



## PLANNING COMMITTEE

<b>DATE:</b>	<b>Tuesday, 1 April 2025</b>
<b>TIME:</b>	<b>5.00 pm</b>
<b>VENUE:</b>	<b>Committee Room, Town Hall, Station Road, Clacton-on-Sea, CO15 1SE</b>

### MEMBERSHIP:

<b>Councillor Fowler (Chairman)</b>	<b>Councillor Goldman</b>
<b>Councillor White (Vice-Chairman)</b>	<b>Councillor Smith</b>
<b>Councillor Alexander</b>	<b>Councillor Sudra</b>
<b>Councillor Everett</b>	<b>Councillor Wiggins</b>

**Most Council meetings are open to the public and press. The space for the public and press will be made available on a first come first served basis. Agendas are available to view five working days prior to the meeting date and the Council aims to publish Minutes within five working days of the meeting. Meeting papers can be provided, on request, in large print, in Braille, or on disc, tape, or in other languages.**

**This meeting will be filmed by the Council for live and/or subsequent broadcast on the Council's website. The whole of the meeting will be filmed, except where there are confidential or exempt items, and the footage will be on the website for up to 24 months (the Council retains one full year of recordings and the relevant proportion of the current Municipal Year). The Council will seek to avoid/minimise footage of members of the public in attendance at, or participating in the meeting. In addition, the Council is obliged by law to allow members of the public to take photographs, film, audio-record, and report on the proceedings at public meetings. The Council will only seek to prevent this should it be undertaken in a disruptive or otherwise inappropriate manner.**

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DATE OF PUBLICATION: Monday, 24 March 2025

## AGENDA

### 1 **Apologies for Absence and Substitutions**

The Committee is asked to note any apologies for absence and substitutions received from Members.

### 2 **Declarations of Interest**

Councillors are invited to declare any Disclosable Pecuniary Interests, Other Registerable Interests of Non-Registerable Interests, and the nature of it, in relation to any item on the agenda.

### 3 **Questions on Notice pursuant to Council Procedure Rule 38**

Subject to providing two working days' notice, a Member of the Committee may ask the Chairman of the Committee a question on any matter in relation to which the Council has powers or duties which affect the Tendring District **and** which falls within the terms of reference of the Committee.

### 4 **Report of the Director (Planning & Communities) - A.1 - 24/01911/FUL - Land adjacent Victoria Street, Dovercourt, CO12 3AR (Pages 9 - 42)**

Demolition of existing derelict 20 Victoria Street, and comprehensive redevelopment of the site including construction of 4 storey residential building consisting of 8 units (Use Class C3), car parking, landscaping and associated works.

### **Date of the Next Scheduled Meeting**

*The next scheduled meeting of the Planning Committee is to be held in the at Time Not Specified on Date Not Specified.*

## **INFORMATION FOR VISITORS**

### **PUBLIC ATTENDANCE AT PLANNING COMMITTEE MEETINGS**

Welcome to this evening's meeting of Tendring District Council's Planning Committee.

This is an open meeting which members of the public can attend to see Councillors debating and transacting the business of the Council. However, please be aware that, unless you have registered to speak under the Public Speaking Scheme, members of the public are not entitled to make any comment or take part in the meeting. You are also asked to behave in a respectful manner at all times during these meetings.

Members of the public do have the right to film or record Committee meetings subject to the provisions set out below:-

#### **Rights of members of the public to film and record meetings**

Under The Openness of Local Government Bodies Regulations 2014, which came into effect on 6 August 2014, any person is permitted to film or record any meeting of the Council, a Committee, Sub-Committee or the Cabinet, unless the public have been excluded from the meeting for the consideration of exempt or confidential business.

Members of the public also have the right to report meetings using social media (including blogging or tweeting).

The Council will provide reasonable facilities to facilitate reporting.

#### **Public Behaviour**

Any person exercising the rights set out above must not disrupt proceedings. Examples of what will be regarded as disruptive, include, but are not limited to:

- (1) Moving outside the area designated for the public;
- (2) Making excessive noise;
- (3) Intrusive lighting/flash; or
- (4) Asking a Councillor to repeat a statement.

In addition, members of the public or the public gallery should **not** be filmed as this could infringe on an individual's right to privacy, if their prior permission has not been obtained.

Any person considered being disruptive or filming the public will be requested to cease doing so by the Chairman of the meeting and may be asked to leave the meeting. A refusal by the member of the public concerned will lead to the Police being called to intervene.

Filming by the Council This meeting will be filmed by the Council for live and/or subsequent broadcast on the Council's website. The whole of the meeting will be filmed, except where there are confidential or exempt items, and the footage will be on the website for up to four years (the Council retains three full years of recordings and the relevant proportion of the

current Municipal Year). The Council will seek to avoid/minimise footage of members of the public in attendance at, or participating in, the meeting.

# *Tendring* District Council



## **PLANNING COMMITTEE MEETINGS PUBLIC SPEAKING SCHEME March 2021**

This Public Speaking Scheme is made pursuant to Council Procedure Rule 40 and gives the opportunity for a member of the public and other parties identified below to speak to Tendring District Council's Planning Committee when they are deciding a planning application.

### **TO WHICH MEETINGS DOES THIS SCHEME APPLY?**

Public meeting of the Council's Planning Committee are normally held every 4 weeks at 5.00 pm in the Committee Room at the Town Hall, Station Road, Clacton-on-Sea CO15 1SE.

### **WHO CAN SPEAK & TIME PERMITTED?** All speakers must be aged 18 or over:

1. The applicant, his agent or representative; or (where applicable) one person the subject of the potential enforcement action or directly affected by the potential confirmation of a tree preservation order, his agent or representative. A maximum of 3 minutes to speak is allowed;
2. One member of the public who wishes to comment on or to speak in favour of the application or someone who produces a signed, written authority to speak on their behalf. A maximum of 3 minutes to speak is allowed;
3. One member of the public who wishes to comment on or speak against the application or someone who produces a signed, written authority to speak on their behalf. A maximum of 3 minutes to speak is allowed;
4. Where the proposed development is in the area of a Parish or Town Council, one Parish or Town Council representative. A maximum of 3 minutes to speak is allowed;
5. All District Councillors for the ward where the development is situated ("ward member") or (if the ward member is unable to attend the meeting) a District Councillor appointed in writing by the ward member. Member(s) of adjacent wards or wards impacted by the proposed development may also speak with the

agreement of the Chairman. Permission for District Councillors to speak is subject to the Council's Code of Conduct and the declarations of interest provisions will apply. A maximum of 5 minutes to speak is allowed;

In accordance, with Council Procedure Rule 36.1, this Public Speaking Scheme takes precedence and no other Member shall be entitled to address or speak to the Planning Committee under Rule 36.1; and

6. A member of the Council's Cabinet may also be permitted to speak on any application but only if the proposed development has a direct impact on the portfolio for which the Cabinet member is responsible. The Leader of the Council must approve the Cabinet Member making representations to the Planning Committee. A maximum of 3 minutes is allowed.

Any one speaking as a Parish/Town Council representative may be requested to produce written evidence of their authority to do so, by the District Council's Committee Services Officer (CSO). This evidence may be an official Minute, copy of standing orders (or equivalent) or a signed letter from the Clerk to the Parish/Town Council and must be shown to the DSO before the beginning of the Planning Committee meeting concerned.

No speaker, (with the exception of Ward Members, who are limited to 5 minutes) may speak for more than 3 minutes on any agenda items associated with applications (such as a planning application and an associated listed building consent application). Speakers may not be questioned at the meeting, nor can any public speaker question other speakers, Councillors or Officers. Speakers are not permitted to introduce any photograph, drawing or written material, including slide or other presentations, as part of their public speaking.

All Committee meetings of Tendring District Council are chaired by the Chairman or, in their absence, the Vice-Chairman whose responsibility is to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community. The Chairman of the Planning Committee therefore, has authority to use their discretion when applying the Public Speaking Scheme to comply with this duty.

## **WHICH MATTERS ARE COVERED BY THIS SCHEME?**

Applications for planning permission, reserved matters approval, listed building consent, conservation area consent, advertisement consent, hazardous substances consent, proposed or potential enforcement action and the proposed or potential confirmation of any tree preservation order, where these are the subject of public reports to the Planning Committee meeting.

## **HOW CAN I FIND OUT WHEN A MATTER WILL BE CONSIDERED?**

In addition to the publication of agendas with written reports, the dates and times of the Planning Committee meetings are shown on the Council's website. It should be noted that some applications may be withdrawn by the applicant at short notice and others may be deferred because of new information or for procedural reasons. This means that deferral takes place shortly before or during the Planning Committee meeting and you will not be able to speak at that meeting, but will be able to do so at the meeting when the application is next considered by the Planning Committee.

## **DO I HAVE TO ATTEND THE PLANNING COMMITTEE MEETING TO MAKE THE COMMITTEE AWARE OF MY VIEWS?**

No. If you have made written representations, their substance will be taken into account and the Committee report, which is available to all Planning Committee Councillors, will contain a summary of the representations received.

## **HOW DO I ARRANGE TO SPEAK AT THE MEETING?**

You can:-

Telephone the Committee Services Officer (“CSO”) (01255 686587 or 686584) during normal working hours on any weekday after the reports and agenda have been published; or

Email: [democraticservices@tendringdc.gov.uk](mailto:democraticservices@tendringdc.gov.uk).

## **OR**

On the day of the Planning Committee meeting, you can arrive in the Committee Room in the Town Hall at least 15 minutes before the beginning of the meeting (meetings normally begin at 5.00pm) and speak to the CSO.

If more than one person wants to speak who is eligible under a particular category (e.g. a member of the public within the description set out in numbered paragraphs 2 or 3 above), the right to speak under that category will be on a “first come, first served” basis.

Indicating to the Chairman at a site visit that you wish to speak on an item is **NOT** formal notification or registration to speak; this must be made via the Committee Services Officer in the manner set out above.

