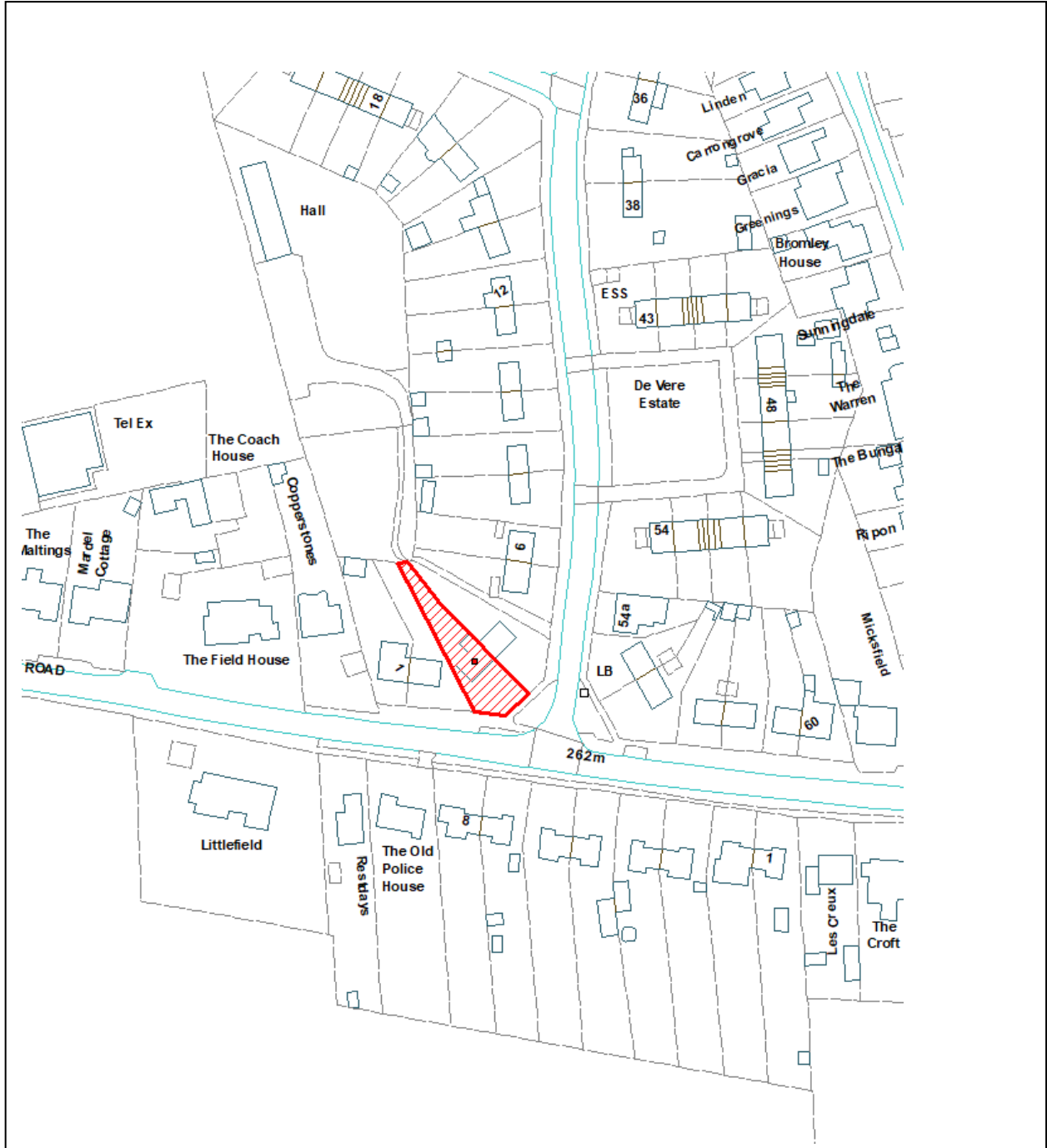


PLANNING COMMITTEE

21 NOVEMBER 2023

REPORT OF THE DIRECTOR OF PLANNING

A.4 PLANNING APPLICATION – 21/00386/FUL – 121 - 123 HIGH STREET HARWICH CO12 3AP



DO NOT SCALE

© Crown Copyright and database right 2023. Ordnance Survey Licence No.100018684.

Application:	21/00386/FUL	Expiry Date:	19th April 2021
Case Officer:	Michael Pingram	EOT Date:	22nd December 2023
Town/ Parish:	Harwich Town Council		
Applicant:	Mr Marcus Clarke		
Address:	121 - 123 High Street, Harwich, CO12 3AP		
Development:	Proposed retention of existing frontage and ground floor commercial unit, demolition of rear outbuildings and construction of a part two/part three storey building, to form 7no. one-bedroom self-contained units and 1no. studio self-contained unit and first floor commercial unit with associated cycle storage and refuse stores to rear.		

