

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	7 <sup>th</sup> April 2022
Planning Development Manager authorisation:	SCE	13.04.2022
Admin checks / despatch completed	DB	14.04.2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	14.04.2022

**Application:** 21/02073/FUL **Town / Parish:** Clacton Non Parished

**Applicant:** Mr K Kandiah and Mr M Seaman - 66 Limited

**Address:** Harlech House Carnarvon Road Clacton On Sea

**Development:** Extension of existing building to create 4 No new flats

### **1. Town / Parish Council**

Not applicable

### **2. Consultation Responses**

Building Control and  
Access Officer  
21.12.2021

No comments at this stage.

ECC Highways Dept

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 no new or altered means of access is proposed for the parking area that is accessed off Hayes Road. The site is in a town centre location where there is good transport links with Clacton Railway Station located opposite the site; the nearest bus stops are located directly outside the existing building, Station Road and Skelmersdale Road. The existing site has some off-street parking that will be controlled by the client's management company while three additional car parking spaces will be provided as part of this application; the town centre location means that many services are within walking distance of the proposed flats, considering these factors, from a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority, subject to mitigation and conditions.

UU Open Spaces  
04.01.2022

Response from Public Realm  
Open Space & Play

Current Position

There is currently a deficit of 41.08 hectares of play in the Clacton/Holland area.

Recommendation

Any additional development in Clacton will increase demand on

already stretched facilities.

The nearest area play area and open space is at Vista Road, improvements are needed to this play area/open space to cope with any additional development.

### **3. Planning History**

96/00023/TELCOM	Telecoms installation	Determination	17.10.1996
13/00642/COUNOT	Prior notification under Class J of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, as amended - change of use from office (use Class B1(a)) to residential (use Class C3)	Determination	30.07.2013
13/01221/FUL	Construction of new staircase (following removal of existing external staircase). Removal of entrance lobby and replace with new windows. Insertion of new windows to front elevation.	Approved	19.12.2013
13/01445/FUL	Construction of additional two bedroom ground floor flat within structure of existing building.	Approved	12.02.2014
14/00482/FUL	Variation of Condition 2 of 13/01221/FUL. To substitute drawing no 738/17 B and 738/14 B with drawing numbers 738/40A and 738/45A to include amendments to structure to provide additional lounge to flat 29 and creation of balconies within former stair.	Approved	21.05.2014
14/01734/FUL	Construction of 4 no. new flats on roof of existing building.	Refused	14.01.2015
16/00047/FUL	Construction of 2 No. flats on roof of existing building.	Approved	26.04.2016
21/02073/FUL	Extension of existing building to create 4 No new flats	Current	

### **4. Relevant Policies / Government Guidance**

*NPPF National Planning Policy Framework July 2021*

*National Planning Practice Guidance*

*Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)*

SP1 Presumption in Favour of Sustainable Development

SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

SP3 Spatial Strategy for North Essex

SP4 Meeting Housing Needs

SP7 Place Shaping Principles

*Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)*

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP4 Housing Layout

PPL4 Biodiversity and Geodiversity

CP1 Sustainable Transport and Accessibility

*Supplementary Planning Documents*

Tendring Provision of Recreational Open Space for New Development SPD 2008

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)

*Local Planning Guidance*

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

### **Status of the Local Plan**

Planning law requires that decisions on 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 (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

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 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, Paragraph 11 d) of the Framework requires granting 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 (what is often termed the 'tilted balance').

The Local Plan fixes the Council's housing requirement at 550 dwellings per annum. On 19 October 2021 the Council's Strategic Housing Land Availability Assessment (SHLAA) updated the housing land supply position. The SHLAA demonstrates in excess of a six-and-a-half-year supply of deliverable housing land. On 14 January 2022 the Government published the Housing Delivery Test (HDT) 2021 measurement. Against a requirement for 1420 homes for 2018-2021, the total number of homes delivered was 2345. The Council's HDT 2021 measurement was therefore 165%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to applications for housing.

