

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	17 th Sept 2021
Planning Development Manager authorisation:	SCE	17.09.2021
Admin checks / despatch completed	ER	23/09/2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	23.09.2021

Application: 21/00401/LBC **Town / Parish:** Clacton Non Parished

Applicant: Gray Jordan - Earlwood Ltd

Address: The Queens Head 16 St Johns Road Clacton On Sea

Development: Retention of repairs to all sash windows, temporary retention of repairs and replacement casement window prior to replacement, retention of hardwood external doors and repairs to original items, retention of existing toilet block premises and conversion of boiler room to bin/cycle store, retention of low energy lighting, heating and ventilation and retention of insulated stud walls and ceilings.

1. Town / Parish Council

Not applicable

2. Consultation Responses

Essex County Council
Heritage

The application is for retention of repairs to all sash windows, temporary retention of repairs and replacement casement window prior to replacement, retention of hardwood external doors and repairs to original items, retention of existing toilet block premises and conversion of boiler room to bin/cycle store, retention of low energy lighting, heating and ventilation and retention of insulated stud walls and ceilings.

The approach undertaken to the interior is not something I would typically support and is not considered sympathetic. However, considering the wider benefits of some other elements of the scheme I consider there to be a neutral overall impact.

Prior to any approval the applicant still needs to confirm (on drawings) that any new plastic rainwater goods installed without consent will be replaced with power coated aluminium.

Given there are works undertaken without consent, it is important that conditions are attached to any approval.

3. Planning History

01/00171/LBC	Place a Sky TV aerial on rear of building	Withdrawn	09.02.2001
01/00172/FUL	Place a Sky TV aerial to rear of building	Withdrawn	03.12.2001

95/00332/LBC	(The Queens Head P.H., St Johns Road, Great Clacton) Removal of internal walls and forming opening through chimney stack	Approved	14.05.1995
06/02078/FUL	Commercial black painted steel fire escape with staircase with balustrade and landing to rear elevation and replacement door.	Refused	08.02.2007
06/02079/LBC	Fire escape staircase, balustrade and landing and replacement rear door under new staircase (fire door).	Withdrawn	07.02.2007
07/00977/LBC	Enclosing existing patio with cast iron railings and posts to car park elevation, locating two ground fixed umbrellas with integral heating and lighting, locating a freestanding open sided smoking shelter to adjacent area.		21.06.2007
07/00978/FUL	Forming two bases for ground fixed 3m x 3m umbrellas with integral heaters and lights to existing patio to the car park elevation, enclosing same with decorative cast iron railings, locating a 3m x 2m free standing smoking shelter adjacent the patio.	Refused	22.08.2007
07/01718/FUL	Forming two bases for ground fixed 3m x 3m umbrellas with integral heaters and lights to existing patio to car park elevation, enclosing same with decorative cast iron railings.	Approved	11.12.2007
09/01090/LBC	Minor alterations and installation of fittings as required by fire authority.	Approved	11.01.2010
12/00863/FUL	Formation of new fire escape staircase from first floor to ground floor level including formation of a new fire door through existing window at first floor.	Approved	24.09.2012
12/00864/LBC	Formation of new fire escape staircase from first floor to ground floor level including formation of a new fire door through existing window at first floor.	Approved	24.09.2012
12/01424/LBC	Open up existing chimney breast and fit new multi-fuel stove, strip out existing raised area and existing suspended ceiling to dining area and form new plastered ceiling. Remove section of existing		05.01.2015