1. **Executive Summary (updated sections highlighted in bold)**

- 1.1 The application is before the Planning Committee as it has been called in by Councillor Henderson.
- 1.2 The proposal is for the construction of a new part two/part three storey building to provide 8 units of residential accommodation and 1 additional commercial unit (ground floor commercial unit as well as the existing shopfront to be retained). The site is located within the settlement development boundary of Harwich and Dovercourt and the Dovercourt Conservation Area.
- 1.3 The proposed scheme has been amended in line with extensive consultation with ECC Place Services Heritage Officers and is considered to be of a size, scale and design in keeping with the Conservation Area. Subject to conditions and mitigation there are no concerns raised regarding the impact on the environment, neighbouring residential properties, the recently approved car park, area and the proposal is acceptable in regards to Highways and Parking impacts.
- 1.4 **The application was previously before the Planning Committee in April 2022, for the same scheme. The Committee recommended the granting of planning permission subject to the completion of a legal agreement within six months relating to the following matters:**
 - **Financial Contribution towards RAMS**
 - **Open Space**
 - **Highway Contribution towards residents parking**
- 1.5 **While the legal agreement has now been completed, the time period has exceeded the six month deadline, and therefore is returned before Members to renew the authority to issue. In addition, while the previous recommendation secured a financial contribution towards Open Space this has since been reviewed and the Council's Open Space team do not require any contribution given need and available facilities.**

Recommendation: Approval

- 1) That the Head of Planning and Building Control be authorised to grant planning permission subject to the legal agreement now complete and conditions as stated at paragraph 8.2, 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,

- 1) The informative notes as may be deemed necessary.

2. Planning Policy

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

National Planning Policy Framework July 2021 (The Framework)
National Planning Practice Guidance

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

SP1 Presumption in Favour of Sustainable Development
SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP3 Spatial Strategy for North Essex
SP4 Meeting Housing Needs
SP7 Place Shaping Principles

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

SPL1 Managing Growth
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design
HP5 Open Space, Sports & Recreation Facilities
LP1 Housing Supply
LP2 Housing Choice
LP3 Housing Density and Standards
LP4 Housing Layout
PPL4 Biodiversity and Geodiversity
PPL5 Water Conservation, Drainage and Sewerage
PPL8 Conservation Areas
PPL9 Listed Buildings
PPL10 Renewable Energy Generation
CP1 Sustainable Transport and Accessibility
PP5 Town Centre Uses
PP14 Priority Areas for Regeneration

Supplementary Planning Guidance:

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)
Essex County Council Development Management Policies 2011
Essex County Council Parking Standards Design and Good Practice Guide 2009
Tendring Provision of Open Recreational Open Space for New Development SPD 2008 (Open Space and Play SPD)

Status of the Local Plan

2.2 Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the

Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any neighbourhood plans that have been brought into force.

In relation to housing supply:

- 2.3 The Framework requires Councils boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, Paragraph 11 d) of the Framework requires granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (what is often termed the 'tilted balance').
- 2.4 The Local Plan fixes the Council's housing requirement at 550 dwellings per annum. On 19 October 2021 the Council's Strategic Housing Land Availability Assessment (SHLAA) updated the housing land supply position. The SHLAA demonstrates in excess of a six-and-a-half-year supply of deliverable housing land. On 14 January 2022 the Government published the Housing Delivery Test (HDT) 2021 measurement. Against a requirement for 1420 homes for 2018-2021, the total number of homes delivered was 2345. The Council's HDT 2021 measurement was therefore 165%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to applications for housing.

Neighbourhood Plans

- 2.5 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>

3. Relevant Planning History

08/01258/FUL	Proposed demolition of 121/123 High Street, Dovercourt. Construction of new retail/office unit and 10 residential units.	Withdrawn	26.11.2008
09/00084/FUL	Proposed demolition of 121/123 High Street, Dovercourt. Construction of new retail/office unit and 10 residential units.	Approved	23.04.2009
09/00141/CON	Proposed demolition of 121/123 High Street, Dovercourt.	Approved	23.04.2009

4. Consultations

- 4.1 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.

- 4.2 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/>.

UU Open Spaces

08.04.2021

Response from Public Realm
Open Space & Play

Application Details

Application No: 21/00386/FUL

Site Address: 121-123 High Street Harwich Essex

Description of Development: Proposed retention of existing frontage, demolition of rear outbuildings formation of 1no. two bedroom disabled unit, cycle storage and associated refuse stores to rear, and in addition 6no. one-bedroom self contained unit at second floor level

Current Position

There is currently a deficit of 12.59 hectares of equipped play in Harwich and Dovercourt.

Recommendation

No contribution is being requested on this occasion.

ECC Highways Dept

18.02.2022

The information that was submitted in association with the application has been fully considered by the Highway Authority. A previous site visit was undertaken in conjunction with this planning application. The revised information submitted with the application has been assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image dated September 2021. The site is in a town centre location where there is good transport links and is in walking distance of Dovercourt Railway Station; the Highway Authority would not deem the application of current Parking Standards necessary in this instance. It is noted that the majority of the units will be one-bedroom dwellings and parking is not available within the development and will not be specifically supplied by the North Essex Parking Partnership either as the side roads in the vicinity of the site are largely unrestricted. The town centre location means that many services are within walking distance of the proposed flats, considering these factors:

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

1. As indicated on drawing no. P-001 d Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

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

sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

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

- i. 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 DM 1

4. A financial contribution of £5,000 (index linked) towards the introduction of any future waiting restriction/ resident parking scheme in the vicinity of the building and/or side roads subject to any scheme being put forward by the North Essex Parking Partnership or considered a requirement should an inconsiderate parking arise as a result of the development. The contribution (£5,000) will be returned to the applicant if a scheme is not forthcoming at the end of the 5-year period, from the date of last occupation.

