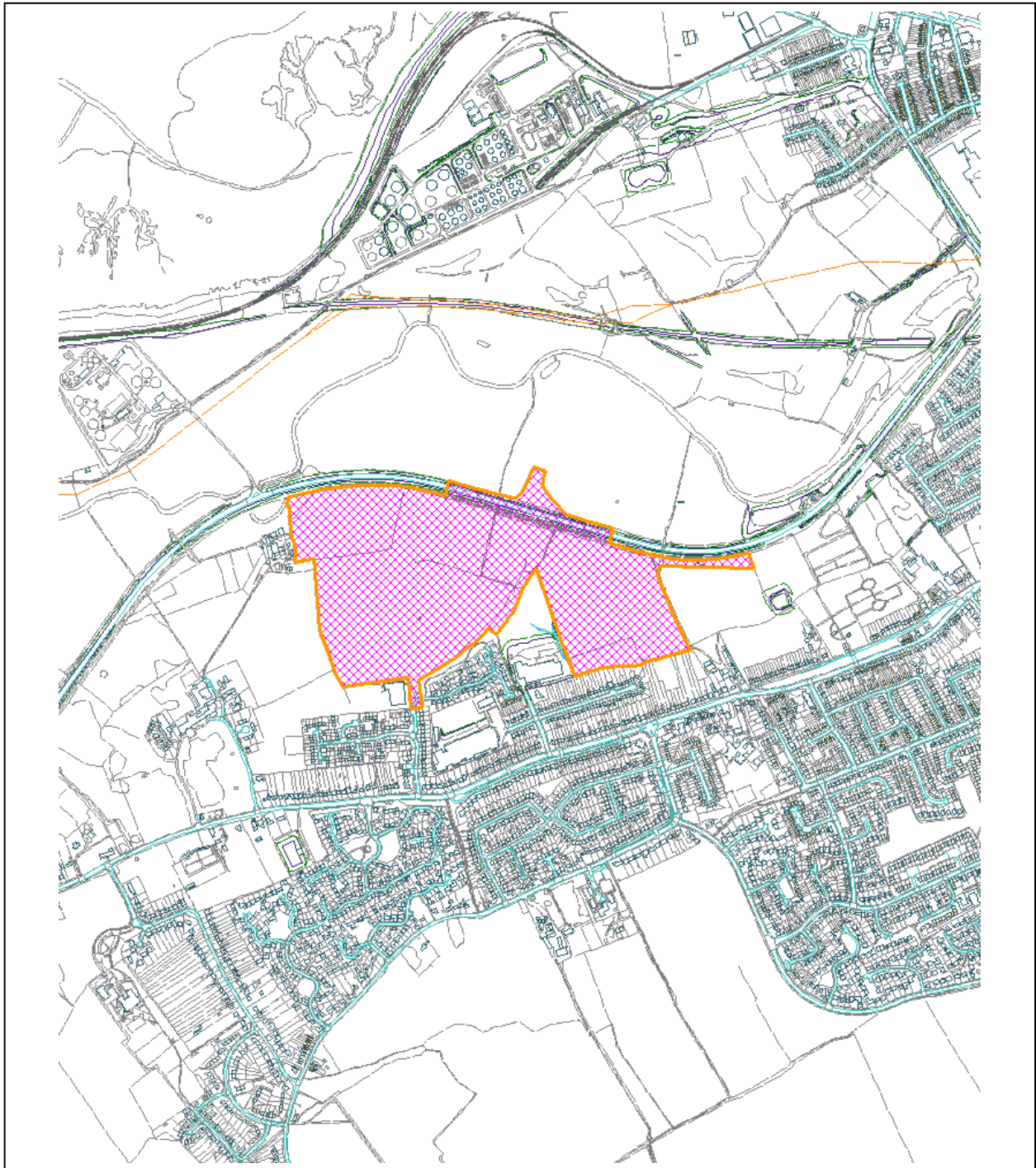


PLANNING COMMITTEE

20TH OCTOBER 2015

REPORT OF THE HEAD OF PLANNING

A.2 PLANNING APPLICATION – 14/01431/OUT – LAND EAST OF POND HALL FARM, STOUR CLOSE, HARWICH, CO12 5EW



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Application:	14/01431/OUT	Town / Parish: Harwich; Ramsey & Parkeston
Applicant:	Harding Estates (East Anglia) Ltd	
Address:	Land East of Pond Hall Farm, Stour Close, Harwich, CO12 5EW	
Development:	<p>Hybrid application for proposed comprehensive development and the creation of employment floorspace (including start up units) consisting of:</p> <p>Outline approval for development of site to create employment units, café/restaurant units, public house, drive thru restaurants, cinema, hotel, up to 297 dwellings, landscaping, open space and associated means of access, internal estate roads and car parking.</p> <p>Full approval for the creation of retail shop units, foodstore, petrol filling station, associated highway works and improvements including a new roundabout off the A120 and link road, earthworks, service infrastructure and other associated works and improvements.</p>	

