

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	21/12/18

Application: 18/01171/FUL

Town / Parish: Harwich Town Council

Applicant: Mr Flack

Address: The Billy 65 West Street Harwich

Development: Conversion and remodelling of former Public House to create three new two-storey dwellings.

1. Town / Parish Council

Harwich Town Council has no objection to this application.

2. Consultation Responses

ECC Highways Dept The Highway Authority does not object to the proposals as submitted.

Informative1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 - Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

UU Open Spaces

Current Position

There is currently a deficit of -12.59 hectares of equipped play in Harwich and Dovercourt.

Recommendation

It is not felt that there will be a significant impact on the current deficit from this development. Therefore no contribution is required on this occasion.

Environment Agency

Thank you for consulting us on the above application. We have reviewed the information as submitted and have no objection to this planning application because the site is currently defended and the Shoreline Management Policy (SMP) for this area has an aspiration for hold the line. If the SMP policy is not taken forward the development would be unsafe in the future. Please take note of this and the other flood risk considerations which are your responsibility. We have highlighted these in the flood risk section below.

Flood Risk

Our maps show the site lies within tidal Flood Zone 3 defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as

having a high probability of flooding. The proposal is for Change of Use to C3: Conversion of Grade 2 Listed Building to 3 No. 2-storey dwellings, which is classified as a 'more vulnerable' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. Therefore, to comply with national policy the application is required to pass the Sequential and Exception Tests and be supported by a site specific Flood Risk Assessment (FRA). To assist you in making an informed decision about the flood risk affecting this site, the key points to note from the submitted FRA, referenced 2048/RE/03-18/01 Rev A and dated July 2018, are :

Actual Risk

The site is currently protected by flood defences with an effective crest level of 4.26m AOD which is above the present-day 0.5% (1 in 200) annual probability flood level of 3.93. Therefore the site is not at risk of flooding in the present-day 0.5% (1 in 200) annual probability flood event. The defences will continue to offer protection over the lifetime of the development, provided that the hold the line SMP/CFMP policy is followed and the defences are raised in line with climate change, which is dependent on future funding.

At the end of the development lifetime with climate change applied to the design 0.5% annual probability flood event, if the SMP/CFMP policy is not followed then through overtopping of the current defences the resulting on-site flooding. The resulting actual risk depth of flooding on the site using the minimum site level of 3.3 m AOD would be 1.64 m deep, and in the building using the proposed finished floor levels of 3.65 m AOD would be 1.29m deep.

Residual Risk

Section 5 of the FRA explores the residual risk of a breach using the Tendring Strategic Flood Risk Assessment (SFRA). The site could experience breach flood depths of up to 1.5 metres during the 0.5% (1 in 200) annual probability including climate change breach flood event and up to 2 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 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 a minimum of 3.65 m AOD. This is below the 0.5% (1 in 200) annual probability breach flood level including climate change of 4.94 m AOD and therefore at risk of flooding by 1.29 m depth in this event.

Flood resilience/resistance measures have been proposed

Finished first floor levels have been proposed at 6.38 m AOD and therefore there is refuge above the 0.1% (1 in 1000) annual probability breach flood level of 5.31 m AOD.

A Flood Evacuation Plan has been proposed and is necessary to ensure the safety of the development with internal flooding in the event of a breach flood.

Shoreline Management Plan Shoreline Management Plan The current defences protect this area against a tidal flood with a 0.5% (1 in 200) annual probability of occurrence. However, the impacts of climate change on sea levels over the development's lifetime will gradually reduce the level of protection afforded by the defences if they are not raised within this timeline. Without the raising of the defence, the site could flood should a tide with a 0.5% (1 in 200) annual probability flood event plus climate change occur, which could be contrary to the advisory requirements of Paragraphs 059 and 060 of the National Planning Policy Framework's Planning Practice Guidance. These advise that there should be no internal flooding in 'more vulnerable' developments from a design flood. This could also present challenges to the safety of the users of the buildings and a future reliance on

evacuation or emergency response. The Essex and South Suffolk Shoreline Management Plan (SMP) has a policy of 'Hold the Line' until 2105 for Harwich location, so it is possible that the flood defences may be raised in line with climate change to continue to protect against the future 1 in 200

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annual probability flood event for the lifetime of the development. The SMP policy is aspirational rather than definitive, so whether the defences are raised or reconstructed in the future will be dependent on the availability of funding. The level of funding that we can allocate towards flood defence improvements is currently evaluated through cost benefit analysis, and any identified shortfalls in scheme funding requirements would require partnership funding contributions from other organisations. When determining the safety of the proposed development, you should take this uncertainty over the future flood defences and level of flood protection into account. This may require consideration of whether obtaining the funds necessary to enable the defences to be raised in line with climate change is achievable. This would be required to prevent the proposed development being at unacceptable flood risk of internal flooding in the design event.

