

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NW	07/10/2021
Planning Development Manager authorisation:	JJ	08/10/2021
Admin checks / despatch completed	CC	12.10.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AN	12/10/21

Application: 21/01193/FUL **Town / Parish:** Harwich Town Council

Applicant: Mr I Heitner

Address: 5 Steele House High Street Harwich

Development: Proposed construction of new one bedroom flat to the top of the existing building.

1. Town / Parish Council

Ms Lucy Ballard, Town
Clerk Harwich Town
Council
18.08.2021

Harwich Town Council objects to this application on the grounds that no parking has been provided in additional to what is currently available at the site.

2. Consultation Responses

ECC Highways Dept
09.09.2021

The information that was submitted in association with the application has been fully considered by the Highway Authority. No site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image dated April 2019. It is noted that the proposal is for a 1-bed flat and will provide 1 no. off-street parking space to the rear of the existing building. The proposal is in a town centre location with access to public transport facilities and good local amenities; taking into account these considerations:

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

1. Areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided 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.

2. As indicated on drawing no. P01 Cycle 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 parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

3. The proposed dwelling shall not be occupied until such time as the vehicle parking area indicated on the approved plans, has been hard surfaced, sealed and if required marked out in a parking bay. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

4. Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

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: 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 - Development Management Team
Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester,
CO7 7LT

2: 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.

Building Control and
Access Officer
29.07.2021

The travel distance from the bedroom would appear to exceed the 9m limit.

UU Open Spaces
17.08.2021

Response from Public Realm
Open Space & Play

Application Details

Application No: 21/01193/FUL

Site Address: 5 Steele House High Street Harwich Essex

Description of Development: Proposed construction of new one bedroom flat to the top of the existing building.

Current Position

There is currently a deficit of 12.59 hectares of equipped play in Harwich and Dovercourt.

Recommendation

No contribution is being requested on this occasion.

Environmental Protection
07/10/2021

In order to minimise potential nuisance caused by ground works and construction, Environmental Protection recommend that the following below is conditioned;

- No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst construction works and alterations are being carried out.
- No materials produced as a result of the site development or clearance shall be burned on site.
- All reasonable steps shall be taken to minimise dust and litter emissions from the site whilst works of construction and/or demolition are in progress.

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

3. Planning History

09/00595/FUL	Change of use from Class A1 (shop) to Class A5 (Hot food takeaway).	Refused	10.09.2009
21/30052/PREAPP	Conversion of existing A1 commercial space on ground and basement levels to 2no. residential	Refused	21.04.2021

units (flats 5b and 5c), construction of additional floor to create 1no. additional residential unit (flat 5d), upgrades and refurbishment to existing first floor roof area to create screened private amenity space for existing flat 5a and overall refurbishment of building exterior.

21/01347/FUL	Proposed replacement windows and doors to the ground floor and lower ground to front and rear elevation.	Approved	24.09.2021
21/01384/COUNO T	Proposed conversion into two residential units.	Determination	04.10.2021

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2021
National Planning Practice Guidance

- Tendring District Local Plan 2007

QL2	Promoting Transport Choice
QL3	Minimising and Managing Flood Risk
QL11	Environmental Impacts and Compatibility of Uses (part superseded)
HG3	Residential Development within Defined Settlements
HG3A	Mixed Communities
HG4	Affordable Housing in New Developments
HG6	Dwelling Size and Type
HG7	Residential Densities
HG9	Private Amenity Space
HG14	Side Isolation
COM1	Access for All
COM6	Provision of Recreational Open Space for New Residential Development
TR1A	Development Affecting Highways
TR5	Provision for Cycling
TR7	Vehicle Parking at New Development

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

Section 1: Adopted

SP1	Presumption in Favour of Sustainable Development
SP2	RAMS
SP3	Spatial Strategy for North Essex
SP4	Meeting Housing Needs
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles

Section 2: Emerging

SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design
LP1	Housing Supply
LP2	Housing Choice
LP3	Housing Density and Standards
LP4	Housing Layout
HP5	Open Space, Sports & Recreation Facilities
PPL1	Development and Flood Risk
PPL4	Biodiversity and Geodiversity
PPL5	Water Conservation, Drainage and Sewerage
PPL10	Renewable Energy Generation and Energy Efficiency Measures
CP1	Sustainable Transport and Accessibility
DI1	Infrastructure Delivery and Impact Mitigation

Status of the Local Plan

Planning law requires that decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework 2021 (the Framework).

