

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	JD	22/05/2020
Planning Development Manager authorisation:	SCE	22.05.2020
Admin checks / despatch completed	CC	22.05.2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	22.05.2020

**Application:** 20/00311/FUL **Town / Parish:** Harwich Town Council

**Applicant:** The Harwich Society

**Address:** Anglia House Main Road Harwich

**Development:** Proposed change of use from Class B1 office use to Class D1 museum use.

### **1. Town / Parish Council**

No response.

### **2. Consultation Responses**

Environment Agency No response.

ECC Highways Dept From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1 Prior to the occupation of the proposed development, details of the provision for the storage of bicycles sufficient for all occupants of that development, of a design that shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To promote the use of sustainable means of transport in accordance with Policy DM 1 and 9 of the Highway Authority's Development Management Policies February 2011.

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](mailto:development.management@essexhighways.org) or by post to:

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

### **3. Planning History**

20/00311/FUL

Proposed change of use from  
Class B1 office use to Class D1  
museum use.

Current

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

*NPPF National Planning Policy Framework February 2019*

*National Planning Practice Guidance*

*Tendring District Local Plan 2007*

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL3 Minimising and Managing Flood Risk

QL6 Urban Regeneration Areas

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

ER3 Protection of Employment Land

ER16 Tourism and Leisure Uses

ER26 Conversion of Premises

COM4 New Community Facilities (Including Built Sports and Recreation Facilities)

EN12 Design and Access Statements

EN17 Conservation Areas

EN23 Development within the Proximity of a Listed Building

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

HAR8 Tourism

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

SP1 Presumption in Favour of Sustainable Development

SP4 Providing for Employment & Retail

SPL3 Sustainable Design

HP2 Community Facilities

PP6 Employment Sites

PP7 Employment Allocations

PP8 Tourism

PP14 Priority Areas for Regeneration

PPL1 Development and Flood Risk

PPL8 Conservation Areas

PPL9 Listed Buildings

CP1 Sustainable Transport and Accessibility

LPG 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 (2019) 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)**

### **The site**

The site is that of Anglia House, a two-storey flat roofed building understood to date from 1955. The building has brick elevations, featuring extensive bands of Crittall metal framed windows. The central section of the building was built with a load bearing frame to support the upper floor office space over open plan ground floor areas. There is a single storey reception area on the Main Road frontage.

The building was the office building to a business producing military uniforms. The factory area of the business has been re-developed as housing, Bernard Mews, leaving the office building. Other than the building the site is mainly laid to tarmac and offers parking space for 15 vehicles.

Anglia House is located in the town of Harwich in a prominent position close to Harwich Town Station between Main Road and the Old London Road. Anglia House is situated at the gateway to the old town of Harwich. To the north the building faces onto the green towards the High Lighthouse, whilst to the east it overlooks the extensive Harwich Green towards Harwich Harbour. To the west on the opposite side of Main Road is a frontage terrace houses, the station forecourt, bus stops and train station. To the south of the site is Bernard Mews a recent housing redevelopment.

### Proposal

The proposal is to change the use of the building to a museum. The applicant, The Harwich Society, aspires to establish a Town Museum for Harwich and Dovercourt where residents and visitors can access and enjoy exhibits about history of the town.

The ground floor areas would provide a museum open to the public; a reception area, lecture hall, archive offices and storage, a small refreshment area, museum shop and toilets. The first floor would remain as modular office accommodation for future use.

The lecture hall on the ground floor would be ancillary to the museum and have a flexible layout, accommodating up to 80 people for lectures and would be used for heritage seminars, workshops and study days for education, as well as extra mural events.

No external alteration, other than re-decoration, or extension is proposed to Anglia House. The ground floor toilets would be suitably upgraded for disabled access.

The proposed museum would have no employees rather it would be staffed by volunteers from The Harwich Society.

With regard to hours of opening, the current public opening hours of the Harwich Society seasonal visitor attractions is 10:00 to 16:00 seven days a week during the Easter – October period. The museum building would be in use outside standard public opening times for organised visits, to curate the collection, for research and members events.

15 car parking spaces would be retained.

### Assessment

#### **Principle of proposal**

The main issue is considered to be the principle of the change of use; the loss of a site in employment use.

Policy ER3 states that the Council will ensure that land in employment use will normally be retained for that purpose. The text of the policy goes on to require the applicant to demonstrate that the employment use is no longer viable for any form of employment use.

