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Item Nos:	
Application:	180805 and 180807
Applicant:	Mr Higginbottom
Agent:	Tim Snow Architects
Proposal:	Change of Use from Office space to 2 No Studio Flats and alterations to existing bedsits
Location:	Ground Floor, River House, Quay Street, Wivenhoe, Colchester, CO7 9DD
Ward:	Wivenhoe
Officer:	Alistair Day
Recommendation:	Approval subject to conditions

## **1.0 Reason for Referral to the Planning Committee**

- 1.1 This application has been called-in to the Planning Committee by Cllr Liddy. The grounds for the call-in are: the loss of employment space, overdevelopment, failure to provide adequate parking and failure to provide adequate amenity space.

## **2.0 Synopsis**

- 2.1 The key issues for consideration are:

- Whether the proposed change of use from office to residential is acceptable;
- the impact that the proposed development will have on the significance of heritage assets (both direct and indirect) and whether the proposal constitutes good design;
- whether the proposal would constitute an unacceptable flood risk;
- the extent to which the proposal is consistent with the advice to promote more sustainable transport choices and whether the proposal complies with car parking standards; and
- whether the proposed development would have a detrimental impact on the residential amenity of nearby properties

- 2.2 Having carefully considered all relevant planning matters, the application is recommended for approval subject to conditions.

## **3.0 Site Description and Context**

- 3.1 River House is a former early Victorian Congregational Chapel. The ground floor consists of offices on the south side of the building with four bed sits on the north side. The upper floors comprise two residential apartments. The building is listed grade II for its special architectural and historic interest. The Listing describes the building as:

Former Congregational Chapel Dated: 'This Chapel was erected by Thomas Sanford, Esq. AD 1846'. Of square plan, brick, painted and rendered. Two storey front to Quay Street, with parapet and pediment dentilled. Pilastered returns and giant order with doubled pilasters each side of central bay. First floor band and ground storey portico with 2 round Doric columns, 2 pilasters and modern doors in a recess. Three light windows over and 4 Doric columns, plinthed, triglyphs, and mutules to the flat entablature. West side elevation has 2 ranges of sash windows, now clear glazed, interspersed with 4 pilasters all with capitals of the giant order.

- 3.2 The application site is located on the west side of Quay Street. To the south of the application site (and obscuring part of the front façade of River House) is a modern garage structure with accommodation over. To the south of this structure is a short terrace of Victorian housing. The rear garden to 1 Quay Street forms part of the southern boundary of the application site. To the west

of the application site and attached to River House is a lean-to storage structure and this forms the boundary with Bath Street. The flank wall of 1 Bath Street and its rear garden forms the remaining part of the southern boundary of the application site. To the north of the site are variety of buildings of mixed architectural styles which range in date from the sixteenth century to the nineteenth century. Many of these buildings are listed. West House and no. 23 West Street are two of the largest houses on the north side of this street and are set well back from the road behind gardens enclosed by brick walls. The application site is located within the Wivenhoe Conservation Area.

#### **4.0 Description of the Proposal**

- 4.1 The applications seek planning permission and listed building consent for the conversion of the existing office space at River House into residential use, creating two apartments. Internally, the works involved to create the new apartments, include the insertion new partitions and mezzanine floors. Externally the windows remain unchanged and the layout has been configured so as not to divide the windows visually when viewed from outside. Access to the building will be via the existing door on the main (Quay Street) elevation.
- 4.2 Listed building consent is also sought for the alteration of the part of the ground floor that is already in residential use. It is proposed to remodel the existing three of the existing four ground floor bedsits to create one larger unit of residential accommodation; the remaining bed site will remain unchanged.

#### **5.0 Land Use Allocation**

- 5.1 Predominantly Residential

#### **6.0 Relevant Planning History**

- 77/0779 - Use of ground floor as units of bed and breakfast accommodation
- 78/1701- Erection of garage with workshop over
- 83/0165 - Conversion of ground floor store to offices.
- 83/0166 - Alteration to building in association with conversion of ground floor store to offices.
- 86/0994 - Continued use of ground floor office without compliance with Condition 1 of Consent COL/165/83 (personal use of applicant only).
- 86/1715 - Continued use of ground floor office without compliance with Condition 1 of Consent COL/165/83 (Personal use of applicant only)
- 87/1623 - Variation of Condition 3 of COL/1701/78 to enable use of garage/workshop to be transferred to neighbouring property.

