

## DELEGATED DECISION OFFICER REPORT

| AUTHORISATION  | INITIALS | DATE       |
|--|----------|------------|
| Planning Officer recommendation:                             | ER       | 09/09/2024 |
| EIA Development - Notify Planning Casework Unit of Decision: | NO       |            |
| Team Leader authorisation / sign off:                        | ML       | 09/09/2024 |
| Assistant Planner final checks and despatch:                 | ER       | 12/09/2024 |

**Application:** 24/01120/LBC                      **Town / Parish:** Thorpe Le Soken Parish Council

**Applicant:** Mr Fryad Omer

**Address:** 7 Churchgate High Street Thorpe Le Soken

**Development:** Application for Listed Building Consent - installation of aluminium signage on two elevations.

1. **Town / Parish Council**

Thorpe Le Soken Parish Council      No objections

2. **Consultation Responses**

Essex County Council  
Heritage  
29.08.2024

Built Heritage Advice pertaining to an application for listed building consent to install an aluminium signage.

The end of terrace property 7 Churchgate forms part of the Grade II listed building known as 'The Granary' Wholefood Store, and is listed with Nos 1 and 2 Church Cottages, and Trinity Byegones (List Entry Number: 1322622). It features a plain shop window with a white painted wooden fascia, and a half-glazed door to the side elevation. The building occupies a prominent location within the Thorpe-le-Soken Conservation Area, and it is noted that the property's vehicular accesses at the either side create gaps in the streetscene where the Grade II\* listed Church of St Michael is visible.

Therefore, the main considerations for this proposal are whether the signage would impact the special architectural and historic interest of the listed building, the setting and heritage significance of the Church of St Michael, and the character and appearance of the Thorpe-le-Soken Conservation Area.

It is noted that there is existing signage for the store's most recent use as a Barbers, consisting of metal lettering with logo mounted upon the shopfront fascia, a striped pole mounted to the wall above, and metal lettering with logo mounted upon a large panel attached the side elevation of the building.

There does not appear to be any records of a previous application for the existing signage, particularly that attached upon the side elevation of the listed building above the half-glazed door to the store.

The proposal in regard to the fascia sign is unclear. The existing sign appears to comprise of individual metal lettering applied to a timber fascia. This approach would be uncontentious as the traditional appearance of the shopfront would be largely preserved. However, the submitted documentation just notes that the signage will be

aluminium. The proposed addition of an aluminium board over the existing fascia would not be supported as it would detract from the traditional appearance of the listed building and the Conservation Area.

Furthermore, I am unable to support the proposal for the large sign on the side elevation. This would perpetuate the harmful visual impact of the disproportionately large signage panel of a modern appearance, that also detracts from the setting of the Church and the pleasant appearance of the Conservation Area.

The replacement signage on the side elevation, by result of its overly large scale and modern materiality, will cause less than substantial harm to the significance of the Grade II listed building (Nos 1 and 2 Church Cottages, Trinity Byegones and 'The Granary' Wholefood Store) and the Thorpe-le-Soken Conservation Area. Harm would also result from the installation of an aluminium board over the existing fascia, if this is what is proposed.

With regards to the National Planning Policy Framework (last amended December 2023), Paragraph 208 is relevant, and the Local Planning Authority should weigh the harm against any public benefits that flow from the proposal including, where appropriate, securing its optimum viable use as per Paragraph 203 a). Taking into account that whilst the scale of harm may be 'less than substantial' great weight should be given to the heritage asset's conservation in accordance with Paragraph 205.

Therefore, I recommend that the following amendments be made to overcome my concerns:

- Reduce the scale of the side signage panel so that the height of the board does not exceed that of the shopfront fascia, and the width does not extend beyond the window that is next to the door.
- Provide confirmation that the side signage panel is made of timber and not aluminium.
- Provide confirmation that the signage on the fascia will be individual aluminium/metal letters fixed to the existing fascia board.
- Provide confirmation that the stall-riser will be returned to match the original brickwork.

In its current form the proposal fails to preserve the special interest of the listed building, contrary to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and fails to preserve or enhance the character and appearance of the Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **3. Planning History**

24/01120/LBC

Application for Listed Building Consent - Current installation of aluminium hanging sign

### **4. 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 Local Plan 2013-33 and Beyond (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 made and the Minerals and Waste Local Plans adopted by Essex County Council.

## 5. **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>

Thorpe le Soken does not benefit from an emerging or adopted neighbourhood plan.

## 6. **Relevant Policies / Government Guidance**

### **National:**

National Planning Policy Framework December 2023 ([NPPF](#))

National Planning Practice Guidance ([NPPG](#))

### **Local:**

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

PPL9 Listed Buildings

## 7. **Officer Appraisal (including Site Description and Proposal)**

### Application Site

The site comprises of an end of terrace property 7 Churchgate which forms part of the Grade II listed building known as 'The Granary' Wholefood Store, and is listed with Nos 1 and 2 Church Cottages, and Trinity Byegones. It features a plain shop window with a white painted wooden fascia, and a half-glazed door to the side elevation. The building occupies a prominent location within the Thorpe-le-Soken Conservation Area, and it is noted that the property's vehicular accesses at the either side create gaps in the streetscene where the Grade II\* listed Church of St Michael is visible.