## **5. Officer Appraisal**

### Site Description

Harlech House is a dominant mid/late 1970's building of a concrete framed structure sited on the corner of Carnarvon Road (a main road leading to Clacton town centre) and Hayes Road. The building has been converted from Class B1 (office) to Class C3 (dwelling house), deemed as Permitted Development, not requiring prior approval under reference 13/00642/COUNOT.

It comprises of five storeys of residential accommodation with a central service tower/stairwell projecting by a further storey above the main roof of the building. The existing elevations are mainly of brick and glass with bright blue coloured panels beneath former office windows. The bright red finish to the service tower/stairwell emphasises this as a strong vertical element which helps to provide some visual relief to the massing of the building as a whole, breaking it down visually into three main elements. The character of the local area is of mixed use although adjacent Hayes Road is mainly residential.

### Relevant History

An application, to replace one of the external stairs together with other elevation changes was approved under reference 13/01221/FUL. An application for an additional flat at ground level was approved under 13/01445/FUL, a variation to approval 13/01221/FUL to allow an extra lounge and creation of balconies was approved, and an application for two flats on the roof was approved in 2016 under 16/00047/FUL). The building work is completed with the building containing thirty two flats comprising 2 No 3 bed, 18no 2 bed and 12no 1 bed flats.

### Description

This application seeks approval for an additional four, three bedroom, flats to be constructed on the northwest elevation of the existing building, serviced off the existing stairwell. The additional block would be flat-roofed and around 12.5m high and a little over 10m deep. The proposed new flats will be constructed in brickwork matching with the brickwork on the existing building. Terraces would be provided to the north-east elevation fronting Carnarvon Road.

### Assessment

The main planning considerations are:

- Principle of Development;
- Layout, Scale and Appearance;
- Neighbouring Amenities;
- Highway Considerations;
- Financial Contributions – RAMS
- Financial Contributions – POS
- Representations

### Principle of Development

The site is located within the Development Boundary therefore there is no principle objection to the proposal, subject to the detailed considerations discussed below.

Layout, Scale and Appearance

Section 1 Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context. Section 2 Policy SPL3 of the 2013-33 Local Plan also requires, amongst other things, that the development respects or enhances local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features. Section 2 Policy LP4 requires that the design and layout of new residential and mixed-use developments in the Tendring District will be expected to deliver new dwellings that are designed to high standards of architecture, which respect local character and which together with a well-considered site layout, create a unique sense of place. Paragraph 130 of the Framework requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

The extension follows the essentially linear form of the existing building and link with the main building with the end stairwell that will also provide the access to the new flats. The extension is lower in height than the existing building, stepping down towards Hayes Road. Opposite are the Victoria Heights apartments that are also four storeys. The small areas of cladding on the original building have not been repeated but the line and details of the fenestration have been followed through. The form, scale and appearance of the extension is entirely appropriate in its context and for these reasons the development respects skylines, existing street patterns and is sympathetic to local character.

Residential Amenities

The NPPF, at paragraph 130 states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Section 1 Policy SP7 of the Tendring District Local Plan 2013-2033 requires that all new development protects the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking. Section 2 Policy LP4 requires that new residential developments will be expected to provide for private amenity space of a size and configuration that meets the needs and expectations of residents and which is commensurate to the size of dwelling and the character of the area.

Space Standards:-

In March 2015, the government launched a new approach to housing standards and published a new set of streamlined national technical standards. This included publication of Technical housing standards – nationally described space standard.

	No. of Bedrooms	No. of Bed Spaces	Storeys	Min Requirement	Actual Floorspace	Compliance
1	3	5	1	86	91sqm	Yes
1	3	5	1	86	91sqm	Yes
1	3	5	1	86	91sqm	Yes
1	3	5	1	86	91sqm	Yes

The proposal includes balconies for the four flats which would face Carnarvon Road; there are a number of flatted-developments in the immediately vicinity (Victoria Heights, Kapel Court for example). Amenity space in the locale is varied with some of the flats in the referred-to blocks have balconies; aside from the roof-top flats, the existing occupiers have access to a small amount of greenspace within the site in addition to access to the public park opposite. For these reasons the size and configuration of the proposed balconies is commensurate to the varied character of the area.

