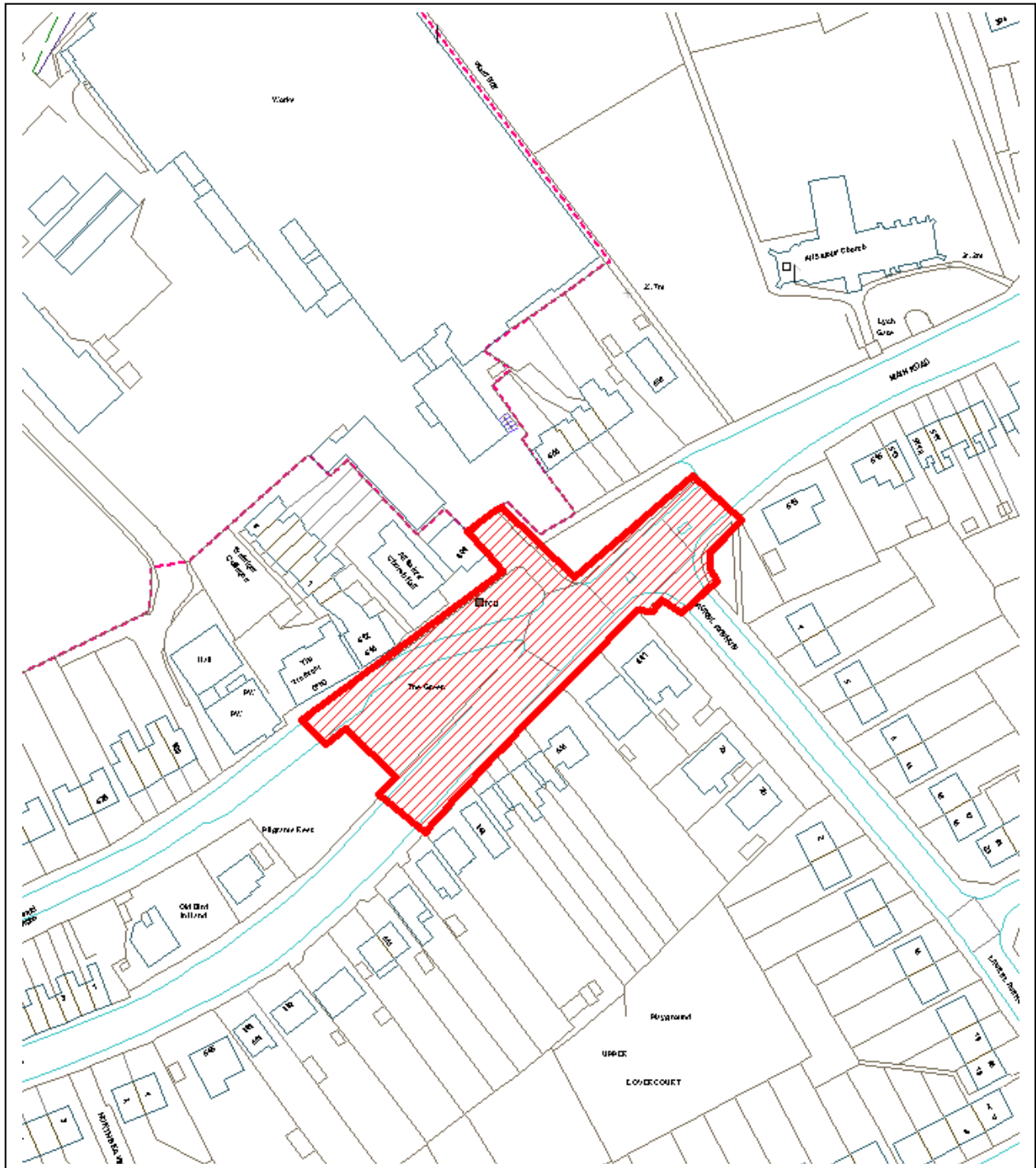


PLANNING COMMITTEE

18 October 2011

REPORT OF THE TEMPORARY HEAD OF PLANNING

A.6 PLANNING APPLICATIONS - 11/00117/FUL - 606 MAIN ROAD , HARWICH, ESSEX, CO12 4LW



DO NOT SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Application:	11/00117/FUL	Town / Parish: Harwich Town Council
Applicant:	Scott Properties - Mr Martin Scott	
Address:	606 Main Road Harwich Essex, CO12 4LW	
Development:	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

- 1.1 The application was deferred at the 23 August, 2011 meeting of the committee so that officers could seek to identify, in consultation with the applicant, alternative land in the vicinity of the site that could offset the loss of village green as a result of the development.
- 1.2 Officers have been able to identify land with the ownership of the applicant which would provide 100m² of open space adjacent to the existing village green that could replace the 67m² of village green that would be lost to the development. The transfer of the land to the Council and securing a payment for the future maintenance of the land are matters that would need to be covered in a Section 106 agreement.
- 1.3 Subject to the prior completion of such an agreement approval is again recommended to include an additional condition to cover the landscaping of the area of new open space. The statutory process for the deregistration of village green and to remove highway rights would need to be completed prior to the commencement of development. An informative is proposed accordingly.
- 1.4 A copy of the original report is appended.

Recommendation: Approve

That the Temporary Head of Planning Services (or equivalent authorised officer) be authorised to grant planning permission for the development subject to:-

- (a) Within 4 months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (and any further terms and conditions as the Temporary Head of Planning Services (or the equivalent authorised officer) and/or the Head of Legal Services and Monitoring Officer in his or her discretion consider appropriate.
 - To landscape an area of land to the east of the site entrance adjacent to 604 Main Road, Harwich together with an agreed maintenance sum and to offer the land to the Council at nil cost to replace the village green lost through the development;
 - Monitoring Fees
 - Legal Fees
- (b) Planning conditions in accordance with those set out in (i) below (but with such amendments and additions, if any, to the detailed wording thereof as the Interim Head of Planning (or the equivalent authorised officer) in their discretion considers appropriate) and

with the reason for approval set out in (ii) below.

- (c) The Interim Head of Planning (or the equivalent authorised officer) be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of four months, as the requirements necessary to make the development acceptable in planning terms has not been secured through S106 planning obligation, contrary to Local Plan policy QL12.

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 Schemes, including land adjacent to existing site access
- Implementation of Landscaping Schemes
- 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.

Informative:

The proposed development affects land that is registered as a village green and public highway. The statutory processes needed to deregister the village green land and remove highway rights will have to be completed prior to any development under this permission being commenced. If required as part of the process for the de-registration of village green the developer will need to make alternative land available to the Council to enable this process to take place. The replacement land may include the land that will be offered to the Council under the S106 agreement as replacement land for recreational use by the public. The registration of this land as village green does not alter the agreement to pay a commuted sum for the maintenance of the offered land.

2. Assessment

- 2.1 At the 23 August meeting members expressed concern about the net loss of open space, which is also registered village green, arising from this proposal. Officers explained at the meeting that this would amount to 67m² and was required to provide footways for the new road layout. The footways are a requirement of the Highway Authority.

- 2.2 Consideration of the application was deferred to enable officers to investigate whether there was any other land in the vicinity that could be provided to replace this loss. In response to this the applicant has offered land between the site access and 604 Main Road. This amounts to 100m². The land is separated from the existing village green by a footway, but is contiguous with the Council's land ownership. The land would be landscaped and grassed by the applicant in accordance with a scheme to be submitted under the planning permission. The land would then be offered to the Council with a commuted sum for the future maintenance of the land.
- 2.3 The statutory process for the registration and de-registration of the various pieces of village green would need to be undertaken following a grant of planning permission under separate legal provisions as would the statutory process for the removal of highway rights. The need to follow these processes is entirely separate from the consideration as to whether planning permission should be granted and, in the event planning permission is granted the development could not take place until these processes has been completed. An appropriate informative is now recommended.
- 2.4 It is a material consideration that part of the existing village green is required for this roundabout development. The main planning issue for members is whether the existing open space is adequately protected under policy COM7 and whether the reconfigured open space, including the additional area now being offered, provides a satisfactory alternative.
- 2.5 The village green in this location is fragmented and the reconfiguration of the highway will provide for larger and more manageable areas. The function and the use of the village green would not be significantly altered and could be considered to result in an improvement. The offer of land by the applicant would provide for a larger open area of land. In these circumstances officers consider that the village green in this location would be adequately safeguarded in accordance with policy COM7 and it is clearly appropriate for the land offered by the applicant to be secured by the Council for future public use at this stage
- 2.6 The Commons Act 2006 provides a procedure whereby an owner of land can apply to voluntarily register it as village green and, as part of the separate statutory process the Council may seek to do that in relation to the land the applicant is offering to the Council to make up for the loss of village green land.
- 2.7 Further consultations have been undertaken with neighbours and the Town Council with regard to the replacement land proposed by the applicant. Eight further letters have been received in response maintaining previous objections. No specific reference or objection is made in the letters to the proposed replacement land.

Appendix:

Committee report of 23rd August 2011

PLANNING COMMITTEE

23rd AUGUST 2011

REPORT OF THE TEMPORARY HEAD OF PLANNING

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

Application:	11/00117/FUL	Town / Parish: Harwich Town Council
Applicant:	Scott Properties - Mr Martin Scott	
Address:	606 Main Road Harwich Essex CO12 4LW	
Development:	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
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 a 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.
----------------------	---

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 67m² 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