The applicant opines that the prospects for this ageing Class B1 building finding a new business user are poor. It is pointed out that the larger part of the former Bernards site adjoining the application site has already been redeveloped for housing.

Rather than submitting evidence of a sustained unsuccessful marketing exercise or of showing that the site is inherently unsuitable for any form of employment use, as Policy ER3 requires, the application asks that the proposal be considered an investment which would deliver social and economic benefits and complement other regeneration initiatives in the old town of Harwich. It is pointed out that the current heritage sites managed by The Harwich Society attract thousands of visitors which directly benefit local business and the Harwich economy. The town museum would be a significant addition to the tourist offer and leisure facilities in the town, would promote heritage, support education, historical research, create volunteering opportunities and generate footfall in the town it is argued.

A requirement of Policy ER3, in addition to marketing evidence to the effect that the site is commercially unwanted, is that the applicant will normally be expected to provide a suitable alternative site, or a financial contribution to the Council's employment, training or regeneration programmes and initiatives. This is not the case with this application.

The proposal is contrary to adopted policy, more specifically Policy ER3. The NPPF emphasises the importance of planning decisions helping to create conditions in which businesses can invest, expand and adapt and the proposal would remove business premises. However, it is necessary to consider whether the proposal has advantages which could outweigh its principle disadvantage of removing employment land from the market.

The NPPF states, at paragraph 185, that plans should set out a positive strategy for the enjoyment of the historic environment. This strategy should take into account a number of issues including the wider, social, cultural, economic and environmental benefits that conservation of the historic environment can bring.

Policy HAR8 states that visitor attractions and facilities will be encouraged in the Harwich area.

Harwich is identified in Policy QL6 as an Urban Regeneration Area. Within such an area permission will be granted for development that reinforces and/or enhances the function, character and appearance of the area and contributes towards regeneration and renewal. The Urban Regeneration Areas are to be the focus for investment in social infrastructure and of initiatives to improve environmental quality and education. Policy ER16 states that proposals for tourism and leisure uses will be permitted provided that a number of criteria are met. These criteria are met: the museum accommodation on the ground floor would be accessible to all users; the site is at the centre of Harwich with good access (parking is discussed below); there would be no undue noise disturbance caused; and, it is considered that a new user re-decorating the exterior of the building would enhance the character of the area. Policy ER26 is concerned with the conversion of premises and is set in the section of the adopted Local Plan addressing "other tourist related developments", i.e. other than accommodation for tourists, serviced tourist accommodation. Policy ER26 states that the conversion of existing buildings into other tourist-related development will be permitted provided that proposals meet criteria very similar to those of Policy ER16.

A museum could be said to be a tourist facility but also a community facility. Policy COM4 is concerned with new community facilities. This policy states that permission will be granted for the change of use for appropriate community use provided the proposed facility meets a number of criteria. These are all met: the site is accessible; would not be detrimental to character or amenities of its area (discussed below); would not lead to unacceptable parking or traffic problems; and, the site does not have overriding planning or infrastructure constraints.

The site is not allocated for employment use by Policy ER1 or QL5 but these policies are directed to businesses not suitable within residential areas.

Policy SP4 of the emerging Local Plan sets out a broad approach to providing for employment and retail. Lower case text to the policy, at paragraph 1.56, makes a reference to current trends pointing to overall lower requirements for additional B1 floorspace. Policy PP 8 of the emerging Local Plan states that to attract visitors to the Tendring District and support economic growth in tourism, the Council will generally support proposals that would help to improve the tourism appeal of the District to visitors, subject to other relevant policies in the emerging Local Plan.

## **Flooding**

Policy QL3 is concerned with minimising and managing flood risk. The policy states that development will only be permitted in areas of flood risk when there are no reasonably available sites in areas of flood risk and the benefits of development outweigh the risks of flooding. Policy for development and flood risk in the emerging Local Plan, Policy PPL 1, states that where new development cannot be located in an area of lower flood risk and is otherwise sustainable, the Exception Test will be applied in accordance with the National Planning Policy Framework.

Harwich is at risk of future tidal flooding. The application site is no exception and lies within tidal Flood Risk Zone 3a. A Flood Risk Assessment (FRA) forms part of the application documentation. It is understood that the proposed change of use falls within a 'less vulnerable' use category and as such can be an appropriate use in Flood Zone 3a.

