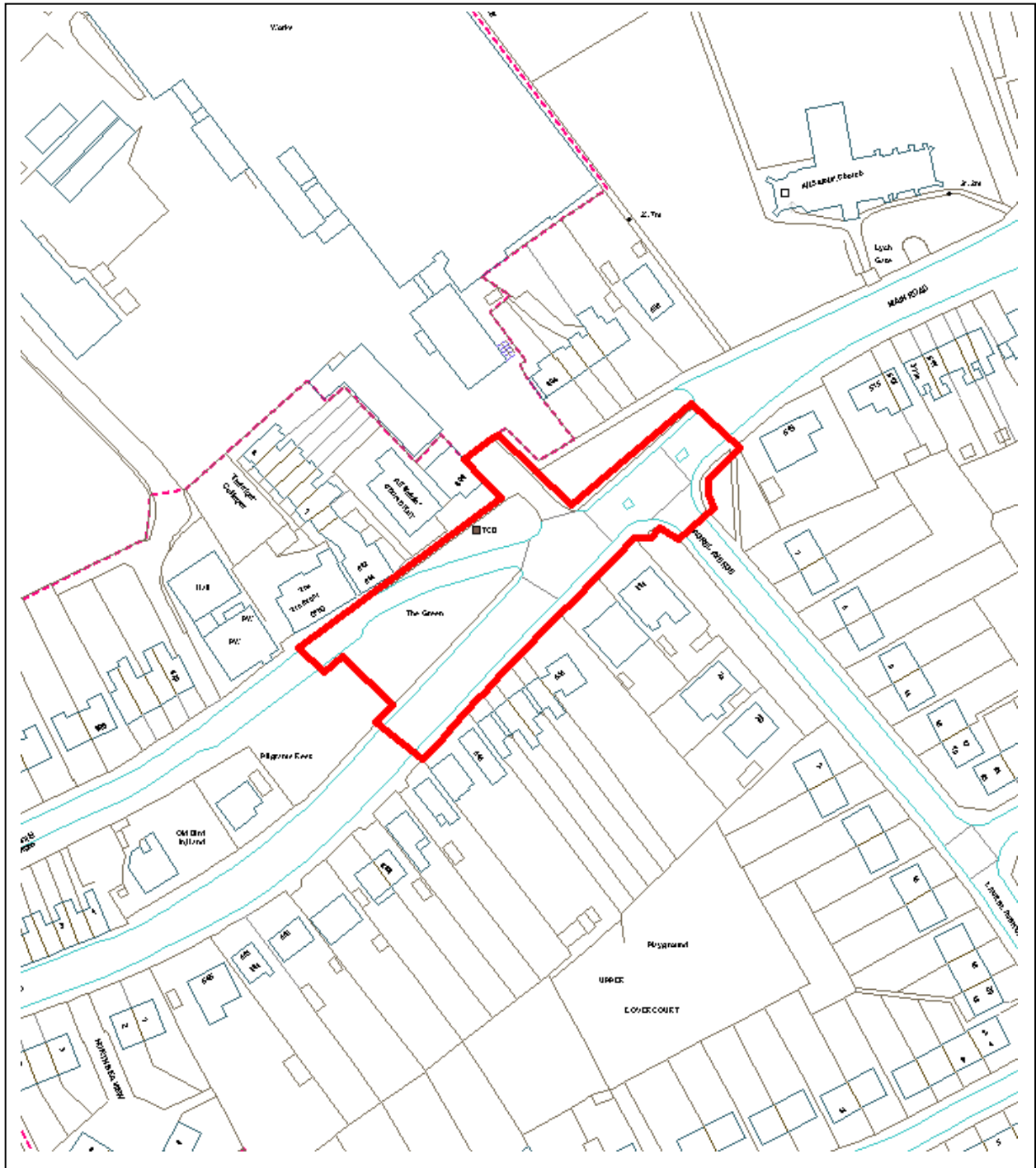


PLANNING COMMITTEE

23 AUGUST 2011

REPORT OF THE TEMPORARY HEAD OF PLANNING

**A.3 PLANNING APPLICATION - 11/00117/FUL - 606 MAIN ROAD , HARWICH, ESSEX, CO12 4LW**



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<b>Application:</b>	11/00117/FUL	<b>Town / Parish:</b> Harwich Town Council
<b>Applicant:</b>	Scott Properties - Mr Martin Scott	
<b>Address:</b>	606 Main Road Harwich Essex CO12 4LW	
<b>Development:</b>	Proposed new three arm mini roundabout junction on Main Road just to the south west of existing mini roundabout at the junction with Laurel Avenue, thereby creating a 'double mini roundabout', (including change of use from Village Green to highway and vice versa).	

## 1. Executive Summary

### **Recommendation: Approve**

#### **Conditions:**

- Time Limit
- No development permitted by this planning permission shall be implemented unless and until planning permission has been granted for the redevelopment of the Delfords site requiring access to the said land edged Blue to be provided in the manner hereby permitted
- Parking for existing businesses to be provided
- Mud/Debris measures
- Landscaping Scheme
- Implementation of Landscaping Scheme
- Approved Plans

#### **Reason for approval:**

The proposal, for a new three arm mini roundabout junction on Main Road just to the south west of existing mini roundabout at the junction with Laurel Avenue, thereby creating a 'double mini roundabout', (including change of use from Village Green to highway and vice versa), is considered to be in accordance with the provisions of the Tendring District Local Plan (2007). The Local Planning Authority, having had regard to all planning considerations material to the determination of this application, including particularly the layout and highway matters of development proposed and all consultations and representations made in connection with the application, conclude that the proposal accords with the provisions of the development plan as applicable to it, including the policies and proposals noted below, and in the absence of any material adverse impact resulting from the development consider that there are no material grounds which justify its refusal.

## 2. Planning Policy

### National Policy:

Draft National Planning Policy Framework

PPS1            Delivering Sustainable Development

PPG13 Transport

Regional Planning Policy:

SS1 Achieving Sustainable Development

T8 Local Roads

T14 Parking

Local Plan Policy:

Tendring District Local Plan 2007

QL2 Promoting Transport Choice

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

COM1 Access for All

COM7 Protection of Existing Recreational Open Space

EN6 Biodiversity

TR1 Transport Assessment

TR1A Development Affecting Highways

TR3A Provision for Walking

TR7 Vehicle Parking at New Development

Core Strategy and Development Policies Proposed Submission Draft (2010)

CP3 Securing Facilities and Infrastructure

CP4 Transport and Accessibility

CP5 Achieving a Sense of Place

DP1 Design of New Development

Other guidance:

Essex County Council Car Parking Standards - Design and Good Practice

**3. Relevant Planning History**

00/01658/OUT	Erection of dwellings and change of use from employment/business allocation to residential.	Refused	08.03.2001
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96/01623/FUL	(Pelcombe Ltd, 606 Main Road, Dovercourt) Change of use to bakery part of existing social club/ training building and minor elevational change	Approved	31.01.1997
97/01550/FUL	Storage area for materials and equipment in existing buildings and portakabin for use as office with toilet facilities	Approved	26.02.1998

#### 4. Consultations

TDC Leisure Services            No response received.

ECC Highways Dept            No objection subject to conditions:

- No development taking place unless required to facilitate any subsequent planning permission granted for wider site area requiring the highway improvements hereby permitted;
- No vehicular access off proposed access to site known as 606 Main Road, Harwich, to the front of any of the properties either side of the proposed access, and
- Measures to be provided to ensure no mud and/or debris is deposited on the public highway by any vehicle associated with construction of the proposal.

TDC Asset Management Team    The application site area includes land within the ownership of Tendring District Council. The Council has not yet reached a formal decision on whether to make the land available.

Harwich Town Council	Harwich Town Council objects on the grounds that protected land should not be interfered with until such time there is evidence that the junction needs altering.
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#### 5. Representations

5.1    16 letters of objection and 2 letters of support have been received. A summary of the content of the letters of objection and the Officer response is set out below:

- Unnecessary severance of registered Village Green.

