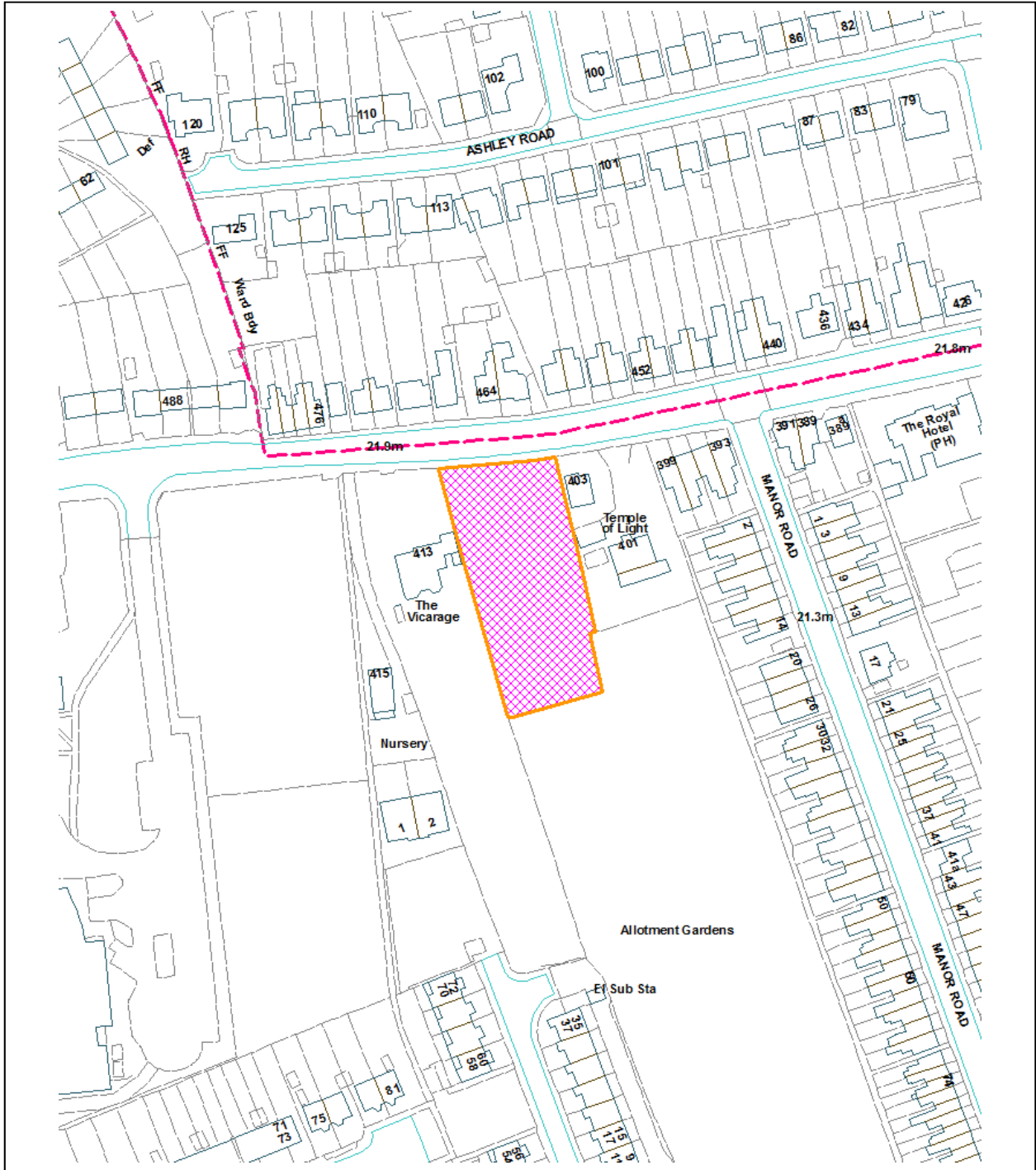


PLANNING COMMITTEE

28 APRIL 2015

REPORT OF THE HEAD OF PLANNING

**A.2 PLANNING APPLICATION - 14/01782/FUL - 407 MAIN ROAD, HARWICH, CO12 4EU**



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<b>Application:</b>	14/01782/FUL	<b>Town / Parish:</b> Harwich Town Council
<b>Applicant:</b>	G & K Ground Works - Mr G Smith	
<b>Address:</b>	407 Main Road, Harwich, CO12 4EU	
<b>Development:</b>	Erection of 24 one bed residential flats with associated parking and amenity space.	

