

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	07/10/2020
Planning Development Manager authorisation:	TF	07/10/2020
Admin checks / despatch completed	CC	07/10/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	07/10/2020

Application: 20/01031/LBC **Town / Parish:** Harwich Town Council
Applicant: Mr Nick May
Address: 26 Kings Head Street Harwich Essex
Development: Proposed partial external redecoration.

1. Town / Parish Council

Harwich Town Council Harwich Town Council has no objection to this application.
02.09.2020

2. Consultation Responses

Essex County Council The application is for proposed partial external redecoration.
Heritage
Based on the uploaded information I have no objection to this application.

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.	Approved	07.02.2020
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.	Approved	07.02.2020

4. Relevant Policies / Government Guidance

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities 'Garden Communities' proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector's advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. 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

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.

The 'listing' of 26 Kings Head Street reads 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))

Proposal

This application seeks listed building consent for proposed partial external redecoration.

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.

The Councils Historic Environment consultant has been consulted on this application and has stated that there is no objection on the basis that the new paint to the render is appropriate and breathable. Following these comments the applicant has provided an email confirming the use of materials. The Historic Environment consultant was consulted on this additional information and has stated that based on the uploaded information they have no objection to this application.

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 has no objection to this application.

No letters of representation have been received.

6. Recommendation

Approval - Listed Building Consent

7. Conditions

- 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 plan and document:

- Drawing No. 747/REDEC/1
- Agents Email confirming materials - Scanned 23 Sept 2020

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