## **7.0 Principal Policies and statute**

7.1 S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Section 72(1) of the same Act requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

7.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. Colchester's adopted Development Plan comprises the following documents:

7.3 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

- SD1 - Sustainable Development Locations
- H1 - Housing Delivery
- H3 - Housing Diversity
- H4 - Affordable Housing
- UR2 - Built Design and Character
- PR1 - Open Space
- PR2 - People-friendly Streets
- TA1 - Accessibility and Changing Travel Behaviour
- TA2 - Walking and Cycling
- TA3 - Public Transport
- TA4 - Roads and Traffic
- TA5 - Parking
- ENV1 - Environment
- ER1 - Energy, Resources, Waste, Water and Recycling

7.4 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

- DP1 Design and Amenity
- DP11 Flat Conversions
- DP12 Dwelling Standards
- DP13 Dwelling Alterations, Extensions and Replacement Dwellings
- DP14 Historic Environment Assets
- DP16 Private Amenity Space and Open Space Provision for New Residential Development
- DP17 Accessibility and Access
- DP18 Transport Infrastructure Proposals
- DP19 Parking Standards
- DP20 Flood Risk and Management of Surface Water Drainage

7.5 Some “allocated sites” also have specific policies applicable to them. The adopted Site Allocations (adopted 2010) policies are not directly relevant to this application.

7.6 The Council is developing a new Local Plan (Publication Draft Colchester Borough Local Plan 2017-2033) that has been submitted to the Planning Inspectorate (October 2017). An Inspector has been appointed and the formal examination commenced in January 2018. The examination is ongoing. Paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to:

- (1) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- (2) the extent to which there are unresolved objections to relevant policies in the emerging plan the less significant the unresolved objections, the greater the weight that may be given); and
- (3) the degree of consistency of the relevant policies in the emerging plan this framework (the closer the policies in the emerging local plan to the policies in the framework , the greater the weight that may be given).

The Emerging Local Plan is at an advanced stage and may therefore be taken into consideration in the determination of this application. In the context of this application proposal there are no fundamental unresolved objections to the aforementioned policies in the emerging plan and it is considered, at this stage, that the relevant policies in the emerging Local Plan are consistent with the Framework. The Emerging Local Plan is, therefore, considered to carry some weight in the consideration of the application

7.7 The Neighbourhood Plan for Wivenhoe has been submitted for examination and passed the “publicity period” for representations. The emerging NHP can therefore be afforded some weight in determining planning applications within the NHP area. The considerations above (7.5) are relevant to the emerging Neighbourhood Plan for Wivenhoe

7.8 The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy.

7.9 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):

- The Essex Design Guide
- EPOA Vehicle Parking Standards
- Wivenhoe Town Plan and Executive Summary

## **8.0 Consultations**

- 8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.

### Planning Policy

- 8.2 The proposal at the Quay in Wivenhoe has been considered and the implications of the loss of office space in the context of the NHP.
- 8.3 As the Wivenhoe Neighbourhood Plan has been submitted for examination and passed the “publicity period” for representations, the emerging NHP must be afforded some weight in determining planning applications within the NHP area. Policy WIV 19 is relevant in respect of the existing use being employment, which as drafted, requires evidence to substantiate it being marketed for alternative business opportunities prior to concluding that alternative uses are supported. The detailed wording of this policy is subject to representations including from CBC. This will be considered further at examination but the gist of the representation is to bring some flexibility into the timing of the marketing requirement and to refer to the need to this be in agreement with the LPA. (The weight given to this policy could be argued as being reduced since the wording is subject to representations, although the underlying principle is not challenged and accords generally with both Adopted and emerging Local Plan policies)
- 8.4 This proposal for a change of use from office to residential only represents a very small proportion of the building floorspace, with the remainder already being in residential use, which is likely to significantly limit the suitability for alternative economic uses, and also not likely to create significant employment opportunities, which in itself could influence to relative balance of this policy. To comply with emerging policy (as drafted and with suggested amendments) some evidence of marketing, or at least a further explanation of the justification in respect of its suitability for alternative employment uses should be provided. There is a brief explanation provided which you may feel provides sufficient justification in this instance.
- 8.5 As responses to the application have made reference to the NHP and it has reached the stage where it should be afforded some weight, officers consider that some reference to whether this policy has either been complied with, or is on balance outweighed by other considerations should be presented in the balance of consideration. Officers suggest that a pragmatic approach is required, given the modest scale of the floorspace concerned and in the context of the existing residential uses and the historic asset considerations. It is recommended that policy WIV19 as an emerging policy (subject to Examination) has some weight, and should therefore be referenced in your consideration with a view expressed regarding its relevance to your decision as part of the overall planning balance.

### Environmental Protection

- 8.6 No objection subject to conditions to cover hours or works (construction) and sound insulation.

### Highway Authority

- 8.7 The Highway Authority does not object to the proposals as submitted.