## 1. Executive Summary

- 1.1 This application was deferred from the Planning Committee on the 31<sup>st</sup> March 2015 to allow officers the opportunity to negotiate an alternative site layout with the applicants in order to try and address the concerns with regard to potential overlooking issues from the east elevation of block A and the north elevation of block B to the neighbouring single storey property. These issues are discussed at the end of this report under paragraph 7.
- 1.2 The application has been called to Planning Committee by Cllr. Henderson on the basis that it would result in harm to the character of the area, highway impacts and harm to the amenities of neighbours.
- 1.3 Harwich is identified as a town within Policy QL1 of the Tendring District Local Plan (2007). Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan. Policy QL1 identifies that these larger 'towns' offer the widest choice of facilities and services. In consideration of sustainability, they also offer the largest amounts of previously developed land, which is preferred to undeveloped land when considering new development allocations. On this basis it is considered that growth in these areas can be supported.
- 1.4 With reference to the above the site is located within the development boundary for Harwich as identified within both the Adopted Tendring District Local Plan (2007) and the Tendring District Local Plan Proposed Submission Draft (2012). In addition it is noted that outline planning permission 05/01356/OUT accepted the principle of residential re-development of this site which is a material consideration.
- 1.5 The current scheme represents a resubmission of a previously refused scheme, 14/14/00771/FUL, for 24 two bedroom flats. Both the current and previous schemes are identical in terms of built form to the final scheme approved under planning reference 06/00808/DETAIL. However, the scheme has been changed from no.24 X 2 bed flats to no.24 X 24 1 bed flats.
- 1.6 The National Planning Policy Framework sets out that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 1.7 It is accepted that the Council cannot demonstrate a deliverable 5 year housing land supply and so the Tendring District Local Plan (2007) Policy QL1, cannot be considered up-to-date as set out in paragraph 49 of the NPPF.
- 1.8 Paragraph 14 of the NPPF sets out that where relevant policies are out-of-date planning permission should be granted unless any adverse effects of doing so would significantly

and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. On this basis and having regard to paragraphs 14 and 49 of the NPPF, the presumption in favour of sustainable development carries significant weight.

- 1.9 Officers conclude that the proposed development would satisfy the 3 dimensions of 'sustainable development' as outlined in the NPPF, whilst also being resulting in a scheme that could comply with Policies QL9, QL10, QL11, HG3, HG6, HG7, HG4, TR1A, TR7, ER3 of the Tendring District Local Plan (2007) as well as Policies SD7, SD8, SD9, PEO7, PEO3, PEO4, PRO14 and PEO10 of the Tendring District Local Plan Proposed Submission Draft (2012) (as amended).and on this basis it is considered that, subject to compliance with other relevant Policies in the Local Plan, the principle of residential development of this site is acceptable.

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

- a) Within 6 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 (where required):

**Affordable Housing contribution**

- 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 Head of Planning (or the equivalent authorised officer) in their discretion considers appropriate).

