

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	04/05/2022
Planning Development Manager authorisation:	SCE	04.05.2022
Admin checks / despatch completed	ER	04/05/2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	04.05.2022

Application: 22/00090/LBC **Town / Parish:** Harwich Town Council

Applicant: Mr Andrew Wells - Harwich Town Council

Address: The Guildhall 11 Church Street Harwich

Development: Proposed installation of 1no. new pendant light in building lobby.

1. Town / Parish Council

Harwich Town Council

2. Consultation Responses

Historic England
27.04.2022

Thank you for your letter of 5 April 2022 regarding the above application for listed building consent for the proposed installation of a new pendant light in the entrance lobby.

Historic England provides advice when our engagement can add most value. In this case we do not wish to offer advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

Essex County Council
Heritage
04.03.2022

The application is for proposed installation of 1no. new pendant light in building lobby. The proposed site is a Grade I listed building within the Harwich Conservation Area.

I am generally unopposed to the replacement of the existing pendant and the installation of the proposed additional light fitting to the entrance lobby to provide a safer access to the building and to illuminate the wall mounted copy of the Charters to the Old Borough. However, I do not support the use of white PVC box trunking to the underside of the ceiling. Although this system has already being used in the past to upgrade the fire alarm system, this is considered to be an unsympathetic addition to the historic asset. Any trunking in this historic hallway will detract from the architectural interest of this principal space. The scale of harm is 'less than substantial' and great weight should be given to the heritage asset's conservation (Paragraph 199).

While I understand that the applicant investigated alternative solutions, I do not consider that the harm caused to the significance of the designated asset is supported by clear and convincing justification as per Paragraph 200 of the NPPF. I believe there is a potential for providing additional light to the entrance lobby and I will be happy to support a more sympathetic solution, which does not detract from the architectural interest of the building.

In this instance, I cannot support the proposal and I recommend this application is refused.

3. Planning History

97/00266/LBC	Display cabinet	Approved	27.03.1997
97/00897/LBC	Repair to frontage brickwork and stone dressings. Repoint main frontage, repair timber structure, reconstruction of frontage parapet	Approved	20.10.1997
04/01654/LBC	Timber flagstaff.	Approved	25.11.2004
14/30395/PREAPP	Upgrade and re site of heating boiler to kitchen area with flue to exit pitched slate roof.		12.11.2014
15/00084/LBC	Installation of replacement heating/water boiler from existing cellar site to new kitchen site, provision of new flue through kitchen/toilet extension block.	Approved	25.03.2015
15/00527/LBC	Installation of stairlift to first floor.	Approved	12.06.2015
15/01473/LBC	Internal alterations to listed building to provide disabled persons toilet facilities.	Approved	12.11.2015
18/00243/LBC	Remove 2No. rear first floor windows and 5No. ground floor windows to single storey rear extension and replace with identical units.		12.04.2018
19/00648/LBC	To install dividing plasterboard faced stud partitions between office accommodation and carvings room.	Refused	18.06.2019
20/01161/LBC	Repairs and strengthening to brickwork of the rear boundary wall.	Approved	16.12.2020
22/00090/LBC	Proposed installation of 1no. new	Current	

pendant light in building lobby.

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2021

National Planning Practice Guidance

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.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is Guildhall, 11 Church Street, Harwich. The application site is located within the Conservation Area, the building is Grade I Listed, is located within a Flood Zone and is within the Historic Town of Harwich.

Proposal

This application seeks Listed Building Consent for the proposed installation of 1no. new pendant light in building lobby.

Listing Description

Guildhalls listing is as follows:

Town hall, late C17 and 1769. Red Flemish-bond brickwork with stone quoins and dressings and Welsh slate hipped roof behind parapets. 3 storeys and cellars with 2 canted bays rising full height.

