

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	12/06/18
Planning Development Manager authorisation:	AN	12/6/18
Admin checks / despatch completed	AP	13/6/18

**Application:** 18/00609/FUL **Town / Parish:** Harwich Town Council *ER*

**Applicant:** Mr O'Phelan - Haven Development and Property

**Address:** Land adjacent 11 George Street Harwich

**Development:** Variation of Condition 1 of 17/02105/FUL to replace drawing 604/04D with drawing 604/04F (amended site layout plan), replace Drawing No. 1 A with Drawing No. 1 B (Landscaping Plan) and add 604/LD/01 (fence/wall details).

### 1. Town / Parish Council

Harwich Town Council has no objection, as long as all necessary action is taken to protect and preserve the Victorian post box set into the brick wall boundary with George Street.

### 2. Consultation Responses

None required.

### 3. Planning History

07/00186/FUL	Erection of two residential blocks. (26 no. two bed flats).	Refused	08.10.2007
14/30024/PREAPP	Erection of 10 No dwellings comprising of 4 no houses, 4 no duplex apartments and 2 no flats.	Refused	07.07.2014
16/01009/FUL	Construction of 8 new dwellings and associated works including 2 new additional parking spaces to serve the development approved under 06/01370/FUL at 11 George Street.	Approved	24.08.2016
17/01448/DISCON	Discharge of conditions 3 (materials); and 13, 14 and 15 (archaeological fieldwork) of planning permission 16/01009/FUL.	Approved	27.09.2017
17/01541/DISCON	Discharge of conditions 4 (landscaping) and 12 (construction method statement) of planning permission 16/01009/FUL.	Approved	27.09.2017
17/02105/FUL	Variation of Condition 2 of 16/01009/FUL to omit drawings 604/03C and 604/04C and add drawings 604/03D, 604/04D and a revised landscaping plan.	Approved	31.01.2018

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

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL3 Minimising and Managing Flood Risk

QL6 Urban Regeneration Areas

QL9 Design of New Development

QL11 Environmental Impacts and Compatibility of Uses

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG9 Private Amenity Space

EN17 Conservation Areas

EN23 Development Within the Proximity of a Listed Building

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SP1 Presumption in Favour of Sustainable Development

SP2 Spatial Strategy for North Essex

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

QL10 Designing New Development to Meet Functional Needs

SPL3 Sustainable Design

LP1 Housing Supply

LP4 Housing Layout

PP14 Priority Areas for Regeneration

PPL8 Conservation Areas

PPL9 Listed Buildings

PPL1 Development and Flood Risk

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

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

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF 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 216 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 16<sup>th</sup> June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. Part 1 was examined in January 2018 with the Inspector's report awaited and whilst its policies cannot yet carry the full weight of adopted policy, they can carry some weight in the determination of planning applications. 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 216 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 site is an area of previously developed land of irregular shape fronting George Street and abutting the railway line to the west and existing buildings to the east. 11 George Street forms the South East boundary and is a building containing 5 No flats within the ownership of the Applicant. Number 11 George Street is included in the red lined site area as the proposal involves works in connection with parking for these flats. The site falls within the defined Settlement Development Boundary for Harwich and within Flood Zone 3. George Street lies adjacent to the core of Harwich Old Town and within the Harwich Conservation Area. It is also within the area designated for Urban Regeneration under Saved Policy QL6 of the adopted Tendring District Local Plan (2007) and the Essex Historic Environment Record identified the site as being within an area of potential archaeological interest.

### Description of Proposal

The development was originally approved under 16/01009/FUL and subsequently amended by 17/02105/FUL.

This current application now seeks a further amendment the approved layout plan, boundary treatments and landscaping.

### Assessment

The main considerations in this instance are;

- Principle of Residential Development;
- Proposed Variations and Impact, and;
- Representations.

### Principle of Development

The principle of development has been established through the granting of planning permission 16/01009/FUL.18/

### Proposed Variations and Impact

This application seeks to vary Condition 1 of 17/02105/FUL to replace drawing 604/04D with drawing 604/04F (amended site layout plan), replace Drawing No. 1 A with Drawing No. 1 B (Landscaping Plan) and add 604/LD/01 (fence/wall details).

Due to a combination of the ground conditions and the exposed nature of the site, the brick wall shown on the previously drawings to the perimeter of the site requires amendment. The revised design proposed allows for the wind to blow through the fence reducing the structural load on it whilst maintaining a level of privacy for the residents of the development where required. Furthermore, Network Rail has erected a fence along the platform edge and the area directly adjacent to the parking associated with this development no longer requires a boundary enclosure.

