

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	13 th May 2020
Planning Development Manager authorisation:	TF	13/05/2020
Admin checks / despatch completed	CC	13/05/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	PW	13/05/20

Application: 20/00229/FUL **Town / Parish:** Harwich Town Council
Applicant: Ms Susan Lewis
Address: 7 Church Street Harwich Essex
Development: Proposed erection of railings along the side of our private car park in Church Lane.

1. Town / Parish Council

No comments have been received

2. Consultation Responses

No comments have been received

3. Planning History

99/01040/LBC	Installation of air conditioning involving the fitment of an external air conditioning unit.	Approved	01.09.1999
12/01190/FUL	Conversion of office building to 2no. residential units and associated alterations.	Approved	01.05.2013
12/01191/LBC	Proposed internal and external alteration to facilitate the conversion of office building to 2no. residential units.	Approved	01.05.2013
14/01702/FUL	Proposed internal and external alteration to facilitate the conversion of office building to residential house.	Approved	03.02.2015
14/01704/LBC	Proposed internal and external alteration to facilitate the conversion of office building to residential house.	Approved	13.01.2015
15/00302/DISCON	Discharge of condition 04 (Door details) of Listed Building Consent 14/01704/LBC.	Approved	01.04.2015

19/01710/LBC	Restoring brick chimney on rear of property which has previously been truncated and capped	Approved	06.01.2020
20/00123/DISCON	Discharge of conditions 2 (materials) and 3 (chimney pots) for approved application 19/01710/LBC.	Approved	14.02.2020
20/00229/FUL	Proposed erection of railings along the side of our private car park in Church Lane.	Current	

4. Relevant Policies / Government Guidance

National Planning Policy framework

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

QL3 Minimising and Managing Flood Risk

HAR4A Harwich Masterplan

EN17 Conservation Areas

EN30 Historic Towns

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

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

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 general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is not immediately associated with the dwelling itself; the dwelling is located on the corner of Church Street and Church Lane. Church Lane has vehicular access from the West Street end only with traffic bollards at the Church Street end preventing the very narrow lane being accessed from both directions. On the south-west side of Church Lane is a large, open, parking area in the region of 50sqm which is owned by the occupiers of the main dwelling. This area is entirely separate from the dwelling, on the opposite side of the road.

The parking area shares its north-east boundary with an attractive wooded parcel of land, the perimeter of which is surrounded by a dwarf wall with spiked railings above. The south-west of the parking area shares its boundary with the rear of No. 68 West Street – the perimeter of this property has galvanised, grey railings which are attached to a substantial brick wall.

Description of Proposal

The application proposes the erection of a length of railings starting at the most south-westerly point (adjacent the existing railings on the boundary of No. 68 West Street). The width of the entrance to the parking area is around 10.7m. The railings would be sited at the back edge of the footpath and have a length around 5.6m, thereby partially enclosing the parking area; around 4m would be left un-enclosed to allow for vehicles to enter/exit the area. The railings would have a total height of 1.2m (which is around 10cm lower than the existing) and be wrought iron.

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 proposed railing would be simple in their design and appearance and entirely relate to the site and its surrounding in regards to the metal railings which are already in-situ.

Impact to Neighbouring 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 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 proposal, by reason of its nominal height (1.2m) and siting would not have any significant impact on the privacy, daylight or harm to the amenities of any of the adjacent neighbours.

Highway Issues

Paragraph 108 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate. These objectives are supported by emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

The parking area is entirely within the applicant's ownership and for this reason, it is unlikely that any conflict in vehicular movements would occur at the point of the reduced width of the access.

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.

Harwich is a fine example of a medieval planned town, inextricably linked with its maritime connections past and present, with a wealth of important and historic buildings grouped round the original street pattern. A large number of alleyways survive to interconnect the regular medieval streets. Much of the appearance of the town however dates from the recasting of facades in the 18th century. The intimate scale of the streets is contrasted with the larger bulk of buildings historically associated with the quayside and with the extensive areas of open space on the south and east of the town centre.

The Conservation Area Statement makes reference to the locale being that; opposite the church is a small corner plot, also railed with an old stone plinth wall. Prominent in this 'square' in front of the church are no 6, in pistachio render with small-pane sash windows including painted dummies over the front door, and no 7, a Trinity House property of three storeys, and rendered with an elegant quadrant corner to Church Lane and Church Street.

By reason of their design and height and, in conjunction with railings being commonplace in the locale, the proposed railings are considered to preserve the character of the Conservation Area.

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: BLOCK PLAN AND RAILINGS ELEVATION, revision A received 17th February 2020, AMENDED BLOCK PLAN, received 25th March 2020 and the contents of the Design and Access Statement, received 17th February 2020.

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

8. Informatives

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.

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