	wall, form new opening in existing structural wall, remove existing section of floor and form new steps, internal and external decorations to pub. Over clad bar, new carvery station, new floor finishes, removal and replacement of doors for the inclusion of new fixtures and fittings.		
16/00868/LBC	Renovation of the interior including opening up the space by cutting back walls, partially blocking up doorway, removing raised level within existing restaurant area, creating new door openings, extension of the bar counter, new fixed seating, new hanging basket and lanterns to the side elevation, flooring finishes and decoration. Installation of new timber smoking shelter with a polycarbonate roof to the side of the building and a store to be created from new close boarded fence and gate.	Approved	29.07.2016
18/00323/FUL	Change of use of ground floor to flexible use class A1 (non-food) retail or A2 financial and professional services or A3 restaurant or A5 hot food takeaway, first and second floors to one 2 bedroom flat and one 3 bedroom flat, erection of two detached houses and reconfiguration of car parking area.	Approved	18.05.2018
18/00324/LBC	Internal alterations to public house to facilitate the change of use of ground floor to flexible use class A1 (non-food) retail or A2 financial and professional services or A3 restaurant or A5 hot food takeaway, first and second floors to one 2 bedroom flat and a one 3 bedroom flat.	Approved	18.05.2018
18/02082/DISCON	Discharge of conditions 4 (Materials) and 11 (Landscaping) of application 18/00323/FUL.	Approved	18.01.2019
19/01089/LBC	Repainting of external render in Cornforth-White (Farrow & Ball) paint	Approved	18.09.2019
20/00013/LBC	Conservation and repair works.	Refused	30.04.2020
20/00014/LBC	Consent to retain the insulated stud walls, suspended ceilings, plasterboard coverings and	Refused	30.04.2020

	undertake repairs to the dormer window.		
20/00027/FUL	Variation of Condition 2 (Approved Plans) of planning permission 18/00323/FUL to supersede Drawing no's: 1511/P/20, 1511/P/21 and 17-3028-101 P2.	Refused	10.07.2020
21/00401/LBC	Retention of repairs to all sash windows, temporary retention of repairs and replacement casement window prior to replacement, retention of hardwood external doors and repairs to original items, retention of existing toilet block premises and conversion of boiler room to bin/cycle store, retention of low energy lighting, heating and ventilation and retention of insulated stud walls and ceilings.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2021

National Planning Practice Guidance

Relevant Section 1 Policies (adopted)

SP1 Presumption in Favour of Sustainable Development

SP3 Spatial Strategy for North Essex

SP7 Place Shaping Principles

Adopted Tendring District Local Plan 2007 (part superseded)

EN22 Extensions or Alterations to a Listed Building

Relevant Section 2 Policies (emerging)

PPL9 Listed Buildings

Status of the Local Plan

Planning law requires that decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework 2021 (the Framework).

The 'development plan' for Tendring comprises, in part, the 'saved' policies of the 2007 Local Plan. Paragraph 219 of the Framework allows local planning authorities to give due weight to policies adopted prior to its publication according to their degree of consistency with the policies in the Framework. On the 26th January 2021 Section 1 of the 2013-2033 Local Plan was adopted and now also forms part of the 'development plan' for Tendring, superseding some of the more strategic policies in the 2007 Local Plan. Notably, the housing and employment targets were found sound and have been fixed, including the housing requirement of 550 dwellings per annum.

Paragraph 48 of the Framework 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 the policies of the Framework. In this regard 'Proposed Modifications' to the emerging Section 2 of the 2013-33 Local Plan, which contains more specific policies and proposals for Tendring, has been examined and hearing sessions have now closed. The main modifications recommended to make the plan legally compliant and sound were considered at the Council's Planning Policy and Local Plan Committee on 29th June 2021. The Council held a six-week public consultation on the Main Modifications and associated documents which began on 16th July 2021. The consultation closed at 5pm on 31st August 2021 and adoption is expected later this year. Section 2 will then join Section 1 as part of the development plan, superseding in full the 2007 Local Plan. Section 2 of the 2013-33 Local Plan is therefore at a very advanced stage of preparation and should be afforded considerable weight.

5. Officer Appraisal

Site Description

The application site is located within the settlement boundary of Great Clacton and is set on the corner of St Johns Road and North Road, within the Great Clacton Conservation Area. The Queens Head pub itself is a Grade II listed building and the site also adjoins a neighbouring pub, The Plough, which is also a Grade II listed building. The site is identified in both the current adopted and emerging Local Plans as within the local/village centre.

The application site is an irregular shape with the pub itself being set on the corner whilst the site extends to the west and south to accommodate the pub car park and a small garden area. The site is approximately 0.15 hectares in area, is generally flat and with the exception of the pub itself, largely laid to hardstanding. The existing public house is located in the south east part of the site. The building is an imposing two storey building presently finished in white render. It features bay windows addressing St Johns Road including one large semi-circular bay set towards the corner of the two roads.