The siting of the proposed extension is around 30m to the south-east of Victoria Heights and 16m to the north-east of No. 74 Hayes Road; the side elevation of 74 Hayes Road contains an entrance door and a first-floor side facing obscurely-glazed window which faces the application site. The building's south-west elevation already contains windows which serve the existing flats, the proposed fenestration to the rear extension is no closer to adjacent neighbours than the existing building.

Overall the proposal is considered to secure a good standard of amenity for future occupants of the proposed dwelling.

### Highway Considerations

Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. Paragraph 112 states that applications for development should (a) give priority first to pedestrian and cycle movements and (c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter. Paragraph 130 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. These objectives are supported adopted Policy SP7 of the Tendring District Local Plan 2013-2033.

It is noted that no new or altered means of access is proposed for the parking area that is accessed off Hayes Road. The site is in a town centre location where there is good transport links with Clacton Railway Station located opposite the site; the nearest bus stops are located directly outside the existing building, Station Road and Skelmersdale Road. The existing site has some off-street parking that will be controlled by the client's management company while three additional car parking spaces will be provided as part of this application; the town centre location means that many services are within walking distance of the proposed flats.

### Recreational Disturbance Avoidance and Mitigation Strategy (RAMS):

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 contribution is secured by unilateral undertaking.

The application scheme proposes a new dwelling on a site that lies within the Zone of Influence (Zoi) being approximately 7,985 metres from Colne Estuary (Mid-Essex Coast Phase 2) SPA, SAC and Ramsar. However, new housing development within the Zoi would be likely to increase the number of recreational visitors to Colne Estuary; 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 unilateral undertaking has been prepared to secure this legal obligation. This will ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with Section 1 Policy SP2 and Section 2 Policy PPL4 of the Tendring District Local Plan 2013-2033 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

### Public Open Space

Paragraph 54 of the National Planning Policy Framework (2019) states Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Paragraph 56 of the NPPF states planning obligations must only be sought where they are necessary to make the development acceptable in planning terms, directly relate to the development and fairly and reasonably relate in scale and kind to the development.

Section 2 Policy HP5 states that The Council will work with partners and sports providers across the district to maintain, expand and improve the quality and accessibility of public open space, sports and recreational facilities of different types and will aim to achieve and exceed standards set out in the Council's 2017 Open Spaces Strategy or any future update. Financial contributions will also be sought through s106 legal agreements (or an appropriate alternative mechanism) towards ongoing maintenance.

In line with the requirements of Section 2 Policy HP5 the Council's Open Space Team have been consulted on the application to determine if the proposal would generate the requirement for a financial contribution toward public open or play space. The outcome of the consultation is that there is currently a deficit of 41.08 hectares of play in the Clacton/Holland area. Any additional development in Clacton will increase demand on already stretched facilities. The nearest area play area and open space is at Vista Road, improvements are needed to this play area/open space to cope with any additional development. A unilateral undertaking has been prepared to secure this legal obligation.

### Representations

When a decision is made on a planning application, only certain issues are taken into account; these are often referred to as 'material planning considerations'. The weight attached to material considerations in reaching a decision is a matter of judgement for the decision-taker however the decision-taker is required to demonstrate that in reaching that decision that they have considered all relevant matters. Generally greater weight is attached to issues raised which are supported by evidence rather than solely by assertion.

