

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	11.07.19
Planning Development Manager authorisation:	AN	11/7/19
Admin checks / despatch completed	ER	11/7/19

Application: 19/00517/FUL **Town / Parish:** Harwich Town Council SHE
Applicant: Mr Sandum
Address: Custom House Main Road Harwich
Development: Variation of condition 02 of planning permission 18/00577/FUL - Alterations to approved drawings to include external alterations such as replacement windows, new openings, privacy screening and metal balustrades.

1. Town / Parish Council

Ms Lucy Ballard
 Town Clerk
 Harwich Town Council

Harwich Town Council has no objection to this application.

2. Consultation Responses

None received

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/COUNO T	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
18/01083/FUL	Erection of five dwellings, two with three bedrooms and three with four bedrooms.	Approved	25.09.2018
18/01776/DISCON	Discharge of Condition 3 (external materials) of application 18/00577/FUL.	Approved	12.12.2018
19/00517/FUL	Variation of condition 02 of planning permission 18/00577/FUL - Alterations to approved drawings to include external alterations such as replacement windows, new openings, privacy screening and	Current	

metal balustrades.

19/00519/FUL	Proposed outbuildings to create new cycle and bin stores and enclosure around the new sub station.	Approved	21.06.2019
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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

COM22 Noise Pollution

ER31 Town Centre Hierarchy and Uses

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

SP1 Presumption in Favour of Sustainable Development

SP6 Place Shaping Principles

SPL3 Sustainable Design

Local Planning Guidance

Essex Design Guide

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 (2019) 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

Custom House is the former HMRC office building; it lies within the Town Centre as defined by Policy ER31 of the Adopted Local Plan. Prior Approval 18/00350/COUNOT was issued on 15th May 2018 for the change of use from office (B1a) to 37 flats (C3).

The existing building is un-extended and 'of its' time, possessing a certain architectural integrity characterised by recessed lower ground floor/under-croft, well-proportioned buff coloured brick elevations to the upper ground floor with deep feature reveals, distinctive lead cladding and sympathetic fenestration with single pane windows. The upper roof storey comprises a set-back and slate clad mansard with roof-lights.

Description of Proposal

This application seeks a variation to planning permission 18/00577/FUL (for external alterations including replacement windows, new openings, privacy screening and metal balustrades.) under Section 78a of the Town & Country Planning Act 1990. The external alterations would provide a satisfactory standard of habitable accommodation for occupants of the building. Fenestration openings would be created and existing openings enlarged within the lower ground floor so as to accommodate full height (patio door style) glazing. Privacy screens would be erected beneath the cantilevered upper floor overhang, between adjoining units. The retained brickwork at this level would be painted grey.

At upper ground floor level, fenestration openings would be retained and new windows inserted; the buff brickwork exterior would be retained and timber panelling/divider screens would be added.

At upper floor mansard level, 6 balconies (one per flat) would be set behind the existing parapet, with access gained from new dormer roof extensions. The balconies would have metal balustrading. Above the mansard at roof level, a further metal balustrade surround would be erected around a communal terrace. Replacement windows would also be provided within the communal lobby and overhead core.

Principle

The site is located within the Development Boundary therefore there is no principle objection to the proposal, subject to the detailed considerations discussed below. In determination of the application, regard is to be given to the impact of the development on the character and appearance of the building and its surroundings and upon the amenity of occupants of the building and of neighbouring property.

Design and Appearance

The Government attach great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design.

Saved Policies QL9, QL10 and QL11 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Emerging Policy SP1 reflects these considerations.

In this instance the proposed alterations would achieve a satisfactory standard of design, would retain the intrinsic character of the original building and would not harm the character of the surrounding built environment.

Impact on Neighbours Amenities

The NPPF, at paragraph 127 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 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'.

In respect of amenity, the development and the proposed outdoor amenity spaces (balconies), would be in excess of 20m from the front windows of the nearest residential property (to the north). This is considered sufficiently distant, so as not to give rise to unacceptable levels of overlooking or disturbance to the occupiers of those properties. As such this accords with the provisions of the Adopted and Emerging Plans.

Other

A condition was attached to planning permission 18/00577/FUL that required the submission of precise details of the manufacturer and types of external materials to be used. Application 18/01776/DISCON (Discharge of Condition 3 (external materials) of application 18/00577/FUL) was approved in December 2018; this satisfied the requirement to clarify external materials and repeating the condition is deemed unnecessary.

With regard to Adopted LP policy COM22 and Emerging LP Policies SP6 and SPL3 in respect of noise, it is noted that a condition attached to permission 18/00350/COUNOT required installation of mechanical ventilation in order that alternative/secondary means of ventilation could be provided to the building. This condition was imposed so that the future occupants of the building would be protected from external noise as might arise from the lawful use of a neighbouring public house. In circumstances where the external noise environment proved to be excessive, the onus would be

on residents to operate the mechanical ventilation system in preference to using windows for ventilation purposes. On such basis it is considered that there would be no requirement in this instance for the proposed windows to be conditioned as 'non-opening' as alternative means exist of securing the appropriate level of noise attenuation. An informative is to be attached.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Refusal

- 1 The development hereby permitted shall have commenced before 27th June 2021.

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 plan: VC-90, VC-91, VC-92, VC-93, VC-94, VC-95 and VC-96; received 17th May 2019

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

- 3 The development hereby approved must be undertaken in accordance with the details shown on drawing PC-30A, received 3rd December 2018 and approved under application 18/01776/DISCON 12th December 2018 as sufficient to discharge the requirements of Condition 3 of planning permission 18/00577/FUL, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To protect the character and appearance of the building.

8. Informatives

The applicant is advised that the mechanical ventilation system to residential units within Customs House required to be provided as a condition of 18/00350/COUNOT is intended to provide mitigation against the impact of potential external noise sources on the internal residential environment of occupants of Customs House and that the windows hereby approved are therefore not to be considered the sole source of ventilation to the building. Future occupants of the building should therefore revert to mechanical ventilation in order to avoid extraneous external noise.

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.

Are there any letters to be sent to applicant / agent with the decision?		NO
Are there any third parties to be informed of the decision?		NO