

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
- QL3 Minimising and Managing Flood Risk
- ER7 Business, Industrial and Warehouse Proposals
- EN17 Conservation Areas
- EN30 Historic Towns
- HAR4A Harwich Masterplan

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
- PPL1 Development and Flood Risk
- PPL8 Conservation Areas

Local Planning Guidance

Essex Design Guide

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The building is located in an area where built form is densely-packed around the harbour. Development is of a mixed use comprising residential and commercial activity. The building has a modern (having been replaced in 2003) and functional appearance, being primarily constructed in red brick and having powder-coated window and door frames and a large roller-shutter door with profiled metal sheet roofing. The ground floor of the building serves as a storage facility for the harbour and the first floor provides overnight accommodation for visiting tug-pilots.

Description of Proposal

The application proposes replacing all of the windows and the addition of an external wall-mounted air-conditioning unit. The windows are being replaced on a like for like basis in regards to the size, siting and manufacture of the openings.

The air-conditioning unit would be mounted on the left hand side of the building approximately 2.6m back from the front elevation and 2.9m above ground level. The unit itself is relatively small, being 0.9m wide, 1.3m high and 0.4m deep.

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.

Design & 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.

The windows are being replaced on a like for like basis in regards to the size, siting and manufacture of the openings. As such it is considered that the replacement of the windows does not amount to operational development as it does not materially affect the external appearance of the building.

The air conditioning unit is of a typical appearance; the proposed siting is such that the unit would be seen in the context of an existing unit on an adjacent wall, sited behind a functional railed fence.

Impact to Neighbouring Amenities

The NPPF, at paragraph 17 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 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).

The proposed air conditioning unit would be sited on a wall adjacent an existing unit on the neighbouring property; this neighbouring property is within the same ownership as the application site. As such, little objection can be raised in regards to the amenity of occupiers of nearby properties.

Flooding

The application site is located within a high risk floodzone (at a risk of experiencing a significant flood event at least once in every one hundred years). The application is a minor development and minor developments are unlikely to raise significant flood risk issues unless:

- they would have an adverse effect on a watercourse, floodplain or its flood defences;
- they would impede access to flood defence and management facilities, or;
- where the cumulative impact of such developments would have a significant effect on local flood storage capacity or flood flows.

The siting of an above-ground air conditioning unit would not therefore raise significant flood risk issues.

Conservation Area

Heritage assets range from sites and buildings of local historic value to those of the highest significance. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. The character of an area is made up not only by individual buildings but also their relationship to each other and the sense of place that they create. The setting of a building is therefore a material consideration when assessing the suitability of development proposals in Conservation Areas.

Paragraph 192 of the NPPF requires the Local Planning Authority, when determining applications for development, to take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness.

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Policy EN17 of the Saved Plan (Development within a Conservation Area) requires that development must preserve or enhance the character or appearance of the Conservation Area. Development will be refused where it would harm the character or appearance of the Conservation Area, including historic plan form, relationship between buildings, the arrangement of open areas and their enclosure, grain, or significant natural or heritage features. Emerging Policy PPL8 reflects this consideration.

In the immediate built-context exists a modern building of functional form, an existing air conditioning unit and metal palisade fencing. It is therefore considered that the unit would preserve the character or appearance of the Conservation Area.

Historic Town

Harwich is identified in the Historic Towns Survey by Essex County Council as one of the County's three most important Historic Towns. Historic Town Centres are complex entities that reflect the history and development of the community over many centuries. They are sensitive to development pressures in much the same way as is the ecology of an environmentally important area. Development which is not accompanied by an investigation and recording of both deposits below and surviving medieval buildings above it, can lead to the irreparable destruction of unique information concerning that community's past.

Any proposals for development within the Historic Centres of Harwich, Manningtree and St. Osyth will require an appropriate level of archaeological mitigation prior to development.

As detailed above; the building itself is a replacement within the last 13 years and the proposed development would not result in the ground being broken; it is considered that any historic deposits have already been considered and an appropriate level of archaeological mitigation is not required.

Harwich Master Plan

Harwich "Old Town" as identified in Policy QL6 is an Urban Regeneration Area. The Haven Gateway Partnership, which is promoting regeneration opportunities in the Sub Region, has identified Harwich as one area requiring regeneration. In order to take this forward the Partnership, which includes the Council, has prepared a Master Plan identifying certain areas and individual sites for new development. The Harwich Master Plan contains proposals for the development of the waterfront sites at The Quay occupied by Trinity House and Harwich Haven Authority.

The nominal nature of the proposed development, in conjunction with the nature (use) of the building it would be sited on would not have a detrimental impact on the Harwich Master Plan.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Refusal

- 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: 2138-02 and 2138-03 received 22nd Jul 2019.

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

8. Informatives

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