

REPORT SUMMARY

REFERENCE NO – 22/01156/LDLB			
APPLICATION PROPOSAL			
Lawful Development Certificate (Proposed Works to a Listed Building): Repair and decoration works to all sash windows (other than those repaired and decorated during the emergency works of 2020) within the Town Hall and Assembly Hall Theatre			
ADDRESS Town Hall and Assembly Hall, Mount Pleasant Road, Royal Tunbridge Wells, Kent, TN1 1RS			
RECOMMENDATION – Grant (see section 11.0 for full recommendation)			
SUMMARY OF REASONS FOR RECOMMENDATION			
<ul style="list-style-type: none"> The proposed works are considered to constitute repairs and maintenance and therefore do not require Listed Building Consent 			
INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL			
The following are considered to be material to the application:			
Contributions (to be secured through Section 106 legal agreement/unilateral undertaking): N/A			
Net increase in numbers of jobs: N/A			
Estimated average annual workplace salary spend in Borough through net increase in numbers of jobs: N/A			
The following are not considered to be material to the application:			
Estimated annual council tax benefit for Borough: N/A			
Estimated annual council tax benefit total: N/A			
Estimated annual business rates benefits for Borough: N/A			
REASON FOR REFERRAL TO COMMITTEE			
Tunbridge Wells Borough Council is the landowner/applicant			
WARD Park	PARISH/TOWN COUNCIL N/A	APPLICANT Mr Sam Clee for Tunbridge Wells Borough Council AGENT N/A	
DECISION DUE DATE 16/06/22	PUBLICITY EXPIRY DATE N/A	OFFICER SITE VISIT DATE Various	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): (there are a large number of permissions, listed building consents for this building; what is set out below is the history relevant to this determination)			
20/00114/LDLB	Lawful Development Certificate (Proposed Works to a Listed Building) – Repairs or replacement of timber sash windows (see schedule of works)	Approved	17/04/20

MAIN REPORT

1.0 SITE DESCRIPTION

- 1.01 The Town Hall and the Assembly Hall are located in a prominent location on the north-east corner of the central cross-roads formed by Church Road, Crescent Road and Mount Pleasant Road in Royal Tunbridge Wells. The buildings were purpose built for local government administration and performative art purposes respectively. The complex accommodates Tunbridge Wells Borough Council and the Assembly Hall Theatre.

- 1.02 The Town Hall was listed at Grade II in 1995 and the Historic England list description is as follows:

“Town Hall. Built in 1939, one of a series of linked municipal buildings designed by Percy Thomas and Ernest Prestwich after a competition in 1934. Neo-Georgian with “Moderne” details. Brown brick in Flemish bond with Portland stone dressings, band below cornice and band above plinth. Flat roof. Symmetrical building of 2 storeys of splayed shape. Centre has 3 bays. Centre has raised parapet with shield and the motto “Do well Doubt not”, flanked by giant pilasters and giant round-headed window with balcony and stone architrave with double doors. Two flights of stone steps with circular planters by doorcase and rectangular planters by steps. One 20-pane sash on each side. Seven sashes to right side elevation and 12 to left. Interior has marble staircase of white marble with black marble plinth and coping. Giant stylised pilasters and gilded stylised Greek Key decoration to cornice. Original circular and half-cylindrical light fittings. Council Chamber has Greek Key design to ceiling and balcony. Domed vestibule.”

- 1.03 The Assembly Hall Theatre was also listed at Grade II in 1995 and the Historic England list description is as follows:

‘Assembly Hall. Built 1939 by Percy Thomas and Ernest Prestwich after a competition in 1934 to design a complete set of municipal buildings. Moderne” details. Brown brick with stone coping and band with “ASSEMBLY HALL”. Five bays. Front 3 bays project with 3 narrow windows with 6 vertical metal panes with lotus motif. Above are sculptural stone panels of female figures in classical dress depicting Dancing, Drama and Music. End bays have smaller casements with 6 vertical panes. Ground floor has five double doors with flat canopy above ramped up at the sides with globular lamps on rounded plinths. The foyer has black full-height columns with gold mosaics and stylised Greek key design decoration. Staircases with metal handrail and marble floor. Auditorium has original proscenium with rectangular motif decorations and similar decorations to ceiling of hall. Walnut dado panelling. Balcony.’

2.0 PROPOSAL

- 2.01 This application seeks a Certificate of Lawfulness of Proposed Works to a Listed Building (LDLB) that comprises the repair and decoration of all the Town Hall’s sash windows, save those already falling within the scope of 20/00114/LDLB.
- 2.02 A LDLB seeks to determine if proposed works would require Listed Building Consent or not. Repairs and maintenance are commonly not considered to require consent.
- 2.03 In this case, the proposed works consist of the refurbishment of the building’s identified windows. This would include the minimum required use of wood hardeners and minor replacement of timbers to match the existing windows.
- 2.04 Any element which requires more than 30% wood hardener (confirmed by email) shall be replaced, again in matching materials.
- 2.05 In the eventuality a complete sash replacement is needed, the new window will be designed and built in accordance with the provided section drawings, which are based on the original windows.

