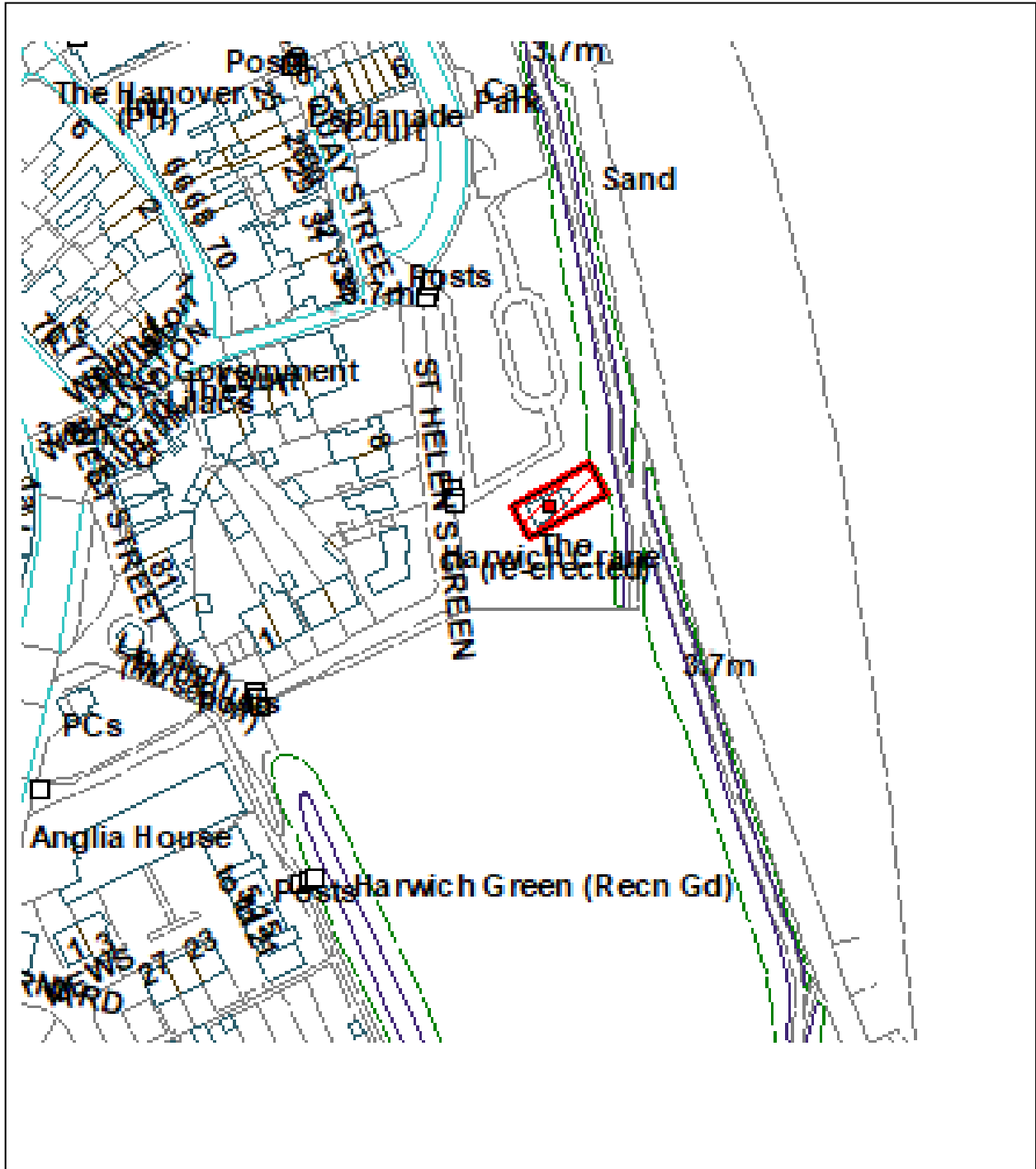


PLANNING COMMITTEE

26 OCTOBER 2021

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

**A.6 PLANNING APPLICATION – 21/01395/LBC – THE HARWICH TREADWHEEL CRANE  
ST HELENS GREEN HARWICH CO12 3NH**



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**Application:** 21/01395/LBC

**Town / Parish:** Harwich Town Council

**Applicant:** Tendring District Council

**Address:** The Harwich Treadwheel Crane St Helens Green Harwich CO12 3NH

**Development:** Proposed repair works, including underpinning, weatherboard and roof covering replacement, and timber and ironwork repairs.