## **WHAT WILL HAPPEN WHEN THE MATTER CONCERNED IS CONSIDERED?**

- Planning Officer presents officer report
- Public speaking takes place in the order set out above under the heading “WHO CAN SPEAK?”
- Officer(s) may respond on factual issues arising from public speaking and may sum up the key policies and material planning considerations relevant to the application
- Committee Members may ask Officers relevant questions and will debate, move motions and vote

Normally, the Committee will determine the matter, but sometimes the Councillors will decide to defer determination, in order to allow officers to seek further information about a particular planning issue. If a matter is deferred after the public speaking, the Committee will not hear public speaking for a second time, unless there has been a substantial material change in the application which requires representations to be made. The Executive Summary section of the Planning Committee Report should identify whether public speaking is going to be permitted on an application being reconsidered after deferral. If there is an update since the Report was published, the Council’s website will confirm this information.

## **WHAT SHOULD I SAY AT THE MEETING?**

Please be straightforward and concise and try to keep your comments to planning matters which are directly relevant to the application or matter concerned. Planning matters may include things such as planning policy, previous decisions of the Council on the same site or in similar circumstances, design, appearance, layout, effects on amenity, overlooking, loss of light, overshadowing, loss of privacy, noise or smell nuisance, impact on trees, listed buildings or highway safety.

Matters such as the following are not relevant planning matters, namely the effect of the development on property value(s), loss of view, personality or motive of the applicant, covenants, private rights or easements and boundary or access disputes.

Please be courteous and do not make personal remarks. You may wish to come to the meeting with a written statement of exactly what you want to say or read out, having checked beforehand that it will not overrun the 3 minutes allowed.

### **WHO DO I CONTACT FOR MORE INFORMATION?**

The Council's website will help you and you can also contact the relevant planning Case Officer for the matter. The name of the Officer is on the acknowledgement of the application or in the correspondence we have sent you.

Tendring District Council, Planning Services,  
Town Hall, Station Road, CLACTON-ON-SEA, Essex CO15 1SE  
Tel: 01255 686161 Fax: 01255 686417  
Email: [planningservices@tendringdc.gov.uk](mailto:planningservices@tendringdc.gov.uk) Web: [www.tendringdc.gov.uk](http://www.tendringdc.gov.uk)

It always helps to save time if you can quote the planning application reference number.

**As approved at the meeting of the Full Council held on 16 March 2021**

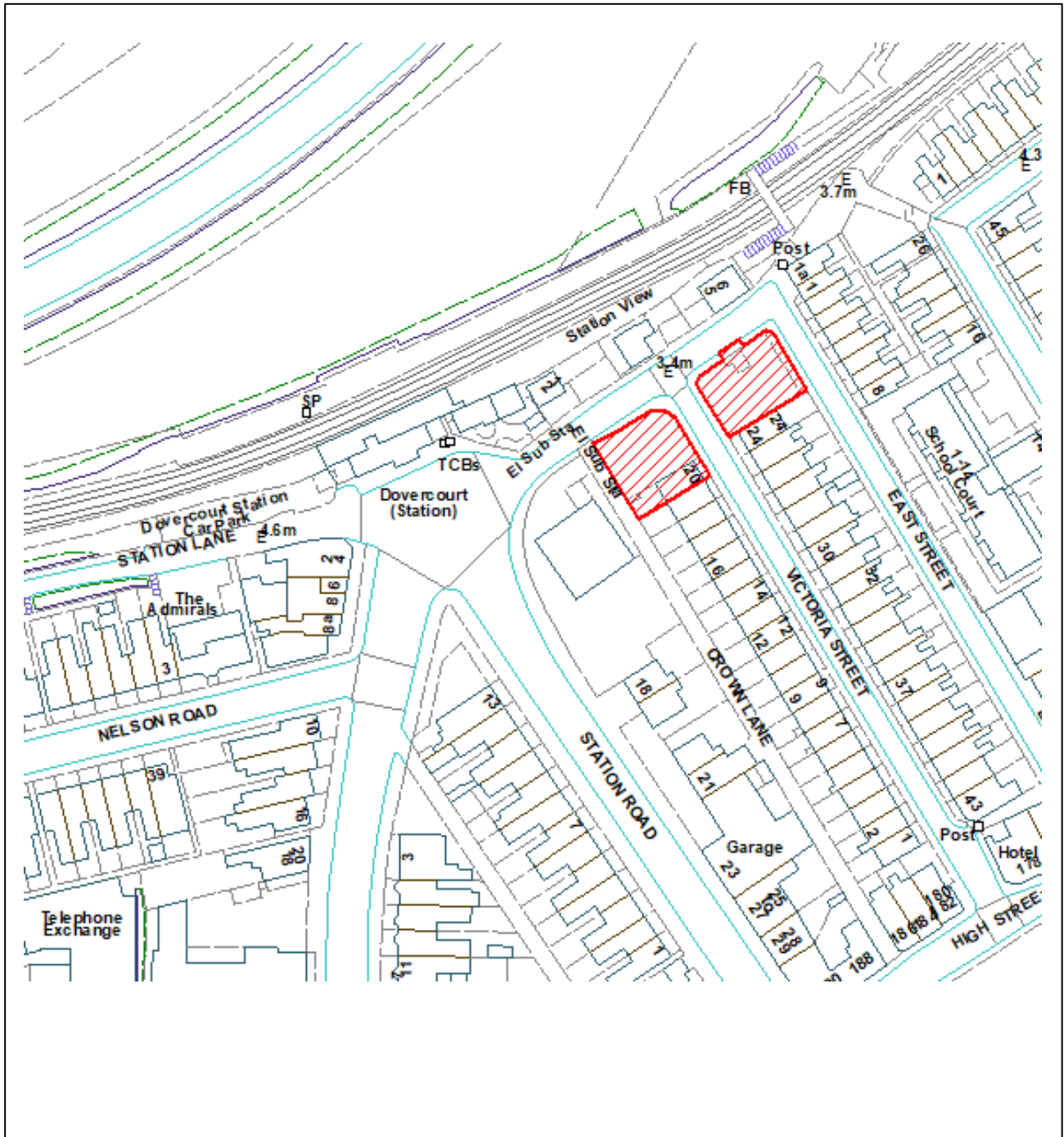


## PLANNING COMMITTEE

1 APRIL 2025

### REPORT OF THE DIRECTOR OF PLANNING

#### A.1 PLANNING APPLICATION – 24/01911/FUL – LAND ADJACENT VICTORIA STREET DOVERCOURT CO12 3AR



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<b>Application:</b>	24/01911/FUL	<b>Expiry Date:</b>	10th March 2025
<b>Case Officer:</b>	Michael Pingram	<b>EOT Date:</b>	4th April 2025
<b>Town/ Parish:</b>	Harwich Town Council		
<b>Applicant:</b>	Mr Gaurav Sarin - Tendring District Council		
<b>Address:</b>	Land adjacent Victoria Street Dovercourt Essex CO12 3AR		
<b>Development:</b>	Demolition of existing derelict 20 Victoria Street, and comprehensive redevelopment of the site including construction of 4 storey residential building consisting of 8 units (Use Class C3), car parking, landscaping, and associated works.		

## 1. Executive Summary

- 1.1 This application is before the Planning Committee as Tendring District Council are the applicant and owner of the sites. The proposal seeks for the erection of a four storey residential block to provide for eight apartments, following the demolition of Number 20 Victoria Street, as well as the conversion of a site into an ancillary car park to provide for eight spaces. Given that the sites fall within the Settlement Development Boundary for Dovercourt and an area prioritised for regeneration, the principle of development is accepted.
- 1.2 Officers consider that the design, scale and layout is of an acceptable nature in-keeping with the areas existing character, and whilst it is noted that ECC Heritage have raised a low level of less than substantial harm, the public benefits of the proposal far outweigh this harm. There is not considered to be significant harm to the amenities of neighbouring residents, and all of the apartments will meet the National Space Standards. Essex Highways Authority raise no objections, and whilst the parking provision falls just below the Essex Parking Standards, Officers note that it is just a minor shortfall and the site is within a highly sustainable location in good walking distance to a range of services and facilities.
- 1.3 The sites fall within a high risk flood zone, however the Environment Agency have raised no objections. Further, the applicant has undertaken a Sequential Test to identify whether there are alternative sites available within a lower flooding risk, however have concluded that there are none.
- 1.4 Taking all of the above into consideration, Officers conclude that whilst there are some minor harms from the proposal, namely the low level of less than substantial harm to the Dovercourt Conservation Area and slight shortfall of parking provision, they are significantly outweighed by the benefits of the scheme.

### **Recommendation:** Approval

- 1) That the Head of Planning and Building Control be authorised to grant planning permission subject to the conditions as stated at paragraph 10.2, or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and,
- 2) The informative notes as may be deemed necessary.

## **2. 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 Local Plan 2013-33 and Beyond (adopted January 2021 and January 2022, respectively), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any Neighbourhood Plans that have been made and the Minerals and Waste Local Plans adopted by Essex County Council.

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 Local Plan 2013-33 and Beyond (adopted January 2021 and January 2022, respectively), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any Neighbourhood Plans that have been made and the Minerals and Waste Local Plans adopted by Essex County Council.

In relation to housing supply:

The Framework requires Councils to significantly boost the supply of homes to meet the District's housing need. Paragraph 78 states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of 5% to ensure choice and competition in the market for land, unless the Housing Delivery Test (HDT) demonstrates significant under delivery of housing over the previous 3 years - in which case a higher buffer is required.

On 12th December 2024 the Government published the Housing Delivery Test: 2023 measurement. Against a requirement for 1,466 homes for 2020-2023, the total number of homes delivered was 2,343. The Council's HDT 2023 measurement was therefore 160%, and a buffer of 5% is to be used when calculating the Council's five year land supply position.