This application was referred to Planning Committee on 31 March 2015. The Planning Committee resolved to grant outline and full planning permission subject referral to the Secretary of State (if the Planning Committee were minded to approve); the completion of a Section 106 legal agreement within 6 (six) months (i.e. by 30th September 2015); and subject to conditions. Otherwise the Head of Planning had Authority was authorised to refuse if necessary. Any reserved matters application was to be referred to the Planning Committee.

Since the date of the resolution the application has been referred to the Secretary of State and the Secretary of State has confirmed that the application is not to be called in to Public Inquiry. The application has been referred back to the Council by the Secretary of State for determination at the local level. Discussions regarding the completion of the Section 106 legal agreement have been on going and an independent viability assessment is currently underway. The Head of Planning seeks the Committee's agreement to an extension of time until 29th April 2016 in order to complete the legal agreement and issue the planning permission in accordance with the Planning Committee's resolution on 31st March 2015. The original Officer's report from 31st March 2015 February 2015 is reproduced in full below for information only with the revisions to the recommendation highlighted in bold text and underlined.

1. Executive Summary

- 1.1 The application was submitted on 24 September 2014 and was due for determination on 23 January 2015. Determination has however been delayed whilst Officers have been working proactively with the applicants to address outstanding technical matters mainly relating to potential environmental and retail impacts as highlighted in the comments of Natural England and in independent advice from retail consultants.
- 1.2 The application site is allocated for business and industrial development in the Council's adopted Local Plan but there has been no commercial interest in developing the site purely for that use. This is due, in part, to the site's high development costs which include the need for a roundabout onto the A120. The emerging Local Plan therefore allocates the site for mixed-use development including a range of employment uses and housing development, a more viable mix of uses that should be able fund the provision of the necessary infrastructure and unlock the full economic potential of the site. The proposal is broadly in

line with the emerging policy and given the thrust of government planning policy to boost economic activity and housing development, Officers have approached the scheme with a view to approve, in line with the government's 'presumption in favour of sustainable development', subject to addressing any wider policy or technical matters.

- 1.3 As a 'hybrid' application, detailed approval is only being sought for a foodstore, five non-food retail units, a petrol filling station and associated earthworks, infrastructure and road improvements. Outline approval is being sought for the development of other leisure uses (including a cinema and restaurant/cafes), employment units (warehousing and start up units) and up to 297 new homes, for which the details will need to be considered through future 'reserved matters' applications.
- 1.4 The issue that has required the most careful consideration has been the potential impact of the proposed out of town retail and leisure uses on the vitality and viability of Harwich and Dovercourt Town Centres. A retail statement has been submitted and independently appraised by expert consultants. The independent advice suggests that the development, as proposed, is likely to have a negative impact on the existing town centres. When this potential harm is balanced against the benefits of unlocking this important site to deliver much needed new employment opportunities and housing for the wider Harwich area, Officers consider that the overall benefits of development will outweigh the negative impacts and that through planning conditions and s106 legal agreements, the Council could seek to control the range of goods sold in the new retail units and secure financial contributions toward further town centre improvements to minimise and offset some of the likely impacts.
- 1.5 The proposal was screened in accordance with the Town and Country (Environmental Impact Assessment) Regulations 2011. The Council determined that the proposal would require the submission of an Environmental Statement as it is expected to have a significant 'urbanising affect' on the location. An Environmental Statement was submitted by the applications, accordingly, as part of the application and contained a considerable level of detailed assessment of matters including flood risk, landscape and visual impact, ecology and nature conservation and noise. These assessments have informed the recommended use of conditions aimed at ensuring any significant environmental impacts are appropriately addressed or mitigated.
- 1.6 The proposal has been subject to considerable pre-application consultation with the community which has resulted in positive changes to the applicant's original concepts. The application has attracted 91 representations of support as well as support, in principle, from Harwich Town Council and Ramsey and Parkeston Parish Council. 6 representations of objection, mainly concerned about possible traffic impacts on Stour Close and Clayton Drive, and 3 representations of neither support nor objection have also been received.
- 1.7 The application is recommended for conditional approval subject to the satisfactory completion of a Section 106 planning obligation to secure the control of land uses to make the development acceptable, and a number of planning conditions.

Recommendation : That the Head of Planning be authorised to grant planning permission subject to :

- ~~a) That if members are minded to approve the application that the Head of Planning be authorised to refer the planning application to the Secretary of State in accordance with the requirements of the Town and Country Planning (Consultation) (England) Direction 2009. Following referral to the Secretary of State and if the application is not "called in" the Head of Planning be authorised to grant planning permission subject to (b) and (c)~~

A) Completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 by no later than **29 April 2016** dealing with the following matters (but with such amendments and additions, if any, to the detailed wording thereof as the Head of Planning in her discretion considers appropriate).

- Harwich Linear Park; green infrastructure; public open space/play provision
- Affordable/Council housing
- Education contribution
- Healthcare contribution
- Travel Plan monitoring fee
- Control of retail floorspace
- Town centre contribution

B) Planning conditions in accordance with those set out in (i) below (but with such amendments and additions, if any, to the detailed wording thereof as the Head of Planning in her discretion considers appropriate).

Conditions:

1. Standard 3 year time limit for commencement.
2. Development in accordance with submitted plans.
3. Hard and soft landscaping/habitat and biodiversity enhancement mitigation measures.
4. Landscaping management plan.
5. Submission of a phasing plan.
6. Control floor space and use classes and number of dwellings
7. Details and samples of facing and roofing materials.
8. Details of trolley; cycle shelters; and ancillary street furniture.
9. Details of water, energy and resource efficiency measures.
10. Archaeological trial trenching and fieldwork.
11. Archaeological recording of the World War II Pill Box.
12. Control of amount of convenience goods and non convenience good sales – no subdivision and no mezzanine floors.
13. No extensions or enlargements to the retail floor space without express consent.
14. Local recruitment strategy.
15. Protection of retained trees/hedgerows during construction.
16. Management and maintenance scheme for car park areas.
17. CCTV and external/security lighting.
18. Measures to minimise light pollution in accordance with submitted lighting scheme.
19. Surface water management strategy; measures to prevent water pollution; and in accordance with the flood risk assessment.
20. Details of all external plant and machinery.
21. Details of all boundary treatments including retaining walls.
22. Highways conditions as detailed in the report.
23. Hours of delivery in accordance with a Service Delivery Management Plan

Or

C) That the Head of Planning be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of 6 (six) months, as the requirements necessary to make the development acceptable in planning terms had not been secured through S106 planning obligation, contrary to the NPPF; NPPG and saved policy QL12 of the Tendring District Local Plan (2007) and draft Policy SD7 of the Tendring District Local Plan Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014).

2. Planning Policy

National Planning Policy Framework (NPPF)

- 2.1 The NPPF was published in March 2012. It sets out the Government's planning policies and how these are expected to be applied.
- 2.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF doesn't change the statutory status of the development plan as the starting point for decision taking. Where proposed development accords with an up to date local plan it should be approved and where it does not it should be refused – unless other material considerations indicate otherwise.
- 2.3 The NPPF has a strong presumption in favour of sustainable development and seeks to build a strong competitive economy. Sustainable development is defined as having three dimensions:
- an economic role;
 - a social role; and
 - an environmental role.
- 2.4 These dimensions have to be considered together and not in isolation. The NPPF requires Local Planning Authorities to positively seek opportunities to meet the development needs of their area whilst allowing sufficient flexibility to adapt to change. Where relevant policies in local plans are either absent or out of date, there is an expectation for Councils to approve planning applications, without delay, unless the adverse impacts would significantly and demonstrably outweigh the benefits.
- 2.5 The NPPF, in Section 1, seeks to foster the conditions for a strong, competitive economy. It encourages local authorities to plan proactively to meet the development needs of business and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services of infrastructure. It requires that Local Plan policies should be flexible enough to accommodate business needs not anticipated in the plan period and to allow a rapid response to changes in economic circumstances. It also advises against the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purposes and, in such cases, treating applications for alternative uses on their merits, having regard to market signals and the relative need for different land uses to support sustainable local communities.
- 2.6 The NPPF seeks to ensure the vitality of town centres. To this end Section 2 of the NPPF requires Councils to prioritise the use of sites within and on the edge of town centres for retail, leisure and office developments, over out of town locations – requiring a 'sequential test' to be undertaken when considering planning applications. It also requires applicants to demonstrate that development proposals that are over 2,500 square metres in gross floor area will not have a significant adverse impact on existing, committed and planned public/private investment in the town centre or centres of the catchment area of the proposal and that the sequential test has been fully addressed.
- 2.7 Paragraphs 24 to 27 of the NPPF are of relevance to the proposal and are reproduced in full as follows:

“24. Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not

available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

25. This sequential approach should not be applied to applications for small scale rural offices or other small scale rural development.

26. When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floor space threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:

- *the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
- *the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.*

27. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.”

