

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	25/09/2018
Planning Development Manager authorisation:	AN	25/9/18
Admin checks / despatch completed	RN	25/9/18

**Application:** 18/01083/FUL **Town / Parish:** Harwich Town Council

**Applicant:** Mr Sandum

**Address:** Custom House Main Road Harwich

**Development:** Erection of five dwellings, two with three bedrooms and three with four bedrooms.

### 1. Town / Parish Council

Harwich Town Council

Harwich Town Council objects on the grounds of over development and a conflict in terms of parking and amenity space with the original application.

### 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 The development shall not be occupied until such time as the car parking area, indicated on the approved plans, has been hard surfaced and sealed. 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 thereafter.

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.

2 Prior to the occupation of the proposed development, details of the provision for the storage of bicycles for each dwelling 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.

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.

3 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

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.

Informative1: The Highway Authority observes that the proposed parking spaces are not dimensionally in accord with current Parking Standards.

Informative 2: The applicant is advised that the entire site under planning application references 18/00577/FUL, 18/00350/COUNOT and this application 18/01083/FUL may cumulatively be subject to the APC requirements.

Informative3: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

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

Building Control and  
Access Officer

No adverse comments at this time.

Tree & Landscape Officer

The soft landscaping shown on the Amended Site Layout Plan gives a reasonable indication of the proposed new planting however the plan does not provide details of the species, quantity or specification of trees, shrubs, and hedges to be incorporated into the scheme.

This information should be provided prior to the determination of the application or secured by a condition attached to any planning permission that may be granted.

Building Control and  
Access Officer

No adverse comments at this time.

### 3. Planning History

94/01375/FUL	(Custom House, Main Road, Dovercourt) Erection of a 1m diameter satellite dish (roof mounted)	Approved	06.01.1995
18/00350/COUNOT	Change of use of existing offices (B1a) to 37 flats (C3).		01.05.2018
18/00577/FUL	External alterations including replacement windows, new openings, privacy screening and metal balustrades.	Approved	27.06.2018



#### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

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

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

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 application site lies to the rear of The Royal Oak PH (south), the main building of Custom House and associated vehicular parking provision (east), Bobbit's Hole (west) and an area of mature vegetation adjoining new residential development (north). Vehicular access exists from the site through Custom House and onto Main Road to the south east.

The application site forms part of the larger Custom House site (a purpose built office development for Her Majesty's Revenue & Customs and was officially opened in 1982). Custom House consists of the main building, a detached garage block, vehicular parking and other ancillary provisions. The application site itself comprises part of the vehicular parking area and the detached brick built garage block.

The gradient of the application site and Custom House falls south east to north west. Existing boundary features and mature vegetation (on and off) site sporadically encloses the site from the surrounding area.



The application site is with a highly sustainable location within the Town Centre Boundary and Settlement Development Boundary of Harwich as defined within the adopted and emerging Tendring District Local Plans.

#### Description of Proposal

The application seeks full planning permission for the erection of 5 dwellings comprising 2 no. 3 bedroom dwellings and 3 no. 4 bedroom dwellings.

The proposed dwellings and private amenity space are proposed on the lower level car park, resulting in the removal of the existing detached brick built garage block and extensive area of hardstanding. Each dwelling will be accessed via walkway from the upper level car park to the east.

Associated vehicular parking provision is provided on the upper level car park, with pedestrian and vehicular access onto the Main Road provided through the wider Custom House site to the east.

#### Assessment

The main considerations are;

- Planning History;
- Principle of Development;
- Design and Appearance;
- Residential Amenities;
- Access and Parking Provision;
- Trees and Landscaping;
- Ecology; and,
- Representations.

#### Planning History

This application follows the recently approved Prior Approval application (ref 18/00350/COUNOT) for the change of use of Custom House from Class B1(a) office to Class C3 consisting of 37 no. flats, under Permitted Development Rights set out in Class O of the General Permitted Development Order 2015 and Planning Application (ref 18/00577/FUL) for external alterations to Custom House including replacement windows, new openings, privacy screening and metal balustrades to the main building.

The conversion of the detached brick built garage block into three flats, as proposed within the aforementioned prior approval (ref 18/00350/COUNOT) will be superseded by the proposed development contained within this planning application.

#### Principle of Development

The site is located within the Harwich Settlement Development Boundary as defined within the adopted Tendring District Local Plan 2007 and the emerging Tendring District Council Local Plan 2013-2033 and Beyond Publication Draft 2017.

The principle of residential development within these defined areas is accepted subject to the acceptability of the detailed considerations set out below.

#### Design and Appearance

Following concerns with the design approach of the proposed housing, an amended scheme has been submitted now comprising of a more traditional appearance with some modern elements in the windows and doors complementing but not mimicking the appearance of the associated Custom House.

Due to the change in site levels, the dwellings have a split level design being 3 storey from within the rear gardens and 2 storey from the front elevation. The dwellings have 2 front entrances on the lower ground and ground levels with a ramped access and shared pathway to the lower ground level. The position of the dwellings and layout means that the dwellings face into the site towards Custom House with an east facing orientation. The site and dwellings are well set back from the



highway and almost fully screened by the existing pub, Custom House and surrounding planting and trees.

The street scene impact and visual impact will be minimal due to the surrounding built development and vegetation screening the development.

The dwellings are sufficiently spaced and are of a suitable scale and design that will comfortably fit within the site.

#### Residential Amenities

Each dwelling is provided with external private amenity space that broadly accords with policy HG9 standards. Any small shortfall cannot be considered harmful or a justifiable reason for refusal due to the location of the dwellings within easy walking distance to the beach and other leisure activities.

