

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	07/06/19
Planning Development Manager authorisation:	SCE	14.06.19
Admin checks / despatch completed	SB	17/06/19

Application: 19/00311/FUL **Town / Parish:** Harwich Town Council

Applicant: Mr Derek Reedman

Address: 503 Main Road Harwich Essex

Development: Change of use from shop to residential use ancillary to existing residential property.

1. Town / Parish Council

Harwich Town Council Harwich Town Council has no objection to this application.

2. Consultation Responses

ECC Highways Dept

The information that was submitted in association with the application has been fully considered by the Highway Authority. The proposal is located along Main Road and retains adequate room and provision for off street parking and turning utilising the existing vehicle access, for the proposed dwelling therefore:

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

1. 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 in accordance with policy DM1.

2. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the footway / cycleway or where no provision of footway/cycleway is present, the carriageway.

Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent footway/cycleway/carriageway in the interest of highway safety in accordance with policy DM1

3. Prior to occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1

4. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8

5. The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times. Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

6. Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

7. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway/carrage way (delete as appropriate) is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative 1:

Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

Informative 2:

On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

Informative 3:

Any 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.
CO4 9YQ

3. Planning History

11/00852/FUL Roller shutters to front of property Approved
for security.

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

ER3 Protection of Employment Land

EN23 Development Within the Proximity of a Listed Building

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

PPL9 Listed Buildings

SPL3 Sustainable Design

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.

5. Officer Appraisal

Site Description

The application site is 503 Main Road, which is located within the parish of Harwich. The site in question is currently vacant; however was most recently occupied as a hairdressers, with the remainder of the property occupied as a residential use. The character of the surrounding area is heavily urbanised with predominantly residential properties. However, adjacent to the east is All Saints Church of England Primary School, and to the north is All Saints' Church, a Grade II* Listed Building. Adjacent to the west is a terrace of five Grade II Listed cottages. The site is situated within the Settlement Development Boundary of Harwich in both the Saved Tendring Local Plan 2007 and Emerging 2013-2033 Tendring Local Plan Publication Draft.

Description of Proposal

This application seeks planning permission for the conversion of the existing A1 shop use to a residential property (use class C3). The site will be occupied as a sitting room and will connect to the existing residential use at the remainder of Number 503 Main Road to the south.

The development will result in some external changes, as listed below:

- o Replacement front elevation door and windows;
- o The shop sign to the side elevation being removed and replaced with render;
- o The erection of 1.2m high black painted metal fencing to the front and side elevations; and
- o Replacing the existing tarmac to the front boundary with planting and a gravel footpath.

Assessment

1. Principle of Development

The site is located within the Settlement Development Boundary for Harwich, as established in the saved and emerging local plans. Further, the site falls outside of a protected shopping area, where a site is restricted to a commercial use. Therefore, the principle of the loss of an A1 use in this location is considered to be acceptable, subject to the detailed consideration below.

2. Design and Appearance

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. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Policy EN23 of the Adopted Local Plan states proposals for development that would adversely affect the setting of a Listed Building, including group value and long distance views, will not be

permitted. The sentiments of this are carried forward within Policy PPL9 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposed development will result in a number of external changes, as highlighted above. Given the site is in close proximity to a number of Grade II and II* Listed Buildings, it is important that these works are not detrimental to their setting. The amendments to the building itself are all minor works, and what would be expected as a result of the proposed conversion. Moreover, the building in its current state is of no special visual interest and does not currently enhance the setting of the neighbouring Listed Buildings. Therefore, the proposed works will serve to enhance the building and due to their minor nature will preserve the setting of the Listed Buildings. The proposed fencing, while being sited in a prominent location, is to be just 1.2m in height and will not therefore be a visually harmful addition, while the soft landscaping to the front boundary will actually enhance the setting of the listed buildings. Accordingly a condition to secure details of this soft landscaping will be included within this decision.

3. Impact to Neighbouring Amenities

Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Whilst the site is adjacent to residential properties to the west, the building to be converted is single storey only with limited external changes. Therefore, the works will result in a neutral impact to existing neighbouring amenities.

4. Highways

Essex County Council Highways have been consulted as part of the process of the application, and raise no objections subject to a number of conditions relating to the use of no unbound materials, any gates being inward opening, and the vehicular turning facility being constructed, surfaced and maintained free from obstruction. Additional conditions relating to a Residential Travel Information Pack and cycle parking provision were also requested; however given the minor nature of the development and that there is sufficient space within the site to accommodate bicycles, it would not be reasonable to attach these conditions to this decision.

Furthermore, the Adopted Essex Council Parking Standards state that where a dwelling comprises of two bedrooms or more, two parking spaces should be provided with minimum measurements of 5.5m x 2.9m per space or a garage measuring 7m x 3m. The submitted plans show provision for two parking spaces to the rear of the site that comfortably meet the above requirements.

Other Considerations

Initially a condition relating to contamination was to be attached to this decision. However, following discussions between the Council and the applicant this was overcome prior to determination of the application and is therefore not included as a condition.

Harwich Town Council have raised no objections.

There have been no other letters of representation received.

Conclusion

In the absence of any significant material harm as a result of the proposed development, this application is recommended for approval.

6. **Recommendation**

Approval.

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, drawing numbers 1175-01-01 and 1175-01-02, and the email from Survey Safe (CES Ltd) dated 7 June 2019.

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

- 3 Prior to the commencement of any above ground works, a scheme of hard and soft landscaping works for the site shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme 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 - To enhance the visual impact of the proposed works, particularly given the close proximity to a number of Listed Buildings.

- 4 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.

- 5 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the footway / cycleway or where no provision of footway/cycleway is present, the carriageway.

Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent footway/cycleway/carriageway in the interest of highway safety.

8. Informatives

1. Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.