3.0 SUMMARY INFORMATION

Not applicable

4.0 PLANNING CONSTRAINTS

- 4.01 Listed Building – Grade II (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings and Conservation Areas) Act 1990*). The Town Hall and Assembly Hall Theatre buildings are separately listed.

5.0 POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF) 2021;
National Planning Practice Guidance (NPPG);
Planning (Listed Buildings and Conservation Areas) Act 1990;
Sections 26H and 26I of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as inserted by Section 61 of the Enterprise and Regulatory Reform Act 2013)
The Planning (Listed Buildings) (Certificate of Lawfulness Proposed Works) Regulations 2014.

6.0 LOCAL REPRESENTATIONS

- 6.01 Advertisement and site notices are not required for this application type.
- 6.02 No local representations were received.

7.0 CONSULTATIONS

TWBC Principal Conservation Officer

7.01 (13/05/2022)

The works are repairs and maintenance and they do not require a Listed Building Consent application. Am happy to support the issuance of a Lawful Development Certificate for Proposed Works to a Listed Building for the works identified within the application. Any deviation from the works identified would need to be checked with the LPA prior to being carried out.

Theatres Trust

7.02 (06/05/2022)

This application has come to the attention of the Trust because it is proposing works to the Assembly Hall Theatre to carry out window repairs and replacement. The itemised schedule of works within the Design and Access Statement/Heritage Statement shows works to the theatre consists of a combination of repairs including filling, re-puttying and some strengthening works alongside some like-for-like replacements. There will also be general redecoration. These works will not impact the function of the theatre and will help maintain and repair the building consistent with its significance as a designated heritage asset. Therefore support the granting of a Lawful Development Certificate for these works.

8.0 APPLICANT'S SUPPORTING COMMENTS (from Design and Access Statement)

- Design, materials and appearance of windows are significant aspect of the building;
- Proposed works are designed to have as little impact as possible on historic fabric;
- Any replacements, either whole or in part, would be like for like.

9.0 BACKGROUND PAPERS AND PLANS

Application Form;
Site Location Plan (A3K1M PL02 A);
Town Hall Sash Details (001, 002);

Town Hall Sash Windows – Lower Sash Details (003);
Town Hall Sash Windows – Upper Sash Details (004);
External First Floor Repair Schedule;
External Upper Ground Floor Repair Schedule;
Internal First Floor Repair Schedule;
Internal Lower Ground Floor Repair Schedule;
Internal Upper Ground Floor repair Schedule;
Photographs;
Design and Access Statement.

10.0 APPRAISAL

Principle of the Development

- 10.01 A Certificate of Lawfulness of Proposed Works is a legal document stating the lawfulness of proposed works to a listed building and that they are therefore not liable to enforcement under section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 10.02 Therefore the only consideration when determining this type of application is whether or not the proposal would require Listed Building Consent (LBC). Where proposals do not require such consent, the Local Planning Authority must issue the Certificate. Repairs and maintenance works do not require LBC so long as they do not affect the character of the listed building as a building of special architectural or historic interest.
- 10.03 Whether or not LBC is required is determined by considering the scale of the works, the potential impact on historic fabric and the overall appearance of the heritage asset.

Impact of Proposal

- 10.04 Following consultation, the proposed works have been assessed as constituting repairs and maintenance not requiring Listed Building Consent by the LPA's Principal Conservation Officer.
- 10.05 All proposed materials would match the existing and the use of wood hardener is an accepted method of repairing timber fenestration.
- 10.06 If any full sash unit replacement is required, the new window would be sash in its opening method and built to the specification of the existing windows in line with the provided section drawings.

Conclusion

- 10.07 The proposed works have been assessed as constituting minor repairs and decoration that would not require Listed Building Consent. As such, this application for a Lawful Development Certificate for works to a listed building should be granted.

11.0 RECOMMENDATION – Grant, for the following reason:

1. Sufficient information and evidence has been provided to demonstrate that the proposed works would be classed as repair and maintenance that do not require Listed Building Consent. Accordingly the works can be undertaken without the applicant being liable to enforcement proceedings under section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

INFORMATIVE

1. The documents taken into consideration in reaching this decision are:

Application Form;
Site Location Plan (A3K1M PL02 A);
Town Hall Sash Details (001, 002);
Town Hall Sash Windows - Lower Sash Details (003);
Town Hall Sash Windows - Upper Sash Details (004);
External First Floor Repair Schedule;
External Upper Ground Floor Repair Schedule;
Internal First Floor Repair Schedule;
Internal Lower Ground Floor Repair Schedule;
Internal Upper Ground Floor repair Schedule;
Photographs;
Design and Access Statement.

Case Officer: Michael Taylor

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.