

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	15/08/2018
Planning Development Manager authorisation:	AN	16/8/18
Admin checks / despatch completed	WHE SB	17/08/18 17/08/18

**Application:** 18/00809/OUT      **Town / Parish:** Harwich Town Council

**Applicant:** AJ Woods Engineering Ltd SSAS

**Address:** Former Anchor Hotel 7 Stour Road Harwich

**Development:** Construction of 14 self-contained residential dwellings and associated parking.

### 1. Town / Parish Council

Harwich Town Council      Harwich Town Council objects on the grounds of over development, inappropriate development and lack of amenity space due to the state of amenity space being the access/egress to the garages.

### 2. Consultation Responses

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

- 1      Prior to the first occupation of the proposed dwellings, the proposed vehicular access shall be constructed to a width of 5.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.
- 2      No unbound materials shall be used in the surface treatment of the proposed vehicular access throughout.
- 3      Prior to the proposed access on the proposed development being brought into use, a 1.5m. x 1.5m. pedestrian visibility splay, relative to the highway boundary, shall be provided on both sides of that access and shall be retained and maintained free from obstruction clear to ground thereafter. These splays must not form part of the vehicular surface of the access.
- 4      The existing access or any part of an access (dropped kerb) rendered redundant or unnecessary by this development shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the re-instatement to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority, immediately the proposed new accesses are brought into use.
- 5      Prior to occupation of the proposed development, a vehicular turning facility for motor cars of a design which shall be approved in writing by the Local Planning Authority, shall be provided within the



site which shall be maintained free from obstruction and retained thereafter.

6 All off street car parking shall be in precise accord with the details contained within the current Parking Standards being provided within the site which shall be maintained free from obstruction and retained thereafter..

7 Any garage provided with its vehicular door facing the highway or proposed highway, shall be sited a minimum of 6m from the highway boundary.

8 Single garages shall have minimum internal dimensions of 7m. x 3m and shall be provided with vehicular doors a minimum width of 2.3m.

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

10 No doors or windows shall open over the highway or proposed highway, maintainable at public expense.

Reason: To ensure the unimpeded passage of pedestrians and cyclists, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

11 No balconies or rainwater harvesting equipment shall be located oversailing or into the highway or proposed highway, maintainable at public expense.

12 No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) 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 and under body washing facilities

13 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of Residential Travel Information Packs for sustainable transport sufficient for the occupants of each dwelling, approved by the Local Planning Authority.

Anglian Water Services  
Ltd

Available foul water flow capacity. Need detailed surface water drainage system secured via condition.

ECC SuDS Consultee

No comments received.

Environment Agency

Objections due to no FRA being submitted.



UU - Open Space  
Consultation

Contribution towards play provision at Bathside Play Area is justified  
and relevant to this proposal.

### 3. Planning History

02/01924/FUL	Redevelopment of site for 17 flats and associated works	Withdrawn	19.12.2002
03/00091/FUL	Redevelopment of site for 15 flats and associated works. (Resubmission of 02/01924/FUL)	Approved	17.04.2003
08/01213/FUL	Redevelopment of site for 14 flats and associated works.	Withdrawn	02.12.2008
10/01085/FUL	Redevelopment of site for 4 houses and 5 flats and associated works.	Withdrawn	25.11.2010
10/01474/FUL	Redevelopment of site for 4 houses and 5 flats and associated works.	Refused	24.02.2011
12/01216/FUL	New marine co-ordination centre for commercial use.	Approved	10.04.2013

### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL3 Minimising and Managing Flood Risk

QL6 Urban Regeneration Areas

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

QL12 Planning Obligations

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG4 Affordable Housing in New Developments

HG6 Dwelling Size and Type

HG7 Residential Densities



HG9 Private Amenity Space

EN17 Conservation Areas

COM1 Access for All

COM2 Community Safety

COM6 Provision of Recreational Open Space for New Residential Development

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP4 Safeguarded Local Greenspace

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PP14 Priority Areas for Regeneration

PPL1 Development and Flood Risk

PPL5 Water Conservation, Drainage and Sewerage

PPL8 Conservation Areas

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's



initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivered over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line with the plan-led approach.

## **5. Officer Appraisal (including Site Description and Proposal)**

### **Site Description**

The site consists of a small triangle of land bordered by Stour Road and Albermarle Street which was the site of the former Anchor Hotel. The site has recently been used for the unauthorised storage of vehicles and is enclosed by boarding on its perimeters.

The site comprises the grounds and building of the former Anchor Hotel set in the northern periphery of Bathside. The site is triangular bounded by Stour Street, Albermarle Street and an access way to the rear of Pepys Street. The site is overlooked by 17 to 23 Albermarle Street and 2 to 14 Pepys Street. On the opposite side of Stour Road is the site of the town battery which is scheduled ancient monument and beyond that the A120 and Gas House Creek.

To the west is the boundary of the Harwich Conservation Area and the Scheduled Ancient Monument of the Battery with dock side uses beyond. The site also lies within the Harwich Old Town Priority Area for Regeneration under emerging policy PP14 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

### **Proposal**

This application proposes the erection of 14 no. dwellings. The application is in outline form with all matters reserved. However, indicative plans have been submitted which show 3 storey high town houses comprising of 2 bedrooms each with garaging and storage on ground floor. The illustrative layout plan shows the dwellings addressing the two street frontages with access taken from Albermarle Street.



## Appraisal

The main issues in the determination of this application are; the policy requirements, design/impact, residential amenity, parking/highway implications and flood risk.

## Principle of Development

The site lies within the Harwich/Dovercourt Settlement Development Boundary and is a brownfield site, it is therefore in principle acceptable for residential development.

Saved policy HG3 of the Tendring District Local Plan (2007) refers to the need to have regard to the character of the area, amenity and environmental considerations, these policies seek to ensure that new development is of a high standard of design and layout that relates well to the site and surroundings. New development should not amount to over development nor appear cramped and incongruous.

Therefore, the success of this application hangs on other matters of detail, including highways considerations, flood risk, parking provision, access, design, siting and layout and the impact upon adjoining properties.

## Visual/Heritage Impact

The triangular shape of this relatively small site makes a development solution that addresses both frontages and the prominent corner quite difficult. The application is in outline form with all matters reserved but detailed indicative plans have been received which shows 3 storey town house development addressing the two road frontages in a staggered arrangement.

The adjacent and surrounding development does contain some 2 and 3 story terraced properties and so the principle of developing the site in the scale shown is not out of character in general terms. However, the indicative plans do not suitably demonstrate that the site could accommodate 14 properties in a manner which would leave sufficient spacing to the existing properties to the south and provide each dwelling without adequate private amenity space. Furthermore, it is apparent from the level of development provided that the whole of the central courtyard would be devoted to drive and parking which would appear harsh and overly urban in form.

The site abuts the Harwich Conservation Area and the Scheduled Ancient Monument of the Battery. Furthermore, due to the siting of the land and its dual frontage it is a particularly prominent site that sits at the visually sensitive gateway into the core of Harwich. The need for a sympathetic and visually enhancing development is therefore paramount. In this case the indicative plans show a bland and visually uninspiring design that does not suitably demonstrate that 14 no. dwellings can be accommodated on the site without being over-development and harmful to the character and appearance of the locality and important views into, out of, or within the adjoining Harwich Conservation Area.

To summarise, a proposal that more sensitively addresses the context is possible for the development of this site, however due to the concerns identified above in respect of the absence of private amenity space, the spacing to nearby properties and the excessive level of hard surfacing required for parking/turning purposes, the development of the site for 14 no. dwellings is considered to represent over-development of the site that would be detrimental to the character of the locality, the conservation area and amenities of future residents.

