

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NR	15/11/18
Planning Development Manager authorisation:	SCE	16.11.18
Admin checks / despatch completed	SB	19/11/18

**Application:** 18/00419/FUL **Town / Parish:** Harwich Town Council  
**Applicant:** Ms Seager  
**Address:** 3 West Street Harwich Essex  
**Development:** Proposed conversion of single dwelling to 2no. apartments, with rear extension & balcony.

### 1. Town / Parish Council

Harwich Town Council

Harwich Town Council objects this application on the grounds of over-development and inappropriate development.

### 2. Consultation Responses

Environment Agency  
(29<sup>th</sup> May 2018)

Holding Objection on flood risk grounds. Situated within Flood Zone 3a – no evidence provided where applied Sequential and Exception Tests. We have reviewed the submitted FRA, by Evans Rivers & Coastal, referenced 2000/RE/12-17/01 and dated December 2017 and do not consider it to comply with the requirements of the PPG. In particular: The Harwich Strategic Flood Risk Assessment (SFRA) shows that the site could experience breach flood depths of up to 3.0 metres during the 0.5% (1 in 200) annual probability including climate change breach flood event and also up to 3.0 metres during the 0.1% (1 in 1000) annual probability including climate change breach flood event (up to the year 2108). Therefore assuming a velocity of 0.5m/s the flood hazard is 'High' (danger for all including the emergency services) in the 0.5% (1 in 200) annual probability flood event including climate change. Finished ground floor levels have been proposed at 3.15m AOD. This is below the 0.5% (1 in 200) annual probability breach flood level including climate change of 5.70 m AOD and therefore at risk of flooding by 2.55 m depth in this event. The planning application plans show that there is no higher refuge available for the occupants of the ground floor apartment, or safe access available. Consequently, there may be an unacceptable risk to the health and safety of the occupants in a (residual risk breach) flood event. To overcome the holding objection you can either; provide a satisfactory higher refuge accessible to the occupants of the ground floor apartment above the 0.1% (1 in 1000) annual probability with climate change (breach) flood depths including a 300 mm freeboard. The only higher refuge available on the first and second floor is a staircase, and private apartment, so the applicant will need to confirm or demonstrate in their flood response plan that the ground floor residents will be able to access



the facilities on the higher floors, or the LPA will need to confirm in writing that they consider a staircase to be an acceptable higher refuge. If a higher refuge is not provided for the ground floor apartment then we will only remove the objection if the local council, in consultation with their Emergency Planner, inform us in writing that they accept the flood risk to the future occupants and consider the proposed risk of internal flooding in a breach to be acceptable and safe and able to be managed through the Flood Response Plan for the proposed ground floor residential development.

Environment Agency  
(10<sup>th</sup> September 2018)

Have reviewed the additional submitted Flood Warning and Evacuation plan and we are maintaining an objection. We consider that the plan still does not include the provision of safe refuge. We offer the following advice to the applicant.

**Flood Warning and Evacuation Plan**

Tendring District Council will assess the adequacy of the evacuation arrangements, including the safety of the route of access/egress from the site in a flood event or information in relation to signage, underwater hazards or any other particular requirements. Their emergency planners will be consulted as they make this assessment. The development is subject to an internal flood depth of 2.55m in the 0.5% (1 in 200) annual probability breach flood event including climate change. As stated in the previous response, if a higher refuge is not provided for the dwellings, then we will only remove the objection if Tendring DC, in consultation with their Emergency Planner, inform us in writing that they accept the flood risk to the future occupants and consider the proposed risk of internal flooding in a breach to be acceptable and safe and able to be managed through the submitted Flood Warning and Evacuation Plan.

Environment Agency  
(18<sup>th</sup> October 2018)

Further details regarding safe refuge have been submitted. This document offers three means of accessing the refuge room on the first floor of the building; an internal staircase, an external staircase or a drop-down access ladder. We have no objection or preference to any of these options, but advise that you must ensure the Emergency Planner is satisfied that the chosen option is suitable because you are the authority on matters of evacuation and refuge.