Safety of Building - Flood Resilient Construction

The FRA proposes to include flood resistant/resilient measures in the design of the building to protect/mitigate the proposed development from flooding. You should determine whether the proposed measures will ensure the safety and sustainability of the proposed development. Consultation with your building control department is recommended when determining if flood proofing measures are effective. Further information can be found in the document 'Improving the flood performance of new buildings' at:

http://www.planningportal.gov.uk/uploads/br/flood_performance.pdf.

Additional guidance can be found in our publication 'Prepare your property for flooding', which can be found on our website at <https://www.gov.uk/government/publications/prepare-your-property-for-flooding> Safety of Inhabitants - Emergency Flood Plan

The Environment Agency does not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network. The Planning Practice Guidance to the National Planning Policy Framework states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you consult with your Emergency Planners and the Emergency Services to determine whether the proposals are safe in accordance with the guiding principles of the Planning Practice Guidance (PPG). We have considered the findings of the FRA in relation to the likely duration, depths, velocities and flood hazard rating against the design flood event for the development proposals.

We agree that this indicates that there will be:

- A danger for all people (e.g. there will be danger of loss of life for the general public and the emergency services).

End

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This does not mean we consider that the access is safe, or the proposals acceptable in this regard. We remind you to consult with your Emergency Planners and the Emergency Services to confirm the adequacy of the evacuation proposals. Other Sources of Flooding
In addition to the above flood risk, the site may be within an area at risk of flooding from surface water, reservoirs, sewer and/or groundwater. We have not considered these risks in any detail, but you should ensure these risks are all considered fully before determining the application. We trust the above is useful.

Yours sincerely,
Miss Natalie Kermath
Planning Advisor
Direct dial 02077141064
Direct e-mail natalie.kermath@environment-agency.gov.uk
cc Duncan

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
18/01090/LBC	Internal and external alterations to facilitate the conversion of the building into 3 No. two-storey dwellings.	Current	

4. Relevant Policies / Government Guidance

National Planning Practice Guidance

Tendring District Local Plan 2007

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

NPPF National Planning Policy Framework July 2018

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG10 Conversion to Flats and Bedsits

COM3 Protection of Existing Local Services and Facilities

TR7 Vehicle Parking at New Development

EN17 Conservation Areas

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)

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP2 Community Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL1 Development and Flood Risk

PPL8 Conservation Areas

PPL9 Listed Buildings

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

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 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.

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 main considerations in this instance are;

- Principle of Residential Development;
- Loss of Community Facility;
- Design and Impact Upon Heritage Assets;
- Residential Amenities;
- Parking Provision;
- Flood Risk;
- Financial Contributions; and,
- Representations.

Principle of Residential Development

The site lies within the Harwich Settlement Development Boundary as defined within both the adopted and emerging Tendring District Local Plans where the principle of residential development is acceptable subject to the detailed considerations set out below.

Loss of Community Facility

Saved Policy COM3 of the adopted Tendring District Local Plan 2007 states that in order to ensure that basic community facilities are local services are retained redevelopment that would result in their loss will not be permitted unless there is adequate provision of similar facilities within reasonable walking distance. These sentiments are carried forward within emerging Policy HP2 of the Draft Local Plan 2017.

In this instance, the use of the premises was for residential dwellings historically, prior to the use as a public house as mentioned within the listing description. There are a number of public houses very close to the site and within the locality. The Billy was not listed as an asset of community value either when it closed or subsequently.

There is adequate provision of similar facilities within reasonable walking distance and the conversion of the premises will not result in a detrimental impact to the community facilities offered within the area.

Design and Impact Upon Heritage Assets

The building frontage shows evidence of the former residential use as 2 dwellings with two front doors and differing threshold levels, eaves heights, roof pitches and roof materials.

The Harwich Conservation Area Appraisal describes West Street as follows;

'Most properties in West Street have frontages dating from the 18th centuries, with sash windows, elegant door cases and fine brick details set in well-proportioned facades. Buildings are of two-and-a-half storeys, the top storey in the roof being sometimes visible with dormers, sometimes hidden behind generally plain parapets. Facing materials are usually clay-tiled roofs over wall of red brick, painted brick or render: paint colours are a range from white through yellows, biscuits and beiges to pink.'

The Billy and number 65 are not specifically mentioned as a positive building within the conservation area appraisal but is considered to be one of elegant frontages described above contributing positively to the street scene.

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.

Overall the use and alterations are considered sympathetic and appropriate and will preserve the character and appearance of the Harwich Conservation Area. The impact upon the historic fabric is considered under application 18/01090/LBC.