## 1. Executive Summary

- 1.1 This application is referred to the Planning Committee as the applicant is Tendring District Council.
- 1.2 This application seeks Listed Building Consent for repair works, including underpinning, weatherboard and roof covering replacement, and timber and ironwork repairs.
- 1.3 The application site is a Grade II\* Listed Building and has been subject of consultation with the specialist heritage advisors - Historic England and ECC Heritage; neither have raised any objections to the proposed works.
- 1.4 Harwich Town Council have raised no objections and there have been no letters of representation received.

### **Recommendation:**

That the Head of Planning be authorised to grant planning permission for the development subject to:-

- a) Subject to the conditions stated in section 8.2

## 2. Planning Policy

The following Local and National Planning Policies are relevant to this planning application.

*NPPF National Planning Policy Framework July 2021*

*National Planning Practice Guidance*

*Adopted Tendring District Local Plan 2007 (part superseded)*

EN22 Extensions or Alterations to a Listed Building

*Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021)*

*Relevant Emerging Policies*

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 26<sup>th</sup> 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 29<sup>th</sup> June 2021. The Council held a six-week public consultation on the Main Modifications and associated documents which began on 16<sup>th</sup> July 2021. The consultation closed at 5pm on 31<sup>st</sup> 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.

### **3. Relevant Planning History**

21/01395/LBC	Proposed repair works, including underpinning, weatherboard and roof covering replacement, and timber and ironwork repairs.	Current
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### **4. Consultations**

Essex County Council Heritage 07.09.2021	The development site is Grade II* listed as Old Naval Yard Crane (List UID: 1187899) and is also a Scheduled Ancient Monument, scheduled as The Harwich Treadwheel Crane (List UID: 1017202), and is located within Harwich Conservation Area.
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ECC Heritage are unopposed to this application however preference would be for the use of limecrete rather than concrete.

The application does not contain any proposals for breaking out the cracked internal concrete floor screed, it would appear that these works present a good opportunity to resolve this and relay the floor in a more sympathetic material.

ECC Heritage are unopposed to the current iteration of the proposals.

Historic England  
27.08.2021

Historic England considers the effect of the proposed works upon the monument to be beneficial for the preservation of the monument, but necessitating disturbance of the historic fabric; the level of harm to the asset has been taken into consideration and weighed against the public benefit of the repairs and is deemed to be acceptable.

## 5. Representations

- 5.1 Harwich Town Council raise no objection to this application.
- 5.2 No letters of representation have been received.

## 6. Assessment

### Site Context

- 6.1 This application relates to the Harwich Treadwheel Crane, which is Grade II\* and also a Scheduled Ancient Monument.
- 6.2 The 'Harwich Treadwheel Crane' listing details are as follows:

*'The monument includes a 17th century harbour crane, relocated in 1932 and now situated near the eastern shore of the Harwich peninsula, towards the northern edge of Harwich Green. The crane, which is Listed Grade II\*, is housed in a rectangular structure, measuring some 8m by 4.5m, with the boom or jib protruding from the eastern (seaward) end. The timber framed housing has four bays (some parts indicating the reuse of ships' timbers), the two eastern bays strengthened with angled supports (inverted kneelers) to carry the weight of the loaded jib, and the two end frames cross braced. Shiplapped weatherboards cover the lower two-thirds of the structure, with open frames (now sealed with mesh to keep out birds) for light beneath the hipped roof. The roof is clad with pantiles over the main section and felt above the jib, replacing wooden boards recorded prior to its relocation. A central north-south axle carries a pair of spoked wooden treadwheels, each 5m in diameter with narrow barrel-staved walkways. During operation, the men turning the wheels would have raised or lowered loads via the iron chain which is still wound around the centre of the axle. This continues through an aperture beneath the eastern gable and along the boom (to which it is now attached). The boom itself is mounted on a vertical pivoting post with a diagonal brace and a strengthened (hanging knee) spandrel. The underside of the boom is carved with scallop and ogee motifs. The crane is thought to have been erected in 1667 on the orders of the Duke of York, as part of a renewed phase of activity in the naval dockyard established at Harwich in 1657. It originally stood some 200m to the north, near the modern pilots' station and the former site of the Napoleonic 'Bathside Bay' battery. The structure was moved to its present location in 1932 for public display when the dockyard area was redeveloped. It was enclosed by a dwarf brick wall and iron railings in the early 1970s. The brick wall and iron railings, two anchors on display within the enclosure, the various internal and external information boards and the bird-screen mesh, are all excluded from the scheduling, although the ground beneath and the structures to which these features are attached are included.'*

### Proposal

- 6.3 This application seeks Listed Building Consent for repair works, including underpinning, weatherboard and roof covering replacement, and timber and ironwork repairs.

### Design and Appearance (including Heritage Impact)

- 6.4 The only consideration as part of this application is the above mentioned amendments on the character, appearance and historic fabric of the curtilage listed building.
- 6.5 Paragraph 194 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 201 of the Framework adds that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss
- 6.6 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.
- 6.7 Historic England have been consulted as part of this application and consider the effect of the proposed works upon the monument to be beneficial for the preservation of the monument, but necessitating disturbance of the historic fabric; the level of harm to the asset has been taken into consideration and weighed against the public benefit of the repairs and is deemed to be acceptable.
- 6.8 ECC Heritage have also been consulted on this application and have stated that the development site is Grade II\* listed as Old Naval Yard Crane (List UID: 1187899) and is also a Scheduled Ancient Monument, scheduled as The Harwich Treadwheel Crane (List UID: 1017202), and is located within Harwich Conservation Area. ECC Heritage are unopposed to this application, but would prefer to see the use of limecrete in lieu of concrete. After discussing this with the planning agent, it was confirmed that the concrete is part of the 1932's work when the Treadwheel was moved to its current position. This phase of works introduced a few changes to the structure (such as the pantiles, open lattice to the head of the walls etc.) but is considered by Historic England to be an important part of the history of the building.
- 6.9 Therefore the applicants are keen to retain the concrete and where repairing do this on a like-for-like basis and which HE support. The other measures that are being introduced will improve air flow and thus reduce the risk of further decay.
- 6.10 The application does not contain any proposals for breaking out the cracked internal concrete floor screed, it would appear that these works present a good opportunity to resolve this and relay the floor in a more sympathetic material. Were any revisions to be forthcoming HE would provide updated comments, however they are unopposed to the current iteration of the proposals.

- 6.11 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.

## **7. Conclusion**

- 7.1 The proposed repairs works are considered acceptable and will not cause any harm to the historic fabric or character of the Listed Building.

## **8. Recommendation**

- 8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informative:

### **8.2 Conditions and Reasons**

- 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 and documents:

- Drawing No. 21214/01 REV B
- Drawing No. 21214/10 REV B
- Drawing No. 21214/11 REV B
- Drawing No. 21214/12 REV B
- Drawing No. 21214/13 REV B
- Drawing No. 21214/14 REV B
- Drawing No. 21214/15 REV B
- Drawing No. 21214/16 REV B

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

### **8.3 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.

## **9. Additional Considerations**

### **Public Sector Equality Duty (PSED)**

- 9.1 In making your decision you must have regard to the PSED under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions to:

- 9.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- 9.3 B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and
- 9.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 9.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.
- 9.6 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 9.7 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

#### Human Rights

- 9.8 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 9.9 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 9.10 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

#### Finance Implications

- 9.11 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.

### **10. Background Papers**

- 10.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.