ECC Highways Dept

The Highway Authority has assessed the details of the application and having regard to the fact that the intensification in use of the site is minimal does not wish to raise any objections to the proposal as submitted.

UU Open Spaces

No contribution towards open space and play is being requested on this application.

**3. Planning History**

95/01096/FUL	Change of use of ground floor shop and studio to residential use as integral part of existing single dwelling unit	Approved	19.10.1995
18/00419/FUL	Proposed conversion of single dwelling to 2no. apartments, with rear extension & balcony.	Current	



#### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL3 Minimising and Managing Flood Risk

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG9 Private Amenity Space

HG10 Conversion to Flats and Bedsits

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

EN17 Conservation Areas

EN23 Development Within the Proximity of a Listed Building

EN30 Historic Towns

HAR4A Harwich Masterplan

COM6 Provision of Recreational Open Space for New Residential Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

PPL1 Development and Flood Risk

PPL8 Conservation Areas



PPL9 Listed Buildings

HG5 Open Space, Sports & Recreation Facilities

CP1 Sustainable Transport and Accessibility

LPG Local Planning Guidance

Essex Design Guide

### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivered over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line with the plan-led approach.

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



## Site Description

The application site is 3 West Street, Harwich which is a two storey dwelling house located within the Harwich Conservation Area. The surrounding area is residential predominately constructed from two storey terraced dwellings with a few ground floor shops.

## Proposal

The application seeks planning permission for the conversion of a single dwelling into two apartments with a rear extension and balcony.

## Assessment

The main considerations for this application are the principle of development, layout, design and appearance, impact upon neighbouring amenities, heritage impact, flood risk and highway safety.

### Principle of development

The site is located within the Settlement Development Boundary (SDB) for Harwich, as established in the saved and draft local plans. Policy HG3 of the Tendring District Local Plan 2007 states that within defined development boundaries of towns and villages, residential development will be permitted provided it satisfies amenity, design, density, environmental, highway, local housing needs and sustainability criteria, as appropriate, and can take place without material harm to the character of the local area.

Policy HG10 of the Tendring District Local Plan 2007 states that proposals for the sub-division of premises into flats and/or bedsits within the defined development boundaries of towns and villages will be permitted provided; the existing building has a gross floor area as originally constructed, of 110 square metres, it does not involve the subdivision of one or more single family dwelling houses within a frontage of entirely single family housing, it does not involve the total or partial conversion to bedsitting and an intensity of use likely to harm the character or appearance of the dwelling or the neighbouring amenities, the external appearance of the dwelling house will be maintained, highway safety, residential amenity and the character of appearance of the street frontage are not adversely affected by the arrangements of off street parking and vehicular access, complies with Policy HG9 – private amenity space and the layout minimises possible noise disturbances.

The principle for residential development is therefore accepted subject to the detailed consideration below.

### Layout, design and appearance

QL9, QL10 and QL11 of the Tendring District Local Plan (2007) seeks that all new development should make a positive contribution to the quality of the local environment and protect or enhance the local character and that development should not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby property.

The plans submitted demonstrate that the changes will be predominantly internal with the exception of the remodelled rear extension and the proposed balcony. The remodelling of the rear extension will be situated to the rear of the host dwelling and therefore will not cause any significant impact upon the street scene of West Street. The proposal will be constructed from black boarding to match the previous extension and therefore it is considered that the use of materials would be acceptable. The proposal balcony will be situated to the rear of the host dwelling serving the first floor and will therefore will not cause any impact upon the street scene. The proposed balcony is of an appropriate scale, design and finish.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a flat should have a minimum of 25 square metres per flat provided communally or a minimum of 50 square metres private garden area for a ground floor flat or maisonette and a minimum balcony area of 5 square metres for units above.



The submitted plans indicate that the garden will accommodate approximately 35 square metres and the proposed balcony will accommodate approximately 7.24 metres of private amenity space. However, due to the application site being located within the town centre boundary and its sustainable location, it is considered acceptable.