### Private Sector Housing

- 8.8 Private Sector Housing comments can be summarised as follows:

1. The suitability of the proposed studio flats, in terms of their floor area and layout of amenities will depend on the intensity of use i.e. are the flats to be occupied by single people or couples? National crowding and space guidance needs to be considered in relation to room sizes/space available which indicate that bedrooms of 6.5m<sup>2</sup> will be suitable for a single person and 9.5m<sup>2</sup> will be suitable for a couple. However it is worth noting that in relation to HMO rooms (a useful benchmark) new requirements that bedrooms must be 6.52m<sup>2</sup> (single) and 10.23m<sup>2</sup> (couple/twin) are currently subject to parliamentary approval.
2. The design must ensure that alongside compliance with Building Regulations, the units of accommodation do not increase hazards such as:
  - Crowding and Space
  - Hot Surfaces and Materials,
  - Food Safety,
  - Collision and Entrapment, and
  - Position and Operability of Amenities.The guidance contained in each of the above hazard profiles at Annex D of the Housing Health and Safety Rating System (HHSRS) Operating Guidance should therefore be considered in finalising the design/layout
3. Where space is limited, designs usually focus on maximising living space at the expense of storage space. I'd like to highlight the need for adequate storage space to meet the needs of each occupying household

### Environment Agency

- 8.9 In their letter initial letter the Environment Agency raised a holding objection to this application as a Flood Risk Assessment (FRA) did not form part of the application. Following the submission of the FRA, the Environment Agency advised that they are removing their holding objection to this application as the site is currently defended and the Shoreline Management Plan policy for this area has an aspiration for hold the line.

- 8.10 The flood risk maps show that the site lies within tidal Flood Zone 3a & 2 and have a high probability of flooding. The proposal is for a change of use from offices to 3 [now 2] studio flats and alterations to existing bedsits, which is classified as a 'more vulnerable' development. 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).
- 8.11 To assist in making an informed decision about the flood risk affecting this site, the EA note that key points to note from the submitted FRA by Richard Jackson Engineering Consultants are:

#### Actual Risk

The site is currently protected by flood defences with an effective crest level of 3.00m AOD which is above the present-day 0.5% (1 in 200) annual probability flood level of 2.90m AOD. 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. If the SMP policy is not followed then at the end of the development lifetime, the 0.5% (1 in 200) annual probability including an allowance for climate change flood level of 2.92m AOD, would not overtop the existing defences.

#### Residual Risk

The EA note that the FRA does not explore the risk of a breach of the defences. The undefended flood levels show that in a worst-case scenario the site could experience breach flood depths of up to 1.28m during the 0.5% (1 in 200) annual probability including climate change breach flood event with flood level of 5.38m AOD, and up to 1.64m during the 0.1% (1 in 1000) annual probability including climate change breach flood event with flood level of 5.74m AOD.

The FRA does not provide a site level. Based on the available information, the site level is assumed to be 4.10m AOD. This is below the 0.5% (1 in 200) annual probability (undefended) breach flood level including climate change of 5.38m AOD and therefore at risk of flooding by 1.28m depth in this event. It is likely that the first floor level would be at least 2m above the ground floor level and will therefore provide a refuge above the 0.1% (1 in 1000) annual probability (undefended) breach flood level of 5.74m AOD.

The FRA does not propose to include flood resistant/resilient measures in the design of the building to protect/mitigate the proposed development from flooding. We recommend that consideration is given to the use of flood proofing measures to reduce the impact of flooding when it occurs.

A Flood Evacuation Plan has not yet been proposed and is necessary to ensure the safety of the development in the absence of safe access with internal flooding in the event of a breach flood.



The EA note that application site is at risk from reservoir flooding but consider that this is extremely unlikely to happen providing the reservoir is appropriately managed and maintained.

The Planning Practice Guidance states that local planning authorities are advised to consult with their emergency planning officers as early as possible regarding any planning applications which have implications for emergency planning

#### Shoreline Management Plan / Catchment Flood Management Plan

The current defences protect this community 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

#### Safety of Building – Flood Resilient Construction

The FRA does not propose to include flood resistant/resilient measures in the design of the building to protect/mitigate the proposed development from flooding.

#### Sequential and Exception Tests

The requirement to apply the Sequential Test is set out in Paragraph 101 of the National Planning Policy Framework. The Exception Test is set out in paragraph 102. These tests are your responsibility and should be completed before the application is determined.

#### Emergency Planning Officer

- 8.12 No objection and welcomes the proposal to incorporate Flood Resilience/resistance measures and emergency plan.

