings intended new purpose is really in harmony with the sites development over the last 150 years when it was provided accommodation and refreshment for travellers. Now, more than ever, Harwich must embrace tourism and with a growing taste in the UK for historical and cultural tourism the owners are tapping into a positive movement with a high quality offering.

5 letters of objection has been received raising the following concerns;

- Insufficient parking, leading to health and safety issues, problems for vehicles assessing the road and danger to pedestrians, cyclists and other road users.
- Noise pollution - there is already excessive noise produced by the users of the Alma Inn due to the current opening hours, particularly at the weekends, this will only be increased by the addition of the restaurant, the fact that the applicant has failed to provide any details on opening hours raises serious concerns over the length of time residents will be disrupted.
- Odour - The Kamodo Joe Cooker uses lumpwood charcoal and is used for grilling, smoking and cooking. No odour management plan has been submitted and it is highly feasible that the such heavy industrial equipment in a small residential garden will produce excessive and unpleasant odours that will have a detrimental impact on the residents living nearby.
- Fire Risk - Using the above heavy industrial cooking units in a small residential garden surrounded by listed buildings containing wood and in close proximity constitutes a fire risk, especially in view of the number of residential buildings destroyed by fires in Old Harwich.
- Potential for adverse impact on or harm to the surrounding conservation area
- Loss of the dwelling
- Lack of validity of supporting documents
- Concerns raised if an outside grill is installed in the garden, the smell would undoubtedly have coming in the neighbouring living room and bedrooms. Extractor fans and chimneys are noisy and unsightly.
- Noise in regards to extra footfall and impact upon neighbouring amenities
- Concerns over parking and people parking outside The Alma on double yellow lines as they cant find parking.
- Concerns over flooding in a flood zone
- Change of use of this Grade 2* building defined by its status as 'a building of National Importance' conflicts with the councils own Town Centre policies.
- Concerns raised as the applicant has failed to state the proposed hours of opening.
- Potential for adverse impact on, or harm to, the surrounding conservation area.
- Concerns raised over neighbouring health issues.

- Current extractor fan, exposed more now vegetation has been removed. No planning permission or odour management plan in place for The Alma.

In response to the above concerns, this application assesses the character, appearance and historic fabric of the listed building only. The concerns raised above will be addressed within the application for full planning permission.

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 No development, demolition or conversion can commence until a Level 3 programme of historic building recording has been secured by the submission of a written scheme of investigation which has been approved by the Planning Authority.

Reason – To preserve the record of a listed building due to the works involved in the development.

- 3 Following completion of the historic building recording the applicant will submit to the Local Planning Authority a report (to be submitted within six months of the completion of recording, unless otherwise agreed in advance with the Planning Authority).

Reason – To preserve the record of a listed building due to the works involved in the development.

- 4 The development hereby permitted shall be carried out in accordance with the following approved plans and documents;

- Drawing No. 747/18/1A - Ground Floor Plan Proposed
- Drawing No. 747/18/2B - First Floor Plan Proposed
- Drawing No. 747/18/3B - Second Floor Plan Proposed
- Drawing No. 747/18/4 - Sections and Elevations
- Drawing No. 747/18/SY1A - Proposed Material Removal - Ground Floor - Scanned 19 August 2019
- Drawing No. 747/18/SY2A - Proposed Material Removal - First Floor - Scanned 19 August 2019
- Drawing No. 747/18/SY3A - Proposed Material Removal - Second Floor - Scanned 19 August 2019.
- Conservation Engineers Report scanned 24 September 2019.
- Archaeological Interpretative Survey of 24 ,25 (The Alma), 26 Kings Head St, Harwich by David Martin FSA IHBC and Barbara Martin dated 2019
- Supplementary information to support the Design & Access Statement V4 dated 20th January 2020

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

8. Informatives

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