### Proposal

This application seeks Listed Building Consent for installation of 2no. aluminium signs to the front and side elevations of the building.

### Assesment

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 203 requests that when determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 208 of the National Planning Policy 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.

Policy PPL9 of the Tendring District Local Plan states that 'Proposals for 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'.

The accompanying information in regard to the front fascia sign is unclear. The previous sign appeared to comprise of individual metal lettering applied to a timber fascia. This approach would be uncontentious as the traditional appearance of the shopfront would be largely preserved. However, the submitted documentation just notes that the signage will be aluminium. The proposed addition of an aluminium board over the existing fascia is not supported as it would be out of keeping with the existing signage within the locale and detract from the traditional appearance of the listed building and the Thorpe-le-Soken Conservation Area

The proposal also includes a new sign to the side elevation of the building which will be made of aluminium and will be attached via non invasive brackets to avoid direct drilling into the original brickwork as confirmed within the supporting statement. In the absence of any present signage along this side elevation the use of aluminium plating on the proposal would appear as a prominent and noticeable change to the side wall of this existing building. The sign will measure 2.4m by 0.9m; however, no further information has been provided on specific details such as letter colouring and sizes etc. Due to its size and siting this sign is considered to appear as a disproportionately large modern feature in comparison to the traditional character of the existing building and surrounding area which would detract from the setting of the Church and the pleasant appearance of the Conservation Area.

The signage on the side elevation, by result of its overly large scale and modern materiality, will cause less than substantial harm to the significance of the Grade II listed building (Nos 1 and 2 Church Cottages, Trinity Byegones and 'The Granary' Wholefood Store) and the Thorpe-le-Soken Conservation Area. Harm would also result from the installation of an aluminium board over the existing fascia, although it is currently unclear if this element is part of the proposal.

As per Paragraph 200 of the NPPF, any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

The applicants have failed to provide a justification as to the public benefits resulting from the proposed development.

The ECC Heritage Team have been consulted and provide strong objections to the proposed alterations.

With regards to the National Planning Policy Framework (2023), the level of harm is considered to be of 'less than substantial'. As such the local planning authority should weigh this harm against any public benefits of the proposal including, where appropriate, securing its optimum viable use as per Paragraph 208. In this case there has been no justification provided detailing how the public benefits will outweigh the impact of the proposal on this instance.

#### Other Considerations

Thorpe le Soken Parish Council have not objected to the proposal.

There have been no letters of representation received.

#### Conclusion

The proposal would fail to preserve the special interest of the listed building to which there is no justification or public benefits. Moreover, the signage harms the appearance of the Thorpe-le-Soken Conservation Area.

The application for listed building consent is therefore recommended for refusal.

## **8. Recommendation**

Refusal

## **9. Reasons for Refusal**

The proposal is for new aluminium signage to two elevations of the existing Grade II Listed Building. The supporting information does confirm the size of the signage and the materiality. However, the use of aluminium signage would represent the installation of modern features to the existing listed building. Moreover, limited information has been given in respect to the design, colour and lettering which the signs will contain.

Therefore, due to the size, siting and materiality the proposed signage is considered to appear as large modern features at odds with the traditional character of the existing building and surrounding area, which would detract from the setting of other nearby listed buildings and the pleasant appearance of Thorpe-le-Soken Conservation Area. In addition, insufficient information has been provided in order to provide a clear proposal and justify the placement of the signage in this location.

The application therefore fails to provide a clear and sympathetic proposal and lacks sufficient information to establish its full impact on this protected building. The proposal is therefore contrary to paragraphs 206 and 208 of the National Planning Policy Framework 2023 and policy PPL9 of the Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022).

## **10. Informatives**

Plans and Supporting Documents

The Local Planning Authority has resolved to refuse the application for the reason(s) set out above. For clarity, the refusal is based upon the consideration of the plans and supporting documents accompanying the application as follows, (accounting for any updated or amended documents):

- HERITAGE, DESIGN AND ACCESS STATEMENT - REC 05/08/2024
- ANNOTATED EXISTING FRONT ELEVATIONS - REC 24/07/2024
- ANNOTATED EXISTING SIDE ELEVATIONS - REC 24/07/2024
- SITE PLAN, PROPOSED FLOOR PLAN AND ELEVATIONS - REC 24/07/2024
- BLOCK PLAN AND PROPOSED ELEVATIONS

## **11. 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. | Neutral |
| Disability   | The proposal put forward will not likely have direct equality impacts on this target group. | Neutral |
| Gender Reassignment  | The proposal put forward will not likely have direct equality impacts on this target group. | Neutral |
| Marriage or Civil Partnership                                      | The proposal put forward will not likely have direct equality impacts on this target group. | Neutral |
| Pregnancy and Maternity  | The proposal put forward will not likely have direct equality impacts on this target group. | 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. | Neutral |
| Sexual Orientation   | The proposal put forward will not likely have direct equality impacts on this target group. | Neutral |
| Sex (gender)   | The proposal put forward will not likely have direct equality impacts on this target group. | Neutral |
| Religion or Belief   | The proposal put forward will not likely have direct equality impacts on this target group. | Neutral |