

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NW	23/06/2021
Planning Development Manager authorisation:	JJ	24/06/2021
Admin checks / despatch completed	CC	25.06.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	25.06.2021

Application: 20/01427/LBC **Town / Parish:** Harwich Town Council

Applicant: Mr David Richardson

Address: 17 George Street Harwich Essex

Development: Listed Building Consent to facilitate a change of use from mixed cafe bar and residential to solely residential.

1. Town / Parish Council

Ms Lucy Ballard, Town
Clerk Harwich Town
Council
26.11.2020

Harwich Town Council has no objection to this application.

2. Consultation Responses

Essex County Council
Heritage
14.04.2021

Built Heritage Advice pertaining to an application for: Change of use from mixed cafe bar and residential to solely residential.

This letter should be read in addendum to my letter of 4th February 2021.

Following the submission of additional information pertaining to the building's conversion to residential, I am unopposed to this application subject to the following conditions:

- Prior to the commencement of any works, and of building recording, a Written Scheme of Investigation (WSI) shall be submitted to and approved by the Local Planning Authority.
- No demolition or conversion can commence until a programme of historic building recording commensurate with Historic England Level 2 as set out in Understanding Historic Buildings, Historic England (2016), has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the Local Planning Authority. A bound hard copy and digital copy of the recording report will be deposited with the County Historic Environment Record prior to the occupation of the development, or within three months of the recording survey being completed, whichever is the sooner.

Project details and a digital copy of the report will be uploaded to the Archaeology Data Service OASIS website by the contractor.

- Prior to the commencement of any external opening up or bricking up works, a written method statement shall be provided describing in detail the proposed method of opening to drop the sill of the window to form a door, and making good the brickwork, which should be by hand and not involve any machine cutting tools. This shall be submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved method statement.

- Prior to external works a schedule of external finish materials, including the proposed brickwork and bond style and detailing of the treatment of the brickwork where the sill is to be dropped, shall be submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved materials and details specified and shall be permanently maintained as such.

- Prior to installation, a schedule of drawings that show details of proposed windows, and doors in section and elevation at scales between 1:20 and 1:1 as appropriate, showing details of glazing type, framing, glazing bars, cills, and ironmongery, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Essex County Council
Heritage
04.02.2021

Built Heritage Advice pertaining to an application for: Change of use from mixed cafe bar and residential to solely residential. No alterations proposed.

The property is a Grade II listed former bar/restaurant Grade II listed as The Smugglers Restaurant (List UID: 1204416) and is located within Harwich Conservation Area.

Following the submission of further information pertaining to the recent advertisement history of the site for use as a bar/restaurant and following the correction of a drawing error, I am unopposed to this change of use application.

Should alterations be required to the interior of the listed building in order to facilitate its conversion to use as a single residential dwelling, I encourage the applicant to engage in a Pre-Application with the Local Planning Authority to discuss their proposals.

3. Planning History

96/01414/FUL	Internal alterations and bricking up of fire exit door, new front door	Withdrawn	11.11.1996
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96/01415/LBC	Internal alterations to kitchen, new front door, blocking up of rear fire exit	Withdrawn	11.11.1996
97/00448/LBC	Painted window surrounds, watergoods, fascia/facade and signage	Approved	20.05.1997
04/02431/LBC	Internal refurbishment, including new flooring, opening up of fireplace, removal of internal walls, blocking up of openings, creation of new openings.	Approved	14.02.2005
05/00401/LBC	Fitting of service lift from kitchen to ground floor.	Approved	29.04.2005
20/01427/LBC	Change of use from mixed cafe bar and residential to solely residential.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019
National Planning Practice Guidance

Adopted Tendring District Local Plan 2007

QL9 Design of New Development
 QL11 Environmental Impacts and Compatibility of Uses
 EN17 Conservation Areas
 EN22 Extensions or Alterations to a Listed Building

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

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. In this latter regard, as of 26th January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10th December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council has now formally adopted Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26th January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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 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.

With the adoption of the modified Section 1 of the emerging Local Plan, the Councils 'objectively assessed housing need' of 550 dwellings per annum has been found 'sound' and there is no housing shortfall. The Council is able to report a significant surplus of housing land supply over the 5 year requirement, in the order of 6.5 years.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site contains a Grade II Listed Building that fronts on to the George Street in Harwich with a secondary elevation to Golden Lion Lane. The site is also within the Harwich Conservation Area.

17 George Street, Harwich is a Georgian fronted, 3 storey Grade II Listed Building that was most recently used as a mixed use with a cafe bar restaurant on the ground and first

floor and residential use on the 2nd Floor. The property has been boarded up since the former operators went into liquidation in June 2018.