#### Archaeological Officer

- 8.13 No material harm will be caused to the significance of below-ground archaeological remains by the proposed development. There will be no requirement for any archaeological investigation.

### **9.0 Parish Council Response**

- 9.1 The Parish Council no comments have been received

### **10.0 Representations from Notified Parties**

- 10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. The full text of all of the representations received is available to view on the Council's website. However, a summary of the material considerations is given below.

### Wivenhoe Society

10.2 The Wivenhoe Society raised the following concerns:

Loss of office space

10.3 The emerging Wivenhoe Neighbourhood Plan (Policy WIV 19) specifies that the conversion of commercial properties will be supported provided:

- (i) they have not been in use for a 12 month period; and
- (ii) that there is no potential for either reoccupation or redevelopment for business use as demonstrated through the results of a full valuation report and a marketing campaign lasting for a continuous period of at least 12 months.

The intention of this policy is to support employment within Wivenhoe and to reduce the need to commute. The applicant states that no marketing has been carried out. The applicant is probably correct in saying that if the building were not listed then conversion from office space to residential would be covered by permitted development but this is not the case for a listed building.

Overdevelopment

10.4 A government document (2016) Technical housing standards sets out space standards for new dwellings. It is stated that the office area occupies about 70sqm. Allowing for a mezzanine floor if six units are created this does not meet the space requirements set out in the above document, which is 58sqm for a two storey one bed roomed dwelling. There would also appear to be a problem with room heights. It is stated that the current ceiling height is 4.3m. The suggested standard is floor to ceiling height is 2.3m for at least 75% of the floor space. With a mezzanine this would not be achievable.

Parking

10.5 The proposed 6 studio flats would have only 2 parking spaces between them. This is way below the Borough's parking standards. There is very little on street parking available in the immediate area.

Amenity space:

10.6 The Borough's standards would not be met for amenity space.

### Local Residents

10.7 The following comments have been made by local residents:

- The development is likely to result in a significant increase noise for adjacent properties (both internally and externally).
- The increase in density of residential units could alter the character of this conservation area and would contrast with other property types in the same area.

- The issue of parking, which is already a scarce resource in the area.

## **11.0 Parking Provision**

11.1 See paragraph 15.29 to 15.31

## **12.0 Open Space Provisions**

12.1 See paragraph 15.26 to 15.28

## **13.0 Air Quality**

13.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

## **14.0 Planning Obligations**

14.1 This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (s.106) of the Town and Country Planning Act 1990.

## **15.0 Report**

### The Proposal

15.1 The application as originally submitted proposed the conversion of the ground floor office into three residential units and the remodelling of the existing four ground floor bedsits to create three units of accommodation. Following discussion with agent, the application has been amended so that it is now proposed to create two new residential units only by the conversion of the offices and to remodel three of the existing bed sits to create on larger unit of accommodation; the fourth bed sit will remain unchanged. Planning permission is sought for the conversion of the offices; listed building consent is sought for the alteration works. The submitted application does not affect the two residential units on the upper floors of River House.

### Principle of Development

15.2 River House dates from the mid nineteenth century was originally used as a Congregational Church. The building was converted into residential accommodation and storage use in mid-1970s. In the early 1980s, a personal planning permission was granted to use part of the ground floor (the storage area) as offices.

15.3 The provision of Class O of Part 3 of Schedule 2 to the GPDO which, subject to certain limitations and conditions, categorises as ‘permitted development’ the change of use of a building and any land within its curtilage from a use falling within Class B1(a) (offices) to a use falling within Class C3 (dwellinghouses).

- 15.4 The conversion of office element of River House into residential use is not permitted development as River House is listed. Prior approval would also be required due to the fact that the property is potentially at risk from flooding. In view of this, it is necessary to determine this application in accordance with the development plan, unless material consideration indicate otherwise.
- 15.5 The application site is located in the historic heart of Wivenhoe village and is identified in the local plan as being located in a predominantly residential area. Given this, the conversion of the offices to residential use would not conflict with the land use designation as set out in the local plan.
- 15.6 The Wivenhoe Neighbourhood Plan has been submitted for examination and, as such, constitutes a material consideration. The emerging Neighbourhood Plan contains a policy on general employment (Policy WIV 19). This policy states that applications for the conversion of existing commercial buildings will be supported where it is demonstrated that:
- (i) the commercial premise has not been in active use for at least 12 months; and
  - (ii) the commercial premise has no potential for reuse and a market campaign has been undertaken for at least 12 months.
- 15.7 Given the current status of the Wivenhoe Neighbourhood Plan (submitted for examination), it is considered that this document can only be afforded limited weight. Moreover the weight that can be attributed to Policy WIV 19 is further reduced as this policy is subject to representations (including those from the Borough).
- 15.8 The existing office space is small (approximately 70sqm) and the internal 'fit out' is very much of its time. The 1983 planning permission for the use of part ground as an office was granted on the basis of a personal consent due to the 'special circumstances of the case'. Judging from the committee report for the office conversion, this seems to have been due to the fact that the applicant lived in the building.
- 15.9 The existing office is now becoming vacant through retirement. The agent has advised that a marketing campaign has not been carried out by the owner because, as one of the original occupiers of the building, it was agreed on the basis of a personal use with the agreement of the then residents. The agent goes on to explain that this office has not been available for rent for more than 35 years and that its loss will not, therefore, have an impact on the availability of commercial floor space in the area.
- 15.10 The existing office has clearly worked for the current occupier due to their specific circumstances. The office accommodation now requires significant investment to bring it up to modern standards; repair works are also required to exterior of the building. Given the size and location of the office, such investment is unlikely to be economically viable. A further disadvantage of the existing office is that they occupy a very small proportion of the River House (with the remainder of the building already being in residential use) which is likely to limit its suitability for alternative commercial/employment uses. Officers are also