Proposal

The application is for retention of repairs to all sash windows, temporary retention of repairs and replacement casement window prior to replacement, retention of hardwood external doors and repairs to original items, retention of existing toilet block premises and conversion of boiler room to bin/cycle store, retention of low energy lighting, heating and ventilation and retention of insulated stud walls and ceilings.

Listed Building

The extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development and associated visual/physical considerations. Although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.

The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights of way or an ability to otherwise access or experience that setting. The contribution may vary over time.

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. Adopted Policy EN23 states that proposals for development that would adversely affect the setting

of a Listed Building, including group value and long distance views will not be permitted, emerging Policy PPL9 reflects these considerations.

Paragraph 197 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 199 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.

The Listing is described as:

The Queen's Head Hotel GV II Hotel. C16/C17 or earlier with C18 or later additions and alterations. Timber framed and rough rendered, plaster panels to North Road. Red plain tiled roofs, L-plan, hipped with gablet to left. Hipped to right face (North Road). Large rough rendered chimney stack to rear left, 2 rough rendered stacks to North Road face. 2 storeys and attics to left range with a flat headed dormer and 3 window range of various small paned vertically sliding sashes including a ground floor bay with tripartite front window and tripartite window over. Blocked doorway to left. 2 C20 panelled doors with top lights and flat canopies on brackets to right. Very large 2 storey 5 light bay window with small paned glazing to right. Right return, 2 window range of 3 light casements with transoms. Recessed door in moulded surround with toplight and fanlight. Purchased 1727 by Daniel Prentice of Yew Trees q.v. 13/27. Documentary evidence relating to the building c.1600. Kenneth Walker History of Clacton.

The Historic Environment Manager comments that the approach undertaken to the interior is not something they would typically support and is not considered sympathetic. However, considering the wider benefits of some other elements of the scheme they consider there to be a neutral overall impact.

The Historic Environment Manager suggests a number of conditions to be attached which require restorative works to be completed within very limited timescales. Although the individual requirements of the conditions are agreed, on the basis that there is retrospective works are deemed to have a neutral overall impact – the timescale to comply with the conditions will be increased to correspond to the next maintenance programme (Conditions 3 and 4) and the availability of an appropriate joiner (Condition 5).

Representations

No representations were received in response to the publicity of the application.

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 plans:-

Received 10th May 2021

1511/P/02; Ground Floor Plan After Works
1511/P/03; First And Second Floor Plan After Works
1511/P/04; Elevations (Unchanged)
P&P/20/160/01; Floor Plans After Works
P&P/20/160/02; Floor Plans Before Works
P&P/20/160/03; Ceiling Heights
P&P/20/160/04; Replacement And Repair Profiles For Casement Windows

Received 3rd August 2021

1511/P/02; Heritage Key Gf Plan
1511/P/03; Heritage Key Ff Plan
1511/P/04; Elevations Current
P&P/20/160/01; Plan After Works
P&P/20/160/02; Plans Approved Before Works
P&P/20/160/03; Ceiling Heights
P&P/20/160/05; Window Schedule
P&P/21/160/04; Casement Profile
P&P/21/160/06; Sash Detail
P&P/21/160/07; Window Elevations
P&P/21/260/08; Window Profile Twin Casement

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

- 3 Within a period of five years from the date of this consent, the existing plastic rainwater goods will be repainted with a Heritage Black textured paint product and permanently retained as such.

Reason - To ensure the use of appropriate detailing on this listed building

- 4 The works indicated on drawing P&P/20/160/05 'Schedule of Windows to be Replaced or Partially Replaced' shall be undertaken with a period of five years from the date of this consent.

Reason - To ensure the use of appropriate materials having regard to the listed building.

- 5 Within a period of one year from the date of this consent, detailed drawings (including sections) of the sash windows drawn at a scale of 1:20 shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason - To ensure the use of appropriate detailing on this listed building.

8. Informatives

Positive and Proactive Statement

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.

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