The Council demonstrates its supply of specific deliverable sites within the Strategic Housing Land Availability Assessment (SHLAA), which is published annually. The most recent SHLAA was published by the Council in July 2024, and demonstrates a 6.26-year supply of deliverable housing sites against the annual requirement of 550 dwellings per annum set out within the adopted Local Plan, plus a 5% buffer. The SHLAA can be viewed on the Council's website: <https://www.tendringdc.gov.uk/content/monitoring-and-shlaa>

As a result, the 'titled balance' at paragraph 11 d) of the Framework does not apply to decisions relating to new housing development.

## **3. Neighbourhood Plans**

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered

in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

#### 4. **Planning Policy**

4.1 The following Local and National Planning Policies are relevant to this planning application.

##### **National:**

National Planning Policy Framework December 2024 ([NPPF](#))

National Planning Practice Guidance ([NPPG](#))

##### **Local:**

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 (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 and Recreation Facilities
- LP1 Housing Supply
- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- LP5 Affordable Housing
  
- PP14 Priority Areas for Regeneration
- PPL1 Development and Flood Risk
- PPL4 Biodiversity and Geodiversity
- PPL5 Water Conservation, Drainage and Sewerage
- PPL8 Conservation Areas
- PPL10 Renewable Energy Generation and Energy efficiency Measures
  
- CP1 Sustainable Transport and Accessibility
- CP2 Improving the Transport Network
- DI1 Infrastructure Delivery and Impact Mitigation

##### Supplementary Planning Documents

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

[Essex Design Guide](#)

[Technical housing standards](#): nationally described space standard Published 27 March 2015

##### Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

## 5. Relevant Planning History

93/00765/FUL	(Land adjacent to 24 Victoria Street and adjacent to) Change of use from existing car park to form beer garden and children's play area and use of land adjacent Station as a car park	Approved	04.01.1994
06/00637/LBC	Demolition to ground floor level but retaining end abutment to terrace houses	Approved	23.11.2006
17/01188/FUL	Erection of boundary fence.	Approved	03.10.2017

## 6. Consultations

Below is a summary of the comments received from consultees relevant to this application proposal. Where amendments have been made to the application, or additional information has been submitted to address previous issues, only the latest comments are included below.

All consultation responses are available to view, in full (including all recommended conditions and informatives), on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.

### Essex County Council Heritage

14.02.2025

The site is located within the Dovercourt Conservation Area and is formed of two parcels of vacant land that are situated at the end of two rows of terraced houses where Station Road meets East Street. The enclosed parcel to the southwest of Victoria Road had contained the Victoria Hotel, a former Grade II Listed Building that was demolished after it was damaged by a fire. The hotel was attached with No. 20 Victoria Road that is included within the site and is in a ruinous state due to damage from the same fire. The gable of this unlisted building fronts onto the street to terminate the southeast terrace and mirrors that of No. 24 Victoria Road, which ends the opposing terrace on the northeast side of Victoria Road. The other parcel of land is unenclosed and adjacent to the northeast terrace, it is being used informally as a parking area.

Dovercourt Conservation Area (DCA) draws its significance from its historic interest as a planned Spa Resort where the nineteenth/twentieth century housing and facilities that catered for the Victorian tourists have largely been preserved and possess architectural interest. The three/four-storey terraced housing of Victoria Street are buildings that contribute positively to the character and appearance of the DCA, built in the Regency style that characterises this area and to the same design, their facades are finished by either red brick or off-white render (with the exception of a few houses that have been painted in pastel seaside tones). They are slightly set back from the road behind low railings with external staircases to the first floors, that have basements below. The fenestration is generally uniform with distinctive round arch moulded surrounds to their sash windows and doors, brick chimneys and various forms of dormers (due to modern alteration) break up the longer roof ranges of the terraces and create views down the street with a diminishing perspective. The poor-state of repair of No. 20 Victoria Road detracts from the views of the terraces and has diminished their positive contribution to this part of the DCA, known as 'Lower Dovercourt' (Character Area 1).

Lower Dovercourt is regarded as the built core of the DCA, it features a railway station that is still in-use and acts as a gateway into the conservation area. There is some intervisibility between the site and the station building (a non-designated heritage asset), which is situated to the northwest of East Street. The untidy parcels of vacant land that form the larger part of

the site detract from these views and are considered to be a negative element of the DCA. The parcel of land where the Victoria Hotel stood has also been identified by the Conservation Area Appraisal and Management Plan (CAAMP) to have contributed towards the DCA being added onto the Historic England's Heritage at Risk Register, on which it is recorded as being in a 'very bad condition' that is deteriorating significantly.

See assessment for full review of Heritage Comments.

**Essex County Council Ecology**

**04.02.2025**

We have reviewed the Ecological Impact Assessment (Place Services, January 2025) relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures.

We also reviewed the Post Development Habitat Map (Place Services, January 2025) and Landscape General Arrangement Plan (Davis Landscape Architect, Drg no. L1047L11, Rev C, October 2024).

We are satisfied that there is sufficient ecological information available to support determination of this application.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Ecological Impact Assessment (Place Services, January 2025) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality.

We also support the proposed reasonable biodiversity enhancements for protected and Priority species, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). The reasonable biodiversity enhancement measures should be outlined within a separate Biodiversity Enhancement Strategy and should be secured by a condition of any consent.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended).

Please note we do not provide comments on Biodiversity Net Gain as we have been instructed to leave comments on this matter to the LPA.

Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013. We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.

**Recommended conditions**

**1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS**

"All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Place Services, January 2025) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

## 2. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

"Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected and Priority or threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Ecological Impact Assessment (Place Services, January 2025), shall be

submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter."

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended).

### **Tree & Landscape Officer**

**21.01.2025**

There are no trees or other vegetation on the application site.

There appear to be very limited opportunities to introduce soft landscaping into the scheme.

### **ECC SuDS Consultee**

**03.02.2025**

Lead Local Flood Authority position:

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we wish to issue a holding objection to the granting of planning permission based on the following:

- Please provide the discharge rate calculations. If it is unfeasible to restrict runoff rates back to the 1 in 1-year greenfield runoff rate, the LLFA will accept discharge rates to be restricted to as close as feasibly possible to the 1 in 1-year greenfield runoff rate.
- The MADD factor should be set to 0 within the drainage calculations.
- Please provide evidence that permission has been sought to discharge surface water to the Anglian Water sewer.

### **ECC Highways Dept**

**31.01.2025**

The information provided with the application has been assessed by the Highway Authority and conclusions reached from a desktop study based on the submitted material and google maps. A site visit was undertaken in conjunction with this planning application. The proposed



residential development will consist of three duplex houses and five flats over four storeys and a car park. It is noted that the vehicle trips associated with the two developments are expected to generate five and four trips in the morning and afternoon peaks respectively. The car park will provide eight parking spaces which will be used by the residents' however, the location means that the proposal site benefits from sustainable travel options including five different bus routes and the Dovercourt Train Station being near the site. It is noted that the proposal will utilise an existing brownfield site, owing to the sites central location the proposal has several key facilities and amenities all within walking distance and falls within a local sustainable shopping area, considering these factors:

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

1. There should be no obstruction above ground level within a 2.4 m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage of the car park. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of obstruction above 600mm at all times.

Reason: To provide adequate inter-visibility between users of the access and the public highway in the interests of highway safety in accordance with policy DM1.

2. Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety in accordance with policy DM1.

3. Prior to occupation of the development the proposed car park vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3.6 metres (equivalent to 4 drop kerbs), shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1.

4. Any existing vehicular access that becomes redundant shall be suitably and permanently closed incorporating the reinstatement to full height of the highway footway / kerbing immediately the proposed new access is brought into first beneficial use.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with policy DM1.

5. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1.

6. The proposed development shall not be occupied until such time as the vehicle parking area 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 and that appropriate parking is provided in accordance with Policy DM8.

7. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

8. The powered two-wheeler/cycle parking facilities as shown on the approved plan are to be provided prior to the first occupation of the development and retained at all times.

Reason: To ensure appropriate powered two-wheeler and bicycle parking is provided in accordance with Policy DM8.

9. Prior to occupation of the proposed development, 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).

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

10. 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.
- vi. Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense when caused by developer.

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 and Policy DM1.

11. Where possible within land under the control of the applicant and/or extent of highway, the widening of the existing footway across the site frontage to the proposed car park to a maximum width of 1.8-metres and relocation of the existing telegraph pole (details shall be agreed with the Local Planning Authority prior to commencement of the development).

Reason: To make adequate provision within the highway for the additional pedestrian traffic generated within the highway as a result of the proposed development in the interests of highway safety and Policy DM1 and DM9.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance and National Planning Policy Framework.

**Environmental Protection**

**03.02.2025**

With reference to the above application, please see below for comments from the EP Team:

Noise: Given the sites proximity to an existing railway line, the EP Team are requesting evidence be submitted to confirm the proposed residential units would not expose future residents to unacceptable levels of noise leading to an adverse impact. As such we are requesting a formal Noise Impact Assessment be undertaken, by a relevantly qualified acoustician. The survey will meet the requirements of relevant Planning Policy Guidance and include periods for - Day-time 0700-2300 hours and night-time 2300-0700 hours.

The purpose of the report will be to confirm the current noise climate, any potential design or mitigation techniques that may be required and to ensure the proposed development can offer future residents compliance with the relevant British Standard for noise levels, and other applicable guidance and standards; including the World Health Organisations Community Noise Guideline Values - as shown below

Having regard for the World Health Organisations Community Noise Guideline Values - as shown below -

- Dwellings indoors in daytime - 35 dB LAeq,16 hours
- Outdoor living area in day time - 55 dB LAeq,16 hours
- Inside bedrooms at night-time - 30 dB LAeq,8 hours (45 dB LAmax)
- Outside bedrooms at night-time - 45 dB LAeq,8 hours (60 dB LAmax)

The internal figures consider that windows are open.

In addition, further clarification is requested in regard to ventilation proposals for the new site; as to whether this will be provided by way of trickle vents or mechanical ventilation. Should the latter be considered as a means of achieving appropriate ventilation, the EP Team would request information on proposed equipment, placement of such and the prediction of a noise impact assessment to address the potential impact from any plant machinery on the existing noise climate.