mindful of the general thrust of Government policy which seeks to promote the supply of housing and includes (subject to certain safeguards) specific provision for the conversion of offices into residential accommodation. One such safeguard relates to the conversion of listed buildings; however it is believed this safeguard relates more to control the internal alteration of the listed building rather than the principle of the change of use.

- 15.11 In light of the above, and having due weight to the emerging Neighbourhood Plan, it is considered that the proposed change of use of this office to residential accommodation not would to result in the loss of significant employment opportunities in Wivenhoe and, as such, would have a negligible impact on the supply of office accommodation in this part of the Borough.

#### Design considerations

- 15.12 CS Policy UR2 seeks to promote and secure high quality design. DPD DP1 sets out design criteria that new development should meet which includes the requirement to respect the character of the site and enhancing its surroundings. Policy DP 11 relates to proposals for the conversion and sub-division of existing premises into flats and other self-contained residential units. This policy states that proposals within the defined settlement boundary will be supported subject to meeting identified criteria.
- 15.13 The application relates to the conversion and alteration of an existing building which will be achieved by the internal alteration of the building; no changes are proposed to the exterior of the building. Given this, the proposed development will not fundamentally change the character of the site or the surrounding area. Part (i) of Policy DP11 states that proposals will not be supported where the conversion of an existing property with a gross floor area of less than 110 square metres. The supporting text to this policy goes on to explain that smaller family homes are in high demand because they represent a more affordable option and that the Council is concerned not to reduce the stock of smaller houses. It is therefore clear from the supporting text that this part of the policy is aimed at the conversion of existing houses rather than the conversion of offices to residential accommodation as proposed by this application. With regard to the size of the proposed units, the agent has advised that they exceed the DCLG Nationally Described Space Standards for 1bed 2 person units and 2 bed 3 person units, albeit these are not an adopted Council Planning Policy. The proposal is therefore not considered to result in unsatisfactory living environment for prospective occupiers in terms of the size of the units.
- 15.14 With regard to the other parts of DP11, the proposal is considered to be sympathetic to the existing character of the building and the street scene in general (parts ii & iv). The proposal is also considered acceptable in terms parking, private amenity space, refuse storage (part iii) and potential impact on neighbours (noise and/or overlooking) for the reasons discussed below in the report.

- 15.15 The proposal to convert the existing offices into residential use is considered to be acceptable in terms of design quality and is not considered to be in broad compliance with the aforementioned adopted local plan policies and national planning guidance set out in the NPPF.

#### Heritage Considerations

- 15.16 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard is paid to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Section 72(1) of the same Act requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of conservation areas. CS Policy ENV1 and DPD 14 seek to protect heritage assets. Government guidance on the historic environment is set out in section 16 of the NPPF. Paragraph 195 deals with substantial harm to a designated heritage asset. Paragraph 196 deals with less than substantial harm. Harm in this category has to be weighed against the public benefits of the proposal.
- 15.17 The conversion of the former chapel to residential accommodation and offices was undertaken before the building was listed. The internal conversion works fundamentally changed the internal spatial character of the former chapel by the insertion of numerous internal floors and walls.
- 15.18 The application as originally submitted proposed the convert the offices into three residential units. Through negotiation, the application has been amended so as to provide a better internal layout, which has resulted in the number of proposed units being reduced from three to two. Kitchen and living rooms are shown on the ground floor and a bedroom and bathroom are shown on the new created mezzanine level. The mezzanine extends over only part of the ground floor accommodation. It is considered that the remodelling of the office space to create the new residential units will not result in further harm being caused to the special interest of this building. The internal remodelling of the existing bedsits is also not considered to have an adverse impact on the special interest of the building. As noted above, no external changes are proposed to River House and, as such, it is considered that the proposal will have a neutral impact on the character and appearance of the conservation area.
- 15.19 For the reasons given above, it is considered that the current application accords with Policies ENV 1 and DPD Policy DP 14 and the NPPF objectives that seek to conserve heritage assets.