EXTERIOR: on front elevation the parapet has recessed panels. The canted bays have double-hung sash windows with small panes, stone stills and rubbed brick arches with keystones. Emphatic stone cornice, below parapet, projecting stone bands at storey heights and stone quoins. Ground floor has central doorcase of 1769 with open pediment, supported on clustered attached shafts of Batty Langley-style Gothick. These enclose an ogee profile fanlight and 6-panel door. On the first floor is an aedicule with semicircular-headed open pediment enclosing a C19 stained-glass window. On the second floor are the Royal Arms (Victoria) in painted plaster under Baroque open double curved pediment. Large box-like building with English bond brickwork on rear and lower part of the flank elevations. Large C19 extension on the rear. INTERIOR: ground floor probably incorporates part of building of 1673 and may include fabric of former Bear Inn. Exposed spine beam and bridging joist of softwood with quadrant chamfers, lamb's tongue stops with extra indentation usually of first half of C17. Tuscan arcade of 3 bays opens to the staircse with dossier blocks above capitals, board-like 3-centred arches and curious bases perhaps compatible with a late C17 date. One ground-floor room, formerly a prison, has late C18 boarding-clad walls with prisoner-incised graffiti of ships, a windmill and a 'daisy' protective device. A fireplace here has segmental relieving arch, truncated mantel beam reused and C18 overmantel painting of figures. Between entrance hall and stairwell is an elliptical painted timber arch on panelled pilasters. The well staircse has turned balusters, console tread ends and side walls are panelled

with half-Tuscan columns at each level change. The first floor Council Chamber has C19 panelling with purpose-made fittings. An open screen of clustered shafted columns is contemporary with or imitative of the doorcase. An internal Venetian window, between Council Chamber and stairwell has an elliptical arched head, heavy entablature, Doric pilasters, triple keystones and Gothick glazing pattern. Above is a plastered arch of radiating 'voussoirs' and staircase well flanks are ashlaed.

Assessment

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 199 of 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 assets conservation. This is irrespective of whether any potential harm amounts to substantial harm, totally loss or less than substantial harm to its significance. Paragraph 200 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 202 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 194 of the National Planning Policy Framework ("the Framework") requires applicants to describe the significance of any heritage assets affected. This requirement is reflected by Policy PPL9 of the Tendring District Council Local Plan 2013-2033. The policy also confirms that the development should be of a scale, design and use that respects the listed building and its setting.

Historic England have been consulted on this application and have stated that the team do not wish to offer any comments and suggest that the local planning authority seek the view of the specialist conservation adviser for advice on the scheme.

Place Services Historic Environment Team have been consulted on this application and have stated that the application is for the proposed installation of 1no. new pendant light in building lobby. The proposed site is a Grade I listed building within the Harwich Conservation Area.

The officer is unopposed to the replacement of the existing pendant and the installation of the proposed additional light fitting to the entrance lobby. However the officer does not support the use of white PVC box trunking to the underside of the ceiling. Although this system has already being used in the past to upgrade the fire alarm system, this is considered to be an unsympathetic addition to the historic asset. Any trunking in this historic hallway will detract from the architectural interest of this principal space. The scale of harm is 'less than substantial' and great weight should be given to the heritage asset's conservation in line with Paragraph 199 of the National Planning Policy Framework.

The officer understands that alternative solutions were looked into however the harm caused to the significant of the designated asset is supported by clear and convincing justification as per paragraph 200 of the National Planning Policy Framework. The officer has stated that there is potential for providing additional lighting to the entrance lobby in a more sympathetic solution which does not detract from the architectural interest of the building.

It is therefore considered that the proposed works would cause harm to the historic fabric and character of the Listed Building. The proposal is therefore contrary to local and national policy.

Other Considerations

Harwich Town Council are the applicants for this application.

No letters of representation have been received.

6. Recommendation

Refusal - Listed Building Consent

7. Reasons for Refusal

- 1 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 199 of 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 assets conservation. This is irrespective of whether any potential harm amounts to substantial harm, totally loss or less than substantial harm to its significance. Paragraph 200 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 202 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 194 of the National Planning Policy Framework ("the Framework") requires applicants to describe the significance of any heritage assets affected. This requirement is reflected by Policy PPL9 of the Tendring District Council Local Plan 2013-2033. The policy also confirms that the development should be of a scale, design and use that respects the listed building and its setting.

The proposal includes the use of white PVC box trunking to the underside of the ceiling. Although this system has already being used in the past to upgrade the fire alarm system, this is considered to be an unsympathetic addition to the historic asset. Any trunking in this historic hallway will detract from the architectural interest of this principal space. It is therefore considered that the proposed works would cause harm to the historic fabric and character of the Listed Building, and the proposal is therefore contrary to local and national policy.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

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