The Listed Building description states:

Former public house, now wine bar and flats. Early C19. Red Flemish-bond brickwork with slate hipped roof. 3 storeys with cellars. Front elevation has, on second floor, 2 square double-hung sash windows with small panes. One course string band below window sills. First floor has 2 tripartite groups each side of a central double-hung sash window flank piers and narrow double-hung sash side lights. The central window in each case has a segmental-arched brick head and one vertical glazing bar. C19 public house front on ground floor wrapping round to Golden Lion Lane frontage. This has fascia with cornice and 2 pairs of coupled windows with semicircular moulded arched heads and pilaster jambs between pilasters and with rendered stall riser. Golden Lion Lane frontage has windowless second floor and 2 tripartite groups of double-hung sashes on to George Street. Ground floor has public house front with one pair of arched windows with enclosing pilasters and area of brickwork with one small pane double-hung sash window. Corner between elevation is curved, with corbelling over to form square corner under eaves. Corner entrance door. 2 large stacks. Part of one build with Nos 15 & 16 (qv). INTERIOR not inspected.

Proposal

Listed Building Consent to facilitate a change of use from mixed cafe bar and residential to solely residential. In terms of the proposed internal layout, the basement on the lower ground floor will remain as is. At ground floor level, the bar / dining area will be changed to living accommodation, including a Kitchen and storage area. The internal staircase will provide unobstructed internal access to the first floor where it is proposed to locate three bedrooms and a bathroom. The second floor shall remain as is, with two bedrooms, a living room and a kitchen. Externally the alterations are limited to converting the ground floor shop front to a residential façade with smaller windows, including a secondary entrance on the ground floor. To the rear of the building, the first-floor access door shall be converted to a bathroom window.

Appraisal

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act imposes a statutory duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest.

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.

Paragraph 189 of the National Planning Policy Framework ("the Framework") requires applicants to describe the significance of any heritage assets affected. This requirement is reflected by saved policy EN23 of the Tendring District Local Plan (2007) and emerging Policy PPL9 of the Tendring District Council Local Plan 2013-2033 and Beyond Publication

Draft (June 2017). Both these policies also confirm that development should be of a scale, design and use that respects the listed building and its setting.

ECC Heritage has been consulted regarding the proposal. ECC Heritage have confirmed that they have no objections to the proposals subject to conditions on the Written Scheme of Investigation (WSI), a programme of historic building recording, a written method statement, details of external materials, doors and windows. Officers accept all these conditions other than the Written Scheme of Investigation. This relates more to archaeological finds and since this is a conversion of an existing building, the suggested condition is neither necessary nor relevant.

The proposals subject to condition has the ability to be a sympathetic alteration to this prominent elevation in the streetscape. Proposals that would maintain or improve the character of the Conservation Area and maintain or enhance the setting of the Grade II host building. Therefore, the application is supported on heritage grounds.

Subject to Planning Conditions, there is not considered to be significant harm identified to harm the setting of the Listed Building, and the proposals are therefore acceptable against this criteria.

Other Considerations

Harwich Town Council have no objection to this application.

No other letters of representation have been received.

6. Recommendation

Approval

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;

Date Received	Number	Title
25 Mar 2021	17gs13v1	Amended existing and proposed second floor plan
25 Mar 2021	17gs12v1	Amended existing and proposed first floor plan
25 Mar 2021	17gs11v1	Amended existing and proposed ground floor plan
25 Mar 2021	17gs10v1	Amended existing and proposed basement floor plan
25 Mar 2021	End518 02b	Amended existing and proposed elevations
25 Mar 2021		Amended design/ heritage and access statement

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

3. Prior to the commencement of any external opening up or bricking up works, a written method statement shall be submitted to and approved in writing by the local planning authority specifying in detail the proposed method of opening and making good the brickwork, which should be by handheld tools and not involve any machine cutting tools. This written method statement shall thereafter be implemented in accordance with the approved method statement.

Reason: In order that the special architectural and historic interest of this Listed Building and Conservation Area is safeguarded

4. Prior to external works being undertaken a schedule of external finish materials, including the proposed brickwork and bond style and detailing of the treatment of the brickwork where the sill is to be dropped, shall be submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved materials and details specified and shall be permanently maintained as such.

Reason: In order that the special architectural and historic interest of this Listed Building and Conservation Area is safeguarded

5. Prior to installation of any new windows, a schedule of drawings that show details of proposed windows, and doors in section and elevation at scales between 1:20 and 1:1 as appropriate, showing details of glazing type, framing, glazing bars, cills, and ironmongery, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason: In order that the special architectural and historic interest of this Listed Building and Conservation Area is safeguarded

3. Informatives

1. 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
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Are there any third parties to be informed of the decision? If so, please specify:	YES	NO