#### Impact upon neighbouring amenity

There will be no significant external works and the first floor layout and second floor layout is unchanged, thereby resulting in no additional impacts to the existing neighbouring amenities. Furthermore, whilst the proposal will result in an additional dwelling, in total the number of bedrooms will equate to four which will be the same as the existing dwelling and therefore it is considered that there will not be any significant impact upon neighbouring amenities.

The proposed extension to the existing balcony is situated at the rear of the host dwelling to the first floor. The proposal will not be visible to the neighbouring dwelling, number 5 due to the existing bathroom which will screen the proposal. Although the proposal will be visible from the neighbouring dwelling number 2 West Street, there is an existing balcony which already has views into the neighbouring amenities and therefore the proposal is not significant enough to warrant a reason for refusal. The balcony will be visible from the neighbouring dwellings to the rear of the site along George Street, however, due to the approximate distance of 17 metres and the fact that it replaces the existing balcony, it is not considered the proposal is significant enough to warrant a reason for refusal.

#### Heritage Impact

EN17 of the Tendring District Local Plan 2007 and Policy PPL8 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) state that development within a Conservation Area must preserve or enhance the special character or appearance of the Conservation Area.

Policy EN23 of the adopted Tendring District Local Plan 2007 seeks to ensure that any proposals for development that would adversely affect the setting of a Listed Building, including group value and long distance views will not be permitted. Policy PPL9 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017) seeks to ensure that the proposals for new developments affecting a listed building or setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric: are explained and justified through an informed assessment and understanding of the significance of the heritage asset and its setting; and are of a scale, design and use materials and finishes that respect the listed building and its setting.

Policy EN30 of the Tendring District Local Plan 2007 states that any proposals for development within the Historic Centre of Harwich will require an appropriate level of archaeological mitigation prior to development. The proposal will not require archaeological mitigation as no ground works are needed due to the works being internal alterations.

The application site falls within Harwich Conservation Area. The heritage statement provided demonstrates that the proposed internal alterations, remodelling of the rear extension and balcony will not impact upon the appearance of the host dwelling and as a result the proposal is not considered to be harmful to the character or appearance of the Conservation Area.

The application site lies adjacent to a Grade II Listed Building, Number 4 West Street, Harwich. There are no major external alterations to number 3 West Street and as the proposal will change the internal layout only, it is considered that there will not be a significant impact upon the setting of the Listed Building.

#### Flood Risk

The application site falls within Flood Zone 3 and as the application is seeking to add an additional dwelling to the flood zone, the Environment Agency has been consulted. The Environment Agency has removed their holding objection to the original proposal as this did not demonstrate a safe



refuge. The plans demonstrate a safe refuge area for the first floor which can be accessed internally by a drop down ladder as noted within Appendix One of the Flood Warning and Evacuation Plan.

#### Highway Safety

Essex Highways have been consulted on this application and raise no objections. The host dwelling does not have any parking facilities to accommodate the existing dwelling, however due to the sustainable location as well as the same number of bedrooms and there being on street parking available if needed, it is considered that the proposal will not cause any significant impact upon highway safety.

#### Other Considerations

Harwich Town Council objects to this application due to the proposal being over development and inappropriate.

In response to the concerns raised above, the proposal is not increasing the number of bedrooms and due to the site being located within the town centre boundary which is a sustainable location, the proposal is considered to be acceptable in its location.

No letters of representation have been received.

#### Conclusion

In the absence of any significant material harm resulting from the development, the application is recommended for approval.

### 6. Recommendation

Approval – Full

### 7. Conditions / Reasons for Refusal

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Drawing Ref.PA-10C, Flood Risk Assessment dated December 2017 and Flood Warning and Evacuation Plan dated June 2018.

Reason - For the avoidance of doubt and in the interests of proper planning.

#### Informatives

##### Application Approved Following Revisions

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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