## Residential Amenity

The closest residential properties to the development are sited to the south in Pepys Street. The back gardens of these properties back onto the application site. The indicative plans show the development sited hard up against the southern boundary of the plot which at full three storey level would have the potential to cause significant harm to the existing residents through loss of outlook when viewed from their rear garden areas.



Consequently the amended plans do not demonstrate that the development of the site through the construction of 14 no. dwellings would not adversely harm the amenity of existing resident's amenity.

### Highway Considerations

Whilst access is also a reserved matter the plans submitted show access via the Abermarle Street frontage. ECC-Highways have been consulted in this respect and do not object to the development subject to the Reserved Matters application showing the following;

- Prior to the first occupation of the proposed dwellings, the proposed vehicular access shall be constructed to a width of 5.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.
- No unbound materials shall be used in the surface treatment of the proposed vehicular access throughout.
- Prior to the proposed access on the proposed development being brought into use, a 1.5m. x 1.5m. pedestrian visibility splay, relative to the highway boundary, shall be provided on both sides of that access and shall be retained and maintained free from obstruction clear to ground thereafter. These splays must not form part of the vehicular surface of the access.
- The existing access or any part of an access (dropped kerb) rendered redundant or unnecessary by this development shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the re-instatement to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority, immediately the proposed new accesses are brought into use.
- Prior to occupation of the proposed development, a vehicular turning facility for motor cars of a design which shall be approved in writing by the Local Planning Authority, shall be provided within the site which shall be maintained free from obstruction and retained thereafter.
- All off street car parking shall be in precise accord with the details contained within the current Parking Standards being provided within the site which shall be maintained free from obstruction and retained thereafter..
- Any garage provided with its vehicular door facing the highway or proposed highway, shall be sited a minimum of 6m from the highway boundary.
- Single garages shall have minimum internal dimensions of 7m. x 3m and shall be provided with vehicular doors a minimum width of 2.3m.
- Prior to the occupation of the proposed development, details of the provision for the storage of bicycles sufficient for all occupants of that dwelling, of a design this shall be approved in writing with the Local Planning Authority.
- No doors or windows shall open over the highway or proposed highway, maintainable at public expense.
- No balconies or rainwater harvesting equipment shall be located oversailing or into the highway or proposed highway, maintainable at public expense.
- No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) 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 and under body washing facilities
- Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of Residential Travel Information Packs for sustainable transport sufficient for the occupants of each dwelling, approved by the Local Planning Authority.

The indicative plans show that these highway requirements are achievable on the site.

### Flood Risk

The application site lies within Flood Zone 3, defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. Paragraph 163, footnote 50 of



the NPPF (2018) requires applicants for planning permission to submit a site-specific FRA when development is proposed in such locations.

In this instance a Flood Risk Assessment has been requested by the case officer but has not been provided. The application therefore fails to identify and assess the risks of all forms of flooding to and from the development and fails to demonstrate how these flood risks will be managed so that the development remains safe throughout its lifetime taking climate change into account.

The Environment Agency object to the development on this basis.

#### Legal Obligations

Saved Policy COM6 in the Tendring District Local Plan (2017) and Draft Policy HP4 of the emerging Local Plan require residential developments to make financial contributions toward off-site play provision. The Council's Open Space Team has commented on the application and has confirmed that due to the lack of facilities in the area it is felt that a contribution towards play is justified and relevant to this planning application. The comments confirm that any contribution would be used for improvements to the Bathside Play Area.

A completed Unilateral Undertaking to provide the required financial contribution towards play provision has not been provided and the proposal is therefore contrary to Saved Policy COM6 and Draft Policy HP4.

The proposal for 14 no. dwellings is below the required threshold for affordable housing provision, which is set at 15 properties and above by saved policy HG4.

#### Other Considerations

Anglian Water has stated that a condition relating to surface water drainage would be required if permission was to be granted. ECC-SUDS have not commented upon the application.