REASON: to protect the amenity of future residents

Contaminated Land: EP have reviewed the submitted contaminated land risk assessment dated November 2024 and are satisfied with the methodology and findings of the report. Prior to any commencement of the proposal, a further, Phase 2, intrusive site investigation is to be undertaken with the objective of determining the presence and extent of any contamination at the site. This should be completed by a competent person and submitted to the local planning authority for approval. This should also include, as per recommendations within the report, vapour and gas monitoring.

REASON: It is the responsibility of the developer to ensure the safe development of the site and to carry out any appropriate land contamination investigation and remediation works. The condition is to ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

Demolition and Construction Method Statement: In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works, Pollution and Environmental Control ask that the following is submitted:

Prior to the commencement of any construction or demolition works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Environmental Protection Team. This should at minimum include the following where applicable.

o Noise Control

- 1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.
- 2) 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 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.
- 3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228.
- 4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
- 5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.
- 6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

o Emission Control

- 1) All waste arising from the demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
- 2) No materials produced as a result of the site development or clearance shall be burned on site.
- 3) All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.
- 4) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

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).

REASON: to protect the amenity of nearby residential dwellings.

**Environment Agency**

**07.02.2025**

Thank you for consulting us on the above application. We have reviewed the documents as submitted and can confirm that we have no objection to the proposed development. We have no objection to this planning application because the site is currently defended and the SMP policy for this area has an aspiration for hold the line. If the SMP policy is not taken forward the

development would be unsafe in the future. Please take note of this and the other flood risk considerations which are your responsibility. We have highlighted these in the flood risk section below.

#### Flood Risk

Our maps show that Site 1 (residential) lies within tidal Flood Zone 2 defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a medium probability of flooding. The site is shown to be within Flood Zone 3b when considering the Harwich Strategic Flood Risk Assessment Final Level 1 Report April 2008. The proposal is for the construction of 4 storey residential building consisting of 8 units, following demolition of the existing buildings, which is classified as a 'more vulnerable' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance.

Therefore, to comply with national policy you should consider if the application is required to pass the Sequential and Exception Tests.

To assist you in making an informed decision about the flood risk affecting this site, the key points to note from the submitted FRA, referenced 219916-CCL-XX-00-RP-01000 Rev P03 and dated 12 December 2024, are:

#### Actual Risk

- The site is currently protected by flood defences which are above the present-day 0.5% (1 in 200) annual probability flood level. Therefore, the site is not at risk of flooding in the present-day 0.5% (1 in 200) annual probability flood event. The defences will continue to offer protection over the lifetime of the development, provided that the hold the line SMP policy is followed, and the defences are raised in line with climate change, which is dependent on future funding.
- At the end of the development lifetime with climate change applied to the design 0.5% annual probability flood event, if the SMP policy is not followed then through overtopping of the current defences the resulting on-site flood level would be 4.99 m AOD. The resulting actual risk depth of flooding on the site using the minimum existing site level of 2.14m AOD would be 2.85m deep.

#### Residual Risk

- Using the minimum ground level of 2.14 m AOD. Our data shows that in a worst-case scenario the site could experience undefended flood depths of up to 2.85 metres during the 0.5% (1 in 200) annual probability including climate change breach flood event and up to 3.24 metres during the 0.1% (1 in 1000) annual probability including climate change breach flood event. You may wish to ask the applicant to provide a breach assessment for the development site in their FRA so that you can make a more informed decision on flood risk.
- Therefore, assuming a velocity of 0.5m/s the flood hazard is danger for all including the emergency services in the 0.5% (1 in 200) annual probability flood event including climate change.
- Finished ground floor levels have not been confirmed but are proposed 300mm above surrounding site levels m AOD. Site levels vary from approximately 2.15 - 3.00m AOD.
- Flood resilience/resistance measures have been proposed.
- The proposals are for sleeping accommodation constructed to a minimum of 600mm above the flood level (5.38m), with ground floor rooms (including living rooms/kitchens) to be designed with the finished floor levels of 300mm minimum to ensure levels slope away from the building.

- A Flood Evacuation Plan has been proposed. This plan has assessed the risk of overtopping and breach and confirms evacuation on receipt of a flood warning and severe flood warning and the presence of a safe refuge on the first, second and third floors. All occupants would have access to the first floor as a minimum.

In respect of Site 2, 8 no. parking spaces. These are within Flood Zone 3a, however we have no concerns regarding this element of the application, however the applicant may wish to consider raising the EV charging points as high as practically possible to reduce impacts during times of flooding.

#### Shoreline Management Plan

The current defences protect this community against a tidal flood with a 0.5% (1 in 200) annual probability of occurrence. However, the impacts of climate change on sea levels over the development's lifetime will gradually reduce the level of protection afforded by the defences if they are not raised within this timeline. Without the raising of the defence, the site could flood should a tide with a 0.5% (1 in 200) annual probability flood event plus climate change occur, which could be contrary to the advisory requirements of Paragraphs 059 and 060 of the National Planning Policy Framework's Planning Practice Guidance. These advise that there should be no internal flooding in 'more vulnerable' developments from a design flood. This could also present challenges to the safety of the users of the buildings and a future reliance on evacuation or emergency response.

The Essex and South Suffolk Shoreline Management Plan (SMP) has a policy of 'Hold the Line' until 2105 for Dovercourt area, so it is possible that the flood defences may be raised in line with climate change to continue to protect against the future 1 in 200 annual probability flood event for the lifetime of the development. The SMP policy is aspirational rather than definitive, so whether the defences are raised or reconstructed in the future will be dependent on the availability of funding. The level of funding that we can allocate towards flood defence improvements is currently evaluated through cost benefit analysis, and any identified shortfalls in scheme funding requirements would require partnership funding contributions from other organisations.

When determining the safety of the proposed development, you should take this uncertainty over the future flood defences and level of flood protection into account. This may require consideration of whether obtaining the funds necessary to enable the defences to be raised in line with climate change is achievable.

#### Safety of Building - Flood Resilient Construction

The FRA proposes to include flood resistant/resilient measures in the design of the building to protect/mitigate the proposed development from flooding.

You should determine whether the proposed measures will ensure the safety and sustainability of the proposed development. Consultation with your building control department is recommended when determining if flood proofing measures are effective. Further information can be found in the document 'Improving the flood performance of new buildings' at: [http://www.planningportal.gov.uk/uploads/br/flood\\_performance.pdf](http://www.planningportal.gov.uk/uploads/br/flood_performance.pdf). Additional guidance can be found in our publication 'Prepare your property for flooding', which can be found on our website at <https://www.gov.uk/government/publications/prepare-your-property-for-flooding>

#### Safety of inhabitants - Safety of Building

The development has been designed to provide refuge above the predicted flood levels. Given that refuge is identified as a fall back mitigation measure it is important that the building is structurally resilient to withstand the pressures and forces (hydrostatic and hydrodynamic

pressures) associated with flood water. We advise that supporting information and calculations are submitted to you to provide certainty that the buildings will be constructed to withstand these water pressures.

#### Safety of Inhabitants - Emergency Flood Plan

The Environment Agency does not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The Planning Practice Guidance to the National Planning Policy Framework states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you consult with your Emergency Planners and the Emergency Services to determine whether the proposals are safe in accordance with the guiding principles of the Planning Practice Guidance (PPG).

#### Partnership funding for new/upgraded defences

Please note that government funding rules do not take into account any new properties (residential or non-residential), or existing buildings converted into housing, when determining the funding available for new/upgraded defences. Therefore as the proposed development may reduce the funding available for any future defence works we would like to take opportunities to bring in funding through the planning system, so please can you consider this when determining the planning application.

#### Other Sources of Flooding

In addition to the above flood risk, the site may be within an area at risk of flooding from surface water, reservoirs, sewer and/or groundwater. We have not considered these risks in any detail, but you should ensure these risks are all considered fully before determining the application.

**Arch. Liaison Off, Essex Police**

**22.01.2025**

Thank you for the opportunity to comment on 24/01911/FUL.

The applicant and Essex Police are already involved in constructive pre-application consultation and Essex Police is content the ethos of NPPF, sec 12, para 127(f) and the Tendring Local Plan policy PL4, which requires developments that are safe, secure places. The applicant has indicated their aspiration for this development to attain Secured by Design accreditation.

Essex Police is keen to support the applicant with this application, to ensure crime prevention through environmental design is embedded into the development and assist in successfully achieving the requirements to gain the nationally acknowledged and Police recommended, Secured by Design - Homes accreditation.

## **7. Representations**

- 7.1 Harwich Town Council have raised no objections, however have commented that they would like the parking provision to be for residents only if this could be achieved.
- 7.2 There have been no other letters of representation received.

## **8. Assessment**

### Site Description

- 8.1 The application site is two plots of land to the north-eastern and north-western corners of Victoria Street, which fall within the parish of Dovercourt. Both sites are currently vacant and consist of overgrown vegetation. The site to the north-west previously contained the Grade II Listed Victoria Hotel which was badly damaged in a fire and subsequently demolished following Listed Building Consent in 2006.
- 8.2 The surrounding area is largely urban in nature, with predominantly residential properties within the more immediate vicinity, and then commercial units further out. The Dovercourt Train Station is approximately 40 metres to the north-west.
- 8.3 The site falls within the Settlement Development Boundary for Dovercourt within the adopted Local Plan 2013-2033, is allocated within an area prioritised for regeneration purposes, and also lies within the Dovercourt Town Centre boundary. In addition, the sites are also within the Dovercourt Conservation Area, and the land to the north-west is in Flood Zone 2, with the land to the north-east falling within Flood Zones 2 and 3.

### Description of Proposal

- 8.4 This application seeks planning permission for the erection of a four storey residential block providing for a total of eight dwellings, following the demolition of Number 20 Victoria Street, which is within a dilapidated state. Five dwellings are to be one bedroom apartments, with the remaining units being 1no. two bedroom duplex apartment and 2no. three bedroom duplex apartments.
- 8.5 The second site, that to the north-eastern corner of Victoria Street, is to be served as a small car park that will accommodate a total of eight parking spaces, and will include four electric vehicle charging points and a small landscaped area.

