

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	AP	7/12/2023
Planning Manager / Team Leader authorisation:	ML	08/12/2023
Planning Technician final checks and despatch:	ER	08/12/2023

Application: 23/00409/LBC **Town / Parish:** Harwich Town Council

Applicant: Mr A Leatherdale

Address: 68 Church Street Harwich Essex

Development: Proposed repair/remedial works. (Following fire damage)

1. Town / Parish Council

Harwich Town Council Harwich Town Council makes no objections to this application.

2. Consultation Responses

Essex County Council
Heritage
04.12.2023

The application is for proposed repair/remedial works following fire damage.

The proposal site is Grade II Listed 68 Church Street (List Entry Number: 1298481) within the Harwich Conservation Area. A site visit was carried out in order to assess the extent of fire damage and discuss proposed schedule of repair.

The proposal would have a degree of less than substantial harm due to the loss of some of the historic fabric that was damaged during the fire. However, the proposal will contribute to reinstate the structural stability of the wall between Nos 67 and 68 which is of historic and archaeological significance, prevent the historic fabric from further damage and allow for putting the heritage asset again in its residential use.

There is no objection to this application subject to the following conditions:

- During works, if further hidden historic features are revealed they should be retained in-situ. Works shall be halted in the relevant area of the building and the Local Planning Authority should be notified immediately;
- A photographic record of ongoing works to the historic fabric shall be submitted to the Local Planning Authority within 6 months from completion.

3. Planning History

23/00409/LBC Proposed repair/remedial works. Current
(Following fire damage)

4. Relevant Policies / Government Guidance

National:
National Planning Policy Framework July 2021 (NPPF)

National Planning Practice Guidance (NPPG)

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

SP7 Place Shaping Principles

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

SPL3 Sustainable Design

PPL8 Conservation Areas

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), supported by our suite of evidence base core documents

(<https://www.tendringdc.uk/content/evidence-base>) together with any neighbourhood plans that have been brought into force.

Neighbourhood Plans

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

5. Officer Appraisal

Site Description

The Grade 2 listed 68 Church Street forms one part of the terraced buildings made up of The Hanover Inn, numbers 66, 67 and 68 Church Street which are also listed separately located on the north eastern side of Church Street. The Church of St Nicholas lies to the north of The Hanover Inn with many of the surrounding buildings in Church Street also listed endorsing the areas designation as a Conservation Area and Historic Town.

Description of Proposal

The application proposes remedial and reinstatement works to the listed building following a fire in June 2022 which started in The Hanover Inn.

Heritage Assessment

The listed description of 68 Church Street describes the architectural features that are unmistakable at the front of the property and also refers to internal features such as the timber frame, joists and panelling. It is wholly important when considering works to a listed building to ensure that the character and fabric of the listed building is preserved as much as possible.

The applicant has submitted a detailed written schedule of repairs and remedial works supported by technical drawings. Heritage advice was sought from Place Services at Essex County Council and they confirmed, following a site visit and thorough review of the proposals and schedule of works, that the reinstatement works are acceptable and will prevent the historic fabric from further damage and allow for putting the heritage asset again in its residential use. Place Services suggest imposing conditions relating to historic features that may be revealed during the works and completion of a

photographic record. These conditions will be imposed on the grant of listed building consent as they are deemed reasonable and necessary.

Although the proposal would have a degree of less than substantial harm due to the loss of some of the historic fabric that was damaged during the fire, the proposal will contribute to reinstate the structural stability of the wall between Nos 67 and 68 which is of historic and archaeological significance.

Other Considerations

Harwich Town Council do not object to the proposal.

No other letters of representation have been received.

Conclusion

It is considered that the proposal will not result in any adverse impact on the character, appearance and historic fabric of the listed building. The application is therefore recommended for approval.

6. Recommendation

Approval - Listed Building Consent

7. Conditions

1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The works to which this consent relate must be begun not later than the expiration of three years beginning with 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 Section 51 of the Planning and Compulsory Purchase Act 2004

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the consent becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk of both Enforcement Action and Criminal proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

The approved red line plan drawing is drg. number 2022092/01 received 17 March 2023
Schedule of repair/remedial works (following fire damage) dated January 2023
Drawing No. 53793_B_01

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

- 3 All existing historic features shall be retained in situ, except where indicated otherwise on the approved drawings, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the Listed building.

- 4 A photographic record is to be undertaken throughout the course of works affecting the historic fabric and shall be submitted to the Local Planning Authority, and approved in writing, within 6 months from completion of the remedial and repair works.

Reason: To safeguard the identification and recording of any features of architectural, historic and archaeological interest associated with the site and the fabric of the building.

8. Informatives

None

9. Equality Impact Assessment

In making this recommendation/decision regard must be had to the public sector equality duty (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 that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected

characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Positive / Negative / Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Positive / Negative / Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Positive / Negative / Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Positive / Negative / Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Positive / Negative / Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Positive / Negative / Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Positive / Negative / Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Positive / Negative / Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Positive / Negative / Neutral

The proposal overall shall have a neutral impact.

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