

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	20/12/2018
Planning Development Manager authorisation:	AN	20/12/18
Admin checks / despatch completed	ER SB	21/12/18 21/12/18

**Application:** 18/01090/LBC

**Town / Parish:** Harwich Town Council

**Applicant:** Mr J Flack

**Address:** The Billy 65 West Street Harwich

**Development:** Internal and external alterations to facilitate the conversion of the building into 3 No. two-storey dwellings.

### 1. Town / Parish Council

Harwich Town Council has no objection to this application.

### 2. Consultation Responses

None required.

### 3. Planning History

91/01195/LBC	Demolition of single storey extension and erection of larger single storey extension.	Refused	11.12.1991
92/00622/LBC	Replacement windows	Approved	07.07.1992
94/01366/LBC	Alterations to roof and replacement of collapsed ceiling	Approved	13.02.1995
95/00175/LBC	(The Billy, West Street, Harwich) Rear extension	Approved	26.05.1995
95/00176/FUL	('The Billy', West Street, Harwich) Rear extension (single storey)	Approved	26.05.1995
95/01070/FUL	(The Billy, West Street, Harwich) 1 and 2 storey rear and side extension	Approved	21.11.1995
95/01071/LBC	(The Billy, West Street, Harwich) 1 and 2 storey rear and side extension	Approved	21.11.1995
13/01191/FUL	Proposed single storey rear extension.	Approved	23.12.2013
13/01192/LBC	Proposed single storey rear extension.	Approved	23.12.2013
18/01171/FUL	Conversion and remodelling of former Public House to create	Current	

three new two-storey dwellings.

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

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

EN22 Extensions or Alterations to a Listed Building

EN23 Development Within the Proximity of a Listed Building

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

PPL9 Listed Buildings

#### **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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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.

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

##### Site Description

The application relates to 65 West Street, Harwich a Grade II listed building formerly The Billy Public House on the northern side of West Street. The site lies within the Settlement Development Boundary, Conservation Area and Town Centre Boundary of Harwich. The site also lies within Flood Zone 3.

Originally two houses, the Grade 2 listed building, 'The Billy' Public House in the centre of Harwich Old Town has been known variously as The Harwich Arms, the William the Fourth and the Duke of Edinburgh. A public house had been trading on this site for 256 years when its license was revoked in 2009, since when it has been standing vacant. The building has been vacant for nearly 9 years, and is in increasing need of repair, with the fabric at the rear, and the original timber sash windows and doors being in particular need.

The listing description is as follows;

Name: 65 WEST STREET List Entry number: 1187947

Location: 65 WEST STREET

Grade: II Date first listed: 20 June 1972. Date of most recent amendment: 18 April 1994

County District District Type Parish

Essex Tendring District Authority Harwich

Public house, formerly 2 houses. Early C19. NW house of red brick, rendered on front with gabled roof of clay plain

tiles. Second former house with painted brick front and gabled low pitched Welsh slate roof.

EXTERIOR: NW block

has 2 hipped dormers each of 2 casement lights and stack on ridgeline and one behind ridge at northern end. First

floor has one large square double-hung sash window with small panes and moulded surround, similar narrower

double-hung sash and rear-central blind window. Ground floor has 2 similar to above, double-hung sash windows

and an off-centre door with plain architrave and rectangular fanlight. Black tarred plinth with cellar access.

Southern former house, has two 2-light casement window each with 6 panes on first floor. Ground floor has large

recessed double-hung sash window with horizontal panes under rendered arch head and door with rectangular

fanlight (now fixed). Large stack behind ridgeline with 3 pots one very tall. Large C20 and C19 rear extensions, part

black weatherboarded. INTERIOR: remnants of early C19 panelling and cornices and shelf unit over fireplace and

pilasters with applied panel decoration.

Listing NGR: TM2605332565

#### Description of Proposal

The application seeks full permission for the change of use and physical alteration to facilitate the conversion of the former public house with living accommodation above to 3 No. 2-storey dwellings comprising;

Cottage 1 - 2 bed dwelling

Cottage 2 - 1 bed dwelling

Cottage 3 - 2 bed dwelling

Cottage 3 will be served by the rear courtyard garden area 84 square metres in size and a first floor roof terrace accessed off Bed 1 of 14 square metres. Cottages 1 and 2 have no private or communal amenity space.

The dwellings are served by any off street parking.

#### Assessment

The only consideration as part of this application is the impact of the works on the character, appearance and historic fabric of the listed building.

Paragraph 189 of the National Planning Policy Framework 2018 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. It goes on to say that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between

the heritage asset's conservation and any aspect of the proposal. 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.

Policy EN22 of the Saved Plan states that development involving proposals to extend or alter a Listed Building will only be permitted where; it would not result in the damage or loss of features of special architectural or historic interest; and the special character and appearance or setting of the building would be preserved or enhanced. These requirements are carried forward to Policy PPL9 of the emerging Tendring District Local Plan Publication Draft 2017 which also requires the use of building materials, finishes and building techniques that respect the listed building and its setting.

A Heritage Statement has been provided in accordance with the above requirements.

The pub was originally named the Harwich Arms, then King William IV Inn around 1870, renamed The Duke of Edinburgh in 1892, then became known as The Billy. It ceased trading in 2010. Internally, as is often the way with pubs, the building has been opened up on the ground floor and a large opening created to link the two sides of the building. It is presently stripped of most of its fittings and is not inhabited at ground floor level. The reinstatement of internal dividing walls and staircases will return the building to its original residential character and do not involve any material loss of historic fabric.

The proposed works are designed to work as far as possible with the existing structure, and to be of minimal impact on the building fabric. Introduction of new walling is restrained, located below existing beams and in the location of former walling in almost all instances, and only when functionally necessary. Only the rear new dwelling, Cottage 3, occupying the newest part of the building, is shown with any significant level of new walling, actually creating additional rooms. The proposal is considered reasonable in terms of the scale and layout of the building.

The works include replacing UPVC windows with timber, restoring existing timber windows, reinstatement of original openings and features and the removal of unsympathetic modern additions. These are detailed on the proposed plans which can be controlled by the approved plans condition.

The majority of the works involve the repair and restoration of original parts of the building and the removal of later unsympathetic additions with suitable replacements more in keeping. The significant alterations to the building mainly effect later additions to the building erected under a consent granted in 1963 for alterations to the premises under ref. HAR/3/63.

For these reasons, it is considered that the alterations would result in less than substantial harm and would contribute positively to the preservation of the character of the building.

#### Other Considerations

Harwich Town Council has no objection to this application.

#### Conclusion

The alterations would result in less than substantial harm and would preserve the character of the building. The application is therefore recommended for approval.

### **6. Recommendation**

Approval - Listed Building Consent

### **7. Conditions**

- 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: Drawing Ref. LBA-10, Drawing Ref. LBA-11, Drawing Ref. LBA-12 and Drawing Ref. LBA-14.

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

**8. Informatives**

Not applicable.