#### Residential Amenity

- 15.20 DPD DP1 states that all development must avoid unacceptable impacts on amenity.
- 15.21 River House is located with the heart of the old village of Wivenhoe and is in close juxtaposition with surrounding buildings. The existing building has accommodation on the ground, first floor and attic levels and there are existing

windows on each elevation of the building. The existing office is located on the south side of the ground floor and has five window bays. As the proposals relate to the conversion of an existing building there will be no change to the present situation in terms of overshadowing etc of adjacent buildings. The existing windows of the office face towards the rear gardens of the adjacent residential properties and are located some 2.5m from the boundary. Despite the close proximity of the building to the southern boundary, the outlook from new residential units will not have an adverse impact on the private amenity of adjacent rear gardens. This is due to a combination of factors, including the height of windows (the chapel windows cills are set approximately 1.5m above the external ground level), and the height of the boundary wall (circa 1.5m) and the change in ground levels between this site and the adjacent gardens. The proposed mezzanines are set back from the windows (to avoid the floor cutting across the window) which will reduce the potential for overlooking from the new bedrooms. The upper floors of River House are already in residential use and will therefore not result in a change of circumstance in terms of any overlooking of adjacent properties.

- 15.22 The comments made about the development likely to result in a significant increase in noise for adjacent properties (both internally and externally) are noted. The revised proposals will not result in an increase in the overall number of units within River House and there is no reason to suppose that this scheme would be noisier than any other residential development. Regarding internal noise transfer, the proposed residential units will need to comply with relevant Building Regulations, which includes noise transfer between properties. Environmental Protection has also requested a condition to cover this matter.
- 15.23 With regard to the remodelling of ground floor of the existing units on the north side of River House, these units face Quay Street and will not result in a material change in terms of their impact on the private amenity of nearby residents.
- 15.24 The construction works associated with the conversion of the retained buildings has the potential to impact on the amenity of local residents. A condition has therefore been proposed requiring the development to be undertaken in accordance with submitted construction method statement.
- 15.25 For the reasons given above, it is considered that the proposed development would not have a significant adverse effect on the living conditions of the neighbouring residential properties. In view of this, the proposed development is considered to be in broad conformity with DPD Policies DP1 and the NPPF insofar as they seek to secure a good standard of amenity for all occupants of land and buildings.

### Public Open Space, Play Areas and Private Amenity Space

- 15.26 DPD Policy DP16 sets down criterion (size of gardens) that should be provided within new residential developments. For flats, a minimum of 25sqm per flat provided communally (where balconies are provided the space provided may be taken off the communal requirement). In addition to private amenity space, DP16 requires all new residential development to provide new public areas of accessible strategic or local open space.
- 15.27 The constraints of the site are such that there is very limited space available within the application site and, as a consequence of this, it is not possible to achieve the private amenity as set out in policy DP16 (25sqm for per flat units). It is not however unusual in historic urban areas for dwellings to have 'reduced' area of private amenity space and many of the recent office to residential conversions have been provided with no amenity space. Whilst limited private area of amenity space will provided, officers are mindful of the opportunities that will be afforded to future occupier in terms of the riverside and associated public amenity areas. The King George V Playing Field is also just a short walk away, to the north of the railway line.
- 15.28 Given that the application relates to the conversion of an existing building on a constrained historic site, it is considered that the proposed development is acceptable in terms of the policy requirement for the provision of private and private amenity space.

### Parking

- 15.29 Policy DP19 states that the Council will refer developers to the Essex Planning Officers Association (EPOA) Vehicle Parking Standards. The adopted guidance states that for new dwellings of two or more bedrooms, two car parking spaces should generally be provided and that for **one bedroom units, one parking space is required**. In addition to this, visitor parking at a ratio of 0.25 spaces per unit is required. In terms of cycle parking, the Council's adopted guidance requires 1 secure covered space per dwelling.
- 15.30 The existing office has the use of two parking spaces which will be available to the new units (i.e. one space each, which is in compliance with the parking standards). There are a further two spaces that serve the existing apartments (the four bed sits and units on the upper floors). The agent has advised that the existing bedsits do not have parking and tenants have not required parking. The proposal to remodel three of the bed sits to create one larger unit will serve to improve the ratio of existing parking spaces to residential units. It also recognised that the site is located within in a highly sustainable location with shops, rail and bus services all located in close proximity to the site.
- 15.31 Provision is made for cycle parking on the land to the south of the building through a lockable gate. The applicant notes that spaces for eight cycles have been allowed but there is scope for this to be extended if the need dictate. The cycle parking will need to be both secure and covered and to ensure that this is the case, a condition is recommended.