The 'development plan' for Tendring comprises, in part, the 'saved' policies of the 2007 Local Plan. Paragraph 219 of the Framework allows local planning authorities to give due weight to policies adopted prior to its publication according to their degree of consistency with the policies in the Framework. On the 26th January 2021 Section 1 of the 2013-2033 Local Plan was adopted and now also forms part of the 'development plan' for Tendring, superseding some of the more strategic policies in the 2007 Local Plan. Notably, the housing and employment targets were found sound and have been fixed, including the housing requirement of 550 dwellings per annum.

Paragraph 48 of the Framework 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 the policies of the Framework. In this regard 'Proposed Modifications' to the emerging Section 2 of the 2013-33 Local Plan, which contains more specific policies and proposals for Tendring, has been examined and hearing sessions have now closed. The main modifications recommended to make the plan legally compliant and sound were considered at the Council's Planning Policy and Local Plan Committee on 29th June 2021. The Council held a six-week public consultation on the Main Modifications and associated documents which began on 16th July 2021. The consultation closed at 5pm on 31st August 2021 and adoption is expected later this year. Section 2 will then join Section 1 as part of the development plan, superseding in full the 2007 Local Plan. Section 2 of the 2013-33 Local Plan is therefore at a very advanced stage of preparation and should be afforded considerable weight.

In relation to housing supply:

The Framework requires Councils 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, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, the 'tilted balance' at paragraph 11 d) ii) of the Framework is engaged. This requires applications for housing development be granted permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Following the adoption of Section 1 of the 2013-33 Local Plan and the Council's 'Objectively Assessed housing Need' of 550 dwellings per annum there is no housing shortfall. The Council is able to report a comfortable surplus of housing land supply over the 5 year requirement. The 'titled balance' at paragraph 11 d) ii) of the Framework does not therefore apply to applications for housing.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site lies within the Harwich Settlement Development Boundary as defined within the adopted Tendring Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017. The site is also within the defined Town Centre of Dovercourt and within the Primary Shopping frontage at ground floor.

The host plot involves the roof space of 5 Steel House that is currently a shop on ground floor with a flat at first floor, this part of the building is recessed compared to the building immediately adjacent and therefore currently only extend to first floor level.

The site is not within close proximity to any listed buildings or Conservation Areas. There are no TPO's on site.

Proposal

The application is for the proposed construction of new one bedroom flat to the top of the existing building, a flat to sleep two people.

Assessment

The main considerations for this application are;

- 1) Principle of development,
- 2) Design and appearance,
- 3) Residential Amenities
- 4) Highway Safety and Parking Provision
- 5) Financial Contributions
- 6) Other Considerations

1. Principle of development

The application site lies within the Settlement Development Boundary of the Tendring District Local Plan (2007) and the Settlement Development Boundary of the Emerging Tendring District Local Plan 2013-2033. The principle of development is therefore considered acceptable subject to the considerations listed below.

2. Design and Appearance

QL11 of the Tendring District Local Plan (2007) seeks that all new development should make a positive contribution to the quality of the local environment and protect or enhance the local character and that development should not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby property. The adopted Policy of

the emerging Local Plan SP7 Place Shaping principles follows these principles together with emerging policy SPL3 Sustainable Design.

The appearance of the flat is close to identical to the rest of the block. No objection is raised.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a flats should be either

- i. a minimum of 25 square metres per flat provided communally; or
- ii. a minimum of 50 square metres private garden area for a ground floor flat or maisonette and a minimum balcony area of 5 square metres for units above.

The host development does not provide for any specific outdoor amenity space however this in the case for the other flats in the block. The flat is 5 minutes' walk from Marine Parade at the top of Dovercourt's seafront promenade which is part of both The Essex Way long distance footpath and National Cycle Route 51. Steele House is very well connected to seaside resort amenities and is considered acceptable in this regard.

Internally, the floor layout matches that of the flat below. The floor size is 54.1 m², this includes a bedroom, bathroom, kitchen and large living area. The floor size and layout complies with the National Minimum floor standards.

3. Residential Amenities

There are no side facing windows and the fenestration to the front and rear is not overlooking any sensitive neighbouring land uses.

The scale of the proposed extension to the building is not considered to be over dominant towards to the neighbouring building to the 193 High Street to the west. The day light and sunlight test has shown the proposal is compliant with the BRE guidelines for both.

