

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	17/05/2019
Planning Development Manager authorisation:	SCE	17-05-19
Admin checks / despatch completed	SB	17/05/19

Application: 18/01823/FUL

Town / Parish: Harwich Town Council

Applicant: Mr Mark Newport

Address: Land Between 74 and 76 Holyrood Dovercourt

Development: Proposed new 1 bed dwelling (variation to 17/01583/FUL- building position).

1. Town / Parish Council

Harwich Town Council

Harwich Town Council objects to this application on the grounds of unnecessary development, inappropriate development and over-development. Additionally, HTC ask for the views of planning enforcement over issues of building commencement ahead of receiving planning consent.

2. Consultation Responses

Natural England

Consultation with Natural England not required due to the minor scale of the development.

UU Open Spaces

Response from Public Experience
Open Space & Play

Application Details

Application No: 18/01823/FUL

Site Address: Land Between 74 and 76 Holyrood Dovercourt Essex

Description of Development: Proposed new 1 bed dwelling

Current Position

There is currently a deficit of -12.59 hectares of equipped play in Harwich and Dovercourt.

Recommendation

This development is for a 1 bedroom dwelling only and there will be no significant impact on the nearest play area which is Willow Way.

Therefore no contribution is required on this occasion.

ECC Highways Dept

No comments received.

Building Control and
Access Officer

No adverse comments at this time

3. Planning History

03/00821/FUL	5 Prefabricated garages for cars on concrete	Approved	05.11.2003
17/01583/FUL	Proposed new 1 bed dwelling.	Approved	12.12.2017

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

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

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

COM6 Provision of Recreational Open Space for New Residential Development

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

SP1 Presumption in Favour of Sustainable Development

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP1 Housing Supply

LP3 Housing Density and Standards

LP4 Housing Layout

HP5 Open Space, Sports & Recreation Facilities

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

PPL4 Biodiversity and Geodiversity

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 supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application relates to a formerly vacant site within the Settlement Development Boundary of Harwich located between numbers 74 and 76 on the northern side of Holyrood. The site formerly contained a setback flat roof garage and driveway/parking area to the front.

Works have commenced on site for the dwelling approved under planning approval 17/01583/FUL. Permission commenced prior to the discharge of Condition 6 of 17/01583/FUL which sought materials details and the position of the dwelling differs from that approved.

Description of Proposal

The application seeks a variation of application 17/01583/FUL for the erection of a detached 1 bedroom dwelling, in order to regularise the building position and materials details.

Assessment

The main considerations in this instance are;

- Principle of Development;
- Design and Appearance;
- Residential Amenities;
- Highways and Parking;
- Financial Contributions - Open/Play Space;
- Financial Contributions - RAMS; and,
- Representations.

Principle of Development

The application site lies within the defined Settlement Development Boundary of Harwich where the principle of residential development is accepted and the acceptability of the erection of a detached 1 bedroom dwelling has also been established through the granting of 17/01583/FUL.

Design and Appearance

Following concerns with the overly narrow appearance of the originally proposed dwelling, amendments were suggested to improve the design by increasing the width and taking the dwelling up to the boundaries with no side isolation. Whilst it was recognised that this would then result in the proposal failing to meet the criteria set out with saved Policy HG14 which seeks a minimum of 1 metre to ensure that a development does not appear cramped or result in a terracing effect, this was not felt to be particularly harmful in this instance given the predominant character of terraced dwellings. The Agent submitted an amended proposal under 17/01583/FUL taking the dwelling up to one side boundary but retaining 1 metre side isolation to the other to allow access to the rear garden without having to go through the property.

The building has in fact been built more centrally within the plot retaining 30cm to the side boundary with number 76 and 15cm increasing to 48cm (front to back) to the side boundary with number 74 (due to the angled site boundary).

Having particular regard to the character of the immediate locality being predominantly high density terraced properties, the new siting of the dwelling would not appear overly harmful in its context and appears very similar to the originally approved plans. The driveway and side access of the neighbouring dwellings abut either side of the site and the development does not appear cramped or significantly harmful to visual amenity or the overall character of the street scene.

The variation to the building position does not materially alter the appearance or impact of the development to an extent that would warrant refusal of planning permission.

The combination of light brick with a rendered panel at first floor and grey roof tiles is also considered acceptable being in keeping with the design and materials palette of dwellings in the locality.

Residential Amenities

The impact of the dwelling on neighbouring amenities was considered in detail under planning application 17/01583/FUL as follows;

The proposed dwelling is sited on the boundary with number 74 Holyrood to the east but retains 2 metres to the side elevation of the dwelling increases to approximately 2.7 metres towards the front of the site due to number 74 being angled away. 0.5 metres is retained to the boundary with number 76 Holyrood and due to the width of the driveway is approximately 2.5 metres from the side elevation of this dwelling.