Harwich Town Council objects on the grounds of over development, inappropriate development and lack of amenity space due to the state of amenity space being the access/egress to the garages.

The Harwich Society state that residential development is suitable for this site, however the plans do not show that 14 no. properties can be accommodated due to the lack of private amenity space.

No further letters of representation have been received.

### **6. Recommendation**

Refusal - Outline

### **7. Reasons for Refusal**

- 1 The National Planning Policy Framework (2018) attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings. Paragraph 127 of the NPPF states planning policies and decisions should ensure that developments will function well and add to the overall quality of the area and are sympathetic to the local character and history, including the surrounding built environment and landscape setting.

The adopted Tendring District Local Plan (2007) saved policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form whilst ensuring that



development does not have a materially damaging impact on the privacy and amenity of occupiers of nearby properties. Emerging policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) carries forward the sentiments of these saved policies stating that all new development must make a positive contribution to the quality of the local environment and protect or enhance local character.

Saved policy HG9 states that for new dwellings provision should be made for functional needs including sufficient private amenity space provision. Saved policy EN17 (Conservation Areas) states development will be refused where it would prejudice the setting and surroundings of a Conservation Area or harm the inward or outward views.

In this instance the indicative plans submitted do not suitably demonstrate that the site could accommodate 14 properties in a manner which would leave sufficient spacing to the existing properties to the south and provide each dwelling with adequate private amenity space. Furthermore, it is apparent from the level of development provided that the whole of the central courtyard would be devoted to drive and parking which would appear harsh and overly urban in form.

The site abuts the Harwich Conservation Area and the Scheduled Ancient Monument of the Battery. Furthermore, due to the siting of the land and its dual frontage it is a particularly prominent site that sits at the visually sensitive gateway into the core of Harwich. The need for a sympathetic and visually enhancing development is therefore paramount. In this case the indicative plans show a bland and visually uninspiring design that does not suitably demonstrate that 14 no. dwellings can be accommodated on the site without being over-development and harmful to the character and appearance of the locality and important views into, out of, or within the adjoining Harwich Conservation Area.

In addition, the closest residential properties to the development are sited to the south in Pepys Street. The back gardens of these properties back onto the application site. The indicative plans show the development sited hard up against the southern boundary of the plot which at full three storey level would have the potential to cause significant harm to the existing resident's amenity through loss of outlook when viewed from their rear garden areas.

To summarise due to the concerns identified above in respect of the absence of private amenity space, the spacing to nearby properties and the excessive level of hard surfacing required for parking/turning purposes, the development of the site for 14 no. dwellings is considered to represent over-development of the site that would be detrimental to the character of the locality, the conservation area setting and amenities of future residents which is contrary to the aims of the aforementioned local and national planning policies.

- 2 The proposed development is considered contrary to the National Planning Policy Framework (2018), saved Policy QL3 of the Tendring District Local Plan (2007) and draft Policy PPL1 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The application site lies within Flood Zone 3, defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. Paragraph 163, footnote 50 of the NPPF (2018) requires applicants for planning permission to submit a site-specific FRA when development is proposed in such locations.

In this instance a Flood Risk Assessment has been requested by the case officer but has not been provided. The application therefore fails to identify and assess the risks of all forms of flooding to and from the development and fails to demonstrate how these flood risks will be managed so that the development remains safe throughout its lifetime taking climate change into account.

Saved Policy QL3 and draft Policy PPL1 state all development within flood zones 2 and 3 must be accompanied by a Flood Risk Assessment.



- 3 Saved Policy COM6 and Draft Policy HP4 require that for residential development below 1.5 hectares in size, where existing public open space facilities are inadequate, 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 shall be provided. A completed Unilateral Undertaking to provide the required financial contribution towards play provision has not been provided and the proposal is therefore contrary to Saved Policy COM6 and Draft Policy HP4.

## 8. Informatives

### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reasons for the refusal, approval has not been possible.

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