A number of letters were received objecting to the proposal; summarised as:-

We object on the grounds of further detrimental impact on our amenity and our quality of life.	See Neighbouring Amenities section above.
We object on the grounds of loss of green amenity space for the tenants of Harlech House.	The proposal would reduce this small space by around half; however there is a large public green immediately across the road.
We object on the grounds of the overshadowing and/or loss of privacy of our property.	See Neighbouring Amenities section above.
We object on the grounds of lack of adequate parking.	See Highways section above.
We object on the grounds of overdevelopment.	See Layout, Scale and Appearance section above.
We object on the grounds that there is a lack of need for this development.	This is not a material consideration in the determination of a planning application.
We currently experience light pollution from security lights directly shining into our windows and from balconies lit with lights 24/7. There is additional disruption and noise from the tenants' cars, shouting, and loud music, there is also anti-social behaviour in the car park all of which affect the quality of our amenity and quiet enjoyment of our home, increasing the number of flats will exacerbate this.	Noted; the concerns raised are matters which are dealt with by Environmental Protection and an on-line complaint form can be completed here:- <a href="https://www.tendringdc.gov.uk/nuisance-anti-social-behaviour-witness-diary-report-form">Nuisance, Anti Social Behaviour Witness Diary Report Form (tendringdc.gov.uk)</a>
Profit is the driver for this application	This is not a material consideration in the determination of a planning application.
Application form; Q12 biodiversity	The effect on unprotected wildlife would be minimal in the context of the wider locale
Application form; Q16 residential units	The response is correct, there are no residential units in the footprint where the development is to be sited.
Drawing 738/102 Site Plan; This includes the wording 'Parking for 14' cars but only 13 spaces are denoted.	This was an error by the agent and subsequently corrected through the submission of an amended plan.
Design & Access Statement – The statement	Noted; however a Design & Access Statement

that the building work is completed with the building containing thirty-two flats comprising 2 No 3 bed, 18no 2 bed and 12no 1 bed flats is incorrect as the building comprises 3 No. 3-bed, 17 No. 2-bed and 12 No. 1-bed apartments.	is not a statutory document in this case nor does it form part of the drawings approved for the proposal.
Design & Access Statement – The statement that the building is a five storey is incorrect - the addition of two apartments on the roof made it a six storey building.	Noted; however a Design & Access Statement is not a statutory document in this case nor does it form part of the drawings approved for the proposal.
Design & Access Statement – The statement that the proposed addition of two flats will have minimal impact is incorrect as the application is for the addition of four apartments.	Noted; however a Design & Access Statement is not a statutory document in this case nor does it form part of the drawings approved for the proposal. The plans and application form show the proposal is for four flats.
Design & Access Statement - I object to the fact that the agent has failed to address the issue of views of the building from the rear.	Noted; however a Design & Access Statement is not a statutory document in this case nor does it form part of the drawings approved for the proposal. The proposal would be visible from the rear but will be no taller than the existing building and be of similar height to Victoria Heights to the north.
Application form; Q9 [parking] The applicant answered 'No'; this is incorrect as there are presently 30 parking spaces and some cycle storage at present.	This was an error by the agent and subsequently corrected through the submission of an amended plan
Application form; Q10 [trees/hedges] The applicant answered 'No'; this is incorrect as much of the Carnarvon Road and Hayes Road perimeters of the site comprises hedges.	This was an error by the agent and the hedges are being retained in any event.
Application form; Q10 [trees/hedges influence.] The applicant answered 'No' this is incorrect	This was an error by the agent and the hedges are being retained in any event.
Application form; Q12 [Biodiversity and Geological Conservation (a).] The applicant answered 'No' this is incorrect; the hedges provide habitats for various species of nesting birds and other wildlife, and provides a wildlife corridor for birds, squirrels, hedgehogs and butterflies.	This was an error by the agent and not only are the hedges being retained but the quality of the hedge in this town centre location (also adjacent the train station in a very-brightly lit area) does not provide a habitat for either protected or priority species.
Application form; Q12 [Biodiversity and Geological Conservation (b).] The applicant answered 'No' this is incorrect; the hedges provide a habitat for hedge accentors, sparrows, robins, tits and potentially other species of birds.	This was an error by the agent and not only are the hedges being retained but the quality of the hedge in this town centre location (also adjacent the train station in a very-brightly lit area) does not provide a habitat for either protected or priority species.
Application form; Q15 [Trade Effluent]. The applicant answered 'No' this is incorrect; earth, brick waste, plasterboard waste, concrete waste, waste wood, waste pipe work, waste electrical cable, empty paint containers and empty and/or part used containers of miscellaneous and potentially harmful trade materials such as solvent chemicals and miscellaneous sealants will clearly need to be disposed of as "trade waste".	The <u>construction</u> of the proposal <i>may</i> require the need to dispose of effluents/trade waste but the proposal of itself does not.
Application form; Q19 [Opening Hours]. The applicant answered 'No' this is incorrect; the car park barrier and existing four entrances to the building are used 24 hours a day for the ingress and egress of cars and pedestrians	This question relates to commercial activities only.
'Amended site plan', drawing 738/102a. I do not	See Highways section above.