**Conditions:**

1. Standard time limit
2. Development in accordance with plans
3. Landscaping condition Existing and proposed site and finished floor levels
4. Details of materials
5. Hard and soft landscaping
6. All hard and soft landscaping implementation
7. Landscaping – Five year clause
8. Details of boundary treatments
9. Details of refuse storage/collection points
10. Site lighting strategy
11. Construction Method Statement
12. Parking in line with adopted Parking Standards
13. Details of a surface water management strategy
14. No dwellings/premises to be occupied until the surface water drainage strategy is carried out
15. Details of new driveways and parking areas
16. Scheme for provision and implementation of water, energy and resource efficiency measures, during the construction
17. Details for the disposal of surface water
18. Bicycle storage facilities provided prior to occupation
19. Vehicular access in accordance with the details shown in Drawing Numbered 14/07/05 A
20. Existing and proposed site and finished floor levels
21. Retention of existing hedges and trees
22. Details quantifying any shading caused by trees to any main living rooms which face to the west

c) That the Head of Planning (or the equivalent authorised officer) be authorised to refuse outline planning permission in the event that such legal agreement has not been completed within the period of 6 months, as the requirements necessary to make the development acceptable in planning terms had not been secured through S106 planning obligation, contrary to saved policy HG4 of the Tendring District Local Plan (2007) and draft policies PEO10 of the Tendring District Local Plan Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014).

## 2. Planning Policy

### National Policy

National Planning Policy Framework (NPPF)

### Regional Policy

Essex County Council Car Parking Standards - Design and Good Practice

### Local Policy

Tendring District Local Plan 2007

QL1	Spatial Strategy
QL9	Design of New Development
QL10	Designing New Development to Meet Functional Needs
QL11	Environmental Impacts and Compatibility of Uses
HG3	Residential Development Within Defined Settlements
HG6	Dwelling Size and Type
HG7	Residential Densities
HG13	Backland Residential Development
HG4	Affordable Housing in New Developments
TR1A	Development Affecting Highways
TR7	Vehicle Parking at New Development
ER3	Protection of Employment Land
COM26	Contributions to Education Provision
COM6	Provision of Recreational Open Space for New Residential Development
HG4	Affordable Housing in New Developments

Tendring District Local Plan: Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014)

SD1	Presumption in Favour of Sustainable Development
SD2	Urban Settlements
SD5	Managing Growth
SD7	Securing Facilities and Infrastructure
SD8	Transport and Accessibility
SD9	Design of New Development
PEO7	Housing Choice
PEO3	Housing Density
PEO4	Standards for New Housing
PEO6	Backland Residential Development
PEO10	Council Housing
PEO22	Green Infrastructure in New Residential Development
PRO14	Employment Sites
PRO3	Improving Education and Skills

**3. Relevant Planning History**

05/01356/OUT	Demolition of existing building and redevelopment of the site for residential use	Approved	16.11.2005
06/00157/DETAIL	Demolition of existing building. Construction of 24 flats, with parking & cycle stores.	Withdrawn	20.04.2006
06/00808/DETAIL	Demolition of existing health centre and construction of 24 flats. With parking and cycle stokes reserved matters application. REF: 05/01356/OUT	Approved	29.08.2006
14/00622/DEMCON	Demolition of former health centre/clinic.	Determinati on	28.05.2014
14/00771/FUL	Erection of 24 residential flats with associated parking & amenity space.	Refused	24.09.2014

14/01782/FUL

Erection of 24 one bed residential flats with associated parking and amenity space.

Current

#### 4. Consultations

- 4.1 Environment Agency No comment as development falls below 1 hectare in Flood Zone 1
- 4.2 ECC Highways Dept Erection of 24 one bed residential flats with associated parking and amenity space.

AMENDED PLANS RECEIVED 10 FEBRUARY 2015

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

1. Prior to occupation of the proposed development, a (communal) bin/refuse collection point shall be provided within 25m of the highway boundary or adjacent to the highway boundary and additionally clear of all visibility splays at the access.

Reason: To minimise the length of time a refuse vehicle is required to wait within and cause obstruction of the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2. The development shall not be occupied until such time as the car parking area, indicated on the approved plans has been hard surfaced, sealed and marked out in parking bays. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

3. The bicycle storage facilities as shown on the approved plan are to be provided prior to the first occupation of the development and retained at all times.