Reason: To control and manage the location of on street parking for the area to minimize inconsiderate parking/ congestion in the interests of highway safety and Policy DM1.

Note: the financial contribution will form part of a Section 106 contribution which will be for the North Essex Parking Partnership.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative:

1: 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.

2: 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

3: 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.

4: 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.

Environmental Protection

06.01.2022

Thank you for your consultation regarding the proposed development above. The Environmental Protection Team's comments are given below:

Please find comments below as submitted by Katie Wesley-Smith on 6th April 2021

Contaminated Land:

We have no objection to the proposed development, however we would like to request that the LPA are contacted in the event of unexpected ground conditions being encountered during construction and that the below minimum precautions are undertaken, until such time as the LPA responds to the notification. I would also advise that the developer is made aware that the responsibility for the safe development of the site lies with them.

Minimum requirements for dealing with unexpected ground conditions being encountered during construction -

1. All site works at the position of the suspected contamination will stop and the Local Planning Authority and Environmental Health Department will be notified as a matter of urgency.
2. A suitably trained geo-environmental engineer should assess the visual and olfactory observations of the ground and the extent of contamination and the Client and the Local Authority should be informed of the discovery.
3. The suspected contaminated material will be investigated and tested appropriately in accordance with assessed risks. The investigation works will be carried out in the presence of a suitably qualified geo-environmental engineer. The investigation works will involve the collection of solid samples for testing and, using visual and olfactory observations of the ground, delineate the area over which contaminated materials are present.
4. The unexpected contaminated material will either be left in situ or be stockpiled (except if suspected to be asbestos) whilst testing is carried out and suitable assessments completed to determine whether the material can be re-used on site or requires disposal as appropriate.
5. The testing suite will be determined by the independent geo-environmental specialist based on visual and olfactory observations.
6. Test results will be compared against current assessment criteria suitable for the future use of the area of the site affected.
7. Where the material is left in situ awaiting results, it will either be reburied or covered with plastic sheeting.
8. Where the potentially contaminated material is to be temporarily stockpiled, it will be placed either on a prepared surface of clay, or on 2000-gauge Visqueen sheeting (or other impermeable surface) and covered to prevent dust and odour emissions.
9. Any areas where unexpected visual or olfactory ground contamination is identified will be surveyed and testing results incorporated into a Verification Report.
10. A photographic record will be made of relevant observations.
11. The results of the investigation and testing of any suspect unexpected contamination will be used to determine the relevant actions. After consultation with the Local Authority, materials should either be: o re-used in areas where test results indicate that it meets compliance targets so it can be re-used without treatment; or o treatment of material on site to meet compliance targets so it can be re-used; or o removal from site to a suitably licensed landfill or permitted treatment facility.
12. A Verification Report will be produced for the work.

Reason - to protect the health of site workers and end users

Asbestos:

An asbestos survey should be carried out prior to the construction works. Any asbestos containing materials must be safely removed by a qualified contractor.

REASON: to protect the health of site workers and end users

Demolition & Construction Method Statement:

In order to minimise potential nuisance to nearby existing residents caused by construction and any demolition works, Environmental Protection ask that the following is submitted:

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

External Lighting:

With specific reference to the proposed commercial premises and car parking area within the site, the EP Team are requesting details of all external lighting for the site, including any security or other intermittent lighting are submitted. Such details shall include specifications for the lighting proposed, its location and position within the site, height and levels of illumination proposed. The details shall also specify that any external lighting includes cowling, or other similar device, to ensure that the lighting only illuminates the site directly. Any lighting of the

development shall be located, designed and directed [or screened] so that it does not cause avoidable intrusion to adjacent residential properties/ constitute a traffic hazard/cause unnecessary light pollution outside the site boundary. "Avoidable intrusion" means contrary to the Code of Practice for the Reduction of Light Pollution issued by the Institute of Lighting Engineers.

REASON: to protect the amenity of nearby residential dwellings.

Essex County Council Heritage

06.01.2022

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

This scheme has gone through extensive consultation with our department, and I commend the applicant on their approach to collaborative working with regard to getting an appropriate design for this site in the Conservation Area.

Subject to the provision of one additional drawing, I have no objection to this application. A street elevation of the High Street should be provided showing both the proposed building and the building on the opposite corner of Bay Road to ensure the proposed building height is contextually appropriate.

Whilst the proposed elevations are considered acceptable, the success of this scheme will be realised through the use of quality materials and fixtures. As such any permission should be accompanied by conditions which cover:

- Requirement for samples of all external materials. Brick (and pointing) and render (including colour) should be presented on 1mx1m boards also.
- Details/drawings of all external fixtures including doors, windows and rainwater goods.
- Detailed drawings of eaves detail and the shopfront.
- I recommend a scheme of archaeological building recording at least commensurate with a 'Level 2 Record' as outlined in Historic England guidance Understanding Historic Buildings.

5. Representations

- 5.1 One representation and an objection from the Harwich Society have been received following a public consultation which included a site notice posted at the site, press advert and neighbour consultation letters sent out to the adjacent properties.

Summary of Matters Raised:

- Loss of light and overshadowing to neighbouring properties and new seating/parking area adjacent;
- Loss of privacy due to balconies/windows overlooking neighbouring properties and rear gardens;
- Lack of private amenity space;
- Ample vacant commercial floorspace already exists in Dovercourt town centre ;
- Sufficient housing can be provided in the District;
- Overdevelopment of the site;
- Would have been better if the site could have been acquired by TDC for inclusion in the town square development;
- Lack of on street parking in the area;
- Lack of parking for loading and unloading building materials etc. during construction;
- Health and Safety implications of loss of footpath during construction;

- Additional traffic is to be diverted along Milton Road and Bay Road, when car park development commences could impact highway safety;
- Car Park opposite the site is also due to be redeveloped resulting in additional disruption in the area;
- Building out of character with two storey residential properties in Bay Road;
- Increase in noise and disturbance from construction work and future residents; and
- Increase demand on local resources such as doctors/schools/dentists etc. which are already at full capacity.

5.2 The relevant material considerations raised have been fully assessed within the main appraisal section of the report. The construction health and safety concerns and parking for delivery vehicles raised can be dealt with by the submission of a Construction Management Plan, which can be secured by condition.

6. **Assessment (updated sections highlighted in bold)**

Site Context

- 6.1 The application site is located on the south-eastern side of High Street, Harwich, at the junction with Bay Road, which slopes uphill towards the seafront. The site is located within the Settlement Development Boundary of Harwich and Dovercourt with Dovercourt Town Centre identified by the Council, as a priority area for regeneration. The site comprises of a commercial unit with shop front facing High Street, offices behind and a beauty salon in a wooden structure to the rear, with two parking spaces in between the two buildings. Along High Street and the adjacent part of Bay Road there are parking restrictions preventing parking between 8am-6pm Mon-Sat, however to the rear of the site and further along Bay Road there are no parking restrictions in place.
- 6.2 The surrounding area is made up of two and three storey buildings with commercial premises at ground floor and flats above fronting High Street. To the east and rear (south) of the site is an area of Council owned land on which planning permission has been granted for a surface-level public car park, public toilet facilities, landscaped public open space and associated works (application ref: 21/01145/FUL). **Since the resolution approved for this application by the Planning Committee in April 2022, this permission for a public car park has been implemented and the car park is now operational.**
- 6.3 The site is located within the Dovercourt Conservation Area, however the building the subject of this application is not statutorily listed. The special character and appearance of the Dovercourt Conservation Area derives from parts of the town centre most closely associated with its early development as a seaside resort. These include Orwell Terrace (opposite the site), as erected by John Bagshaw, and the adjacent Cliff Park Gardens created from his former private garden after his bankruptcy. The High Street and the station approaches retain an interesting blend of 19th and early 20th century architecture. High Street forms the core of the area, shoppers and traffic contributing to its character. Cliff Park Gardens leads on to Beacon Hill, where an important coastal defence site is now a Scheduled Ancient Monument and a wildlife habitat. The site is also located Flood Zone 1 which has a low risk of flooding.

Description of Proposal

- 6.4 The application seeks planning permission to construct a part two storey/part three storey building to form 7 one bedroom self-contained residential units, 1 studio unit and a commercial unit (Class E/Beauty Salon use) at first floor. The front shop part of the existing building is to be retained, including the commercial (Class E use), with an additional door to the eastern side to facilitate access to the third floor. Enclosed cycle storage and refuse stores are located to the rear at ground floor.

6.5 The building measures approximately 9.4m wide and 30.4m deep, with an eaves height of some 9m and a maximum height of 12m.

6.6 The proposal would provide:

Ground Floor

83.6sqm Class E space

1 no 1 bed 2 person unit – 69sqm

Covered area with 8 lockers and 21 cycle spaces

Two bin stores, residential and commercial

First floor

42.3sqm of Class E/beauty salon space

1 no. 1 bed 2 person flat – 51sqm

1 no. 1 bed 2 person flat – 56sqm

1 no. 1 bed 2 person flat – 65sqm

Second Floor

1 no. 1 bed 2 person flat – 51sqm

1 no. 1 bed 2 person flat – 56sqm

1 no. 1 bed 2 person flat – 65sqm

Studio unit 1 bed 1 person - 42.1sqm

6.7 The proposed materials are facing brickwork to match local vernacular and white render, slate roof tiles, timber sash windows, Voussoir Brick lintels and black powder coated aluminium rainwater goods.

Principle of Development

6.8 Policy SPL2 seeks to encourage sustainable patterns of growth and carefully control urban sprawl, each settlement listed in Policy SPL1 (with the exception of the Tendring Colchester Borders Garden Community) is defined within a 'Settlement Development Boundary' as shown on the relevant Policies Map and Local Map. The application site is located within the settlement development boundary of Harwich and Dovercourt, which is classified as a Strategic Urban settlement having a larger populations and a wide range of existing infrastructure and facilities, making it the most sustainable location for growth.

6.9 Heritage matters aside (considered later in the report), 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 (including heritage matters) and any approved Neighbourhood Plans.

6.10 Policy PP5 states that within Town Centre boundaries proposals for development or change of use for 'main town centre uses' as well as residential development will be permitted where they comply with other relevant policies in this Local Plan and support the vitality and viability of the town centre.

6.11 Additionally Policy PP14 identifies Dovercourt Town Centre as a priority area for regeneration and seeks to focus 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 along with preserving and/or enhancing the heritage assets of these areas, including the at risk conservation area of Dovercourt, in which the site is located.

6.12 Therefore it is considered that there is strong policy support for the principle of the proposed development in this location, within the defined settlement development boundary and would

support the Council's regeneration objective for Dovercourt Town Centre and the Conservation Area, subject to the detailed considerations relevant to this proposal as set out below.

Layout, Scale and Appearance including impacts on the Conservation Area and nearby Listed Buildings

- 6.13 The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. (Para 126 NPPF).
- 6.14 Policy SP7 states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Policy SPL3 seeks to provide new development which is well designed and maintains or enhances local character and distinctiveness.
- 6.15 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act imposes a statutory duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 6.16 Policy PPL8 seeks to preserve or enhance the character or appearance of the Conservation Area. Policy PPL9 states 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.
- 6.17 Within the Dovercourt Conservation Area review document, the application building, located on the corner of Bay Road referred to as the old Harwich Printing Company offices, is described as a single storey building with a stuccoed side elevation to Bay Road and a period shop front to the High Street.
- 6.18 The design of the new building has been carefully considered, with the applicant working closely in conjunction with ECC Place Services, Heritage Officers to achieve a high quality well designed building, with many distinct and harmonising features including extensive detailing which befits a building of this size within this sensitive Conservation Area location and is considered to significantly enhance the character and appearance of the Conservation Area. The original ground floor front and side elevation is to be retained and restored. The traditional design has drawn reference from the buildings across the High Street in terms of height, fenestration detailing, materials and the original shop front, including the mouldings have been retained.
- 6.19 The application site is adjacent to the recently approved car park, public toilet facilities, landscaped public open space and associated works under application ref: 21/01145/FUL, which would much improve this derelict and vacant site after the demolition of the Queens Hotel and associated buildings following extensive fire damage in 2011. However, this results in a very open area to the east of the site, along the High Street to the junction with Orwell Road and views of the Grade II Listed Buildings, 101 and 103 Main Road and Orwell Terrace are highly visible from the site and vice versa.
- 6.20 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 (Policy PPL9). Submitted drawing No. SK-001 Rev A shows the setting of the new building in relation to the Listed Building Orwell Terrace which is a five storey building, across the approved open space/car park. Nos. 101 and 103 Main Road is a three storey building. The proposed building of a similar three storey nature and traditional design is considered to make

significant improvements to the character of the Conservation Area and the overall regeneration of this area. Therefore, it is not considered that the proposed building would lead to substantial harm to the setting of these nearby Listed Buildings and would positively contribute to the renewed vitality of this area of the High Street.

- 6.21 Due to the prominence of the building within the Conservation Area the Heritage Officer concludes that the overall success of the scheme will be realised through the use of high quality materials and fixtures and as such has recommended conditions to be added to any grant of planning permission to require samples of all external materials, details and drawings of all external doors, windows, rainwater goods, balconies and the eaves and shopfront detailing to be submitted and agreed by the Local Planning Authority and to also undertake and submit a scheme of archaeological building recording at least commensurate with a 'Level 2 Record' as outlined in Historic England guidance Understanding Historic Buildings.
- 6.22 The internal layout of the proposed units are in excess of the requirements in the Governments' Technical housing standards – nationally described space standards (2015), in terms of their overall gross internal area (GIA) and bedroom sizes in terms of width and floor space. From the details submitted all habitable rooms have external windows maximising the natural light to the main habitable living areas.
- 6.23 The applicant has stated that the current businesses (offices, estate agents and beauty salon) on site would be accommodated within the new building, which is in line with the objectives of Policy PP5 which would see main town centre uses remain on the site and provide an active frontage to the High Street elevation.
- 6.24 Therefore the proposal is considered to be acceptable and policy compliant in these regards.

Parking and Highway Safety

- 6.25 Paragraph 110 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Policy SP7 seeks new development to include parking facilities that are well integrated as part of the overall design. Policy SPL3 seeks the provision for adequate vehicle and cycle parking and Policy CP1 seeks to encourage more sustainable modes of transport, such as walking, cycling and public transport. The Essex County Council Parking Standards 2009 set out the parking requirements for new development.
- 6.26 The Council's adopted Parking Standards states that one-bedroom properties should be provided with one off street car parking space. Each space should measure 5.5m x 2.9m.
- 6.27 There is no provision made within the proposed scheme to provide any off street parking for the units – there is therefore conflict with the above mentioned Parking Standards. However, the site is considered to be within a sustainable location with extremely good transport links by bus and train along with a wide range of amenities within walking and/or cycling distance of the site. A reduction in car parking provision in a location such as this is not considered to be of a concern, particularly as the units are only one-bedroom, max 2 person occupancy. A large indoor secure area is allocated for cycle parking (21 spaces with 2 electric cycle charging points) and 1 locker per unit is also provided.
- 6.28 Furthermore the Highway Authority has been consulted on this application and subject to conditions and mitigation regarding provision of cycle parking, Residential Travel Information Pack provision, the submission of a Construction Management Plan and a financial contribution for residential parking/waiting schemes the proposal is considered to be acceptable by the Highway Authority.
- 6.29 With regard to the financial contribution of £5,000 which has been requested, paragraph 57 of the NPPF states that:

Planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development

- 6.30 The proposal is considered to be acceptable in planning terms given that the site is in close proximity to a wide range of facilities within walking distance and a number of public transport opportunities. It is considered that the financial contribution would be directly related to the development as it will go towards the introduction of any future waiting restriction/resident parking scheme in the vicinity of the building and/or side roads subject to any scheme being put forward by the North Essex Parking Partnership or considered a requirement should inconsiderate parking arise as a result of the development.
- 6.31 As the proposal is for a new building of 8 residential units, it is considered that the contribution is fair and reasonable in relation to the scale and size of development in this central town centre area, where provision of off street parking is minimal. Therefore, it is considered by officers that this request for a contribution would meet these three tests. **The Unilateral Undertaking has now been finalised to secure a financial contribution for this.**

Residential Amenity

- 6.32 The NPPF, Paragraph 130 maintains that policies and decisions should result in new development that creates 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.
- 6.33 Policy SPL3 seeks new development that is designed and orientated to ensure adequate daylight, outlook and privacy for future and existing residents, provision is made for adequate private amenity space, waste storage and recycling facilities and the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.
- 6.34 The nearest neighbours to the proposed building are located across Bay Road, opposite the building and across the new seating area and Milton Road to the rear. Windows to the rear elevation have been kept to a minimum and would serve the main living area of just two of the proposed units. Furthermore, the proposed balconies to the Bay Road elevation have been removed and replaced with sash windows, thus reducing any perceived or actual overlooking to the residents opposite. Balconies are retained to the eastern elevation which would overlook the new car parking area and is some distance away from the residential dwellings in Orwell Road.
- 6.35 Therefore the proposal is not considered to impact on the residential amenity of these neighbouring properties and would provide a good level of amenity for the future occupiers, in that all habitable rooms are served by adequate daylight and outlook.
- 6.36 There is a small access way to the rear to facilitate access to the cycle parking, with a refuse compound accessed from Bay Road. There is no communal amenity space provided within the site, however given the central location of the building and the close proximity to the coast and open green space, including the new public space area adjacent to the building, the lack of amenity space provision is not considered to be a robust reason for refusal in this town centre location.

Class E uses in a residential area

- 6.37 The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 introduced a new use class:-

Class E. Commercial, Business and Service which encompasses the use, or part use, for all or any of the following purposes:-

- (a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public,
- (b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises,
- (c) for the provision of the following kinds of services principally to visiting members of the public—
 - (i) financial services,
 - (ii) professional services (other than health or medical services), or
 - (iii) any other services which it is appropriate to provide in a commercial, business or service locality,
- (d) for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public,
- (e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner,
- (f) for a crèche, day nursery or day centre, not including a residential use, principally to visiting members of the public,
- (g) for—
 - (i) an office to carry out any operational or administrative functions,
 - (ii) the research and development of products or processes, or
 - (iii) any industrial process,
being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

6.38 Whilst it is acknowledged that the proposed building is sited in a Town Centre location comprising of a mix of uses in the immediate vicinity, a Class E use proposed within the building at ground and first floor encompasses a wide range of uses which would be in close proximity to the residential units, therefore it is considered necessary to assess the Class E uses with regard to their impact on residential amenity. Overall, the majority of the uses as outlined above are deemed to be acceptable in this location. However, as Class E includes such a wide range of uses some of which could have the potential to adversely impact on the residential amenities of the future occupiers of the residential units, due to the possibility of early morning, late night and weekend operations. Therefore, it is considered reasonable in the circumstances of this case to limit the opening hours of the commercial units (to between 07:00 and 22:00 Monday to Friday, 08:00 and 22:00 on Saturdays and 9:00 and 18:00 on Sundays and Bank Holidays) in order to prevent any adverse impacts on the amenity of the future occupiers. This can be secured by way of a condition to any grant of planning permission.

6.39 The existing use to the rear of the building is a beauty salon and it is proposed that this use is moved to the new first floor unit of the proposed building, to maintain the operation of the existing building. A beauty salon use is classed as a Sui Generis use and therefore would not be included under the general Class E use. However, in its operation it is considered to be of a very similar nature to a shop, hairdressers or medical/health service, being a unassuming operation with low noise levels and generally compatible in close proximity to residential properties.

6.40 Therefore for clarity purposes and in the interests of residential amenity as well as maintaining the viability of this town centre location, it is considered reasonable to add a condition to any grant of planning permission outlining the permitted uses and opening hours for both the first and ground floor commercial units.

Financial Contribution - Recreational Disturbance (RAMS)

- 6.41 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.
- 6.42 This new residential development lies within the Zone of Influence. The site is not within or directly adjacent to one of the European designated sites, but is approximately 273 metres from the Stour and Orwell Estuaries RAMSAR and SPA. The Council's Habitats Regulation Assessment has concluded that, with the proposed mitigation, the project would not have an Adverse Effect on the Integrity of the sites included within the Essex Coast RAMS and therefore the proposal is in accordance with the Essex Coast RAMS SPD.
- 6.43 The contribution is to be secured by the unilateral undertaking to be completed in relation to this application. Therefore, there is certainty that the development would not adversely affect the integrity of European Designated Sites in accordance with PPL4 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Financial Contribution – Open Space

- 6.44 **Open Space Paragraph 55 of the Framework states Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.**
- 6.45 **Policy HP5 of the Section 2 of the adopted Tendring District Local Plan 2013-2033 and Beyond states that, the Council will work with partners and sports providers across the district to maintain, expand and improve the quality and accessibility of public open space, sports and recreational facilities of different types and will aim to achieve and exceed standards set out in the Council's 2017 Open Spaces Strategy or any future update.**
- 6.46 **Policy DI1 states that all new development should be supported by, and have good access to, all necessary infrastructure. Where a development proposal requires additional infrastructure capacity to be deemed acceptable, mitigation measures must be agreed with the Local Planning Authority. Such measures may include financial contributions towards new or expanded facilities and the maintenance thereof. Contributions should be used towards the delivery of improvements, expansion, or new open spaces and/or sports facilities.**
- 6.47 **When the application was initially determined at the Planning Committee in April 2022, the recommendation was subject to a legal agreement being secured for a financial contribution towards Open Space (as well as a Highways and RAMS contribution). However, the Council's Open Space department have confirmed that a financial contribution is not requested on this occasion, and therefore the inclusion of this on the previous recommendation has now been updated.**
- 6.48 **Since the determination made by the Planning Committee, a Unilateral Undertaking has been agreed, but a financial contribution towards Open Space is not included as set out above.**

Ecology and Biodiversity Implications

- 6.49 Policy PPL4 seeks to protect and enhance the local biodiversity and geodiversity. The site is not of any specific designation, it is in a built-up area and has very low to no biodiversity value. The

building is currently occupied and there is a high level of human activity and movement in and around the building. Whilst the proposed development would intensify the built form within the site, given the town centre location it is not considered that the proposal will result in a loss in biodiversity and mitigation is secured to ensure the development would not adversely affect the integrity of European Designated Sites in accordance with PPL4 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017 (as outlined above).

Renewable and Energy Conservation Measures

- 6.50** Paragraph 112 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.
- 6.51** 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 retrofitting of renewable energy installations.
- 6.52** The proposal includes for a development that has the potential to incorporate renewable energy features. There are no details that accompany the planning application that demonstrate the water, energy and resource efficiency measures that the scheme will incorporate, and therefore Officers consider that it is reasonable and necessary to include a condition requesting these details.

Foul Drainage

- 6.53** Paragraph 174 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 185 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.
- 6.54** Policy PPL5 of Section 2 of the adopted Local Plan states that all new development must make adequate provision for drainage and sewerage. Private sewage treatment facilities will not be permitted if there is an accessible public foul sewer. Where private sewage treatment facilities are the only practical option for sewage disposal, they will only be permitted where there would be no harm to the environment, having regard to preventing pollution of groundwater and any watercourses and odour.
- 6.55** The agent for the application has confirmed on the application form that the development would be connected to the existing public foul sewer. This is in accordance with the above policy requirements and is therefore considered to be acceptable in the event of an approval.

7. Conclusion

- 7.1** It is considered that the proposed development is consistent with the National and Local Plan Policies identified above. In the absence of material harm resulting from the proposal the application is recommended for approval subject to the recommended conditions.

8. Recommendation

8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives and the prior completion of a section106 legal agreement with the agreed Heads of Terms, as set out in the table below:

8.2 Conditions and Reasons

1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

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.

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2 APPROVED PLANS & DOCUMENTS

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 No: P-001 Rev F – Proposed Floor Plans

Drawing No: P-002 Rev D – Roof Plan

Drawing No: P-003 Rev E – Proposed Elevations

Drawing No: P-004 Rev E – Proposed site relationship Bay Road

Drawing No: P-005 Rev A – Proposed Site Plan

Drawing No: SK-001 Rev A – Proposed perspective

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

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already

approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

- 3 CONDITION: No development shall commence above slab level until a scheme for the provision and implementation of water, energy and resource efficiency measures for the lifetime of the development shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme should include as a minimum the following:-**

- A Water-butt per dwelling;
- Compost bin per dwelling;
- Agreement of heating of each dwelling/building; and
- Agreement of scheme for waste reduction

The scheme shall be fully implemented prior to the first occupancy of the development unless otherwise agreed in writing by the Local Planning Authority. The scheme shall be constructed and the measures provided and made available for use as may be agreed and thereafter shall be maintained.