### Principle of Development

- 8.6 The site is located within the Settlement Development Boundary (SDB) for Dovercourt, as established in the adopted Local Plan 2013-2033. Adopted Policy SPL2 states that within the Settlement Development Boundaries, there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local plan policies.
- 8.7 In addition, the sites are allocated within an area prioritised for regeneration purposes. Policy PP14 states these areas are identified within Policy PP14 to be the focus of investment in social, economic and physical infrastructure and initiatives to improve vitality, environmental quality, social inclusion, economic prospects, education, health, community safety, accessibility and green infrastructure. The development of two currently vacant and derelict sites in such a prominent location would be a welcome boost to the regeneration of the area.
- 8.8 Given the above, at an overarching high level, the principle of residential development on the sites is acceptable, subject to the detailed considerations below.

### Scale, Layout & Appearance

- 8.9 Paragraph 135 of the NPPF (2024) 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.
- 8.10 Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context, and to protect the district's landscape and the quality of existing places and their environs. Policy SPL3 and LP4 of the 2013-33 Local Plan also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout which create a unique sense of place.
- 8.11 As detailed above, in principle the development of these sites would be a visual improvement in comparison to the currently derelict and unkept sites, which are also within a prominent location within this section of Dovercourt.
- 8.12 Set against the above context, the proposal for a new residential building to facilitate eight flats, as well as the conversion of the additional site for ancillary parking, will result in a visual enhancement in comparison to the existing, baseline position. ECC Urban Design were involved at pre-application stage and have therefore been involved in the overall design process. They previously highlighted their support for the bespoke design approach, and considered there were a number of positive design features such as defined public frontages, the inclusion of amenity spaces within a spatially constrained site, and the traditional architectural approach.
- 8.13 It is noted that the design responds well to the character of this section of Victoria Street, with the form and scale aimed to be in accordance with the former Victoria Hotel prior to being lost to fire. Furthermore, the design and material palette (red brick, grey slate) reflect the character of the surrounding area, and would certainly not appear incongruous.
- 8.14 In summary, the proposals overall are considered to result in a significant visual enhancement to the character of the area, representing a marked improvement in comparison to the existing site which is considered to detract from the areas wider character. The design of the building would largely be in-keeping with both the existing character of the area and also the hotel that was previously in situ prior to fire damage. Taking all of the above into consideration, there are no objections raised in this regard.

#### Heritage Impacts

- 8.15 Paragraph 210(c) of the NPPF states that in determining applications, local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 215 confirms that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 8.16 Adopted Policy PPL8 states that new development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area. Policy PPL9 adds that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric.
- 8.17 The application site falls within the Dovercourt Conservation Area, and as such ECC Place Services (Heritage) have been consulted. They have provided the following comments:

*“The site is located within the Dovercourt Conservation Area and is formed of two parcels of vacant land that are situated at the end of two rows of terraced houses where Station Road meets East*



*Street. The enclosed parcel to the southwest of Victoria Road had contained the Victoria Hotel, a former Grade II Listed Building that was demolished after it was damaged by a fire. The hotel was attached with No. 20 Victoria Road that is included within the site and is in a ruinous state due to damage from the same fire. The gable of this unlisted building fronts onto the street to terminate the southeast terrace and mirrors that of No. 24 Victoria Road, which ends the opposing terrace on the northeast side of Victoria Road. The other parcel of land is unenclosed and adjacent to the northeast terrace, it is being used informally as a parking area.*

*Dovercourt Conservation Area (DCA) draws its significance from its historic interest as a planned Spa Resort where the nineteenth/twentieth century housing and facilities that catered for the Victorian tourists have largely been preserved and possess architectural interest. The three/four-storey terraced housing of Victoria Street are buildings that contribute positively to the character and appearance of the DCA, built in the Regency style that characterises this area and to the same design, their facades are finished by either red brick or off-white render (with the exception of a few houses that have been painted in pastel seaside tones). They are slightly set back from the road behind low railings with external staircases to the first floors, that have basements below. The fenestration is generally uniform with distinctive round arch moulded surrounds to their sash windows and doors, brick chimneys and various forms of dormers (due to modern alteration) break up the longer roof ranges of the terraces and create views down the street with a diminishing perspective. The poor-state of repair of No. 20 Victoria Road detracts from the views of the terraces and has diminished their positive contribution to this part of the DCA, known as 'Lower Dovercourt' (Character Area 1).*

*Lower Dovercourt is regarded as the built core of the DCA, it features a railway station that is still in-use and acts as a gateway into the conservation area. There is some intervisibility between the site and the station building (a non-designated heritage asset), which is situated to the northwest of East Street. The untidy parcels of vacant land that form the larger part of the site detract from these views and are considered to be a negative element of the DCA. The parcel of land where the Victoria Hotel stood has also been identified by the Conservation Area Appraisal and Management Plan (CAAMP) to have contributed towards the DCA being added onto the Historic England's Heritage at Risk Register, on which it is recorded as being in a 'very bad condition' that is deteriorating significantly.*

*The principle of development is supported on the basis that the CAAMP encourages the redevelopment of the vacant land as an opportunity to enhance the character and appearance of the DCA. However, there are some elements of the proposal's design that could be improved to fully exploit the opportunities available to make a positive contribution to the local character and distinctiveness of the area, and to be more sympathetic to the surrounding historic built environment in accordance with the expectations of Paragraphs 135 and 210 of the National Planning Policy Framework (NPPF). To do this the following amendments are suggested for the new development that will occupy the:*

#### *Land adjacent to No. 20 Victoria Street*

*Where it is proposed to erect a three-storey residential building that would reference the scale of the Victoria Hotel, which was also three-storey but had a low-pitched hipped roof. The new building will have a steeply pitched crown roof with box large dormers that adds bulk to its mass. This roof form jars with the gabled roof of the attached built form that is proposed to replace No. 20 Victoria Street and would detract from the four-storey element at the centre of the historic terrace. To improve the proportions of the crown roof so that it does not compete with the centrepiece of the terrace for dominance, it is suggested that its roof pitch be lowered by about twenty-five degrees and the size of the box dormers reduced. As such, it would appear as a traditional mansard style roof.*

*Amendment is also needed to the fenestration and decorative banding of the new building, since it does not align well with that of the historic terrace due to the difference in floor levels. Therefore, it is suggested that the Juliette balconies with decorative surround detailing be repositioned above the side entrance door, and in their place the windows that had been above the door be repositioned*

*with a matching decorative surround. The quoin detailing at the corners of the new building should be kept, but the horizontal banding should not travel the full width of the Victoria Street side elevation, to avoid the junction with the historic terrace appearing awkward and out-of-line. The banding could instead run between the decorative surrounds to break up the building's height in a more contemporary style.*

*Whilst the suggested amendments could improve the design of the new building, it's scale and crown roof form would still be considered to be an inappropriate response to the surrounding historic built environment, and thus the new building would still be regarded as a harmful addition to the DCA.*

#### *Land adjacent to No. 24 Victoria Road*

*Where it is proposed to construct a car park with softly planted boundaries, it is suggested that low height railings that match those used for the Juliette balconies upon the new building, be installed to create a sense of enclosure to this space so that it assimilates better with the enclosed street scenes.*

#### *Conclusion*

*In its current state the proposal does provide a very low level of enhancement to the street scene through the formalisation of the parking area adjacent to No. 24 Victoria Street, which will be enclosed by new landscaping that will improve the appearance of this part of the Conservation Area, and the wider setting of the Non-Designated Heritage Asset Dovercourt Station. But the proposed new residential building is considered to cause a low level of less than substantial harm to the significance of Dovercourt Conservation Area, because the bulk of the new building's roof mass competes with the four-storey high housing at the centre of the historic terrace to the southwest of Victoria Street.*

*The taller housing at the centre of the terrace is considered to be the most important element in the built hierarchy of the street scene, however, the proposal would detract from this element and therefore does not preserve its positive contribution to the character and appearance of the Dovercourt Conservation Area. The new built form that is proposed to replace No. 20 Victoria Street is also taller than its existing height, and it's decorative banding and disproportionate fenestration does not align with that of the historic terrace that it will be adjoined to. This poor attention to detailing unbalances the uniformity of the historic terrace and the symmetry of the street scene, since the height of the replacement form for No. 20 Victoria Street no longer matches that of No. 24 Victoria Street.*

*With regards to the NPPF, the Local Planning Authority should weigh this harm against any public benefits that flow from the development in accordance with Paragraph 215. Whilst the scale of harm may be at the lower end of 'less than substantial' great weight should be given to the designated heritage asset's conservation as per the direction of Paragraph 212, and Paragraph 213 requires that clear and convincing justification be provided for any level of harm to the heritage assets.*

*The Heritage Statement submitted to support the application, is considered to provide a sufficient level of information to understand the potential impacts of the proposal, and it draws similar conclusions in respect of the issues with its design and the level harm that would result. In consideration to the justification for the loss of No. 20 Victoria Street, paragraph 5.6 of the statement refers to a Structural Report by Andun Engineering Consultants Ltd, but this document does not seem to have been submitted with the application, and so there is some uncertainty about whether demolition is the only option, and if not, it should be explained why alternative options have been discounted before the building is taken to be beyond reasonable use and its restoration unviable.*

*Overall, the proposal does not preserve the integrity of the southeast terrace to Victoria Street and so diminishes its positive contribution to the character and appearance of the Conservation Area. As presented the proposal does not preserve or sufficiently enhance the character or appearance of the Conservation Area, to accord with the requirements of Section 72(1) of the Planning (Listed Buildings*

and Conservation Areas) Act 1990. However, if permission is to be granted for the proposal in its current state, the following conditions are recommended for agreement of precise:

- o Specification Details for External Materials (Facing and Roofing).*
- o Detailing of Brick Bond to be used for the New Building.*
- o Specification Details for Rainwater Goods.*
- o Detailing for Windows and External Doors by Large-Scale Drawings.*
- o Detailing to be used for Juliette Balcony Railings.*
- o Detailing to be used for Railings to the Ramped Accesses.*
- o Detailing of any External Lighting to be installed on the New Building and within the Site.*
- o Specification Details for Hard Surfacing to be installed within the Site.*
- o Detailing for any Hard Boundaries to be erected within the Site.*
- o Detailing for the Canopies installed above External Doors by Large-Scale Drawings.*
- o Specification Details for any EV Charging Upstands installed within the Site.”*

8.18 In summary these comments provide:-

- The poor state of repair of Number 20 Victoria Street detracts from the views of the terraces and consequently has diminished their positive contribution to this section of the Dovercourt Conservation Area;
- The principle of development is supported due to the redevelopment of vacant land being an opportunity to enhance the character and appearance of the area. However, suggestions have been made to amend the design by lowering the roof pitch and box dormers;
- Further, it is suggested that the fenestration and decorative banding be re-positioned, and the proposed car park include low height railings to create a sense of enclosure;
- The taller housing at the centre of the terrace is considered to be the most important element in the built hierarchy of the street scene, however, the proposal would detract from this element and therefore does not preserve; and
- In conclusion, it is considered that there is a low end of less than substantial harm to the character and appearance of the Dovercourt Conservation Area.

8.19 Following this, discussions were held with the agent for the application. They have stated that the suggested alterations to the roof form would not make an appreciable difference in terms of the buildings bulk but would reduce the useable floor space, resulting in the loss of two of the proposed units. Furthermore, the decorative banding is not considered to be a misalignment when viewing the building from the street, and they consider the suggested fenestration amendments to result in an inferior façade. Accordingly, they do not wish to provide amended drawings to reflect the comments provided.

8.20 In this matter there are two aspects that need consideration in terms of policy. The first is to consider that a low level of less than substantial harm has been identified. In line with the requirements of the NPPF, it is the responsibility of the Local Planning Authority to weigh up the level of harm versus the public benefits of the scheme, but in the planning balance as a whole this is still taken to be harm.

8.21 On this occasion, there are considered to be significant public benefits, notably through the re-use of a derelict and vacant site in an important and prominent location, removing blight, additional housing, and the economic benefit during the construction works. These benefits are considered to significantly outweigh the low level of less than substantial harm. Therefore, subject to conditions relating to precise material details as listed above, it is not recommended to raise an objection on these grounds.

8.22 The second aspect is to consider if as presented the proposal does preserve or enhances the character or appearance of the Conservation Area, to accord with the requirements of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requirement requires only preserving or enhancement, not both.

- 8.23 It would be difficult to preserve the site given the current state, particularly the ruinous condition of No. 20 Victoria Road and that the site's current neglect, along with its listing on the Historic England's Heritage at Risk Register that warrants significant intervention. Notwithstanding Place Services view of insufficient enhancement (and the act doesn't apply a measurement of the extent of enhancement), the proposal is considered to be an enhancement as a development that is a necessary step in revitalising and preserving the area as a whole, addressing what is currently a "negative element" of the conservation area.
- 8.24 Overall, there is a balance between preservation and modernity. It is considered that this development aims to balance respecting the character of the Dovercourt Conservation Area while introducing necessary modern intervention to achieve a successful development in terms of modern living standards. Historical elements are acknowledged, but the Victorian environment should not be replicated to a point it dilutes the historic understanding and evolving needs of the area and its inhabitants. The design proposed is not meant to replicate the old but to respectfully complement it in a way that brings new life to the site.

#### Highway Safety/Parking

- 8.25 Paragraph 114 of the National Planning Policy Framework (2024) seeks to ensure that safe and suitable access to a development site can be achieved for all users, whilst Paragraph 108 requires that streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places. Paragraph 115 adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.26 Adopted Policy CP1 (Sustainable Transport and Accessibility) of the Tendring District Local Plan 2013-2033 states that planning permission will only be granted if amongst other things; access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and the design and layout of the development provides safe and convenient access for people.
- 8.27 Essex Highways Authority have been consulted on the application and have confirmed that from a highway and transportation perspective the impact of the proposal is acceptable. However, they do recommend a number of conditions relating to visibility splays, no gates/barriers, the width of the access, the closure of any redundant access points, boundary planting, cycle parking provision, the submission of a Residential Travel Information Pack, a Construction Method Statement, and the widening of the footpath. Where these are supported by the six tests of conditions they have been recommended to be included.
- 8.28 Essex Parking Standards outlines that for one bedroom properties there should be a minimum of one parking space measuring 5.5m x 2.9m and for two bedroom properties there should be a minimum of two spaces at the above measurements. Given this, there is a requirement for a total of 11 parking spaces. The supporting submission clarifies that there will be eight parking spaces, as well as 12 cycle spaces. Whilst this falls just short of the above Standards, Officers note that the site is within a highly sustainable location in walking distance to a number of shops and facilities. Given this, and that all of the units are one and two bedroom, therefore unlikely to attract larger families with a greater requirement for parking provision, Officers conclude that the parking provision as outlined is acceptable.

#### Impact on Residential Amenity

- 8.29 Paragraph 135 of the National Planning Policy Framework (2024) confirms planning policies and decisions 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.

- 8.30 Policy SP7 of Section 1 of the 2013-33 Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 (Part C) seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.
- 8.31 The two sites are currently vacant and in a derelict state, and therefore any level of built form will inevitably result in a degree of impact to the neighbouring properties, with the nearest ones being directly south of either site. The built form to the north-western site is significant and has the potential to feel oppressive, however Officers acknowledge that the element closest to the neighbouring properties (Number 19 Victoria Street) is slightly reduced in scale and incorporates a pitched roof facing away. Given this, and that there is an existing three storey dwelling of a similar scale in situ, Officers note that while there will inevitably be a degree of impact to the neighbouring property it is not to a significant extent that would warrant recommending a reason for refusal. Moreover, there would be no sunlight lost, and there are no windows proposed to the side elevation that would result in direct overlooking.
- 8.32 The site on the north-eastern section of Victoria Street is proposed as a small car parking area, with very limited built form. The nearest neighbouring property is Number 24 Victoria Street, and it is noted there are two side elevation windows on the northern elevation. However, Officers consider that due to the lack of built form, and the limited vehicular movements (and therefore limited noise disturbance) that would be associated with eight parking spaces, there would not be a significant impact to the amenities of this neighbouring property.
- 8.33 Following consultation, the Council's Environmental Protection team have requested that a Noise Impact Assessment be provided in order to ascertain the level of impact of the existing nearby railway line to future occupants of the property, and what (if any) mitigation measures could be provided to reduce this impact. Accordingly, this is recommended to be secured via planning condition.

#### Tree and Landscape Impacts

- 8.34 Adopted Policy PPL3 states that the Council will protect the rural landscape and refuse planning permission for any proposed development which would cause overriding harm to its character or appearance.
- 8.35 The Council's Tree and Landscape Officer has been consulted on the application, and has confirmed there are no trees or other vegetation on the application site, and there are very limited opportunities to introduce soft landscaping into the scheme.

#### Foul Sewage Disposal

- 8.36 Paragraph 187 of the Framework states that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of water pollution. Furthermore, Paragraph 198 of the Framework states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects of pollution on the natural environment.
- 8.37 Adopted Local Plan Section 2 Policy PPL5 states that all new development must make adequate provision for drainage and sewerage. Connection to the mains is the preferred option having regard to the drainage hierarchy and building regulations requirements.
- 8.38 The application form clarifies that foul sewage will be disposed of via the existing mains sewer, and therefore it fully complies with the requirements of the above local and national planning policies.

#### Flood Risk and SuDS

- 8.39 Paragraph 181 of the NPPF states that, when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 182 goes on to say that, developments should incorporate sustainable drainage systems. The systems used should, amongst other things, take account of advice from the lead local flood authority and have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development.
- 8.40 Adopted Local Plan Policy PPL5 requires that all new development must make adequate provision for drainage and sewage treatment and should include sustainable drainage systems (SuDS). Policy SPL3, Part B criterion g), requires that development reduces flood risk and integrates sustainable drainage within development.
- 8.41 ECC SuDS as Lead Local Flood Authority have been consulted on the application and have raised a holding objection on the basis that the submission does not clarify the discharge rate calculations. At the time of writing, the applicant is preparing revised information in order to address these technical points raised by ECC SuDS, but importantly this is not a greenfield site and material consideration must be given to the location, existing infrastructure and previous use. Due to the nature of this proposal and the existing/previous use of the site, it is considered this matter could be adequately resolved by condition as included within the recommendation, in consultation with ECC SUDS and Anglian Water.

#### Flooding Impacts

- 8.42 Adopted Paragraph 170 of the NPPF (2024) states inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, by:
- applying the Sequential Test;
  - if necessary, applying the Exception Test;
  - safeguarding land from development that is required, or likely to be required, for current and future flood management;
  - using opportunities offered by new development to reduce the causes and impacts of flooding; and
  - where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to facilitate the relocation of development, including housing, to more sustainable locations.
- 8.43 Paragraph 174 of the NPPF further states that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding. These sentiments are echoed in Adopted Policy PPL1, which states that all development proposals will be considered against the National Planning Policy Framework's 'Sequential Test' to direct development toward sites at the lowest risk of flooding unless they involve development on land specifically allocated for development in the plan.
- 8.44 The site lies within Flood Zones 2 and 3, which are defined as having a high probability of flooding, with the use of the Class C3 'dwellinghouses' being classified as a 'more vulnerable' form of development. Accordingly, a Flood Risk Assessment has been provided, to outline the flooding risks and highlight mitigation measures that would help make the property safer in the event of a flood. Such measures include locating bedrooms first floor level and above. The Environment Agency, upon consultation, have confirmed they raise no objections on the basis that the site is currently defended and the Shoreline Management Plan policy for this area is 'hold the line', meaning the

intention is to maintain or upgrade protection from flooding or erosion by holding the shoreline in broadly the same position.