<p>believe space 33 is useable as it is too close to the barrier control unit for a car to practically ingress and egress the space.</p>	
<p>My objections to this application are on the grounds of the application failing to meet the following Local Plan policies, formally adopted on 25/1/22</p> <p>SPL3 Part A</p> <p>SPL3 Part B</p> <p>LP3 (d)</p> <p>LP4 (j)</p> <p>LP8</p> <p>This application fails to meet the three overarching objectives (economic, social, environmental) of the NPPF</p> <p>(i) it has a very limited effect on housing land supply in a District that now has no shortfall in its 5 Year Housing Land Supply (5YHLS).</p> <p>(ii) the proposal only makes a very small contribution to the economic objective</p> <p>(iii) the proposal only makes a very small contribution to the social objective</p> <p>(iv) in terms of the environmental objective, the proposal would have an unacceptably adverse effect on the appearance of the surrounding streetscene, substantially to the rear and significantly to the front.</p> <p>The very small benefits that arise from the proposal are significantly and demonstrably outweighed by the harm in (iv) above. For this reason, taking the three objectives together, the proposal would not be sustainable development.</p>	<p>See Layout, Scale and Appearance section above</p> <p>See Layout, Scale and Appearance and Highways sections above</p> <p>See Layout, Scale and Appearance section above</p> <p>See Residential Amenities section above.</p> <p>The form of development does not comply with the definition of Backland Development so would not be assessed against this policy.</p> <p>The site is inside the Settlement Boundary of Clacton, adjacent the train station and close to local shops and services – thereby meeting the economic objective. The development contributes to the range of homes to be provided to meet the needs of present and future generations – thereby meeting the social objective. The development makes efficient use of the land and protects the natural and built environment – thereby meeting the environmental objective.</p> <p>The development is considered overall to represent a sustainable form of development.</p>

One letter was received supporting the proposal; summarised as:-

<p>This application would provide much needed additional accommodation in a central location.</p>	<p>Noted.</p>
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## 6. Recommendation

Approval - Full

## 7. Conditions

- 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: 738/103; received 3rd December 2021, 738/100 and 738/101; received 7th December 2021, 738/102A; received 24<sup>th</sup> March 2022.

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

- 3 No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:-

- i. vehicle routing,
- ii. the parking of vehicles of site operatives and visitors,
- iii. loading and unloading of plant and materials,
- iv. storage of plant and materials used in constructing the development,
- v. wheel and underbody washing facilities.

Reason - To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

- 4 The proposed development shall not be occupied until such time as the additional vehicle parking indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. 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.

- 5 Each new vehicular parking space shall have minimum dimensions of 2.5 metres x 5.0 metres.

Reason - To ensure adequate space for parking off the highway is provided in the interest of highway safety.

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

Reason - To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.

- 7 Prior to occupation of the proposed dwellings, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, 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.

## 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.

### Legal Agreement Informative - Open Space/Play Space Contribution:-

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: Public Open Space financial contribution in accordance with Policy COM6 of the adopted Tendring District Local Plan (2007) and Policy HP5 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft. Please note that any subsequent variation / removal of condition applications (s73 applications) will require a new legal agreement to secure this obligation unless the development has commenced (subject to all necessary condition discharges) and the contribution has already been paid.

### 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. Please note that any subsequent variation / removal of condition applications (s73 applications) will require a new legal agreement to secure this obligation unless the development has commenced (subject to all necessary condition discharges) and the contribution has already been paid.

### Highways:-

In main urban areas with frequent and extensive public transport, cycling and walking links, the EPOA Parking Standards recommend that a reduced parking standard provision may be applied to residential developments. A reduced parking standard provision level can be applied to this proposal as it is located very close to regular public transport services and public car parking facilities.

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](mailto:development.management@essexhighways.org).

On the completion of the Development, 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.

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.