*Officer Response – The proposal is for improvements to the highway network in order to facilitate future redevelopment of the former Delfords site. The Village Green is already severed by an access way and this proposal will only result in a differing configuration in this regard. Condition recommended that works are only implemented if considered necessary to serve any future development approved at the Delfords site.*

- Development will cause congestion.

*Officer Response – Essex County Council Highways raise no objection in this regard.*

- Highway safety concerns.

*Officer Response – Essex County Council Highways raise no objection in this regard.*

- Village Green should not be chipped away for financial advantage of others.

*Officer Response – Deregistration of Village Greens is a separate process to the planning process. The matter of loss of Village Green is discussed in the Assessment section of this report.*

- Main Road needs sleeping policeman as traffic calming measures.

*Officer Response – This aspect does not form part of the proposals nor have been considered necessary by Essex County Council Highways. Such a proposal to a main road would not accord with ECC policy in any event.*

- Devaluation of property.

*Officer Response – This is not a material planning consideration.*

- If approved a dropped kerb should be provided to my property.

*Officer Response – This is not appropriate or necessary to make the development acceptable in planning terms.*

- Loss of parking on existing access.

*Officer Response – This access allows vehicles to pass and re-pass but does not provide entitlement to park. Accordingly the loss of this access way to vehicle parking is not a sustainable reason for refusal.*

- Proposals are to aid the sale of the property on the application to a superstore.

*Officer Response – No application for a superstore has been received. In any event, the application has to be considered on its own merits. In this instance the scheme would only be considered acceptable if necessary to serve any future re-development, as may be approved at a later date. A controlling condition to this effect is proposed.*

- Entrance should be from A120 to avoid HGV's and pollution to the area.

*Officer Response – Access from the A120 does not form part of the application. In addition, the site does not adjoin the A120. In any event, it is the future re-development of the larger site area which will reveal proposed vehicle movements. This application will not in itself result in any increased HGV's or pollution as the scheme can only be implemented if necessary to serve any future re-development, as may be approved at a later date. A controlling condition to this effect is proposed.*

- I will not be able to park outside my home if scheme approved.

*Officer Response – No changes are proposed to the south side of Main Road other than the area for the mini-roundabout.*

- Existing businesses would be affected.

*Officer Response – Service road frontage will remain for existing businesses.*

- Existing right of access (and right of sewerage to main sewer) dating back to 1835 to the front and rear of 608 Main Road. Proposals will contravene these rights.

*Officer Response – This is a civil matter between the parties involved. However, parking and access arrangements are acceptable in planning terms.*

The following summarised comments are raised in support of the application:

- Better access to Delfords site and amenities;
- Improve highway safety;
- Improvements to area may kick-start local economy;
- Existing road layout is not good and proposals will benefit local businesses, and
- Site used to employ 100's of people.

5.2 Copies of all written observations on the application before you for determination are available for inspection up to and including the date of the meeting during normal office hours at the Council Offices, Weeley. Please advise Planning Reception if you wish to see them to ensure the file is available. The file containing the observations will be available in the Council Chamber half an hour before the commencement of the meeting.

## 6. Assessment

The main planning considerations are:

- Context;
- Description of Proposal;
- Principle of Development;
- Highway Considerations; and,
- Impact on Village Green.

### Context

6.1 The application site is formed of part Main Road, part Village Green and part existing access to the former Delfords site in Dovercourt. The former Delfords site supports a derelict factory building and associated structures and is currently accessed via a priority junction serving an access road directly onto Main Road. Most of the Village Green is defined as Protected Existing Open Space within the Local Plan, with the exception of the two easternmost land parcel elements (forming part of the application site area).

### Proposal

6.2 The proposals are for a three arm mini roundabout junction on Main Road just to the south west of the existing mini roundabout at the junction with Laurel Avenue and the creation of a 'double mini roundabout'. The proposal also includes a change of use from Village Green to highway and vice versa. The resultant development will provide an improved and enlarged access to the former Delfords site.