- 8.45 The above notwithstanding, the application is also required to demonstrate that it can pass the Sequential Test, which in essence seeks to highlight that there are no other locations within the district local area that can accommodate the development, and which are more safely located (i.e. located in an area outside of a recognised flood zone). On this occasion, given that the site falls within an area prioritised for regeneration purposes, the Council accepts that the scope of search for alternative sites can just be restricted to the area allocated for regeneration within Dovercourt. The supporting information outlines that four alternative sites have been located, however each were concluded not to be suitable or available, with the reasoning including not being within the applicants ownership/unclear if available, impacts to heritage assets, and public consultation concluding it was not welcomed to be within residential use. Officers are not aware of any alternative sites that would better host this development and are therefore content that the requirements of the Sequential Test have been met on this occasion.

#### Functional Layout

- 8.46 Paragraph 135(f) of the NPPF states that planning decisions should ensure that developments create places that are safe with a high standard of amenity for existing and future users. Adopted Policy SPL3 (Part B)(f) seeks to ensure that provision is made for adequate private amenity space, waste storage and recycling facilities, vehicle and cycle parking.
- 8.47 The submitted plans demonstrate that there is a shared residential garden space to the rear of the site, as well as an internal communal area that includes cycle parking and waste management facilities. Given this, and that the site is in a highly sustainable location in walking distance to amenity areas including the seafront, such provision is acceptable on this occasion.
- 8.48 Policy LP3(b) states new residential development must comply with the government's latest 'Technical housing standards - nationally described space standard', which on this occasion mean the dwellings have a requirement to measure between 39sqm and 86sqm. All eight properties, which range between 48sqm and 97sqm, adhere with the above requirements and therefore no objections are raised in this regard.

#### Impact on Protected Species

- 8.49 Paragraph 187 of the Framework states planning decisions should contribute to and enhance the natural and local environment, by minimising impacts and providing net gains for biodiversity. Paragraph 193(a) of the NPPF confirms that in assessing planning applications where significant harm to biodiversity as a result of a development cannot be avoided, adequately mitigated or, as a last resort, compensated for, then planning permission should be refused.
- 8.50 Adopted Policy SP7 requires that all new development should incorporate biodiversity creation and enhancement measures. Adopted Policy SPL3 Part A(d) includes that the design and layout of development should maintain or enhance ecological value.
- 8.51 ECC Place Services (Ecology) have been consulted on the application, and have confirmed there is sufficient ecological information available to support determination this application. They raise no objections to the proposal, subject to conditions relating to securing the mitigation measures and the submission of a Biodiversity Enhancement Strategy.

#### Habitats, Protected Species and Biodiversity Enhancement

#### Ecology and Biodiversity

This report addresses the distinct legal requirements, ensuring a comprehensive analysis of the ecology and biodiversity impacts of the proposal in line with regulatory standards.

### **General duty on all authorities**

- 8.52 The Natural Environment and Rural Communities Act 2006 amended by the Environment Act 2021 provides under Section 40 the general duty to conserve and enhance biodiversity: “For the purposes of this section “the general biodiversity objective” is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England.” Section 40 states authorities must consider what actions they can take to further the general biodiversity objective and determine policies and specific objectives to achieve this goal. The actions mentioned include conserving, restoring, or enhancing populations of particular species and habitats. In conclusion for decision making, it is considered that the Local Planning Authority must be satisfied that the development would conserve and enhance.
- 8.53 The application is supported by a Preliminary Ecological Appraisal (PEA), that concludes there will be either a neutral or minor negative impact to protected species. ECC Place Services (Ecology) have been consulted on the application, and have confirmed there is sufficient ecological information available to support determination this application. They raise no objections to the proposal, subject to conditions relating to secure the mitigation measures outlined within the PEA and the submission of a Biodiversity Enhancement Strategy.

### **Biodiversity Net Gain**

- 8.54 Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. The minimum requirement is for a 10% net gain in biodiversity value achieved on a range of development proposals (excluding Listed Building Consent, Advert Consent, Reserved Matters, Prior Approvals, Lawful Certificates, householders, self builds, and other types of application which are below the threshold i.e. does not impact a priority habitat and impacts less than 25 sq.m of habitat, or 5m of linear habitats such as hedgerow).
- 8.55 Given this position, the government strictly provides it would generally be inappropriate for decision makers to refuse an application on the grounds that the biodiversity gain objective will not be met. It is considered logical to confirm this closer to commencement of development, given the potential number of options available. This further supports the position that the biodiversity gain objective can always be met in some form. Sufficient information has been provided at this stage in relation to BNG and the full requirements are recommended to be secured by condition and legal agreement.

### **Protected Designated Habitats**

- 8.56 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.
- 8.57 The application scheme proposes a residential on a site that lies within the Zone of Influence (Zol) but is approximately 125 metres from Stour and Orwell Estuaries RAMSAR and SPA. New housing development within the Zol would be likely to increase the number of recreational visitors to these sites 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.
- 8.58 A planning condition is recommended to secure this via a future 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.



## **Biodiversity Conclusion**

8.59 In accordance with the overarching duty outlined above, this development is committed to actively contributing to the conservation and enhancement of biodiversity as set out above and within the planning conditions. The development aligns with the statutory framework for biodiversity net gain, striving to achieve a 10% net gain in biodiversity value over 30 years. In conclusion, this development is considered to accord to best practice, policy, and legislation requirements in consideration of the impacts on ecology interests.

### Renewable Energy

8.60 Paragraph 117 of the Framework states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles (ULEV) in safe, accessible and convenient locations. However, recent UK Government announcements that ULEV charging points will become mandatory for new development have yet to be published.

8.61 Policies PPL10 and SPL3, together, require consideration be given to renewable energy generation and conservation measures. Proposals for new development of any type should consider the potential for a range of renewable energy generation solutions, appropriate to the building(s), site and its location, and be designed to facilitate the retro-fitting of renewable energy installations.

8.62 The proposal includes for a development that has the potential to incorporate renewable energy features, and accordingly is supported by an Energy Statement which outlines a series of energy efficiency and low/zero carbon measures are to be adopted, including ULEV charging points for electric cars, air source heat pumps and highly efficient systems for lighting. Given this, it is not reasonable or necessary to include a condition requiring the submission of renewable energy details.

## **9. Planning Balance and Conclusion**

9.1 This application seeks for the erection of a four storey residential block to provide for eight apartments, following the demolition of Number 20 Victoria Street, as well as the conversion of a site into an ancillary car park to provide for eight spaces. Given that the sites fall within the Settlement Development Boundary for Dovercourt and an area prioritised for regeneration, the principle of development is accepted.

9.2 Officers consider that the design, scale and layout is of an acceptable nature in-keeping with the areas existing character, and whilst it is noted that ECC Heritage have raised a low level of less than substantial harm, the public benefits of the proposal far outweigh this harm (but it remains harm). There is not considered to be significant harm to the amenities of neighbouring residents, and all of the apartments will meet the National Space Standards. Essex Highways Authority raise no objections, and whilst the parking provision falls just below the Essex Parking Standards, Officers note that it is just a minor shortfall and the site is within a highly sustainable location in good walking distance to a range of services and facilities.

9.3 The sites fall within a high risk flood zone, however the Environment Agency have raised no objections. Further, the applicant has undertaken a Sequential Test to identify whether there are alternative sites available within a lower flooding risk, however have concluded that there are none able under the terms of the sequential test.

9.4 Taking all of the above into consideration, Officers conclude that whilst there are some minor harms from the proposal, namely the low level of less than substantial harm to the Dovercourt Conservation Area and slight shortfall of parking provision, they are significantly outweighed by the benefits of the scheme.

## **10. Recommendation**

10.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives.

## 10.2 Conditions and Reasons

- 1      CONDITION: The development hereby permitted shall be begun not later 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 Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2      CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Drawing Numbers 2530557-P01 Revision C, 2530557-P10 Revision C, 2530557-P11 Revision C, 2530557-P12 Revision C, 2530557-P13 Revision C, 2530557-P14, L1047L11 Revision C, L1047L12 Revision A, L1047L21 Revision A, L1047L22 Revision A, and the documents titled 'Contaminated Land Risk Assessment', 'Drainage Strategy', 'Energy Strategy Report', 'Flood Risk Assessment', 'Flood Risk Sequential Test', 'Heritage Statement', 'Landscape Design Statement', 'Planning Statement', 'Superfast Broadband Statement', 'Transport Statement', 'Ecological Impact Assessment', 'Daylight and Sunlight Report (Neighbouring Properties)' and 'Daylight and Sunlight Report (Within Development)'.

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

- 3      CONDITION: The hereby approved development shall not be first commenced until detailed proposals addressing the mitigation of the development's impact on protected Essex Habitats Sites have been submitted to and received written approval from the Local Planning Authority. Such proposals must provide and secure mitigation in accordance with the joint Habitats Regulations Assessment Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) or demonstrate mitigation measures of an equivalent effectiveness to the satisfaction of the Local Planning Authority. For any on site mitigation proposals approved, it shall be carried out in full prior to first occupation, and thereafter shall be maintained as approved.

REASON: In order to safeguard protected wildlife species and their habitats in accordance with the NPPF and Habitats Regulations. Failure to achieve satisfactory mitigation would result in harm by new residents due to the development's impact on protected sites meaning the development must mitigate the burden of development regardless of scale of impact.

- 4      CONDITION: The development may not be begun unless (a) a biodiversity gain plan has been submitted to the planning authority (see note), and (b) the planning authority has approved the plan (see note).

REASON: In order to accord with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) and amended by The Biodiversity

## Gain (Town and Country Planning) Modifications and Amendments (England) Regulations 2024

### NOTE - CONTEXT AND APPLICATION:

Planning conditions are typically established upon the granting of planning permission under sections 70(1) and 72 of the Town and Country Planning Act 1990. However, it's essential to note that the biodiversity gain condition operates under a distinct statutory framework, specifically outlined in paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990.

