

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	10/01/20
Planning Development Manager authorisation:	TF	10/01/20
Admin checks / despatch completed	CC	10/01/20
Technician Final Checks/ Scanned / LC Notified / UU Emails:	SB	10/01/2020

Application: 19/00891/FUL **Town / Parish:** Harwich Town Council

Applicant: Mr Marcus Clarke

Address: 143 Fronks Road Dovercourt Harwich

Development: Conversion of existing pool building to form self contained 1 bed dwelling together with reopening of vehicular access.

1. Town / Parish Council

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

2. Consultation Responses

Essex County Council
Archaeology

Due to the nature and scale of the proposed development there will be no requirement for archaeological investigation or historic building recording at the above site.

If you have any questions about this advice, please do not hesitate to contact me.

ECC Highways Dept

The revised information that was submitted in association with the application has been fully considered by the Highway Authority.

The proposal has now been altered to a 1bed dwelling compared to the original 2 bed dwelling this now improves the parking requirements therefore:

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

1. Prior to occupation of the dwelling, the road junction / access at its centre line for the vehicle access to be re-instated shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 45 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the road junction / access and those in the existing public highway in the interest of highway safety in accordance with

policy DM1.

2. Prior to occupation of the dwelling 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.

(Continued..)

Reason: To ensure that vehicle(s) can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

3. No unbound material shall be used in the surface treatment of the vehicular access.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

4. There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1.

5. 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.

6. The Cycle / Powered Two-wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle / powered two-wheeler parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

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 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: On the completion of the works, 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 2: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall 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**

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.

3. Planning History

04/01955/FUL	Convert existing detached double garage with self-contained granny annexe accommodation and construction of double garage extension with new master bedroom over	Approved	29.11.2004
05/00200/FUL	Change of use from proposed granny annexe accommodation to build new 3 bedroom detached house with integral garage	Refused	29.03.2005
05/01434/FUL	Proposed change of use from 2 bedroom granny annexe accommodation to 2 bedroom detached single dwelling	Refused	07.10.2005
06/01130/FUL	To retain existing garden outbuilding, vehicular access and brick wall 1.20m high to front of 143 Fronks Road.	Approved	24.08.2006
07/00260/FUL	Proposed extension to existing 5 bedroom house to create new	Refused	25.04.2007

	utility room and indoor pool with granny annexe accommodation.		
07/01133/FUL	Erection of single storey side extension to accommodate utility room, plant room and indoor swimming pool.	Approved	11.09.2007
08/00821/FUL	Retention of single storey side extension to accommodate utility room, plant room and indoor swimming pool (Variation to approval 07/01133/FUL).	Refused	01.09.2008

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG3 Residential Development Within Defined Settlements

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

EN6A Protected Species

EN11A Protection of International Sites European Sites and RAMSAR Sites

COM6 Provision of Recreational Open Space for New Residential Development

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

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL4 Biodiversity and Geodiversity

HP5 Open Space, Sports & Recreation Facilities

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 (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 relates to 143 Fronks Road, Dovercourt which is a two storey dwelling located within the settlement boundary of Harwich.

Proposal

The application seeks planning permission for the conversion of existing pool building to form a self-contained 1 bed dwelling together with the reopening of vehicular access.

Assessment

The main considerations for this application are:

- Principle of development
- Design, Layout and Appearance
- Impact to Neighbouring Amenities
- Highway Safety
- Trees and Landscaping
- Legal Obligation - Open Space
- Habitat Regulations Assessment
- Archaeology
- Other Considerations

1. Principle of Development

The site is situated within the defined settlement limits of Harwich as defined within both the 2007 Adopted Local Plan and the emerging Publication Draft (2017), and therefore the principle of residential development in this location is acceptable subject to the detailed considerations as set out below.

2. Design, Layout 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).

The proposal will involve converting the existing one and half storey pool building to a one bedroom dwelling, which will be accessed via Fronks Road. The plans demonstrate that there will be some fenestration changes and changes to the rear. To the front elevation a dormer window is proposed serving the bedroom to the first floor. There are examples of dormer windows along Fronks Road and it is therefore considered that the proposal is in keeping with the street scene. To the eastern elevation, an entrance door is proposed along with new timber decking and a timber fence which is adjacent to the public right of way. To the southern elevation bi fold doors are proposed which will open out onto the proposed terrace and decking area. It is therefore considered that the proposed changes are in keeping with the existing building and therefore will not cause any impact upon the streetscene and it is acceptable in terms of design and appearance.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of on bedroom should have a minimum of 50 square metres. The submitted plans demonstrate that the proposal is in line with this policy. Number 143 Fronks Road serves 6 bedrooms and it retains over 100 square metres of private amenity space in line with policy HG9.