The revised fence/wall design is considered acceptable being traditional in appearance and finish and sympathetic to the conservation area setting and the overall character of the scheme. The area of boundary removed allows for the site to appear more open and spacious.

A new landscaping plan has been submitted incorporating an additional tree to help soften the appearance of the hard surfaced parking area as this will now be a more publically visible part of the development from the adjacent platform.

#### Representations

Harwich Town Council has no objection, as long as all necessary action is taken to protect and preserve the Victorian post box set into the brick wall boundary with George Street. This cannot be conditioned but will be added as an informative.

No individual letters of representation have been received.

#### Conclusion

The variations do not materially alter the flood risk management plan, nor does it result in any additional impact or harm to residential amenities. The parking and private amenity space provision is maintained. The design and overall appearance of the development remains in line with that previously approved and will not result in any additional impact or harm to visual amenities or upon the heritage assets.

In the absence of any material harm resulting from the amended scheme, the application is recommended for approval.

### **6. Recommendation**

Approval - Full

### **7. Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 604/02, Drawing No. 604/03D, Drawing No. 604/04F and Drawing No. 604/LD/01.

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

- 2 The materials to be used in the construction and finish of the development shall be those agreed under 17/01448/DISCON unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that materials of an acceptable quality appropriate to the development and the Conservation Area setting are used.

- 3 The hard and soft landscaping for the development shall be carried out in accordance with the details shown on Drawing No. 01 Rev B and the accompanying planting schedule submitted with this application unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that what small areas available for planting are utilised to help soften the level of hardsurfacing within the courtyard area and enhance the scheme in the interests of visual amenity and the character of the Conservation Area.

- 4 All changes in ground levels, hard landscaping, boundary treatments, planting, seeding or turfing shown on the approved landscaping details shown on Drawing No. 01 Rev B and the accompanying planting schedule shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure the adequate maintenance of the approved landscaping scheme for a period of five years in the interests of visual amenity and the character of the Conservation Area.

- 5 Notwithstanding the provisions of Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) England Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), all undercrofts/carports shall be retained for the purposes of car parking free of any door or other means of enclosure.

Reason - To ensure that the undercroft/carports are not enclosed in a way that is to the detriment of the traditional appearance of the development and to minimise on-street parking in the interests of highway safety.

- 6 Notwithstanding the provisions of Schedule 2 Part 1 Classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) England Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no extensions and alterations to the dwellings or their roofs shall be carried out and no outbuildings, enclosures, swimming or other pools shall be erected except in complete accordance with details which shall previously have been approved, in writing, by the Local Planning Authority following the submission of a planning application for such development.

Reason - To ensure that the character of the development is retained and the private amenity spaces for the dwellings are retained in the interests of visual amenities and residential amenities.

- 7 Prior to the first occupation of the proposed dwelling, the proposed vehicular access shall be constructed to a width of 4.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason - To ensure that all vehicles using the private drive access do so in a controlled manner, in the interests of highway safety.

- 8 No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.

Reason - To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

- 9 The development shall not be occupied until such time as the car parking area, indicated on the approved plans, has been hard surfaced, sealed and marked out in parking bays of 2.9 metres by 5.5 metres in dimension. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development.

Reason - To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

- 10 Any gates erected at the vehicular access shall be inward opening only and shall be recessed a minimum of 6 metres from the highway boundary.

Reason - To ensure that vehicles using the access may stand clear of the carriageway whilst those gates are being opened/closed, in the interests of highway safety.

- 11 The Construction Method Statement approved under 17/01541/DISCON shall be adhered to throughout the construction period.

Reason - To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety.

- 12 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by Jackson Engineering Consultants Consulting referenced project number 40519 and dated June 2016 and the following mitigation measures detailed within the FRA:

1. Finished ground floor levels are set no lower than 3.40 meters above Ordnance Datum (AOD).
2. Finished first floor levels are set no lower than 5.43 meters above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason - To reduce the risk of flooding to the proposed development and future occupants.

- 13 The development shall be carried out in accordance with the particulars of the approved Geophysics Report and findings approved under 17/01448/DISCON.

Reason - In the interests of safeguarding non-designated heritage assets.

## 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.

### Historic Post Box Informative

Care should be taken during construction to ensure that no damage is caused to the historic box post situated within the adjacent wall.

### 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](mailto:development.management@essexhighways.org) or by post to:

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