- 15.32 The proposed parking provision is considered to accord with the requirements of Policy DP19 and the adopted parking standards.

#### Hydrology and Drainage

- 15.33 CS policy ENV1 sets out the strategic policy approach to safeguard people and property from the risk of flooding. ENV1 seeks to direct new development towards sites with the lowest risk from flooding and promotes the use of flood mitigation measures (SUDS) to help manage risk. DP20 supports development proposals that include flood mitigation/ attenuation measures as well as flood resilience measures.
- 15.34 According the Environment Agency Flood Maps, the application site is shown to lie within tidal Flood Zone 3a & 2 and is classed as having a high probability of flooding.
- 15.35 The application is for the change of use from offices to 2 new residential units and alterations to existing bedsits. Residential accommodation is classified as a 'more vulnerable' development. The Environment Agency has advised that 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).
- 15.36 Paragraph 164 of the NPPF (2018) states that applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments. The application is supported by a Flood Risk Assessment.
- 15.37 The Flood Risk Assessment notes that the site is located at the edge of Flood Zone 2 and is protected from tidal flooding by the Colne barrier and associated defences and, as a consequence of this, users are not at risk of flooding in a design 1 in 200 year tidal event currently or when climate change is considered. The Flood Risk Assessment does note that were the defences to fail the application site would be flooded in a 1 in 200 year plus climate change event and that there would be there limited warnings for evacuation, but that the residents would be able to take refuge on the upper floor of the development. The Environment Agency has confirmed that they do not have an objection to this application. In their letter, the Environment Agency has drawn to the Council's attention a number of flooding related matters, including the that consideration should be given to the preparation of a Flood Warning and Evacuation Plan and the incorporation of Flood Resilient Measures and that consultation should take place with the Council's Emergency Planning Officer. Draft proposals have been submitted in respect of Flood Warning and Evacuation Plan and Flood Resilient Measures; conditions are recommended to cover these matters. The Emergency Planning Officer has not raised an objection to this application.
- 15.38 No changes are proposed to the external scale of the building and hence no adjustments to the existing surface water disposal arrangements are proposed (or required).

- 15.39 The submitted evidence indicates that the current proposal would not result in an increase in flood risk and, as such, the development will not conflict with the intentions of the development plan or the Framework in respect of flood risk

## **16.0 Conclusion**

- 16.1 National policy requires planning to be genuinely plan-led. The proposal is considered to accord with the relevant policies contained in the Council's adopted development plan. The NPPF makes it plain that the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF identifies three dimensions to sustainable development – economic, social and environmental. In respect of the first of these, the current proposal would provide economic benefits, for example in respect of employment during the construction phase. The loss of office accommodation weighs against this proposal however this is not considered to be significant. The social role of sustainable development is described as supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being. The proposal is considered to meet these objectives. In respect of the third dimension (environmental), the proposal will secure the long-term future of this listed building and will have a neutral impact on the character and appearance of the conservation area. There is also sufficient evidence to be confident that overall the development would not cause significant harm to the amenity of nearby residents, flood risk, noise pollution or have a severe impact upon the highway network; in terms of capacity or safety. Overall it is considered the positive environmental effects and sustainability of the proposal would weigh in favour of this scheme.
- 16.2 In conclusion, it is considered that the benefits of the scheme outweigh any adverse impacts and, as such, Members are recommended to resolve to grant planning permission and listed building consent subject to the conditions set out below.

## **17.0 Recommendation to the Committee**

- 17.1 The Officer recommendation to the Committee is for:

**APPROVAL** of planning permission (181805 – 7.3) subject to the following conditions:

### **1. ZAA - Time Limit for Full Permissions**

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. ZAX - \*Development to Accord With Approved Plans (qualified)\***

With the exception of any provisions within the following conditions, the development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 868/05 A 868/06 B and 868/07 received 7 August 2018.

Reason: For the avoidance of doubt as to the scope of this permission and in the interests of proper planning

**3 Non Standard Condition - Construction Management Plan**

Development shall not commence unless and until a Construction Management Plan ("CMP") has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved statement. The CMP shall include:

- a) Details of the storage of materials in connection with the construction of the development and contractor parking
- b) Methods of dust management;
- c) Working practices for protecting nearby residential dwellings, including measures to control noise and vibration arising from on-site activities shall be adopted as set out in British Standard 5228 Part 1: 2009; and
- d) Hours of works

Reason: In order to ensure that the construction takes place in a suitable manner and to ensure that amenities of existing residents are protected as far as reasonable.