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

4. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials
  - iii. storage of plant and materials used in constructing the development
  - iv. wheel washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

4. Prior to the occupation of the proposed dwelling, the proposed vehicular access shall be provided in precise accord with the details shown in Drawing Numbered 14/07/05 A and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason: To ensure that all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

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

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

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

- 4.4 Environmental Health No comments received
- 4.5 Regeneration No comments received
- 4.6 Housing Services - This service would be reluctant to purchase units as affordable housing in a block where we would not own the freehold and this is something that other registered providers have mentioned in the past where blocks of flats are proposed. In light of this, rather than seeking on site provision, a financial contribution would be preferred in this instance.
- 4.7 Principal Tree & Landscape Officer - There are three small decorative trees situated on the front of the site on the boundary with the highway. They are Purple Leaved Plums that make a reasonable contribution to the appearance of the area. All three trees are shown as being retained and will therefore enhance the appearance of the completed development.
- 4.8 To the west of the site the land is affected by a Tree Preservation Order that affords protection to a number of established trees. Taking into account the existing metalled surface on the application site combined with footprint of the demolished Healthcare building it is considered that there will be minimal root activity from these trees within the application site. Therefore the development proposal is unlikely to cause direct harm to the roots of the trees.
- 4.9 As the trees are on the western boundary they will cause shading of the application site. The degree to which this will affect the development proposal has not been quantified in the planning application.
- 4.10 If any of the main living rooms of any of the units face west then an assessment of the shading impact of the trees should be provided prior to the determination of the planning application.

- 4.11 The upper branches of the trees also encroach onto the application site by several metres. It is not clear from the application whether it is intended to reduce the amount of overhang. Any such works would need to be the subject of a formal application made under the tree preservation order affecting the trees as it does not appear essential to carry out such works in order to complete the development.
- 4.12 Anglian Water Services Ltd - No objection subject to Water Management Strategy condition
- 4.13 ECC Highways Dept - The Highway Authority would wish to raise an objection to the above application for the following reasons:
- 4.14 As far as can be determined from the submitted plans the proposal fails to provide off street parking spaces with dimensions in accord with current Parking Standards which is likely to lead to vehicles being left parked in the access route or adjacent highway causing conditions of danger, obstruction or congestion contrary to highway safety and Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.
- 4.15 The proposal is therefore contrary to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.
- 4.16 Informative: The proposed size 3 turning facilities can be omitted on the provision of sufficient refuse/recycling storage facilities being relocated to within the 25m carry distance from the highway for refuse collection operatives.
- 4.17 ECC Schools Service No comments received
- 4.18 Open Space - It is noted that the development is for 1 bedroom flats only and therefore an open space and play contribution is not applicable.

## **5. Representations**

### **5.1 Harwich Town Council**

Harwich Town Council recommends refusal on the grounds that the nature of the proposed development will result in an unacceptable and unwarranted level of intrusion and overlooking to existing properties. Furthermore the committee is mindful that whilst the level of parking may meet statutory requirements, it may be insufficient for a main road location. We would request that all trees on site are checked for Tree Protection Orders and that protection of the trees is given due consideration; and would further advise the planning authority that it has been brought to HTC's attention that statements made by the applicant regarding permissions from third parties may be inaccurate and should be checked for authenticity. Finally should officers be minded to approve the application we request that it is not determined under delegate authority but is put before the Planning committee for determination.

### **5.2 Neighbours**

6 Letters of objection have been received from two local residents. The matters raised can be summarised as follows (Officer comments in brackets):

- Overbearing development (Scheme is similar in scale to that approved under planning reference 06/00808/DETAIL)
- Out of character with the area (Scheme is similar in design and appearance to that approved under planning reference 06/00808/DETAIL)