The separation distance between the two buildings is a positive contributing factor towards this positive assessment.

The impacts on residential amenity are considered acceptable.

4. Highway Safety and Parking Provision

Essex Highway Authority have been consulted on this application and have raised no objections. ECC Highways has said, the development will provide 1 no. off-street parking space to the rear of the existing building. The proposal is in a town centre location with access to public transport facilities and good local amenities; taking into account these considerations the proposal is acceptable to the ECC Highway Authority subject to construction management, cycle provision, marking out the parking bay, and the provision of a residential travel pack. All but the final condition and bike storage are agreed with due the limited scale of the development and the fact the bike storage is in already proposed.

Officers would point out that there is no additional spaces being created in this location, instead the applicant is marking out the spaces available in the parking lot for the units at this end of the block, ie making the space more efficient. This in itself is a bonus, for residents living within the end units. Also, a safe bike store is proposed, another net gain towards the development. The site is within a highly sustainable location with plenty of bus and cycle routes locally, also there is a train station

nearby. There are 8 spaces in total this is considered sufficient for the block of 11 flats in the block, (13 if you include the two created via the prior approval 21/01384/FUL). The problem locally is often caused by non residents parking in the spaces and this is a civil matter that needs to be resolved by the free holder of the parking area. The host site is physically within the primary shopping frontage of Dovercourt and the Town Centre boundary. Within such town centre locations ECC often accept far lower levels of car parking for residential developments, see current application Ref 21/01081/FUL for five residential units on the ground floor. There are no parking spaces provided and there is no objection offered from ECC Highways on that application either.

Officers would add that the ward Cllr contacted the Planning Department regarding this issue of parking however, the request to call the application in to committee on these grounds was made outside of the time frame for doing so. In any event, for the reasons outlined above, an objection on parking grounds cannot be sustained in this instance.

The NPPF says of such matters:

'Para 107. If setting local parking standards for residential and non-residential development, policies should take into account:

- a) the accessibility of the development;*
- b) the type, mix and use of development;*
- c) the availability of and opportunities for public transport;*
- d) local car ownership levels; and*
- e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.*

108. Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport (in accordance with chapter 11 of this Framework). In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure'

Given the Town Centre location and the guidance from the NPPF, there are no substantive grounds to object on highway / parking matters. A condition for an electric charging point is recommended to be included.

5. Legal obligations - Open Space / RAMS

Policy COM6 of the adopted Local Plan 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". The financial contribution would be secured through a legal agreement.

There is currently a deficit of 12.59 hectares of equipped play in Harwich and Dovercourt. No public open space contribution is being requested on this occasion. However, RAMS payments have been made via legal agreements.

6. Other Considerations

Given the location and the nature of the proposal (extension at second floor level on top of hard surfaces), there is limited to no opportunities to improve biodiversity in this location.

The Building Control comment is noted, however this falls under separate legislation to planning matters. On Planning grounds the application is found to be sound. Building

Regulations approved is required separately before the development is legally permitted to commence.

Harwich Town Council objects to this application on the grounds that no parking has been provided in addition to what is currently available at the site.

These concerns have been addressed in the report.

No letters of representation have been received.

6. Recommendation

Approval, subject to planning conditions.

7. Conditions / Reasons for Refusal

- 1 The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason - The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

P01 a	Proposed floor and roof plans
P03 a	Proposed side elevations and sections a-a
P02 b	Amended proposed elevations
P04	Proposed site, block and site layout plan

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

3. No development shall commence until precise details the manufacturer and types and colours of the external facing and roofing materials for the dwelling to be used in the construction have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To ensure a satisfactory development in relation to external appearance and in the interests of residential amenity.

4. Areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided 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.

5. The dwelling hereby approved shall not be occupied until such time as the vehicle parking area indicated on the approved plans, has been hard surfaced, sealed and if required marked

out in a parking bay. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8

6. No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst construction works and alterations are being carried out. No materials produced as a result of the site development or clearance shall be burned on site.

Reason: Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

7. An electric vehicle charging point shall be provided for the approved dwelling prior to first occupation.

Reason: In the interests of sustainable transportation.

8. Informatives

Positive and Proactive Statement

1. 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 these 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.

Informative:

1: 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 - Development Management Team
Ardleigh Depot,
Harwich Road,
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CO7 7LT

- 2: 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.

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