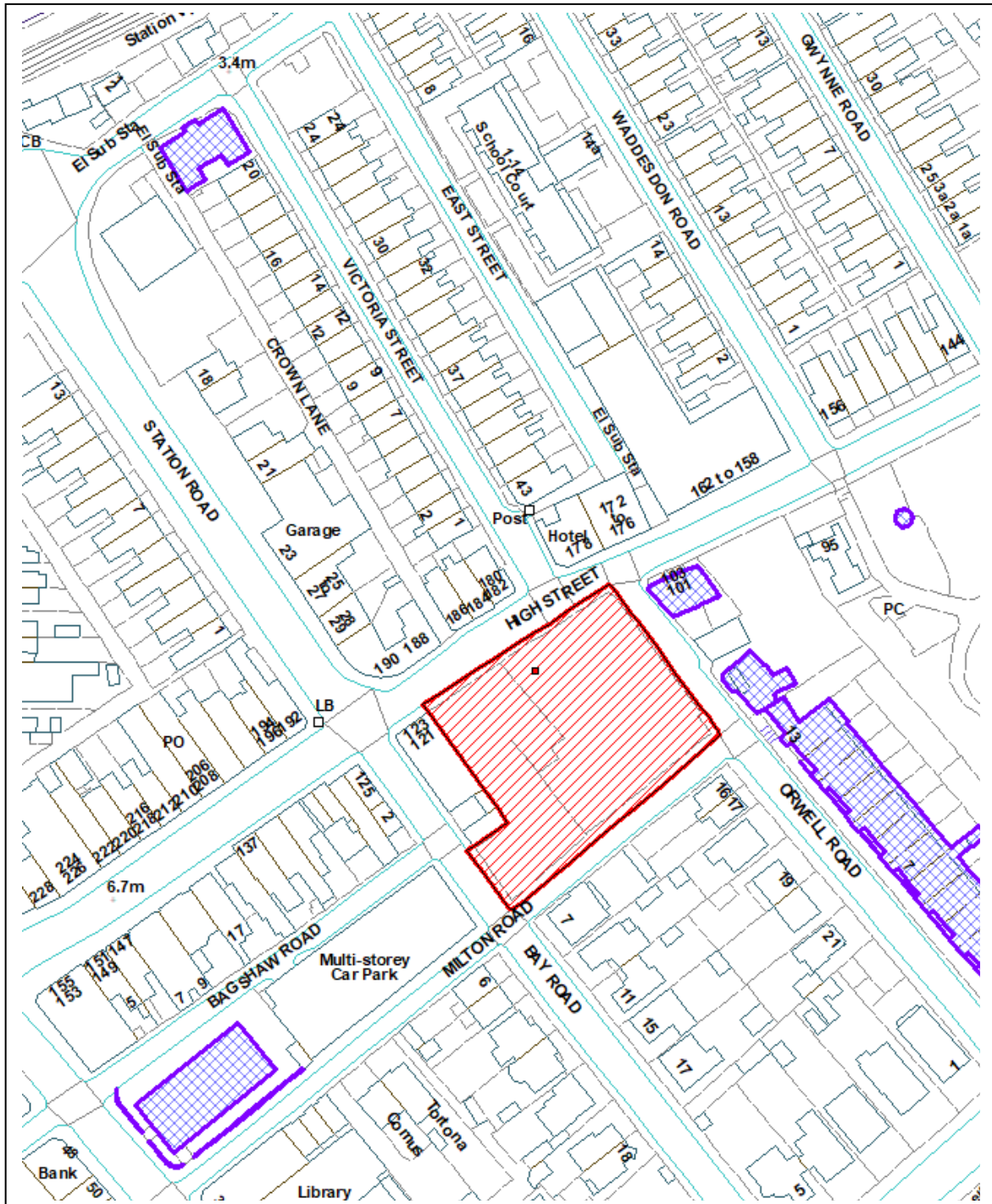


PLANNING COMMITTEE

28th September 2021

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

**A.3 PLANNING APPLICATION – 21/01145/FUL – LAND TO THE SOUTH OF HIGH STREET
DOVERCOURT ESSEX CO12 3AT**



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Application: 21/01145/FUL

Town / Parish: Harwich Town Council

Applicant: Mr Tom Gardener - Tendring District Council

Address: Land to The South of High Street Dovercourt Essex CO12 3AT

Development: Proposed development of a surface-level public car park, public toilet facilities, landscaped public open space and associated works.

1. **Executive Summary**

- 1.1 The application site comprises approximately 0.22 hectares of vacant, derelict land. The site is located within the defined Town Centre and the 'Dovercourt Town Centre Regeneration Area' as designated by the saved Local Plan (2007) and emerging Local Plan (2013-2033). The site is also situated within the Dovercourt Conservation Area. The application is placed before members of the Planning Committee as the applicant is Tendring District Council.
- 1.2 The application relates to the development of a surfaced car park comprising of 51 spaces, public toilet facilities, public open space, landscaping and associated works. The proposals also envisage the site being utilised as a multi-purpose space for various public events and activities on designated days throughout the year under permitted development rights. Access to the car park would be on the northern side of the site from Orwell Road.
- 1.3 The proposed development is considered to respond directly to the objectives of national and local planning policy for delivering sustainable development, utilising land effectively, and supporting development that will contribute to regeneration and the vitality of town centres.
- 1.4 The proposals seek to utilise the vacant, previously developed site to deliver improvements in the quality of the environment and peoples' quality of life, and contributes to each of the three dimensions of sustainable development namely the economic, social and environmental strands.
- 1.5 The site is identified in the Dovercourt Masterplan Revisited (April 2019) as a 'high priority' regeneration project for the Council that would enhance the character of this section of the Dovercourt High Street/Conservation Area and would assist in improving pedestrian footfall within the Town Centre by promoting better connectivity with wider areas (Dovercourt Beach/Cliff Park).
- 1.6 The application and supporting documents/surveys demonstrate that there will be no overriding harm which cannot be mitigated in respect of heritage impacts, landscaping, land contamination or highways considerations.
- 1.7 Subject to the recommended conditions within section 8.2 of this report, the proposal is considered to be acceptable with no material harm to visual or residential amenity, heritage interests or highway safety, and the application is therefore recommended for approval.

Recommendation:

That the Head of Planning be authorised to grant planning permission for the development subject to:-

- a) Subject to the conditions stated in section 8.1

2. Planning Policy

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

NPPF National Planning Policy Framework (2021)
National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)

QL2	Promoting Transport Choice
QL3	Minimising and Managing Flood Risk
QL6	Urban Regeneration Areas
QL11	Environmental Impacts and Compatibility of Uses
ER7	Business, Industrial and Warehouse Proposals
ER16	Tourism and Leisure Uses
ER31	Town Centre Hierarchy and Uses
COM1	Access for All
COM2	Community Safety
COM4	New Community Facilities (Including Built Sports and Recreation Facilities)
COM19	Contaminated Land
COM23	General Pollution
COM31A	Sewerage and Sewage Disposal
EN1	Landscape Character
EN13A	Renewable Energy
EN17	Conservation Areas
EN23	Development within the Proximity of a Listed Building
TR1A	Development Affecting Highways
TR3A	Provision for Walking
TR5	Provision for Cycling
TR6	Provision for Public Transport Use
TR7	Vehicle Parking at New Development
TR8	Public Car Parking
HAR4a	Harwich Masterplan
HAR12	Dovercourt Town Centre Regeneration
HAR13	Environmental Improvements within Dovercourt Town Centre

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

Section 1: North Essex Authorities' Shared Strategic Section 1 Plan, adopted January 2021

SP1	Presumption in Favour of Sustainable Development
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles

Section 2: Emerging

SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design
HP1	Improving Health and Wellbeing
HP2	Community Facilities
PP8	Tourism
PP14	Priority Areas for Regeneration
PPL1	Development and Flood Risk
PPL5	Water Conservation, Drainage and Sewerage
PPL8	Conservation Areas
PPL9	Listed Buildings
PPL10	Renewable Energy Generation
CP1	Sustainable Transport and Accessibility
CP2	Improving the Transport Network
DI1	Infrastructure Delivery and Impact Mitigation

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Dovercourt Masterplan Revisited Report (2019)

Status of the Local Plan

- 2.1 Planning law requires that decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework 2021 (the Framework).
- 2.2 The 'development plan' for Tendring comprises, in part, the 'saved' policies of the 2007 Local Plan. Paragraph 219 of the Framework allows local planning authorities to give due weight to policies adopted prior to its publication according to their degree of consistency with the policies in the Framework. On the 26th January 2021 Section 1 of the 2013-2033 Local Plan was adopted and now also forms part of the 'development plan' for Tendring, superseding some of the more strategic policies in the 2007 Local Plan. Notably, the housing and employment targets were found sound and have been fixed, including the housing requirement of 550 dwellings per annum.
- 2.3 Paragraph 48 of the Framework allows weight to be given to policies in emerging plans, according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and the degree of consistency with the policies of the Framework. In this regard 'Proposed Modifications' to the emerging Section 2 of the 2013-33 Local Plan, which contains more specific policies and proposals for Tendring, has been examined and hearing sessions have now closed. The main modifications recommended to make the plan legally compliant and sound were considered at the Council's Planning Policy and Local Plan Committee on 29th June 2021. The Council held a six-week public consultation on the Main Modifications and associated documents which began on 16th July 2021. The consultation closed at 5pm on 31st August 2021 and adoption is expected later this year. Section 2 will then join Section 1 as part of the development plan, superseding in full the 2007 Local Plan. Section 2 of the 2013-33 Local Plan is therefore at a very advanced stage of preparation and should be afforded considerable weight.

3. Relevant Planning History

12/00478/CON	Demolition of buildings leaving site clear for possible development.	Approved	05.07.2012
21/01145/FUL	Proposed development of a surface-level public car park, public toilet facilities, landscaped public open space and associated works.	Current	
12/00615/DEMCON	Demolition of garage buildings.	Determination	26.06.2012

4. Consultations

ECC Highways Dept
27.08.2021

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 (between the junction with the High Street and the car park exit). 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 the occupation of any of the proposed development the internal road and footway layouts shall be provided in principal and accord with Drawing Number:

- 60498/C/0001 A Private external works - general arrangement

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM1.

4. Prior to the commencement of development, details of the internal layout and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety and in accordance with Policy DM 1 & 6.

5. The opening of the development shall not take place until the following have been provided or completed:

a) A priority junction off Orwell Road to provide access to the proposal site, the access road shall have a minimum width of 6.0 metres for the first 6 metres, with a 2 metre wide footway provide around the north kerb radii with Orwell Road and extended northwards to its junction with the High Street and provided with appropriate drop kerb/ tactile paving either side of the junction to the car park.

b) The introduction of a narrowing to the north of the car park exit to deter left turn movements out of the car park (it must consider any large vehicles turning into to Orwell Road coming from the east in the High Street to ensure the narrowing does not impede these movements) to be agreed with the Planning Authority in conjunction with the Highway Authority.

c) Improvements to the footway to an affective width of 1.5 metres south of the car park access with Orwell Road to its junction with Milton Road.

6. The proposed 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.

7. The proposed development shall not be occupied until such time as the vehicle parking areas 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.

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 the first use of any external lighting / floodlighting within the development site, the light source shall be so positioned and shielded, in perpetuity, to ensure that users of the highway are not affected by dazzle and/or glare, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that users of the highway are not subjected to glare and dazzle from lighting within the development in the interest of highway safety in accordance with Policy DM1.

10. The boundary between the site and the highway to be clearly marked on the ground, in a material to be agreed with the Highway Authority.

Reason: To clearly show the extent of highway along the site frontage.

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

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

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1.

TDC Tree & Landscape Officer
19.08.2021

The application site does not contain any trees or other significant vegetation, therefore no significant vegetation will be adversely affected by the development proposal.

The applicant has provided an Illustrative masterplan which shows the nature and extent of soft landscaping associated with the development of the land; it includes a palette of species that is acceptable and that will satisfactorily enhance the appearance of the area.

If planning permission is likely to be granted then a condition should be attached to secure further details of proposed soft landscaping that will need to include a full list of species and a specification for all trees shrubs and hedges to be planted.

TDC Tree & Landscape Officer
01.09.2021

The soft landscaping proposals that have now been provided are comprehensive and sufficient to secure a satisfactory level of new tree, shrub and herbaceous planting. The proposed planting will soften and enhance the appearance of the proposed development and will make a positive contribution to the public realm.

Essex County Council Heritage
13.08.2021

The development site is in proximity to the Grade II listed 101 and 103, Main Road (List UID: 1187917), the Grade II listed The Convent (List UID: 1298462), and is partially located within Dovercourt Conservation Area.

The proposals would not detrimentally impact the listed buildings identified above. The proposals in principle would not result in a detrimental impact to on the character and appearance of the Conservation Area, however it is unfortunate that an enhanced, more generous offering to the High Street has not been proposed here. Furthermore, the proposed engineering brick retaining wall in Flemish bond could not be more generic in its specification. This specification is unfortunate given the site's partial location within a Conservation Area characterised by its high quality dark red brickwork. This element of the scheme would fail to make a positive contribution to local character and distinctiveness in its generic specification, making paragraph 197(c) of the NPPF relevant here.

The proposals indicate narrow strips of grass and planting at the boundaries of the car parking areas. Consolidation of areas of planting requiring high maintenance should be consolidated and deployed only where their maintenance to a high quality can be guaranteed.

Were this application to be approved, it is recommended that a condition be imposed (notwithstanding the proposed generic brick and bond style), that requires the submission of a specification for the brickwork boundary.

Environment Agency

No comments

TDC Environmental Protection
25.08.2021

Environmental Protection recommend the following comments:

Contaminated Land

A validation report must be submitted to the local authority demonstrating that the requirements of the remediation method statement have been met and must include all recommendations stated in Section 8 of the Remediation Method Statement.

Remediation

As stated within the Remediation Method Statement, remediation of the proposed soft landscaped areas at the site is required. The placement of 'clean cover' (as defined in Section 6.6) must be undertaken and then evidenced to the local authority.

Soil Contamination

The reports conclude that no concentrations of contaminants in the soil exceeded the tier one screening values for the protection of human health within a commercial setting.

It is considered that the degree of contamination poses a moderate risk to site workers and the general public. In order to reduce the risk to site workers during the redevelopment, appropriate safety measures must be adhered to on site.

All site staff and site contractors will be briefed on the potential for soil contamination to be encountered prior to commencing work on site

Workers should avoid contact with the soils by the use of protective boots, overalls and gloves, and should wash before eating, drinking and using the toilet

To prevent inhalation of contaminants by site works and the wind-blown transfer of contaminants off site, the generation of dust should be avoided. This can be achieved by spraying the materials with water if necessary. Measures should be taken to ensure that contaminated material are not transferred off site, for example on vehicle tyres.

Reference should be made to CIRIA Report No.132 'A Guide for Safe Working on Contaminated Sites' (1996) and Health and Safety Guidance Documents, Protections of Workers and the General Public during the Development of Contaminated Land (1991)

Asbestos

The presence of asbestos poses a potential risk to construction workers, neighbours, visitors and the general public during the redevelopment, reference should be made to Section 6.2.1 and Section 6.2.2 with respect to mitigating this risk. All asbestos must be removed safely by a suitably trained and licensed contractor.

Gas Monitoring

The results of the gas monitoring record carbon-dioxide concentrations of up to 3.1%v/v, methane concentrations momentarily peaking at 6.6%v/v and depleted oxygen concentrations 10.2%v/v.

A CS-2 classification is required and the adoption of protective measures, in order to mitigate the risk posed by ground gases at the proposed site, must be adhered to. Protective measures for a CS-2 will include:

- The installation of a 2000g gas membrane
- All joints and penetrations to be sealed
- The provision of underfloor venting

It is recommended that CIRA Report No. C735 (2014), 'Good Practice on the Testing and verification of Protective Systems for Buildings Against Hazardous Ground Gases' is consulted for guidance on testing and verification of gas protection measures which are to be installed.

Furthermore, it should be noted that depleted oxygen concentrations as low as 10.2% were recorded at the site. Excavations should therefore be monitored for the presence of anoxic/explosive gases prior to entry by operatives during the development works, to ensure that safe working conditions are maintained throughout.

Contamination to Water Supply

The recorded concentrations of some TPH and BTEX compounds are considered to pose a risk to water supply service. The applicant should contact the water supply company to see if barrier pipes should be installed within the proposed scheme.

Waste Disposal

The results of the solid soil analysis (Appendix C - Ground Investigation Report) should be forwarded to the receiver/haulier to assist in the off-site disposal of waste soils.

A copy of all waste transfer notes should be included validation report.

Watching Brief

A watching brief is recommended in order to monitor the ground conditions during the redevelopment of the site. The applicant should follow the recommendations detailed in Section 6.4 of the Remediation Method Statement Report.

Lighting

I have reviewed the Street lighting plan and have no adverse comments.

Construction Method Statement

In order to minimise potential nuisance to nearby existing residents caused by construction works, Environmental Protection ask that the following is conditioned.

Prior to the commencement of any development works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, Environmental Protection.

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.

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.

Dust Control

1) Dust suppression methods to be employed during construction so as to minimize likelihood of nuisance being caused to neighbouring properties. A scheme of measures for the control and suppression of dust emissions shall be submitted.

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Environmental Protection. 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).

5. Representations

5.1 Harwich Town Council raises no objection to this application on the basis that it meets the information provided during the consultation.

5.2 1 letter of representation has been received outlining the following comments;

- Car park should maximise opportunities for EV infrastructure and parking bays should be EV ready for conversion in the future when demand for charging points increases.

(Officer Response - A specialist EV Charging Consultant was employed to advise on the provision of EV Infrastructure. Currently there is provision for 4 No 22Kw EV Charging points which are shown on the plan drawing and with plans for an expansion to 8 No 22KW which was the provision recommended by the EV Consultant. So EV Charging has been carefully considered and specialist advice taken and provision made).

6. Assessment

Site Description

6.1 The application relates to an 'L-shaped' parcel land to the south of High Street, Dovercourt. The site is known locally as 'The Starlings Site' and is bound by Orwell Road to the northeast, Milton Road to the southeast, and Bay Road along part of the south-western side. The remaining section of the western boundary is adjoined by the single-storey retail/business unit and associated structures of No. 121-123 High Street. The site slopes down from south to north.

6.2 The site was previous occupied by The Queen's Hotel at Nos. 119-121 High Street, commercial properties of Stour Place (Nos. 105 – 117 High Street) and Starlings Garage to the east, between the hotel and Orwell Road.

6.3 The Queen's Head Hotel was demolished following a fire in 2011 that rendered the building unsafe. Conservation Area Consent was granted for the demolition of the adjoining properties, Nos. 105 – 117 High Street, in 2012, which were vacant, boarded up and in a poor state of repair.

- 6.4 The site is currently secured by site hoarding to all sides which has been in place since the buildings were demolished and the site was cleared.
- 6.5 The north-western side of the application site, fronting High Street, falls within the Dovercourt Conservation Area. Immediately to the north-east and east of the site are nos.101-103 Main Road Dovercourt and 1-13 Orwell Road Dovercourt which are all Grade II Listed Buildings.
- 6.6 The site is located within the defined Town Centre and the 'Dovercourt Town Centre Regeneration Area' as designated by the adopted Local Plan (2007). This aspiration and policy provision has been continued through the emerging Section 2 Local Plan (2013-2033), which also looks to identify Dovercourt Town Centre as a 'priority area for regeneration'

Proposal

- 6.7 Full planning permission is sought for the redevelopment of land at nos.105-119 High Street, Dovercourt, to provide a surface-level car park, public toilet facilities, public open space, landscaping and associated works.
- 6.8 The car park will accommodate 51 car parking spaces, of which 4 spaces will be allocated for disabled parking. Facilities for electric vehicle charging will also be provided at four spaces within the site.
- 6.9 Vehicular access and egress to the car park will be via Orwell Road. Orwell Road currently operates a one-way system and all vehicle users will turn right when exiting the site. A barrier/height restriction system will be erected at the entrance.
- 6.10 The proposal will create an area of active open space to the High Street frontage of the site. The frontage has been designed with hard and soft landscaping, ornamental street tree planting, seating and benches, and will be lit by new street lighting. To the western end of the site frontage, a new public toilet facility will be provided, in proximity to the pedestrian access to the car park from High Street. The public toilet facility will be finished with cedar cladding and fascia to the elevations and simulated lead to the roof. The doors to the facility will be faced in aluminium. All rain water goods will be black.
- 6.11 In terms of landscaping, to the eastern end of the High Street frontage, a Turkish Hazel will be planted to provide a landscape feature on the corner of the site. Further ornamental tree planting will be provided along the frontage, with four ornamental pear trees (*Pyrus Caleryana* Chanticleer) interspersed by public benches and cycle parking stands. Due to level differences across the site, a retaining wall with metal fence and a 750mm buffer strip of soft landscape planting will separate the area of open space to the site frontage and the car park. Further pockets of landscaped areas are proposed around the perimeter of the site.
- 6.12 The flexible format of the car park provides an opportunity for the space to be multi-purpose and used by the community as a local event space to accommodate a street market, festivals and events under permitted development rights.

Principle of Development/Policy Considerations

- 6.13 The NPPF, at paragraph 86, emphasises the role new development can play in ensuring the vitality of town centres. New development should support the role that town centres play at the heart of local communities, and to this end, planning decisions should take a positive approach to their growth, management and adaptation.
- 6.14 Moreover the NPPF also encourages planning decisions to promote effective use of land (paragraph 119) and states that appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land should be supported (paragraph 120c).

- 6.15 In this instance, the application relates to the regeneration of a large vacant site between High Street and Milton Road, Dovercourt. The site is located within the defined Town Centre and the 'Dovercourt Town Centre Regeneration Area' as designated by the adopted Local Plan (2007) and within the emerging Section 2 Local Plan, which also looks to identify Dovercourt Town Centre as a 'priority area for regeneration' under emerging Policy PP14. These areas are identified 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.
- 6.16 The Dovercourt Masterplan Revisited (2019) document, which was commissioned by the Council to develop a strategy for the revitalisation of Dovercourt town centre, is also relevant to the site. The application site, referred to as 'the Starling Block' within the Masterplan, was a particular focus for the study and forms one of the high priority corporate projects for the Council as the transformation and enhancement of this area will significantly enhance the quality and appearance of the town centre.
- 6.17 The development will significantly contribute to the regeneration and renewal of the area through enhancements to its function, character and appearance. As such, the development proposed accords with the objectives of national and local planning policy for delivering sustainable development, utilising land effectively, and supporting development that will contribute to regeneration and the vitality of town centres. The proposal is, therefore, considered to be acceptable 'in principle'. Accordingly, matters now turn to the detailed design aspects of the proposal including the impacts upon highway safety, heritage assets and residential amenities.

Layout/Design

- 6.18 The ethos of the development design is to provide a new public space and car parking area within the centre of Dovercourt Town Centre to replace the current derelict site. Further to the proposed car park, the proposals will also provide a linear public space along High Street with hard and soft landscaping, public seating and feature tree planting. A public toilet facility will be located at the western end, in proximity to the pedestrian access to the car park from High Street.
- 6.19 The proposed toilet building would take on a contemporary appearance with a mono-pitch roof and a cedar cladding finish. The design and finish of the building is acceptable in this location and would enhance the character of this section of the High Street. The landscaped linear public space to the High Street frontage would incorporate public seating areas, cycle stands and pockets of planting including ornamental trees. The use of a block paving finish to this area fronting the High Street will also assist in enhancing the overall appearance of the development and delineate between the public space and adjacent highway infrastructure.
- 6.20 Further pockets of planting are also proposed at the corners of the development, with a larger area proposed at the Bay Road/Milton Road junction, which will incorporate a small garden area with public seating and ornamental tree planting.
- 6.21 Consideration has also been given to the boundary with the adjoining property (or future development) abutting the site to the east, which would be treated with hedgerows and climbing vegetation to the retaining walls.
- 6.22 Overall, the development would successfully follow the place shaping principles of Policy SP7 of the adopted Section 1 Plan (2021) by responding positively to local character and context to enhance the quality of Dovercourt High Street, and provide a good standard of urban and architectural design. The development would therefore accord with national and local planning policies in design terms, including Local Plan Policies QL9 (Design of New Development), and Place Shaping Principles set out within Policy SP 7 of the adopted Section 1 Plan (2021).

Heritage Impacts

- 6.23 Government policies relating to planning are given in the National Planning Policy Framework (NPPF). Section 16 (paragraphs 189 – 208) of the NPPF (Conserving and enhancing the historic environment) outlines policies relating to the historic environment and the key role it plays in the Government's definition of sustainable development, the principle which underpins the document.
- 6.24 The NPPF requires that local planning authorities '*should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment*', recognising that '*heritage assets are an irreplaceable resource*' and should be conserved '*in a manner appropriate to their significance*'.
- 6.25 The NPPF requires that planning applicants should '*describe the significance of any heritage assets affected*' by their application, '*including any contribution made by their setting*'. Specifically, the NPPF states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 6.26 To the north east of the application site are two Grade II listed buildings, nos.101-103 Main Road Dovercourt. The Grade II listed buildings of nos.1-13 Orwell Terrace (also known as The Convent) are located to the east, and extend away from the site to the south-east.
- 6.27 In terms of the Dovercourt Conservation Area, the Conservation Area Review (2006) makes reference to buildings located on the south side of the High Street, particularly the Starlings Garage and the Queens Hotel, which are no longer on site.
- 6.28 The site currently comprises of vacant land enclosed by hoardings and can be considered as a negative impact upon the Conservation Area setting. As such, there are a number of notable heritage benefits brought about by the scheme, not least of all the considerable improvement to the current "eyesore" that the site creates on High Street, and the notably enhanced experience of the town centre public realm.
- 6.29 To this end, ECC Heritage have no objections and state within their comments that the proposals would not detrimentally impact the listed buildings identified above and in principle would not result in a detrimental impact to on the character and appearance of the Conservation Area. They have requested that a revised brick type is proposed for the retaining wall to ensure a more sympathetic approach to the Conservation Area setting. As a result, revised plans have been provided to show the use of a dark red brick, which is more in keeping with the character of the local vernacular. Precise details of the brickwork and proposed bond type are secured via condition.

Highway Safety/Parking

- 6.30 Paragraph 110 of the NPPF requires Councils, when making decisions to ensure:
- a) appropriate opportunities to promote sustainable transport modes can be, or have been, taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users; and
 - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 6.31 Saved policy TR1a in the adopted Local Plan requires that development affecting highways be considered in relation to reducing and preventing hazards and inconvenience to traffic including

the capacity of the road network. Policy CP1 in the emerging Local Plan states that developments will only be acceptable if the additional vehicular movements likely to result from the development can be accommodated within the capacity of the existing or improved highway network or would not lead to an unacceptable increase in congestion.

- 6.32 Vehicular access and egress for visitors to the car park will be via Orwell Road. Orwell Road currently operates a one-way system and all vehicles will turn right into and upon exiting the site. One way circulation will be signposted within the site.
- 6.33 The proposed 51 parking bays have been laid out in a manner and size that accords with the requirements of the current parking standards. The proposals include four disabled parking bays, which would be located close to the pedestrian access to High Street, and four electric vehicle charging points are also proposed.
- 6.34 Furthermore, the proposals seek to enhance pedestrian connectivity through the site and between Cliff Park/Dovercourt Beach and Dovercourt Town Centre by providing pedestrian accesses from the High Street, Orwell Road and Bay Road.
- 6.35 ECC Highways have reviewed the plans and proposed access arrangements and do not have any objections subject to conditions securing; visibility splays, access specification/compliance with submitted plans, details of footways/drainage, position of planting behind highway boundary, provision of parking bays/cycle storage prior to first use, submission of a Construction Method Statement, proposed lighting direction/implementation of shields and surface finishes to High Street frontage.
- 6.36 These highway requirements, where not already illustrated on the submitted plans, will be secured by way of condition outlined at Section 8.1 of this report.

Impact on Residential Amenity

- 6.37 The NPPF at paragraph 130 states that planning should secure developments with a high standard of amenity for existing and future users. Saved Policy QL11 of the Tendring District Local Plan (2007) states that amongst other criteria development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.
- 6.38 Due to the nature, location and scale of the proposed development it is not considered that it would have a materially detrimental impact upon local resident's level amenity. The use of the site as a car park and public events space would not result in noise or disturbance over that currently associated with a town centre location such as this. Furthermore, a condition will be included to secure the installation of a barrier/height restriction system at the site entrance along with a condition to secure the operating hours of the car park. This along with the inclusion of CCTV cameras will reduce the potential for any anti-social behaviour.
- 6.39 The proposed lighting scheme plan demonstrates that the proposed lighting columns will be positioned and fitted with shields as to minimise any light spillage towards neighbouring dwellings. In addition, the site access has been located to avoid any impacts upon residential uses along Orwell Road.
- 6.40 Overall, the proposed development will not have a materially damaging impact on air, land, water (including ground water), amenity, health or safety through noise, smell, dust, light, heat, vibration, fumes or other forms of pollution or nuisance.

Drainage

- 6.41 Given the nature of the underlying natural soils, infiltration drainage at the site is unlikely to be a viable option. As such, an alternative method of surface water disposal has been proposed which demonstrates the use of ACO Channels and the provision of an attenuation tank which allows controlled drainage to the mains sewer network.

Land Contamination Matters

- 6.42 A Phase 1 Desk Study Contamination Report for the subject site has been undertaken and found the following potential contaminates present on site;

- The site's former use as a garage and fly tipped asbestos containing materials were identified as potential on-site sources of contamination. Off-site, made ground, infilled brickfields, industrial development and a landfill were identified as potential sources of contamination.

- A moderate/low risk from soil contamination was considered to be presented to the identified sensitive receptors together with a high risk considered to be presented from ground gases.

- 6.43 Further intrusive ground investigations were then undertaken at the site to confirm the prevailing ground conditions, establish the presence and extent of made ground and to assess the contamination status of the site. As a result, a Remediation Report has been provided which outlines the various forms of mitigation required to off-set any potential harm from land contaminates.
- 6.44 The Report outlines the provisions set in place for the removal of the potential receptors of contamination; the removal of the contaminant source or removal/management of the contaminant pathways. The mitigation is in relation to; asbestos impacted soils, remediation to areas of soft landscaping to provide to comprise a clean cover system (increase in levels or excavation), liaison with water supply companies, details kept of waste soils, gas mitigation measures within the proposed public toilets and the submission of Verification/Validation Reports to demonstrate that the site specific objectives relating to contamination have been met and the measures outlined in the Remediation Report have been carried out.
- 6.45 The Council's Environmental Protection Team have reviewed the information provided and concur with the findings and confirm the need to adhere to mitigation measures outlined in the Remediation Report. These requirements, along with the need for the submission of a Verification/Validation Report will be secured via condition.

7. Conclusion

- 7.1 The proposed development will transform a vacant town centre site that has remained derelict for a number of years, and will significantly enhance the quality and appearance of the area, particularly along the High Street frontage. The new surfaced car park landscaped pocket spaces will create a positive space in the town centre. In addition, the flexible format of the new car park provides an opportunity for the space to be multi-purpose and used by the community as a local event space to accommodate a street market, festivals and other events.
- 7.2 Overall, the development will regenerate this section of the Dovercourt High Street and assist in stimulating economic growth through greater pedestrian footfall and connective links. The development is, therefore recommended for approval subject to the conditions outlined below.

8. **Recommendation**

8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions as set out below:

- 1). The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

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

- Drawing no. 171 A (Masterplan)
- Drawing no. 101 (Street Scenes)
- Drawing no. 500 (Toilet Block)
- Drawing no. 60498/C/0001 A (Private External Works – General Arrangements)
- Drawing no. WLC481-1300-001 (Car Park Lighting Layout)
- Drawing no. 60498/C/0002 (Drainage Plan)
- Document Reference - WLC481-LC-AC-001 (Lighting Report)
- Mer EV Charging Proposal Report (July 2021)

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

- 3). All hard landscaping, planting, seeding or turfing shown the approved landscaping details drawing no. 257-000 (Structure Planting), 257-001 (Toilet Block), 257-002 (North), 257-003 (South) and 257-004 (Community Garden) and the associated documents 257-D-001 (Softworks Specifications) and 257-D-002 (Planting Schedule) shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

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

- 4). 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 (between the junction with the High Street and the car park exit). Such vehicular visibility splays shall be provided before the road junction and 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.

- 5). 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.

- 6). Prior to the occupation of any of the proposed development the internal road and footway layouts shall be provided in principal and accord with Drawing Number:

- 60498/C/0001 A Private external works - general arrangement

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

- 7). The development shall not come into use until the following have been provided or completed:

- a) A priority junction off Orwell Road to provide access to the proposal site, the access road shall have a minimum width of 6.0 metres for the first 6 metres, with a 2 metre wide footway provide around the north kerb radii with Orwell Road and extended northwards to its junction with the High Street and provided with appropriate drop kerb/ tactile paving either side of the junction to the car park.
- b) The introduction of a narrowing to the north of the car park exit to deter left turn movements out of the car park to be agreed/approved with the Planning Authority (in writing) in conjunction with the Highway Authority.
- c) Improvements to the footway to an affective width of 1.5 metres south of the car park access with Orwell Road to its junction with Milton Road.

Reason – In the interests of highway safety.

- 8). Any proposed 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.

- 9). Prior to the first use of any external lighting within the development site, the light source shall be so positioned and shielded, in perpetuity, to ensure that users of the highway are not affected by dazzle and/or glare, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that users of the highway are not subjected to glare and dazzle from lighting within the development in the interest of highway safety.

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

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- wheel and underbody washing facilities
- dust, noise and emission suppression methods
- hours of construction
- piling method statement (if needed).

Reason – In the interests of highway safety and residential amenity.

- 11). The development shall be carried out in full accordance with the recommendations and conclusions contained within the submitted 'Remediation Method Statement' (as prepared by Richard Jackson Engineering Consultants).

Prior to the development being brought into operational use a Validation Report must be submitted to and approved in writing by the Local Planning Authority. The Validation Report must demonstrate that the requirements of the Remediation Method Statement have been met and must include all recommendations stated in Section 8 of the Remediation Method Statement.

Reason –To safeguard against potential contaminates on site.

- 12). 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.

- 13). The proposed development shall not be first used until such time as the vehicle parking areas indicated on the approved plans, including any parking spaces for the mobility impaired and the electric charging point bays, have been hard surfaced, sealed and marked out in parking bays. The vehicle parking 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.

- 14). Prior to first use of the car park details of the proposed barrier/height restriction system and car park operating hours shall be submitted to and approved, in writing, by the Local Planning Authority. The approved barrier/height restriction system shall be installed prior to the first use of the car park and retained in perpetuity.

Reason – In the interests of residential amenity.

- 15). Prior to the construction of the proposed retaining wall precise details of the manufacturer and type of dark red brickwork (including the proposed bond details) shall be submitted to and approved in writing by the Local Planning Authority.

The retaining wall shall be construction in full accordance with the approved plans.

Reason – In the interests of visual amenity and preserve the character of the conservation area setting.

8.2 **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.

The recorded concentrations of some TPH and BTEX compounds are considered to pose a risk to water supply service. The applicant should contact the water supply company to see if barrier pipes should be installed within the proposed scheme.

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 - Development Management Team
Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester,
CO7 7LT

On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

The areas directly adjacent to the carriageway(s) in which the 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.

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.

9. Additional Considerations

Public Sector Equality Duty (PSED)

- 9.1 In making your decision you must have regard to the 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 to:
- 9.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- 9.3 B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging

participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and

- 9.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 9.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.
- 9.6 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 9.7 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

- 9.8 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.
- 9.9 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).
- 9.10 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

- 9.11 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.

10. Background Papers

- 10.1 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/>.