- Noise and disturbance (The development is located in an urban area where a certain amount of noise would be expected. Any unreasonable levels of noise would be controlled through separate legislation)
- Highway issues as a result of the scheme (The Highways Authority raised no objection to the proposal. Proposed parking complies with the Council's Adopted Standards)
- Disturbance and air pollution from cars at the proposed development (The principle of residential development of this site in the manner proposed has previously been approved under reference 06/00808/DETAIL)
- Loss of privacy (The scheme is identical in terms of its internal layout and fenestration arrangement as previously approved under 06/00808/DETAIL)
- Inaccuracies in submitted details as relate to adjacent parking areas that are private and not public as claimed, loss of privacy and overbearing development with regard to adjacent residential dwellings (The current scheme makes provision for off street parking in accordance with the Council's Adopted Standards whilst as previously mentioned the scale, bulk, internal layout and fenestration arrangements have remained unchanged from those approved under 06/00808/DETAIL. During the site visit it was confirmed that there are indeed some inaccuracies in the submission but these do not make the application invalid)
- Existing trees to front of site (These trees are shown to be retained. A condition will be attached to any approval requiring their continued retention)

## 6. **Assessment**

The main planning considerations are:

- Site Context;
- Proposal;
- Principle of development;
- Suitability of the site for housing;
- Character and Appearance;
- Residential amenity;
- Highway Considerations;
- Open Space and Play, and;
- Financial contributions

### **Site Context**

- 6.1 This application relates to a rectangular shaped parcel of land on the southern side of Main Road, Dovercourt. The Dovercourt Health Centre used to occupy the part of the site before it was demolished. This building footprint is slightly set back from the highway, vehicular access is in a slightly off centre position, close to the boundary with 'The Vicarage'. A staff parking area is provided to the front of the building and there are a number of trees along the boundary of the site and the highway. Additional parking is provided to the rear of the site together with garage blocks.
- 6.2 The area is predominately residential in character, however there is a chemist, takeaway and Church in close proximity. To the immediate west of the site is a property known as the Vicarage. To the east of the site is a detached chalet bungalow; behind this is a single storey building. To the south of the site are allotments, the boundary consists of a close boarded fence separating the site from this land use.

## **Proposal**

- 6.3 Construction of 24 one bedroom flats with associated parking and amenity facilities an represents an amendment to a previously refused scheme, 14/00771/FUL, for 24 two bedroom flats.
- 6.4 The scheme is identical in terms of its scale, bulk, mass, design, layout and appearance as that approved under application reference 06/00808/DETAIL.
- 6.5 The application has been submitted because the previous planning permission was not implemented within the timescales specified within condition 1 of outline planning permission 05/01356/OUT and so lapsed.
- 6.6 Planning application 14/00771/FUL proposed the same buildings as the current application but to accommodate 24 X 2 bed properties rather than 24 X 1 bed properties now proposed. That application was refused in September 2014. The reason for refusal related to the loss of a community facility and employment site, lack of contribution to play space, lack of affordable housing provision and inadequate parking. These issues have been addressed in the current submission, as will be detailed in this report.

## **Assessment**

### **Principle of development**

- 6.7 The National Planning Policy Framework (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 6.8 The policies contained within the NPPF are a material consideration and should be taken I into account for decision-making purposes. The National Planning Policy Framework states housing applications should be considered in the context of the presumption in favour of sustainable development.
- 6.9 The NPPF, at Para 56, states that The Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development, indivisible from good planning, and should contribute positively to making places better for people.
- 6.10 In relation to highway matters the NNPF advises that, amongst other things, safe and suitable access to the site should be achieved for all people. Paragraph 58 states that local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs.
- 6.11 Paragraph 215 of the NPPF states that for local plan policies which were adopted in accordance with the 1990 Town and Country Planning Act due weight should be given in accordance with their degree of consistency with the NPPF. For housing development, central government policy set out in the NPPF seeks to achieve sustainable development, making more efficient use of 'Brownfield' sites.

### **Suitability of the site for housing**

- 6.12 Harwich is identified as a town within Policy QL1 of the Tendring District Local Plan (2007). Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan. Policy QL1 identifies that these larger 'towns' offer the widest choice

of facilities and services. In consideration of sustainability, they also offer the largest amounts of previously developed land, which is preferred to undeveloped land when considering new development allocations. On this basis it is considered that growth in these areas can be supported. .