6.3 The scheme involves 131 square metres of land being converted from Village Green to highway land with a further 131 square metres being converted from existing highway to new Village Green. In addition, 67 square metres of existing Village Green will be converted to footway.

6.4 The applicants have submitted supporting information stating that the Delfords site previously employed over 100 people and that it is vital for the local economy that this site is brought back into economically productive use. For this to be achieved it is stated by the applicant that this will not be possible unless the existing access to the site is improved. Two issues with the existing access have been identified by the applicant:

- It does not meet modern standards for safety and capacity, and
- It also crosses third party land, which is neither adopted public highway nor subject to any express private right of way.

- 6.5 In order to overcome the identified issues it is proposed that some of the land currently owned by Tendring District Council and some currently registered as Village Green will need to be acquired and/or adopted as public highway. Without overcoming these issues the applicant considers there to be an inherent risk for any potential investor for the Delfords site.

### **Principle of Development**

- 6.6 In essence this proposal is for highway improvements, anticipated to serve the future redevelopment of the Delfords site. In principle there is no objection to highway improvements subject to no harm being caused to highway safety or convenience.
- 6.7 In this instance the proposals also result in the reconfiguration and net loss (the 67m<sup>2</sup> converted to footway) of Village Green. Whilst not objectionable in principle, careful consideration is required as to the impact of such a loss.

### **Highway Considerations**

- 6.8 It is the policy of the Local Planning Authority, as contained within Policy TR1a of the adopted Tendring District Local Plan (2007) that development should not harm highway safety or cause inconvenience to traffic.
- 6.9 In this instance the Highway Authority raises no objection to the scheme, subject to the development being necessary to serve any future redevelopment of the former Delfords site. Accordingly a controlling condition to this effect is recommended, stating:
- "No development permitted by this planning permission shall be implemented unless and until planning permission has been granted for the redevelopment of the land edged in BLUE on drawing no. 210140/01 dated Nov-10 requiring access to the said land edged Blue to be provided in the manner hereby permitted. The development hereby permitted shall be carried out in accordance with a time scale to be agreed in writing with the Local Planning Authority."*
- 6.10 Your officers consider that such a condition is necessary to make this development acceptable in planning terms, as the extent of highway works proposed in the absence of any defined current need, would result in unnecessary disruption and inconvenience to users of the highway. Furthermore, the scale of works proposed is such that, they would only be required to facilitate the most intensive form of traffic-generating development. Lesser forms of development may not require such extensive works. Accordingly, in light of the proposal being otherwise unacceptable in planning terms and in the absence of any certainty as to the redevelopment of the Delfords site, the suggested condition is considered necessary and in accordance with Circular 11/95.
- 6.11 The applicant does not agree that such a condition should be imposed stating that such action would be counter-productive in the context of maximising the regenerative prospects of the site. Officers do not agree with this assertion for the reasons specified above.
- 6.12 A number of highway safety concerns were raised by local residents and these are addressed above. Essentially, officers are satisfied that there will be no detrimental impact upon highway safety or convenience (subject to no commencement of the scheme unless required – see paragraph 6.7).

6.13 Additionally, the restriction of access to existing property will also lead to difficulties in parking provision for these buildings. In this regard it is proposed to accommodate the displaced parking within the existing former Delfords site area. The imposition of a controlling condition to this effect would ensure adequate off-road parking provision would remain.

#### **Impact on Village Green**

6.14 There are two aspects to this element of the proposals.

6.15 Firstly, the impact on visual amenity and access/use of the site. Secondly the need for deregistering of this part of the Village Green.

6.16 In relation to the first elements, officers consider that there will be minimal impact on visual amenity or accessibility/usage of the site. Indeed, it is arguable that the scheme will result in an improvement in terms of a better regularisation of the space and better provision of footways around the revised area.

6.17 In terms of Village Green deregistration this is a separate process to the planning process and therefore not material to the outcome of this application. Tendring District Council is the landowner in this instance.

6.18 Whilst the applicant has raised concerns that the imposition of the suggested controlling commencement condition will be counter-productive, officers maintain the view that such a condition is required for the reasons specified above.

#### **Background Papers**

None