

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	23 rd Sept 2019
Planning Development Manager authorisation:	AN	7/10/19
Admin checks / despatch completed	SB	08/10/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	KC	8/10/19

Application: 19/01161/FUL **Town / Parish:** Harwich Town Council

Applicant: Mr Steve Davies - Leonard & Davies Developments Ltd

Address: 32 - 34 Kingsway Dovercourt Harwich

Development: Variation of Condition 2 [approved plans] and Condition 3 [parking] of planning approval 17/01748/FUL omitting the proposed extension, thereby reducing the residential scheme to 4 flats

1. Town / Parish Council

Ms Lucy Ballard
Town Clerk
Harwich Town Council

Harwich Town Council has no objection to this application.

2. Consultation Responses

ECC Highways Dept No comments received

Building Control and Access Officer No adverse comments at this time.

Environmental Protection I have reviewed the application and have no adverse comment to make.

UU Open Spaces No contribution is being requested from Public Realm on this occasion.

Waste Management No comments received

3. Planning History

95/00136/FUL	(Alfresco, 32-34 Kingsway, Dovercourt) Continued use of former function room (ancillary to Snooker Centre) as integral part of existing Restaurant/Takeaway	Approved	27.03.1995
08/00624/OUT	Conversion of existing first floor snooker hall into residential accommodation. Partial demolition of first floor internal layout. New extension to form second and third floor residential accommodation.	Approved	
08/00978/FUL	Conversion of existing first floor	Withdrawn	25.09.2008

	snooker hall into 7 flats and erection of extension to form second, third and fourth floor residential accommodation for 7 flats (14 in total).		
11/01223/FUL	Change of use from restaurant (Use Class A3) to nightclub (Sui Generis) (retention of).	Withdrawn	13.01.2012
12/00983/FUL	Change of use from restaurant (Use Class A3) to nightclub (Sui Generis) (Retention of).	Refused	26.10.2012
14/00105/FUL	Variation of conditions 2, 3 and 4 of approved planning permission TEN/711/84 to use amplification equipment (condition 2), use as a bingo hall (condition 3) and to change working hours to 10.00 - 23.00 Monday to Sunday inclusive (condition 4).	Approved	21.03.2014
14/00480/DISCON	Discharge of condition 04 (sound proofing) and 05 (boarding to front window) of planning permission 14/00105/FUL.	Approved	23.04.2014
14/00828/FUL	Proposed change of use into family entertainment centre.	Approved	07.08.2014
15/00148/ADV	Signage to front of building.		24.09.2015
17/01748/FUL	Proposed covered market comprising of 22 stalls and a cafe at ground floor, change of use of first floor, and proposed extension to create 9 flats.	Approved	19.02.2018
18/01764/ADV	Erection of 18no. non illuminated fascia signs and 1no. illuminated fascia sign.	Approved	28.11.2018
19/01161/FUL	Variation of Condition 2 [approved plans] and Condition 3 [parking] of planning approval 17/01748/FUL omitting the proposed extension, thereby reducing the residential scheme to 4 flats	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL6 Urban Regeneration Areas

QL8 Mixed-Uses

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

ER31 Town Centre Hierarchy and Uses

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG10 Conversion to Flats and Bedsits

HG14 Side Isolation

EN17 Conservation Areas

TR1A Development Affecting Highways

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

SP1 Presumption in Favour of Sustainable Development

SP2 Spatial Strategy for North Essex

SP6 Place Shaping Principles

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PP1 New Retail Development

PP2 Retail Hierarchy

PP5 Town Centre Uses

PP14 Priority Areas for Regeneration

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 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 site is a former restaurant/amusements and Social Club; the use of which was changed to a covered market comprising of 22 stalls and a cafe at ground floor following approval of application 17/01748/FUL. The site is in a prominent location on Kingsway within the commercial centre of Dovercourt, and is in both a Conservation Area and an Urban Regeneration zone.

The frontage to Kingsway is an art-deco design, with the pitched roof hidden behind a parapet, and at the rear, it is a plain building, of flat roof construction and common bricks.

The building has a narrow alley between the adjacent premises to the south, and to the north, the building lies adjacent to the rear yard/parking of the adjacent premises and the building contains windows (some are bricked-up) facing the neighbours.