<b>Are there any letters to be sent to applicant / agent with the decision?</b>		NO
<b>Are there any third parties to be informed of the decision?</b>		NO

Our property is adjacent and the closest residential dwelling to Harlech House, our boundary lies along the rear aspect. We object to the granting of this application – where will the over-development of this building end? The proposed new build will be less than 40 feet from our front door and will give a direct view into our bathroom - we will be unable to maintain any privacy whatsoever over our entire property

A previous application to extend the roof upwards to a 6<sup>th</sup> floor to include 4 new flats was refused (Policy QL9) “that all new development should make a positive contribution to the local environment as it relates to the site and surroundings, height and mass”. On appeal 2 flats were approved on a 6<sup>th</sup> floor to what is already visually dominant building.

This application is again proposing 4 flats but on the ground floor – we propose that application is also subject to Policy QL9 (among others) – this is over development increasing the dominance and mass of the building and will not add a positive contribution to the site or surroundings.

Our property is directly overlooked, our rear bedrooms, our amenities, rear garden, conservatory, garage, drive and front garden. The proposed new flats will directly overlook our front door and will have a **direct view into our bathroom** - we will be unable to maintain any privacy whatsoever.

The proposed site is also a valuable green amenity space that is being used by the residents regularly and especially during the COVID-19 pandemic.

We currently experience light pollution from security lights directly shining into our windows and from balconies lit with lights 24/7. There is additional disruption and noise from the tenants’ cars, shouting, and loud music, there is also anti-social behaviour in the car park all of which affect the quality of our amenity and quiet enjoyment of our home, increasing the number of flats will exacerbate this.

Profit is the driver for this application and the landlord has no regard for the detrimental effect on the local community of homeowners, or the character of the area – the description of residential homes was conveniently missed out of the applicants covering letter.

Harlech House was in situ and the landlord has benefited from the relaxation of planning rules for change of use from commercial to residential – however it is unfair to say that Harlech House was there anyway so it is ok to overdevelop – Harlech House previously served as a Tax Office, 9am – 5pm Monday to Friday and was not used in the evenings or weekends and was very quiet during the day, employees were at their desks not at the windows, and silent during evenings and weekends.

We are experiencing 24/7 light, noise late into the night, traffic issues and being overlooked when using amenities – we now have more than 30 families – approximately 200 people on our doorstep resulting in a severely damaged quality of enjoyment of amenity and property.

**We object on the grounds of further detrimental impact on our amenity and our quality of life.**

**We object on the grounds of the overshadowing and/or loss of privacy of our property.**

**We object on the grounds of lack of adequate parking.**

**We object on the grounds of overdevelopment.**

**We object on the grounds of loss of green amenity space for the tenants of Harlech House.**

**We object on the grounds that there is a lack of need for this development.**

We would like to comment on the following questions relating to the application form:

Q.9 – Vehicle Parking:

- The applicant has stated that there will be no additional parking and that the car park is not fully utilised, this is not the case, I have photographs showing the car park full – which it is every night and the overspill parkers park on the double yellow lines behind the barriers and also on Hayes Road, where tenants cars and work vans park on the double and single yellow lines, they have also parked across my drive where I have not been able egress and have had to call the police. There is not enough parking now and there would be pressure for possibly up to 8 new cars for the proposed flats as most families run two or more cars

Q.10 – Trees and Hedges:

- The applicant has answered NO, however there is a large run of hedge and trees extending from the front on Carnarvon Road and around the side into Hayes Road – this hedge provides habitat for nesting birds and other wildlife and provides a wildlife corridor for

birds, squirrels, hedgehogs and butterflies – all of which I have witnessed. The loss or damage to this habitat will adversely affect wildlife and is an important part of the local landscape character.

Q. 12 – Biodiversity a):

- As in Q.10 above, there is a living hedge over 8' tall where protected and priority species habit – Hedge Accentors, sparrows, Robins and Tits – these species will be adversely affected by this proposed development.

Q. 16 – Residential/Dwelling Units

- Total proposed 4 x 3-bedroom residential unit extension to Harlech House, there proposal states there are zero existing residential units which is inaccurate and misleading – there are actually more than 30 x 2 & 3-bedroom units and this proposed extension will be attached via entryways and fire exits – this is over development.