- 6.13 With reference to the above the site is located within the development boundary for Harwich as identified within both the Adopted Tendring District Local Plan (2007) and the Tendring District Local Plan Proposed Submission Draft (2012). In addition it is noted that outline planning permission 05/01356/OUT accepted the principle of residential re-development of this site and the buildings approved (06/00808/DETAIL) are the same as those currently proposed, which is a material consideration.
- 6.14 The current scheme would be identical in terms of its design, scale, bulk and appearance to the final scheme approved under planning reference 06/00808/DETAIL and on this basis it is considered that, subject to compliance with other relevant Policies in the Local Plan, the principle of residential development of this site is acceptable.

### **Character and Appearance**

- 6.15 The street scene within this locality creates considerable interest, together with some variations in built form. The previous building on the site was of no particular architectural merit and, other than containing a two-storey built form, did little to contribute to the visual character of the area.
- 6.16 In general, 2 and 2.5-storey development dominates the street scene in this area. No. 403 Main Road, however, which is to the east of the site, is a bungalow and does appear as an anomaly within the street scene.
- 6.17 Further to the west, the terrace of buildings that make up 393-399 Main Road are an attractive block, including arched windows and wall-head dormers that add to the general repose and appearance of the building as a whole. The arrangement of openings to this block is also a defining characteristic.
- 6.18 The current design proposes, as with the previous approval, the introduction of a development that seeks to reflect elements of both the local vernacular and style, whilst also introducing a contemporary solution to the development of this plot. In total, the development will contain two identical blocks, with 1 set behind the other and courtyard parking in between.
- 6.19 The public elevation of the development will present two linked blocks with a number of design features proposed so as to create visual interest. One of the features of the design is again that a mix of materials is proposed. These will not only serve to define the building but would also break up the frontage to reduce the overall visual mass and bulk. Added to this will be two distinctive 'arched eyelids' on either block that will further provide interest. These features are also a response to the terrace at 393-399 main road, where the arched windows at first floor level are particularly prominent.
- 6.20 In addition to being features of interest, the 'arched eyelids' also serve to integrate the building with the street scene. The building will be three storeys in height with a shallow pitched roof above. By having a feature that clearly breaks into the roof area, in conjunction with the shallow pitch, helps give the impression that instead of a three storey building, the built form is read as two and a half storeys, in keeping with the established pattern and form of development in the immediate vicinity.

- 6.21 The rear block will be identical to the one at the front. There are no concerns in respect of this design being replicated to the rear. The building is attractive in its own right and by enclosing the car park area with the built form proposed will create an attractive public area to the development.
- 6.22 In design terms, therefore, the proposal does not raise any concerns that would warrant a recommendation of refusal.

### **Residential amenity**

- 6.23 Letters of objection were received from the immediate neighbours at No. 401 and 403 Main Road. With regard to these properties it is considered that the reduced roof plain, when compared to the original building on this site, helps to address the relationship with the bungalow to the east. Although this arrangement is not entirely satisfactory, there are nonetheless material circumstances that justify the arrangement, as the proposal would actually improve the amenities enjoyed by occupants of No. 403. This is because the existing bungalow sat directly adjacent to the full two-storeys of the health centre which had an oppressive aspect as a result. The front block proposed will sit further forward on the site compared to the previous health centre, opening up the western and southern aspect from No. 403 and allowing more natural light to the property.
- 6.24 Due to the siting, design and orientation of the proposed blocks in relation to existing residential dwellings, it is not considered that there would be a material loss of amenity that would warrant refusal of the application. In fact, as demonstrated above, there would actually be an improvement to No. 403 Main Road as more natural light could filter to that dwelling.
- 6.25 Details quantifying any shading caused by the existing trees on the western boundary of the site to any main living rooms which face to the west have been requested. Whilst no information has been submitted in this regard to date it is considered that these details could be secured through a planning condition and on this basis a reason for refusal on this ground could not be substantiated.

