

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	28/09/2022
Planning Development Manager authorisation:	AN	28/9/22
Admin checks / despatch completed	ER	29/09/2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	29.09.2022

Application: 22/01255/VOC **Town / Parish:** Harwich Town Council

Applicant: Mr I Heitner

Address: 5 Steele House High Street Harwich

Development: Variation of condition 2 of approved application 21/01193/FUL to amend the approved drawings to introduce external access stairs.

1. Town / Parish Council

Harwich Town Council Harwich Town Council has no objection to this application
07.09.2022

2. Consultation Responses

n/a

3. Planning History

09/00595/FUL	Change of use from Class A1 (shop) to Class A5 (Hot food takeaway).	Refused	10.09.2009
21/01193/FUL	Proposed construction of new one bedroom flat to the top of the existing building.	Approved	12.10.2021
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.	Determinati on	04.10.2021
21/01809/DISCON	Discharge of condition 3 (Details the manufacturer and types and colours of the external facing and roofing materials for the dwelling) of application 21/01193/FUL.	Approved	02.11.2021
22/01255/VOC	Variation of condition 2 of approved application 21/01193/FUL to amend the approved drawings to introduce external access stairs.	Current	

4. Relevant Policies / Government Guidance

National:
National Planning Policy Framework July 2021 (NPPF)
National Planning Practice Guidance (NPPG)

Local:

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
- SP6 Infrastructure and Connectivity
- 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
- 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
- CP1 Sustainable Transport and Accessibility
- DI1 Infrastructure Delivery and Impact Mitigation

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

The application site lies at the western end of a mixed use block comprising retail and commercial uses at ground floor and residential apartments above. The building fronts the High Street in Harwich town centre and also lies within the settlement development boundary, priority area for regeneration and the primary shopping area.

Proposal

This application seeks planning permission for the variation of condition 2, the approved plans, for application 21/01193/FUL to introduce external access stairs. The approved apartment dwelling remains the same size as originally approved.

Site History

The original planning application reference 21/01193/FUL proposed the construction of new one bedroom flat to the top of the existing building and was granted permission on 12th October 2021. Preceding this a Change of Use Prior Notification reference 21/01384/COUNOT determined on 4th October 2021 that prior approval was not required for the change of use of the lower ground floor garage and ground floor commercial unit to be converted into two residential units.

Assessment

The proposal introduces a stair case from the existing terrace of the first floor up to the second floor walkway and new flat and balcony on the second floor approved under 21/01193/FUL. The new staircase will be finished in black painted metal and will match the existing and proposed balcony balustrading of Steele House evident at the rear. A frosted screen will be added to the side of the stair case for the privacy of neighbouring properties. The proposed changes will not have a significant impact on the character of the area.

The existing first floor terrace will be subdivided as shown on the drawings submitted with the Prior Approval 21/01384/COUNOT for the rear ground floor flat. Its use will be shared by the newly created rear ground floor flat and the existing first floor flat divided by a screen to allow for private use. The other balconies and terraces of Steel House are alongside the newly divided space, divided from each other only by the black metal balustrading which has never offered any acoustic protection. The glass balustrade creating the divide of the existing terrace area will offer a level of privacy and acoustic protection from the neighbours that will use the other half of the newly divided outdoor space. The stair case will further reduce the terrace area for use by the existing first floor flat, however at least 19 square metres remains which is considered a usable space and meets the minimum space requirements of the Essex Design Guide of 5 square metres and is large enough to accommodate a table and chairs to suit the occupancy of the apartment, as well as providing some additional space for planting and receives direct sunlight for part of the day.

Given the orientation of the existing building, the rear has a southerly aspect and therefore there will be no significant loss of light to any of the properties caused by the new stair case while the frosted screen will ensure there will be no significant impact in terms of loss of privacy or overlooking.

There are no other impacts in comparison to the previously approved scheme.

Other Considerations

Harwich Town Council has no objection to the application.

Two letters of objection have been received which raise the following concerns:

1. Subdivision of the existing first floor terrace will reduce the space required for the needs of the family currently residing at the first floor flat

2. The side window of Flat 11, Steel House is missing from the drawings showing the existing elevations as part of planning application 21/01193/FUL

Point 1 has been addressed in the report.

Point 2 – Application 21/01193/FUL was approved on 12th October 2021 and the current application subject of this report seeks only to add a stair case between the first floor and second floor. The original application remains unchanged and no representations were received at the time raising the matter of the side facing window on Flat 11. It is expected the applicant will be required to give notice to adjoining owners of their intentions under the Party Wall etc. Act 1996. Further information can be found on the government website. <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance#introduction>.

No other letters of representation have been received.

6. Recommendation

Approval - Full

7. Conditions

- 1 The development hereby permitted shall begin before 12th October 2024.

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:

Drawing no: P01 Revision B
Drawing no: P02 Revision C
Drawing no: P03 Revision B
Drawing no: P04 Revision A

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

- 3 The manufacturer and types and colours of the external facing and roofing materials approved under 21/01809/DISCON shall be used in the construction of the new dwelling unless the Local Planning Authority agrees in writing to a variation of the previously approved details

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.

- 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 and that appropriate parking is provided in the interests of highway safety.

- 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

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.

Highways Informative

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

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.

Party Wall Act

You may be required to give notice to your neighbours of your intentions under the Party Wall etc. Act 1996. Further information can be found on the government website. <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance#introduction>

--	--	--

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