Residential Amenities

The application proposes the conversion of the building to create 3 separate 2 storey dwellings. 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. This arrangement is not ideal but does respect the existing form of the building and extensions to the rear. The layout of the conversion is considered the most appropriate response to the internal and external space and the historic character of the site. To create outside space is likely to appear contrived and result in diminished internal spacing and token outside space that would be relatively unusable.

The site is within a highly sustainable location with amenities and recreational facilities within easy walking distance. Cottage 2 is a 1 bed property only and cottage 2.

Furthermore, the character of the area is one of dense built development with limited outside space where small yard/courtyard areas are typical. The development will not therefore be wholly out of character.

On balance, the conversion will result in the reinstatement of the building to its original use with many physical improvements contributing positively to the preservation of a listed building and the character and appearance of the conservation area. These benefits are considered to outweigh any less than ideal residential amenity considerations having regard to the size of the proposed dwellings and the highly sustainable location.

In terms of the impact of the development on adjacent properties, the use as dwellings in this built up location are considered more appropriate than the public house. The only alteration to the building of any consideration is the creation of the rooftop terrace area to Cottage 3. The terrace is positioned between 2 storey projections either side with commercial uses and garages to the south east. The residential dwelling to the rear is a good distance away with views mostly screened or broken up by existing built form. Furthermore, the built up character of the area means that there are existing windows and views between buildings. On this basis, the terrace will not result in any materially harmful overlooking or loss of privacy.

Parking Provision

The application site is located in the Old Town of Harwich, in walking distance to Harwich Railway Station with its direct link to London, and to bus stops with services to Colchester via Manningtree - numbers 103 and 104. There is a variety of shops, pubs and restaurants locally, and a Post Office, GP surgery, medical centre, dentists' practices and nursery, primary and secondary schools are all within 1.8km - walking distance. There is no off-street parking, and local residents park on the

roadside. There are no parking restrictions along the south-eastern end of West Street, where the application site is located.

Due to the highly sustainable location of the site, The Highway Authority raise no objection to the development. In this instance, the lack of parking provision is not considered materially harmful.

Flood Risk

Harwich Old Town is in Flood Zone 3, with a high risk of flooding. The Environment Agency ask for preparation of a Flood Risk Assessment to support a planning application in Flood Zone 3, which is supplied and accompanies this application, and they also stipulate that bedrooms should not be located at ground floor in Flood Zone 3. This conversion proposal has been prepared so that there are no bedrooms at ground floor, and tenants of each of the 3 properties will have a first floor refuge available. The Flood Risk Assessment proposes to include flood resistance/resilient measure sin the design of the building to protect/mitigate the proposed development from flooding.

For these reasons and because the site is currently defended and the Shoreline Management Policy, the Environment Agency have no objection to the application subject to the compliance with the FRA and Flood Evacuation Plan.

Financial Contributions

The Council's Open Space Team have been consulted on the application as the application falls to be considered against Saved Policy COM6 of the adopted Tendring District Local Plan 2007 and emerging Policy HP5 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

In this instance, the development is not considered to result in a significant impact on the current deficit. Therefore no contribution is required on this occasion.

Representations

Harwich Town Council has no objection to this application.

1 letter of objection has been received advising the Council that the application site as outlined in red on the submitted drawings is not within the ownership of the applicant. Boundaries and land ownership are not planning matters. Any further grievances with regards to this issue would be a civil matter and not a reason to withhold making a determination of the application.

Conclusion

This proposal is for the restoration of a listed building in the Conservation Area of Harwich Old Town. The building has been standing vacant for nearly a decade, and its fabric is deteriorating with water damage causing increasing problems internally. The proposal will bring the building back into use by providing a mix of more affordable housing within a highly sustainable location. The improvements will ensure the preservation and longevity of a heritage asset within the conservation area. The application is therefore recommended for approval.

6. Recommendation

Approval - Full

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.

- 3 The development hereby approved shall be carried out in strict accordance with the Flood Risk Assessment REF: 2048/RE/03-18/01 REVISION A dated July 2018.

Reason - The site lies within Flood Zone 3 at high risk from flooding and the flood resilience methods and mitigation methods detailed are essential to safeguard future occupiers of the development.

- 4 On commencement of development the Flood Warning and Evacuation Plan REF: 2048/RE/03-18/01 REVISION A dated July 2018 shall be immediately brought into use and shall remain in force for the duration of the construction and occupation period. The Flood Warning and Evacuation Plan shall remain a live document and be updated where required.

Reason - The site lies within Flood Zone 3 at high risk from flooding and a detailed evacuation plan is essential to safeguard future occupiers of the development.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.