### **Highway Considerations**

- 6.26 Detail application reference 06/00808/DETAIL was approved for 24 residential dwellings. Off-street parking for these dwellings was provided in accordance with the maximum parking standards in place at the time of original approval. Since this approval and following adoption of the Tendring District Local Plan (2007) the Council has consistently applied new minimum standards as set out in the Essex County Council Parking Standards Design and Good Practice document (September 2009). This document has been accepted at various planning appeals by Planning Inspectors as providing the relevant standards against which proposals are assessed.
- 6.27 Paragraph 58 of the Framework states that development should, amongst other things, "function well and add to the overall quality of the area". Paragraph 64 goes on to state that "permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions". This approach is maintained in saved plan Policy TR1a, which seeks to reduce and preventing hazards and inconvenience to traffic and saved plan Policy TR7 which seeks a provision of off-street car parking. Saved plan Policy QL10 states that all new development should meet functional requirements. At criterion (i) of this policy it requires that "access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate". Draft plan Policy SD9 retains the same requirement.

- 6.28 This scheme for 24 one bedroom flats provides 24 parking spaces for residents. A single parking space has also been provided as a visitor space. Whilst this element falls below the required number of spaces that would be required for a development of this nature officers are satisfied that, given the sustainable location of the site as well as the presence of a bus stop a short distance from the site, there would be no material highway safety concerns resulting from this shortfall. It is also noted that the Highways Authority raised no objection to the arrangements currently proposed. Based on the forgoing officers are of the view that the proposed parking arrangement would be satisfactory and in accordance with the aims and objectives of the Council's Adopted Standards.
- 6.29 The change from 2 bed to 1 bed units in this scheme reduces the level of parking required. The provision of 25 spaces is considered to be an acceptable level for the propose development. It is considered that a lack of parking is no longer a reason to refuse planning permission.
- 6.30 Loss of community facility and employment site
- 6.31 The previous application for no. 24 X 2 bed flats (14/00771/FULL) was refused, in part, due to the loss of the community facility from the site and the loss of a site in employment use.
- 6.32 Policy ER3 of the Tendring District Local Plan (2007) as well as Policy PRO14 of the Tendring District Local Plan Proposed Submission Draft (2012) seeks to ensure that where the loss of an employment site is permitted, the applicant will normally be expected to provide a suitable alternative site elsewhere in the district, or a financial contribution towards the Council's employment, training or regeneration programmes and initiatives.
- 6.33 The applicants have indicated in their supporting documents that whilst the Health Care community use previously associated with this site has been removed it has been relocated and fully established nearby in Main Road. On this basis officers conclude that there has been no net loss of a community facility. Also, the employment associated with the previous use of the site has been effectively transferred to the new health centre facility.

### **Open Space and Play**

- 6.34 Policy COM6 of the Tendring District Local Plan (2007) as well as Policy PEO22 of the Tendring District Local Plan Proposed Submission Draft (2012) states that residential development below 1.5 hectares in size, where existing public open space facilities are inadequate, shall provide a financial contribution towards the provision of new or improved off-site facilities to meet the projected needs of the future occupiers of the development.
- 6.35 With regard to the above officers consulted with the Council's Open Spaces Team who indicated that given that the development is for 1 bedroom flats only, an open space and play contribution would not be applicable in this instance.

### **Financial contributions**

- 6.36 Planning Obligations will vary in accordance with the nature of the development and will be based upon the needs of the District following completion of the development.
- 6.37 In this regard Policy SD7 of the Tendring District Local Plan Proposed Submission Draft (2012) sets out the Council's commitment to ensuring that growth in new homes and jobs are supported by the necessary facilities and infrastructure to deliver sustainable communities.

6.38 With regard to the current application the Council would expect the following contributions:

1. In accordance with Policy HG4 of the Tendring District Local Plan (2007) as well as Policy PEO10 of the Tendring District Local Plan Proposed Submission Draft (2012) a contribution would be required for affordable housing on site. As an alternative and in exceptional circumstances it could be justified that a contribution on site could not be achieved a financial contribution would be considered.