The proposed dwelling has an overall depth of 9.5 metres with a 2m single storey element to the rear meaning that the two-storey part is 7.5 metres in depth. The 2 storey element of the dwelling does not extend beyond the rear elevations of the neighbouring properties and the properties are south facing therefore receiving no direct sunlight to the rear gardens or windows currently. Any overshadowing will be minimal and not harmful enough to warrant a refusal.

Due to the orientation of the dwellings the proposal will result in some loss of afternoon/evening sun to the side facing windows of number 74 being mainly to the first floor bedroom and bathroom windows. The only ground floor window is located toward the rear of the property adjacent to the single storey element of the proposed dwelling. Outlook from the rear window is minimised by the relationship to the single storey element together with the 2m - 2.7m gap retained between the dwellings.

There is only 1 high level window within the side facing flank of number 76 which again will experience some loss of light as a result of the dwelling but not a significant amount given that it is high level and 2.5m is retained between the elevations. Any loss of outlook again cannot be considered materially harmful.

On balance, the harm to neighbouring amenities cannot be considered significantly harmful to warrant refusal of planning permission on this ground alone.

The new, more central position of the dwelling does not materially alter the development to an extent that would warrant refusal of planning permission being very similar to the original approval and retaining a very similar gap between the dwellings.

Highways and Parking

The proposed variation does not alter the approved parking.

Financial Contribution - Open/Play Space

The Council's Open Space Team has been consulted in accordance with the requirements of Policy COM6 of the adopted Tendring District Local Plan 2007. This development is for a 1 bedroom dwelling only and there will be no significant impact on the nearest play area which is Willow Way. In this instance, no contribution is being sought.

Financial Contribution – RAMS

The original planning permission has been implemented through the commencement of works on site. This application relates to a minor change to the position of the dwelling and does not propose to increase the number of dwellings built. It is the Council's view that it would be unreasonable to seek mitigation measures in this instance.

Representations

Harwich Town Council objects to the application on the grounds of unnecessary development, inappropriate development, over-development and the commencement of development prior to the discharge of conditions.

3 letters of objection have been received (from one property). The letters state that the objections raised are the same as those previously made in relation to the original development together with discrepancies with the plans, description and materials details. The material planning considerations can be summarised as follows;

- Too high.
- Loss of outlook.
- Loss of light and overshadowing to windows and garden.
- Lack of garden space.

Design and impact and residential amenities have been addressed in the main report above.

- Lack of parking.

The development meets the minimum parking standards requirements as set out above and there will be no material harm to highway safety as a result of the development. Any existing parking problems that occur on the highway or occasions when driveways are blocked are a civil matter and not a consideration for planning. The off-street parking is unrestricted in this locality.

- Minimal internal floor space.
- No downstairs WC.

The internal accommodation is of a sufficient size and a downstairs WC is not a planning requirement.

- Damage during construction.

Maintenance of the property and damage to existing foundations, pipes and cables during the construction process are not material planning considerations.

- Connection to the existing drainage system should be agreed beforehand.

This is a matter for building regulations and the water authority.

- Planning history suggests that this site is not suitable for development.

The planning history pre-dates the adopted or emerging local plans. The application must be considered on its own merits against current policy. The reference to the awkward shaped site referred to the site as whole which encompassed the land to the rear accessed via Main Road. The application itself is not awkwardly shaped.

- Site too narrow for a dwelling.

The width of the dwelling is comparable to the adjacent dwellings and meets the garden and parking standards. The site can therefore satisfactorily accommodate a dwelling.

No new material planning considerations have been raised. General qualms in relation to the planning application process, procedures and plan quality have also been raised. However, the most recent set of plans have been submitted with assurance from the Agent that a full site survey has now been undertaken and these accurately reflect the position of the building.

Conclusion

For the reasons set out above, in the absence of any significant harm resulting from the amended building position, the application is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans and materials: Drawing No: 100 REV. C, Drawing No: 101 REV. C and Drawing No: 102 REV. D.

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

- 2 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason - To avoid displacement of loose material onto the highway in the interests of highway safety.

- 3 The vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres and shall be laid out, surfaced and made available for parking for the new dwelling hereby approved prior to its occupation. The parking space shall be retained in its approved form in perpetuity.

Reason - To ensure adequate space for parking off the highway is provided in the interest of highway safety.

- 4 All new driveways 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 respective curtilage of that dwelling.

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

- 5 Prior to the occupation of the dwelling hereby approved, the existing garage to the rear of the site shall be demolished and all related debris cleared from the site.

Reason - To ensure that adequate private amenity space is provided to serve the new dwelling.

- 6 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no provision of buildings, extensions, additions or openings, porches, enclosures, swimming or other pool 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 retain control over the development of the site in the interests of neighbouring residential amenity and to ensure the property maintains an appropriate amount of private amenity space.

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. Highway Works - 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 or by post to:

SMO1 ' Essex Highways, Colchester Highways Depot, 653, The Crescent, Colchester Business Park, Colchester CO49YQ

2. Cost of Works - The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.