All surrounding buildings are in commercial use and of single, 2, 3 and 4-storey proportions and of differing architectural styles and ages and there is a substantial 4 storey flat-block to the north (Russell Rise).

Due to the rising ground, the building is 2-storey in height on Kingsway, but only single-storey at the rear on to Holly Close/The Mews. Holly Close and The Mews is a narrow road leading to the High Street.

Description of Proposal

The proposed changes to the ground floor in regards to the new indoor market have taken place and a number of units are already occupied. Notwithstanding this, the current application proposes a significant reduction in terms of the scale of the built development previously approved. It is now proposed to erect just one storey above the market with the addition of a small roof terrace (the amenity space for Flat 1) towards the front of the building, overlooking Kingsway.

The additional floor would comprise 4 flats comprising 2 x 2 bedroom and 2 x 1 bedroom units. Externally a number of features remain the same between the two applications; the parking (albeit reduced) and bin-stores are proposed for the same locations. The bicycle parking has been relocated.

Internally the same number of units is proposed at this level but the large communal roof terrace in the centre of the layout has been omitted which allows for flats of a much larger size. Differences to the external appearance of the design are primarily in regards to window openings. Seven window openings were proposed to the north elevation; this has been reduced to two (serving a communal corridor). Three openings to the east have been altered to one large opening; to the south the overall number of windows has increased. Due to the covered parking bays being omitted and the enlargement of this flat, one new window is proposed in the west elevation.

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. Further, elements of application 17/01748/FUL have been implemented; as such development could continue as approved for two additional stories at any point.

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.

It is considered that the proposed omission of the upper floors results in a more linear appearance to the development at upper levels. The reduction in built form would not diminish the quality of the development already approved.

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).

In relation to the extant permission the development would not be any more damaging than that previously approved, proposing that historic window openings were reinstated.

Highways

The development is served from existing pedestrian access-points to both Kingsway and a narrow vehicular access at the rear. The scheme provides for a mix of transport types although the parking spaces are constrained and difficult to access.

Essex County Council Highways previously confirmed they have no objections to the scheme in this location as the site is in a town centre location where there are reasonable good transport links.

It is considered that no appreciable highway safety issues would arise as a result of the development, and whilst there have been some objections from neighbours regarding the parking arrangements, the roads are private, and the parking is within the ownership of the applicant.

Other Material Considerations

Three objections to the proposal have been received and the contents have been noted.

In regards to concerns about side-facing windows – this is a revised application to that already approved where the larger development was not considered to cause a materially damaging impact on the privacy of neighbouring properties. Any views in to adjacent windows by looking over side rails of the roof terrace would be extremely oblique and no direct overlooking would result.

In regards to parking spaces and access for emergency vehicles; again, this a revision to an application which already benefits from an approval.

In regards to environmental matters; there is no evidence within the application that suggests asbestos is present at the site.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Refusal

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: - A-1639-PL-01A, Amended Site Location Plan received 5th January 2018, A-1639-PL-02A, Amended Block Plan received 5th January 2018, A-1911-PL-01, Site Plan received 2nd August 2019, A-1911-PL-02, Ground Floor Site Block Plan received 2nd August 2019, A-1911-PL-03, Ground Floor Plan received 2nd August 2019, A-1911-PL-04, Roof Terrace Plan received 2nd August 2019 and A-1911-PL-05, Proposed Elevations received 2nd August 2019.

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

- 2 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 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 3 The powered two wheeler/cycle parking facilities as shown on the approved plan are to be provided prior to the first occupation of the development and retained at all times.

Reason - To ensure appropriate powered two wheeler and bicycle parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 4 Other than the door and window openings shown on the approved plans and notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking and re-enacting that Order), no new window or door openings shall be installed in the building..

Reason - To protect the amenity of adjacent residential occupiers.

- 5 Before any development starts on the construction of the flats, precise specifications (including the manufacturer, range and colour details where applicable) or samples of the walling and roofing materials to be used, shall be made available on site for inspection, and subsequent written approval, by the Local Planning Authority. The development shall then be carried out in accordance with the approved details. Unless otherwise agreed in writing by the Local Planning Authority.

Reason - To preserve the character of the Conservation Area.

8. Informatives

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 Applicant, 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.

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 CO4 9YQ

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