

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	BB	19/09/2024
EIA Development - Notify Planning Casework Unit of Decision:	NO	
Team Leader authorisation / sign off:	AN	19/09/24
Assistant Planner final checks and despatch:	ER	20/09/2024

**Application:** 24/01138/LBC **Town / Parish:** Harwich Town Council

**Applicant:** Quay Side Court Management Co Ltd

**Address:** Flat 3 Quayside Court The Quay Harwich

**Development:** Application for Listed Building Consent - Internal repairs to flat 3 and communal areas further to an escape of water.

### 1. Town / Parish Council

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

### 2. Consultation Responses

Essex County Council      Built Heritage Advice pertaining to a listed building consent  
Heritage                      application for internal repairs to Flat 3 and communal areas. This is  
27.08.2024                      understood to consist of the following proposed works:

- The raking out and repointing of internal structural cracks (including within original cornices).
- Replacement of existing laminate flooring.
- Installation of new doors to match existing.
- Replacement of damaged skirting boards.
- Removal of mould, application of stain block to walls and repainting of all repaired areas.

Quayside Court is a Grade II listed building (List Entry Number: 1187934) that dates from the late nineteenth century and was formerly used as a hotel before being converted into several flats. It is characterised by classical architectural detailing and features openings with semicircular heads. The building occupies a prominent position within the Harwich Conservation Area, at the corner of a block of three historic buildings (Pier Hotel and Pier Restaurant) that front towards the Ha'Penny Pier.

Therefore, the main considerations for this proposal are whether the alterations of Quayside Court would impact the architectural and historic interest of the listed building, and if the replacement of the external double doors will impact the character and appearance of the Harwich Conservation Area.

A Heritage Statement is submitted for the proposal and is considered to provide a sufficient level of information to understand the potential impacts of the work to the following affected historic fabric:

- Decorative plaster cornice to the original wall/ceiling junctions of the property at first floor mezzanine level. That is shown to be cracked, damp and affected by significant mould growth.

- The Glazed External Rear Double Doors to Lounge Room including glazed panels above that are understood to be stuck closed due to swelling caused by moisture content and likely warped.

The proposal will deliver some minor benefits to the interior of the listed building through the repair of the historic plasterwork decoration, this is considered desirable given the extent of the water damage and should be taken into account in respect of the considerations of paragraph 203 of the NPPF.

Following the submission of additional photographs showing the external double doors and fanlight, it is acknowledged that the poor condition of the fabric is due to water escape within the property.

With regards to the National Planning Policy Framework (last amended December 2023), there is considered to be no harm to Quayside Court as a designated heritage asset from the loss of historic fabric through the replacement of the external double doors and fanlight. In consideration that there is a need to replace the external double doors that are damaged to the point that they no longer function and that the submitted floorplan shows this door to be the only means of access to Flat 3.

The replacement of a similar external door to Flat 1 on the front elevation of the building was granted consent under application 03/02439/LBC, subject to a condition for the retention and repair in situ of the semi-circular fan light above, and for the supply of large-scale detailed drawings of the new doors.

I have no objection to the replacement of this door and fanlight subject to a similar condition for the supply of large-scale detailed drawings of the new door and semi-circular fanlight, and that their replacement is on a like-for-like basis. As they are considered to contribute positively to the building's architectural interest, being a component part of its relatively uniform and attractive fenestration.

- Prior to the commencement of any works to alter fenestration of Flat 3 (Quayside Court), detailed large appropriately scale drawings (scales between 1:20 and 1:1) which shall include details of materials, finishes, method of opening, glazing and colour of all new or replacement windows, fanlights and doors and their surrounds to be installed shall be submitted to and approved, in writing, by the Local Planning Authority and shall thereafter be entirely implemented as approved.

Overall, subject to the recommended conditions, the proposal is considered to preserve the character and appearance of the Conservation Area, in line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and will preserve the special interest of the listed building, in accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **3. Planning History**

11/00208/LBC	Installation of satellite dish/communal aerial for all flats in building.	Refused	08.07.2011
24/01138/LBC	Application for Listed Building Consent - Internal repairs to flat 3 and communal areas further to an escape of water.	Current	

#### **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>.

There are currently no neighbourhood plans for this area.

#### **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)**

##### Site Description

The application site is located on the south-eastern side of The Quay and consists of a four storey semi-detached property which faces north-west. The property is Grade II Listed and falls within the Harwich Conservation Area and a Flood Zone 2 & 3.

##### Description of Proposal

This application seeks Listed Building Consent for internal repairs to Flat 3 and the communal areas. These repairs are:

- The raking out and repointing of internal structural cracks (including within original cornices).
- Replacement of existing laminate flooring.
- Installation of new doors to match existing.

- Replacement of damaged skirting boards.
- Removal of mould, application of stain block to walls and repainting of all repaired areas.

### Assessment

The main consideration is the impact of the proposal on features of special architectural or historic interest and that the special character and appearance of the building would be preserved or enhanced.

Paragraph 205 of the National Planning Policy Framework (2023) 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.

The proposal involves various repair works, the full list of which can be found above. The majority of the repairs are internal with the replacement of a rear set of double doors being the only external works. Due to the building's status, Essex County Council Heritage Team (Place Services) have been consulted for their advice, which can also be found in full above.

Taking Place Services comments into consideration, the proposals are not considered to have a detrimental effect on the Listed Building but rather will help preserve its historical and architectural features, subject to a condition being attached to the planning permission pertaining to the final appearance of the rear set of double doors, fanlight and window. Further, there is clear and concise justification for the need of the proposal, which will be of great benefit and prevent the fabric of the building from sustaining further degradation. These benefits are considered to outweigh the relatively minor harm, if any, the proposal could have upon the Listed Building.

### Other Considerations

Harwich Town Council makes no objections to this application.

No other letters of representation have been received.

### Conclusion

In the absence of any significant material harm as a result of the proposed development, the policy aligns with local and national planning policies and is therefore recommended for approval.

## **8. Recommendation**

Approval - Listed Building Consent

## **9. Conditions / Reasons for Refusal**

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.

Drawing No. 10170395/002

Drawing No. 10170395/003

Drawing No. 10170395/004

Document titled; Heritage Statement, Ref:24\_1135\_019 – Rec'd 29/07/2024

Document titled; Sedgwick Repair Solutions Schedule – Rec'd 29/07/2024.

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 FURTHER APPROVAL: HERITAGE

CONDITION: Prior to the commencement of any works to alter the fenestration of Flat 3 (Quayside Court), detailed drawings (of scale between 1:20 and 1:1) which shall include details of materials, finishes, method of opening, glazing and colour of all new or replacement windows, fanlights and doors and their surrounds to be installed shall have been submitted to and approved, in writing, by the Local Planning Authority and shall thereafter be entirely implemented as approved.

REASON: In the interests of protecting and reducing harm to the designated heritage asset.

#### 10. Informatives

Not Applicable

#### 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
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**12. Notification of Decision**

<b>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</b>	YES	<b><u>NO</u></b>
<b>Are there any third parties to be informed of the decision? If so, please specify:</b>	YES	<b><u>NO</u></b>