Appropriate acoustic measures are included within this application to ensure the amenity of future residents of these dwellings is not affected by adjacent uses. These are detailed within the supporting acoustic assessment and incorporated into the proposed plans.

The relationship between the dwellings and flats within the existing building and adjacent is considered acceptable due to the layout and separation distances.

Plot 1 has no side facing windows (other than a high level roof light) facing towards to the adjacent public house. Plot 5 has a first floor side facing balcony area that will overlook Bobbits Hole but retains ample distance to neighbouring dwellings to the north to ensure no overlooking or loss of privacy will result.

#### Access and Parking Provision

The application site utilises the existing shared vehicular access onto the Main Road, which offers safe vehicular ingress and egress within the site and onto the Main Road. Associated vehicle movements for the residential use are considerably lower than those related with the previous office use of the site.

The development provides sufficient parking and turning for the development whilst retaining sufficient parking for the converted office building.

The site is within a highly sustainable location within easy walking distance to amenities, employment opportunities and public transport links. In this regard, the parking provision is considered acceptable.

Essex County Council Highway Authority raise no objection to the development subject to conditions which will be imposed where necessary. Each dwelling is served by a shed for cycle storage.

#### Trees and Landscaping

Whilst the proposed plans indicate a good level of planting, insufficient details have been provided and a full scheme will need to be submitted and approved as secured by condition.

#### Ecology

Due to the proximity of the site to Bobbits Hole an Ecology Appraisal has been submitted. The necessary conditions will be added to ensure the development is carried out in accordance with the recommendations and findings.

#### Representations

Harwich Town Council object to the development on the following grounds;

- Overdevelopment of the site.
- Amenity and parking of previous approval compromised.
- Negative impact on the adjacent Royal Oak Pub.



*The design, impact, parking and amenity space has been addressed in the main report above. The creation of the flats within the adjacent Custom House are being carried out under the relaxed permitted development rights where strict policy requirements for parking and amenity space cannot be applied. The site is within a highly sustainable location in close proximity to all amenities. Any shortfall in parking or amenity space cannot be considered paramount to the acceptability of the development.*

Objections have been received from the Royal Oak Pub on the following grounds;

- Too close to the beer garden and function suite.
- Overdevelopment of the site.
- Will result in noise complaints from future occupants of the dwellings.  
*The design and impact of the development has been addressed in the main report above.*
  
- May result in damage and subsidence.  
*This is not a material planning consideration.*

#### Conclusion

In the absence of any material harm resulting from the development, the application is recommended for approval. The application constitutes a sustainable form of development that contributes to the supply and mix of housing for the area.

#### **6. Recommendation**

Approval - Full

#### **7. Conditions**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 0741 rev P2, 0750 rev P1, 0751 rev P1, 0774 rev P1, 0775 rev P1, 0777 rev P1, 01776 rev P1, 0778 rev P1, 0780 rev P1, 0770 rev P1 and 0790 rev P1.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 3 The development shall not be occupied until such time as the car parking area, indicated on the approved plans, has been hard surfaced and sealed. 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 thereafter.

Reason - To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

- 4 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

Reason - To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety.



- 5 No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the frontage of the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in relation to design, demolition and construction.

Reason - In order to enhance the visual appearance of the proposed dwellings.

- 6 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure that the landscaping scheme is suitably implemented within an appropriate timescale.

- 7 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Details shall include the colour and materials of the window headers and tile hanging to rear bay. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of visual amenity as insufficient information has been submitted within the application for full consideration of these details.

- 8 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B, C and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extensions, alterations, additions or alterations to the roof, outbuildings, pools or other enclosures shall be erected except in accordance with drawings showing the design and siting of such building(s) which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - To ensure that sufficient private amenity space is retained in the interests of residential amenities.

- 9 All new hardstanding and parking areas shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the site.

Reason - In the interests of sustainable development and to ensure that run-off water is avoided to minimise the risk of surface water flooding.

- 10 The removal of any vegetation shall only be carried out outside of the bird nesting season (March to August inclusive).

Reason - To ensure the protection of birds potentially nesting on or adjacent to the site.

- 11 The development hereby permitted shall be carried out in strict accordance with 9.0 CONCLUSIONS AND RECOMMENDATIONS and 10.0 ECOLOGICAL ENHANCEMENT OPPORTUNITIES section of the Ecological Appraisal by Landscape Planning dated May 2018 Ref: 70906.



Reason - In the interests of biodiversity.

- 12 Prior to the commencement of development, details of the height, design, appearance and materials of the acoustic fencing to be provided in accordance with the Noise Assessment RP02-18237 by Robertson Sands Eco Development LTD dated 8th June 2018 shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of residential amenities and visual amenities.

- 13 The development hereby approved shall be carried out in strict accordance with the accompanying ASBESTOS DEMOLITION SURVEY REPORT REC Report B-00568-V2.

Reason - In the interests of environmental protection.

- 14 Notwithstanding the details shown on the approved drawings, no development shall take place until a plan indicating the positions, design, materials and type of boundary treatments to be erected shall be submitted to and approved by the Local Planning Authority. The approved boundary treatments shall be implemented before the dwellings hereby permitted are occupied.

Reason - In the interests of residential amenities and visual amenity.

## **8. Informatives**

### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Agent, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

### Highways Informatives

1. The applicant is advised that the entire site under planning application references 18/00577/FUL, 18/00350/COUNOT and this application 18/01083/FUL may cumulatively be subject to the APC requirements.

2. All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

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,  
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