REASON: To enhance the sustainability of the development through better use of water, energy and resources reduce harm to the environment and result in wider public benefit in accordance with the NPPF.

NOTE/S FOR CONDITION:

Slab level is normally refers to the concrete slab supported on foundations or directly on the subsoil and is used to construct the ground floor of the development. In any other case, please assume slab level to be the point before any walls and/or development can be visually above ground level or seek confirmation from the Local Planning Authority for your development.

- 4 CONDITION: Prior to the commencement of development details of the 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 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.
- b) Details of the loading/unloading/storage of construction materials on site, including details of their siting and maximum storage height.
- c) Details of how construction and worker traffic and parking shall be managed. This shall include routing of all traffic and any directional signs to be installed and where.
- d) Details of any protection measures for footpaths and trees surrounding the site.
- e) Details of any means of access to the site during construction.

- f) Details of the scheduled timing/phasing of development for the overall construction period.
- g) 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.
- h) Details of the siting of any on site compounds and portals.
- i) Details of the method of any demolition to take place, including the recycling and disposal of said materials resulting from demolition.
- j) Site waste management plan (that shall include reuse and recycling of materials)
- k) Scheme for sustainable construction management to ensure effective water and energy use.
- l) Scheme of review of complaints from neighbours.
- m) Registration and details of a Considerate Constructors Scheme
- n) Details on the provision, location and management of any show home/s or reception, including opening times, parking and advertisements (including flags and directional signs).

The said methodology as may be approved shall be implemented in its entirety 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 adverse harm on amenity.

NOTE/S FOR CONDITION:

You are strongly advised to discuss this condition with the Local Planning Authority and if possible/available local residents likely to be affected by this development prior to submission of details.

- 5 CONDITION: Prior to the commencement of development a scheme of archaeological building recording at least commensurate with a 'Level 2 Record' as outlined in Historic England guidance understanding Historic Buildings - A Guide to Good Recording Practice must be undertaken, submitted to, and agreed in writing by, the Local Planning Authority.

REASON: To maintain a record of this historic building within the Conservation Area.

- 6 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.

NOTE/S FOR CONDITION:

Slab level is normally refers to the concrete slab supported on foundations or directly on the subsoil and is used to construct the ground floor of the development. In any other case, please assume slab level to be the point before any walls and/or development can be visually above ground level or seek confirmation from the Local Planning Authority for your development.

While this condition does not detail in what form the materials sought shall be detailed to the Local Planning Authority, it is suggested that a plan is submitted with the details to show where the materials will be located and the extent of coverage.

- 7 CONDITION: Prior to the commencement of any above ground works, detailed drawings showing the finish of the front and side eaves detail and the shopfront alterations must be submitted to and approved by the Local Planning Authority. All works must be carried out as per the approved details.

REASON: To maintain the integrity of the original building within the Conservation Area.

- 8 CONDITION: 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.

REASON: In the interests of residential amenity.

- 9 CONDITION: Prior to the occupation of the commercial units hereby approved, no extraction, air conditioning or refrigeration equipment shall be installed without express planning permission having first been obtained. Any equipment approved shall be satisfactorily installed and maintained in the approved form and operational manner thereafter.

REASON - In the interest of neighbouring residential amenity.

- 10 CONDITION: The commercial uses hereby permitted shall be limited to Class E use (ground floor only) and Class E and Beauty Salon use (Sui Generis use - first floor only) as defined in The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (or any Order revoking and re-enacting that Order with or without modification), and the commercial units shall operate between the hours of 07:00 and 22:00 Monday to Friday, 08:00 and 22:00 on Saturdays and 9:00 and 18:00 on Sundays and Bank Holidays.

REASON: To ensure that the use is appropriate within this mixed commercial and residential location, in the interests of residential amenity.

- 11 CONDITION: Prior to first occupation of each dwelling, a Residential Travel Information Pack (travel pack) shall be provided to each dwelling for use of its first occupiers. The travel pack shall be agreed, in writing, by the Local planning authority prior to provision and shall include a minimum of six one day travel vouchers for use with a local transport operator.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

- 12 CONDITION: If during construction/demolition works evidence of potential contamination is encountered, works shall cease, and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.

Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.

b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

c) If no contamination has been discovered during the build, then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

REASON - To ensure that any risks from land contamination to the future users of the land and neighbouring land are minimised.

- 13 CONDITION: Prior to the erection/installation of any floodlighting or other means of external lighting at the site, details to include position, height, aiming points, lighting levels and a polar luminance diagram shall be submitted to and approved, in writing, by the Local Planning Authority. The lighting shall be carried out and retained as may be approved. There shall be no other means of external lighting installed and/or operated on/at the site except that approved.

REASON: In the interests of amenity to reduce the impact of night time illumination on the character of the area and in the interests of biodiversity.

8.3 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.

Highways Informatives:

1: 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.

2: 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

3: 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.

4: 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.
- 9.12 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.

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/>.