The proposal is acceptable with regard to Policy QL3.

### **Highways and parking**

The building has an existing vehicular access. The local highway authority has been consulted and it has confirmed in writing that from a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to a condition regarding bicycle parking. Whilst care would be needed to create a covered cycle parking area which would not look out of place in this sensitive setting, the site has a relatively large open area as part of it and it is considered that such a condition would be reasonable.

The proposal is acceptable with regard to Policies QL10, TR1a and TR7.

### **Heritage assets**

Government guidance on the historic environment advises that part of the public value of heritage assets is the contribution that they can make to understanding and interpreting our past. As such Government guidance supports the principle of the proposal.

The site is within the Harwich Conservation Area and there are numerous Listed Buildings nearby. The High Lighthouse is some 40m to the north. It is considered that the proposal, which involves retaining the built form as is, offers some merit in conserving the character of the setting to the site; the building does not visually compete with other buildings and forms a visually successful link between modern built form of two-storeys plus roof, part of Barnard Mews, to the south and the green and the High Lighthouse to the north.

The proposal is considered acceptable with regard to Policies EN17 and EN23.

### **Other matters**

The site is within the Development Boundary of Harwich and Dovercourt and the proposal is accordingly acceptable with regard to Policy QL1. The location of the site is such that it is accessible by means other than a private car and accordingly is acceptable with regard to Policy QL2.

Policy QL9 requires all new development to make a positive contribution to the quality of the local environment and protect or enhance local character. Alterations are to be well designed and to maintain or enhance local character and distinctiveness. The building that is Anglia House is not particularly attractive but it forms an unobtrusive background to its part of the streetscene. The application documentation states that the building would be redecorated externally and this would be to some merit. The retention of a former commercial building would speak to the long and varied history of Harwich and as such protect local character. It is considered that no reasonable objection could be raised to the proposal in relation to Policy QL9.

Being a form of a recreational use, the proposal would generate a certain amount of activity, in terms of visitors arriving and leaving, outside the normal working week. It is likely that the building would be at its busiest at weekends and public holidays. However, this is the case for the wider setting of the site now; Harwich attracts a number of visitors and this generates activity. The site has a vehicular access direct onto Main Road so visitor traffic generated would not be noticeable. The nature of the use is such that there would be no material noise or other disturbance to residential properties at Barnard Mews or on an opposite side of a road to the west or to the north. The boundary between the parking area in front of the building and the private amenity areas of houses at 7 Main Road and 1 Barnard Mews is a solid brick wall of some 1.8m in height. Given this boundary treatment and that the houses concerned are in the general vicinity of a fairly busy road, it is considered that there would be no material loss of amenity of occupiers of any neighbouring

residential property to a sufficient degree to justify a reason for refusal. The proposal is considered acceptable with regard to Policy QL11.

The proposed use, as a museum, is a Class D1 type use, a use which includes clinics, health centres, crèches, day nurseries, day centres, schools, art galleries (other than for sale or hire), libraries, halls, places of worship, church halls, a law court and non-residential education and training centres. Any of these uses is considered acceptable for the site and its setting. A condition to restrict the use is considered unnecessary. However, a condition to restrict the hours of operation to ensure very early morning or evening use does not disturb neighbouring residential property is considered reasonable and necessary.

A site notice was posted and letters sent to occupiers of 4 neighbouring properties. No response was received from any member of the public.

## **6. Recommendation**

Approval.

## **7. Conditions / Reasons for Approval**

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:  
Site Plan; Block Plan; Design and Access Statement including Heritage Statement; and, Flood Risk Assessment.

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

3. Provision for the storage of bicycles shall be implemented, in accordance with details which shall have been submitted to and approved in writing by the local planning authority, prior to first use of the site as hereby permitted and be maintained free from obstruction and retained as such thereafter. The approved facility for the storage of bicycles shall be secure, convenient, and covered.

Reason: To promote the use of sustainable means of transport in accordance with Policy DM 1 and 9 of the Highway Authority's Development Management Policies February 2011 and in accordance with Policy QL2 of the adopted Local Plan.

4. The use of the site hereby approved shall be restricted to the hours of 09.00 to 18.00.

Reason: In the interest of amenity and to ensure the development is compatible with the character of the surrounding area in accordance with Policies QL10 and QL11 of the adopted Local Plan.

## **8. Informatives**

1. 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.

2. 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](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester

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