This condition is deemed to apply to all planning permissions granted for land development in England, unless specific exemptions or transitional provisions are applicable (for further details, please refer to the provided web link <https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments> or contact us directly.

The government advises against including this condition in decision notices to avoid confusion. However, for clarity and accountability, we have opted to highlight this condition within the decision notice. This ensures that all involved parties are aware of its requirements, facilitating effective tracking and monitoring throughout the development process, including the discharge of conditions.

In certain instances, this condition may be imposed even if the applicant believes that biodiversity net gain (BNG) does not apply. Based on the available information, it is determined that this permission necessitates the approval of a biodiversity gain plan before commencing development, as none of the statutory exemptions or transitional arrangements apply.

For further details, please consult the officer report as needed. If you believe this condition does not apply, we strongly recommend contacting the Local Planning Authority (LPA) for clarification. Tendring District Council serves as the planning authority responsible for determining the approval of a Biodiversity Gain Plan in relation to this permission.

### BIODIVERSITY GAIN PLAN REQUIREMENTS:

For the Biodiversity Gain Plan requirements, please refer to both paragraphs 14 and 15 of the Environment Act Sch 14 Part 2 as amended by The Biodiversity Gain (Town and Country Planning) Modifications and Amendments (England) Regulations 2024.

<https://www.legislation.gov.uk/ukpga/2021/30/schedule/14/enacted>

In summary, the Biodiversity Net Gain (BNG) plan must achieve a minimum biodiversity net gain of 10% and should typically include the following:

- Steps taken or to be taken to minimize adverse effects of the development on the biodiversity of the onsite habitat and any other habitat.
- Pre-development and post-development biodiversity assessments of the onsite habitat.
- Allocation of any registered offsite biodiversity gain to the development and its biodiversity value in relation to the development.
- Details of any biodiversity credits purchased for the development.
- Plans for maintaining and securing the net gain on and/or off site for at least 30 years after completion of the development.

The Local Authority will ensure the submitted details meet the requirements of the Town and Country Planning Act 1990 as amended, Environment Act as amended, associated legislation and guidance.

Ways to achieve 10% BNG may include:

- 1) Enhancement and restoring biodiversity on-site (within the red line boundary of a development site).
- 2) If proposals can only achieve part of their BNG on-site, they can deliver through a mixture of on-site and off-site. Developers can either make off-site biodiversity gains on their own land outside the development site or buy off-site biodiversity units on the market as close as possible to the site.
- 3) If developers cannot achieve on-site or off-site BNG, they must buy statutory biodiversity credits from the government. This must be a last resort. The government will use the revenue to invest in habitat creation in England.

Developers may combine all 3 options but must follow the steps in order. This order of steps is called the biodiversity gain hierarchy.

#### CONDITIONS AND LEGAL AGREEMENT:

The Local Authority is responsible for ensuring that the biodiversity gain objective is achieved, whether it be onsite, offsite, or through the purchase of credits, and that it is secured by legal agreement as necessary. It is essential to highlight that planning conditions operate within a strict timeframe. Therefore, any legal agreements required to secure the biodiversity gain must be completed prior to the consideration of the planning condition. Failure to comply with this requirement may result in the refusal of the condition.

<https://www.tendringdc.gov.uk/content/discharging-the-biodiversity-net-gain-plan-condition-bng>

- 5      **CONDITION:** Prior to the first occupation of the hereby approved development, all mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Place Services, January 2025).

**REASON:** In order to safeguard protected wildlife species and their habitats in accordance with the NPPF and Habitats Regulations.

- 6      **CONDITION:** Prior to first occupation of the hereby approved development, a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

**REASON:** To enhance protected and Priority species and habitats.

- 7      **CONDITION:** Prior to any works within each phase above slab level, a Noise Impact Assessment shall be submitted to, and agreed in writing by, the Local Planning Authority. The details contained within this assessment shall thereafter be adhered to.

REASON: In the interest of the amenity of neighbouring residents.

- 8      CONDITION: No development shall take place until;
- (i) A strategy for investigating any contamination present on site has been submitted for approval, in writing, by the Local Planning Authority. Development on site, including demolition, may be carried out in order to fully investigate contamination prior to the submission of said strategy subject to agreement, in writing, by the Local Planning Authority and all other pre commencement conditions being agreed by the Local Planning Authority first.
  - (ii) Following approval of the strategy, an investigation shall be carried out in accordance with the strategy and timescales as may be agreed.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors. This condition is required to be agreed prior to the commencement of any development to ensure health and safety is secured early for both development and its construction including the health of all workers during all phases of construction. If agreement was sought at any later stage there is an unacceptable risk to health and safety.

- 9      CONDITION: A written report shall be submitted detailing the findings of the contamination investigation as approved, and an assessment of the risk posed to receptors by the contamination, for approval, in writing, by the Local Planning Authority. Subject to the risk assessment, the report shall include a Remediation Scheme and timetable of the scheme for agreement in writing by the Local Planning Authority if the authority considers it is required.

Any remediation work as may be agreed shall be carried out in its entirety in accordance with the approved Remediation Scheme and its timetable. Following remediation, evidence shall be provided to the Local Planning Authority verifying that remediation has been carried out in accordance with the approved Remediation scheme prior to the first use/occupation of the development.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

- 10     CONDITION: Prior to the commencement of development details of a construction methodology and timetable shall be submitted to and approved, in writing, by the Local Planning Authority. This shall incorporate the following information:-
- a) Details of how construction and worker traffic and parking shall be managed.
  - b) Details of the loading/unloading/storage of construction materials on site, including details of their siting and maximum storage height.
  - c) Storage of plant and materials used in the construction of the development.
  - d) Details of measures to control the emission of dust and dirt during construction and including details of any wheel washing to be undertaken, management and location it is intended to take place.
  - e) Details of the hours of work/construction of the development within which such operations shall take place and the hours within which delivery/collection of materials for the said construction shall take place at the site.

The said methodology as may be approved shall be implemented in its entirety on commencement of development and shall operate as may be approved at all times during construction.

REASON: To minimise detriment to nearby residential and general amenity by controlling the construction process to achieve the approved development. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, by reason of the location and scale of development may result in adverse harm on amenity.

- 11      CONDITION: Full details of surface water drainage shall have been submitted to and approved, in writing, by the Local Planning Authority prior to the beginning of any works to the building/s it would serve are commenced. No part of the development shall be brought into use until the agreed method of surface water drainage has been fully installed and is functionally available for use. The surface water drainage scheme shall thereafter be maintained as approved.

REASON: To safeguard the ground water environment and minimise the risk of flooding.

- 12      CONDITION: No development/works shall be commenced above slab level until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development and fully applied prior to the first use/occupation.

REASON: To secure an orderly and well designed finish sympathetic to the character of the existing building(s) and in the interests of visual amenity and the character and appearance of the area.

- 13      CONDITION: Prior to first use of the access visibility splays shall be provided with a minimum clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway, and shall then be retained in its approved form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

REASON: To ensure vehicles exiting the access would have sufficient visibility to enter the public highway safely and vehicles on the public highway would have sufficient warning of a vehicle emerging in order to take avoiding action.

- 14      CONDITION: Prior to first occupation of the development, a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the hereby permitted vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

REASON: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety.

- 15      CONDITION: Prior to first use the access and drive shall be constructed to a minimum width of 3.6 metres for a distance of at least 6 metres measured from the nearby edge of the carriageway and shall then thereafter be retained.

REASON: In the interests of highway safety to ensure vehicles can enter and leave the site in a safe manner ensuring opposing vehicles can pass in the interest of highway safety.

- 16      CONDITION: Prior to first use of the new access details of the stopping up of all other means of vehicular access within the frontage as shown on the approved drawings shall be

submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The stopping up as approved shall be implemented in full prior to first use of the new access.

REASON: To ensure that an increase in accesses available does not increase in highway safety risk.

- 17 CONDITION: Prior to first occupation of the hereby approved development, the vehicle parking area indicated on the approved plans shall be hard surfaced and sealed. 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 in writing 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.

### 10.3 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.

#### Biodiversity Enhancements Informative

In accordance with the Council's general duty to conserve and enhance biodiversity, you are strongly encouraged to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Suggested enhancements could include:

<https://www.rhs.org.uk/wildlife/in-the-garden/encourage-wildlife-to-your-garden>

#### Highways Informatives:

- i) 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 must 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)
- ii) The areas directly adjacent to the carriageway in which trees are to be planted should not be less than 3 metres wide, exclusive of the footway and the trunks of the trees should be no nearer than 2 metres to the channel line of the road. The same dimensions should be used in situations where the footway is located adjacent to the carriageway. In paved areas, whether or not the planted areas are to be adopted highway, trees should be sited no closer than 2 metres to the defined (or undefined) edge of the carriageway. Where the adopted highway is to be an independent path, trees should be planted no closer than 1 metre from the edge of the highway. In all cases, trees should be provided with root barriers to prevent damage to underground services.
- iii) No permanent part of a development shall overhang the highway
- iv) 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.

- v) 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.
- vi) Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.

## 11. Additional Considerations

### Equality Impact Assessment

- 11.1 In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic\* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic\* and those who do not, including tackling prejudice and promoting understanding.
- 11.2 It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.
- 11.3 In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic\* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral



Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

### Human Rights

- 11.4 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 11.5 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 11.6 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

### Finance Implications

- 11.7 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.
- 11.8 The New Homes Bonus (NHB) is one local finance consideration capable of being a material consideration to which the weight given shall be determined by the decision maker. The NHB is a payment to local authorities to match the Council Tax of net new dwellings built, paid by Central Government over six consecutive years. In this instance, it is not considered to have any significant weight attached to it that would outweigh the other considerations.

## **12. Declaration of Interest**

Please refer to the minutes of this meeting, which are typically available on the councils website which will be published in due course following conclusion of this meeting.

## **13. Background Papers**

- 13.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.

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