**4 NonStandard Condition – Flood Resilient Measures**

Prior to the commencement of the development hereby permitted details of the Flood Resilient Measures to be incorporated within the scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To minimise flood risk of damage to property.

**5 Non Standard Condition – Flood Warning and Evacuation Plan**

Prior to the occupation of the units hereby permitted a Flood Warning and Evacuation Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Flood Warning and Evacuation Plan shall be adhered to at all times

Reason: To minimise flood risk to residents.

**6 Non Standard Condition - Vehicle Parking**

Notwithstanding the details submitted, a scheme for the treatment of the frontage boundary enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details subsequently approved.

Reason: To ensure that the proposed to the boundary alterations to River House safeguard the setting of this listed building and the character and appearance of the Wivenhoe Conservation Area.

**7 Non Standard Condition – Vehicle Parking**

Prior to the first occupation of the development, the vehicle parking area shall be laid out in accordance with a scheme that shall have previously been agreed by the Local Planning Authority and made available for the use of the residents. The vehicle parking area shall be retained in the approved form at all times and shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

Reason: To ensure that there is adequate parking provision to avoid on-street parking of vehicles in the adjoining streets in the interests of highway safety.

**8 ZCE - Refuse and Recycling Facilities**

Prior to the first occupation of the development hereby permitted, refuse and recycling storage facilities shall be provided in accordance with a scheme which shall have been previously submitted to and agreed, in writing, by the Local Planning Authority. Such facilities shall thereafter be retained to the satisfaction of the Local Planning Authority at all times.

Reason: The application contains insufficient information to ensure that adequate facilities are provided for refuse and recycling storage and collection.

**9 ZJA - Cycle Parking TBA**

Prior to the occupation of the development hereby permitted, and notwithstanding the details submitted, further of the cycle parking facilities shall be submitted to and approved, in writing, by the Local Planning Authority. The approved facility shall be secure, convenient and covered and shall be provided prior to occupation and retained for that purpose at all times thereafter.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety.

**10 ZGI - Sound Insulation on Any Building**

Prior to the occupation of the development as hereby permitted, the building shall have been constructed or modified to provide enhanced sound insulation against internally generated noise in accordance with a scheme devised by a competent person and agreed, in writing, by the Local Planning Authority. The insulation shall be maintained as agreed thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance, as there is insufficient information within the submitted application.

**18.0 Informatives**

18.1 The following informatives are also recommended:

**1.ZT0 – Advisory Note on Construction & Demolition**

The developer is referred to the attached advisory note *Advisory Notes for the Control of Pollution during Construction & Demolition Works* for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

## **2. ZTA - Informative on Conditions Stating Prior to Commencement/Occupation**

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via [www.colchester.gov.uk/planning](http://www.colchester.gov.uk/planning) or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.

## **3. ZTB - Informative on Any Application With a Site Notice**

PLEASE NOTE that a site notice was erected in a publicly visible location at the site. Colchester Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.

## **4. Non Standard Informative**

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.

## **5. Non Standard Informative**

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

## **Listed Building Conditions – 180807 (7.4)**

### **1. ZAB - Time Limit for LBCs**

The works hereby permitted shall begin before the expiration of 3 years from the date of this consent.

Reason: To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

### **2. ZLA - Only Works Shown Within Application**

This approval is limited to the works shown on the approved drawings and does not indicate approval for associated or enabling works that may be necessary to carry out the scheme. Any further works must be submitted to and approved, in writing, by the Local Planning Authority prior to any works commencing.

Reason: For the avoidance of doubt as to the scope of the permission and to ensure that the historic building is preserved from any other potentially harmful works.

### **3. Non Standard Condition – Additional drawings**

Prior to commencement of the works, additional drawings that show details of proposed new walls, mezzanine floors (including method of support and detailing of junctions with existing windows) and stairs by section and elevation, at scales between 1:50 and 1:10, as appropriate, shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved additional drawings.

Reason: There is insufficient detail with regard to this to protect the special character and architectural interest and integrity of the building in accordance with the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **4. ZLR - Making Good**

Within one month of the works being carried out, all adjoining surfaces which have been disturbed by the works (including brickwork, plaster and floor tiles) shall be made good with materials and finishes to match those of existing undisturbed areas surrounding the new opening.

Reason: In order to preserve the historic character of the listed building.