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).

As the proposal is a conversion, the existing pool house building will remain the same. To the east of the site is number 139 Fronks Road, however due to the distance of approximately 40 metres as well as the site being adjacent to a public right of way, it is considered that the proposed conversion will not cause any impact upon the neighbouring dwelling.

To the west of the application is number 143 Fronks road, as there are no windows proposed to the side elevation of the proposed conversion as well as a timber fence which will help screen the private amenity space to the neighbouring dwelling, it is considered that the proposed conversion will not cause any impact upon neighbouring amenities.

4. Highway Safety

Essex Highways Authority have stated that the proposal has been altered to a 1 bed dwelling compared to the original 2 bed dwelling this now improves the parking requirements. The Highways Authority do not raise any objections subject to conditions relating to the visibility splays, a vehicular turning facility, no unbound materials, no discharge of surface water, vehicular parking spaces, cycle parking and storage of building materials. The condition relating to vehicular parking spaces measurements will not be imposed as the plans demonstrate that the spaces are in line with Essex Parking Standards. The cycle condition will not be imposed as the floor plans provided demonstrate that there is cycle parking available. The storage of building materials will be imposed as an informative only.

Furthermore, the Council's Adopted Parking Standards require that for dwellings with one bedroom requires one parking space which will measure 5.5 metres by 2.9 metres. The submitted plans demonstrate that there is sufficient space to the front of the dwelling to accommodate a parking space in line with the above standards. Therefore it is concluded that the proposed dwelling is acceptable in terms of highway safety.

5. Trees and Landscaping

No trees or other vegetation will be affected by the development proposal. There is little scope or need for new soft landscaping to make the development proposal acceptable. It is therefore acceptable in terms of tree and landscape impacts.

6. Open Space

Policy COM6 of the adopted Tendring District Local Plan 2007 states "For residential development below 1.5 hectares in size, developers shall contribute financially to meet the open space requirements of the development in proportion to the number and size of dwellings built".

A contribution towards Open Spaces is not considered to be relevant or justified to this application, and accordingly has not been requested on this occasion.

7. Habitats Regulation Assessment

Following Natural England's recent advice and the introduction of Zones of Influences around all European Designated Sites (i.e. Ramsar, Special Protection Areas and Special Area of Conservation). Within Zones of Influences (which the site falls within) Natural England are requesting financial contributions to mitigate against any recreational impact from new dwellings.

Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public

interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation.

The application scheme proposes a new dwelling on a site that lies within the Zone of Influence (ZoI) and it is approximately 1.1 km away from Hamford Water Ramsar Site and SPA and approximately 1.1km away from Stour and Orwell Estuaries Ramsar Site and SPA. New housing development within the ZoI would be likely to increase the number of recreational visitors to the Hamford Water and Stour and Orwell Estuaries and in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation.

A completed unilateral undertaking has been received to secure the financial contribution required to mitigate against any recreational impact from the new dwelling and to ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

8. Archaeology

The Historic Environment Officer has been consulted on this application and has stated that due to the nature and scale of the proposed development there will be no requirement for archaeological or historic building recording at the above site.

9. Other considerations

Harwich Town Council no objection to this application.

No letters of representation have been received.

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 plan: P-001 C, P-002 C and P-005.

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

- 3 Prior to occupation of the dwelling, the road junction / access at its centre line for the vehicle access to be re-instated shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 45 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the road junction / access and those in the existing public highway in the interest of highway safety

- 4 Prior to occupation of the dwelling 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 vehicle(s) can enter and leave the highway in a forward gear in the interest of highway safety

- 5 No unbound material shall be used in the surface treatment of the vehicular access.

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

- 6 There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety

- 7 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B, C and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), there shall be no additions or alterations to the dwelling or its roof, nor shall any buildings, enclosures, swimming or other pool be erected except in accordance with drawings showing the design and siting of such additions and/or building(s) which shall previously have been submitted to and approved, in writing, by the local planning authority.

Reason - In the interests of visual amenity and residential amenities.

- 8 No above ground level works shall take place until precise details of the provision, siting, design and materials of screen walls and fences have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be erected prior to the occupation of the development and thereafter be retained in the approved form unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the development is appropriate within its setting in the interests of visual amenity.

- 9 Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) England Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no provision of fences, walls, gates or other means of enclosures, shall be erected forward of the front elevation of the dwelling hereby approved except in accordance with details that shall previously be approved in writing by the Local Planning Authority.

Reason - In the interests of visual amenity.

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 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.

Highways

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

On the completion of the works, 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.

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall 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:

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Legal Agreement Informative - Recreational Impact Mitigation

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO