

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	14/09/2022
Planning Development Manager authorisation:	JJ	14/09/2022
Admin checks / despatch completed	ER	14/09/2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	14.09.2022

Application: 20/00450/LBC **Town / Parish:** Harwich Town Council

Applicant: Mr Nigel Marshall

Address: 18, 18A and 18B Church Street Harwich Essex

Development: Proposed alterations to convert existing ground floor book repository (no.18) and 2 flats (18A and 18B) into two 3 storey houses.

1. Town / Parish Council

Harwich Town Council Have not commented on this application

2. Consultation Responses

Essex County Council
Heritage
02.08.2022

Built Heritage Advice pertaining to an application for: Proposed alterations to convert existing ground floor book repository (no.18) and 2 flats (18A and 18B) into two 3 storey houses.

This letter follows on from advice provided by Hector Martin on 11/06/2020 and my own previous consultation.

The acceptability of this application, in principle, should be based on the optimum viable use demonstrated for justification in the change of use. Tendring District Council will need to consider the marketing report on this aspect. Until proven otherwise the shop/retail use is the optimum viable use and the one most compatible with the heritage asset's conservation.

The application has addressed the concerns which have been previously highlighted and apart from the OVU there are no objections.

Should this application be approved I recommend conditions are attached requiring details of the new window, details of new render and the requirement for a scheme of archaeological building recording commensurate with a 'Level 3 Record' as detailed in Historic England Publication Understanding Historic Buildings.

3. Planning History

03/00737/FUL	(Ground Floor) Change of use to Tearoom. Build counter and stud wall to form cooking and serving area.	Approved	04.06.2003
03/00898/LBC	To erect a stud wall and counter to form cooking and serving area	Approved	25.06.2003

09/00928/FUL	Construction of external staircase, extended first floor balcony access and porch, and 1.8 metre high screened roof garden. Replacement windows and doors. Conversion of external store into garage.	Refused	09.11.2009
09/00929/LBC	Construction of external staircase, extended first floor balcony access and porch, and 1.8 metre high screened roof garden. Replace existing rear windows and convert external store into garage door and single leaf door in lieu of side window. Installation of 2 no. solar panels.	Refused	09.11.2009
16/00027/LBC	Cut a groove in the flank wall of No18 at high level to allow the attachment of a new lead flashing between No17 and No18 above the new roof proposed move the rear part of No17 Church Street and possible recessed flashing to vertical face if required.	Application Returned Prior to Validation	
17/01142/LBC	Attachment of roof membrane with lead flashing in new location to rendered flank wall.	Approved	22.09.2017
20/00449/FUL	Proposed alterations to convert existing ground floor book repository (no.18) and 2 flats (18A and 18B) into two 3 storey houses.	Current	

4. **Relevant Policies / Government Guidance**

National Planning Policy Framework July 2021 (NPPF)

National Planning Practice Guidance (NPPG)

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

PPL9 Listed Buildings

Status of the Local Plan

Planning law requires that decisions on 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 (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

In relation to housing supply:

The Framework requires Councils 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 of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, Paragraph 11 d) of the Framework requires granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (what is often termed the 'tilted balance').

The Local Plan fixes the Council's housing requirement at 550 dwellings per annum. On 19 October 2021 the Council's Strategic Housing Land Availability Assessment (SHLAA) updated the housing land supply position. The SHLAA demonstrates in excess of a six-and-a-half-year supply of deliverable housing land. On 14 January 2022 the Government published the Housing Delivery Test (HDT) 2021 measurement. Against a requirement for 1420 homes for 2018-2021, the total number of homes delivered was 2345. The Council's HDT 2021 measurement was therefore 165%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to applications for housing.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site refers to 18, 18A and 18B Church Street, which is a three storey building comprising of a book repository to the ground floor and 2 flats located above. The application site is located within the Conservation Area, a Grade II Listed building and within the setting of Listed buildings and within Flood zone 3.

Proposal

This application seeks listed building consent for the proposed alterations to convert the existing ground floor book repository (no. 18) and 2 flats (18 A and 18B) into two 3 storey houses.

The listing description is as follows:

Shop with flat, 1698. Timber-framed and plastered, gabled clay plain tile roofs. 2 storeys with attics and central ridgeline stack. The front, at roof level has 2 large jettied feature gables with C19 bargeboards and imitation studwork. Each gable has square double-hung sash window with 6 panes and moulded surround. On first floor beneath each gable is a projecting bay with canted flanks with a double-hung sash window with single vertical glazing bar in front face. Central recess has circular wreath of plaster with plaster date 1698, a rose and trident-like motif. The flank recesses have tall plaster panels with moulded frame. The ground floor has 2 identical canted C19 shop fronts with fascias on fluted brackets, small paned display windows and door with rectangular opening fanlight. INTERIOR: has no evident features. (RCHME: Essex NE: London: 1922-:135, (10).

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 199 of the National Planning Policy Framework ("the Framework") states that 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Policy PPL9 of the Tendring District Local Plan 2013-2033 and Beyond Section 1 states that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric' although the Plan recognises that the scope for a listed building to adapt to modern life and requirements will itself depend upon a number of considerations and it will not always be possible to incorporate modern design solutions without also causing harm to its special character fabric, or appearance.

A heritage statement has been submitted in support of this application which provides justification for the works involved and why they would be sympathetic in respect of the character of the Grade II Listed building.

The Council's Historic Environment officer has been consulted on this application and raised concerns originally with the change of use and that an enhanced heritage statement would need to be provided to justify the proposed works due to the potential damage they could cause. At the time of writing the consultee comments the team were unable to undertake a site visit due to the pandemic. A subsequent site visit was undertaken involving the applicant, Historic Environment Manager and Planning Officer when rules were relaxed to discuss the proposed plans. An amended heritage statement and plans were provided and the team were re-consulted. The team have stated that the principle should be based on the optimum viable use demonstrated for justification in the change of use which is up to TDC to assess (since this is a listed building consent application where impact on the listed building is the only consideration, this element of the assessment will be covered in the planning application).

Notwithstanding, the amended plans have addressed the original concerns that have been previously highlighted and subject to the optimum viable use (which will be assessed under application 20/00449/FUL), the Historic Environment Team now have no objections subject to conditions relating to details of the new windows, details of the new render and requirement for a scheme of archaeological building recording.

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 not commented on 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 plans and documents:

- Drawing No. 2021/67/01
- Drawing No. 2021/67/02
- Drawing No. 2021/67/03

- Drawing No. 2021/67/04
- Heritage Statement - Scanned 02 Aug 2022

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

- 3 No development or conversion of any kind shall take place until the implementation of a programme of historic building recording (a Level 3 Scheme of Archaeological Building Recording as outlined in Historic England publication 'Understanding Historic Buildings') has been secured in accordance with a written scheme of investigation which has been previously approved in writing by the Local Planning Authority. Following completion of the historic building record, a report shall be submitted to the local planning authority.

Reason - To secure a historic building record of the heritage asset to be converted, in the interests of the historic environment.

- 4 Prior to their installation, drawings to a scale of not less than 1:20 (elevation and section) fully detailing the new windows including their surrounds indicating; materials, cross sections for glazing bars, sills, heads etc, method of opening and method of glazing shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be installed/carried out in complete accordance with the approved details.

Reason - The application relates to a listed building and therefore such details are necessary in order to preserve and enhance the historic character and integrity of that building. Insufficient information has been submitted within the application for full consideration of these details.

- 5 Prior to commencement of works, details of new render shall be submitted to and approved in writing by the Local Planning Authority.

Reason - In the interests of protecting the Grade II Listed Building.

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