In this regard the Councils Housing Team has indicated that the Council would be reluctant to purchase units as affordable housing in a block where we would not own the freehold and this is something that other registered providers have mentioned in the past where blocks of flats are proposed. In light of this, rather than seeking on site provision, a financial contribution would be preferred in this instance.

At the time of writing this report the nature of such a contribution formed the basis of ongoing negotiations between officers and the applicant. The lack of affordable housing provision was part of the reasons for refusal of the previous scheme (14/00771/FULL). This can be overcome by reaching agreement on a suitable level of contribution.

## **7. Update following deferment on 31<sup>st</sup> March 2015**

- 7.1 The application was deferred from Planning Committee on 31<sup>st</sup> March 2015 to enable further discussions to take place between the officers and the applicant as to revisions to the scheme that would address potential overlooking issues from the east elevation of Block A and the north elevation of Block B to the neighbouring single storey property.

### **Alternative site layout**

- 7.2 It was suggested during the Committee Meeting that moving both residential blocks backwards within the site and moving car parking to the front of the site should be considered.
- 7.3 Officers have considered this alternative site layout and discussed it with the applicants.

### **Residential Amenity**

- 7.4 The proposed layout that was considered at Committee on 31<sup>st</sup> March 2015 showed:

#### **Block A**

- Three single windows at ground, first and second floor serving bedrooms. These windows are set 6m in from the boundary of the site and 7.8m from the property at No 403 Main Road and would face onto the side elevation of the property at No 403 Main Road while offering oblique views toward the rear garden area of this neighbour.

#### **Block B**

- Three double and three single windows at ground first and second floor serving bedrooms and living areas. The windows in the northern elevation of Block B would be set in excess of 22m from the rear elevation of the property at No 403 Main Road with views towards this neighbour being partially screened by mature vegetation to the eastern boundary of the site.

In both the above instances officers considered that the relationship between the windows in Blocks A and B and the neighbour at No. 403 would be common within an urban area and that any views toward this immediate neighbour would not result in any unacceptable loss of privacy.

- 7.5 Amending the layout by moving the residential blocks backward in the site would result in any views into the side windows of No. 403 being eliminated.

Whilst this would appear to be a benefit of an alternative layout it should be noted that a new layout with the Blocks A and B pushed further back into the site would result in the main bulk as well as the bedroom windows in the eastern elevation of Block A being located behind the rear building line of No. 403. The building would be immediately adjacent the entire depth of the small rear garden area of this immediate neighbour. The bedroom windows would allow direct overlooking of the rear garden area while the overall bulk of the building would appear as a dominant and overbearing form of development that would result in a loss of outlook harmful to the amenities of the occupiers of No 403 Main Road.

- 7.6 In terms of residential amenity it is considered that an amended scheme moving the residential blocks backward into the site would exacerbate the impact of the proposed development on the neighbouring property.

### **Visual Amenity**

- 7.7 Moving the parking to the front of the site would not be practical as there is insufficient space to accommodate parking in accordance with the Council's Adopted Parking Standards on the front section of the site. Placing the parking toward the front of the site would further result in a parking dominated frontage out of character with the immediate area.
- 7.8 In addition Officers consider that a new layout with parking to the front could result in the loss of existing trees to the front of the site. The Council's Tree Officer commented that these trees make a reasonable contribution to the appearance of the area and that their retention as part of the current scheme would enhance the appearance of the completed development.

As a result a scheme with a parking dominated frontage would in combination with the loss of the trees detract from the quality of the street scene harmful to the character of the area.

- 7.9 On this basis the original scheme as put forward under planning reference 14/01782/FUL is put back to Committee unchanged as officers consider that the current scheme would result in a development that would not result in material harm to the character and appearance of the area, the amenities of immediate neighbours or highway safety and on this basis would be compliant with the aims and objectives of National and Local Plan Policies as identified.

### **Background Papers**

None.