- 2.8 Section 4 of the NPPF deals with sustainable transport and requires all developments that will generate significant amounts of movement to be supported by a Transport Assessment. Opportunities for sustainable transport modes must be taken up; safe and suitable access for all people must be achieved; and improvements to the highway network that address the impacts of the development must be undertaken. A key tool to facilitate sustainable transport modes will be in the form of a Travel Plan. Development should only be prevented or refused on transport grounds where the residual cumulative impacts are ‘severe’.
- 2.9 Section 6 relates to delivering a wide choice of quality new homes and requires Councils to 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 worth of deliverable housing land against their projected housing requirements (plus a 5% or 20% buffer to ensure choice and competition in the market for land). If this is not possible, housing policies are to be considered out of date and the presumption in favour of sustainable development is engaged with applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.
- 2.10 Section 7 relates to good design. Whilst the NPPF says that planning decisions should not impose architectural styles or particular tastes that would serve to stifle originality, it is proper to seek to promote local distinctiveness. Design also needs to address the connections between people and places and the integration of new development into the natural, built and historic environment.
- 2.11 Section 8 relates to the promotion of healthy communities – it talks about safe and accessible environments containing clear and legible pedestrian routes and high quality public space.
- 2.12 Section 10 considers the challenge of climate change. New developments should take account of landform, layout, building orientation, massing and landscaping to minimise

energy consumption. Developments should take account of flood risk and where appropriate be accompanied by Flood Risk Assessments.

- 2.13 Section 11 deals with conserving and enhancing the natural environment. New development should take account of air, water, and noise pollution. Opportunities to incorporate biodiversity in and around developments should be encouraged.
- 2.14 Section 12 relates to the conservation and enhancement of the historic environment (including archaeology).

National Planning Policy Guidance (March 2014)

Ensuring the Vitality of Town Centres

- 2.15 This guidance supports the NPPF. It provides advice on how Local Planning Authorities should make policies and determine applications for planning permission that relate to town centre uses.
- 2.16 The NPPF sets out two key tests that should be applied when planning for town centre uses which are not in existing centres and do not accord with an up to date local plan. These are the sequential test and the impact test. These tests are only required to be applied where the gross floor area of the proposal exceeds 2,500 square metres. The guidance makes it clear that it is for the applicant to demonstrate compliance with the sequential test and that failure to undertake a sequential assessment could in itself constitute a reason for refusing planning permission.
- 2.17 The guidance states that the following considerations should be taken into account in determining whether a proposal complies with the sequential test:
- *With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in edge of centre or out of centre location, preference should also be given to accessible sites that are well connected to the town centre. Any associated reasoning should be set out clearly.*
 - *Is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.*
 - *If there are no suitable sequentially preferable locations the sequential test is passed.*

In line with paragraph 27 of the NPPF where a proposal fails to meet the sequential test, it should be refused.”

Local Plan

- 2.18 Section 38(6) of the Planning Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In the case of Tendring the development plan consist of the following:

Tendring District Local Plan (Adopted November 2007) – as ‘saved’ through a Direction from the Secretary of State.

- 2.19 QL1: Spatial Strategy

Directs most new development toward the larger urban areas of Clacton and Harwich and seeks to concentrate development within settlement development boundaries.

2.20 QL2: Promoting Transport Choice

Requires developments to be located and designed to avoid reliance on the use of the private car.

2.21 QL3: Minimising and Managing Flood Risk

Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more.

2.22 QL5: Economic Development and Strategic Development Sites

Identifies land East of Pond Hall Farm as a 'strategic development site' allocated for the development of a new business park for storage and distribution, along with general and light industrial uses.

2.23 QL8: Mixed-Uses

Promotes mixed-use developments, particularly in town centre locations but also elsewhere where they are not harmful to the amenity, function or character of the local area or vitality and viability of any nearby centre.

2.24 QL9: Design of New Development

Provides general criteria against which the design of new development will be judged.

2.25 QL10: Designing New Development to Meet Functional Needs

Requires development to meet functional requirements relating to access, community safety and infrastructure provision.

2.26 QL11: Environmental Impacts

Requires new development to be compatible with its surrounding land uses and to minimise adverse environmental impacts.

2.27 QL12: Planning Obligations

States that the Council will use planning obligations to secure infrastructure to make developments acceptable, amongst other things.

2.28 ER3: Protection of Employment Land :

Land allocated for this purpose in the plan will be retained for that purpose unless it can be demonstrated that it is no longer a viable use.

2.29 ER4: Non-Employment Uses in Employment Areas

On proposed employment allocations over 5 hectares, proposals for indoor leisure may be acceptable if it can be demonstrated that more suitable locations within or on the edge of town centres are not available.

2.30 ER7: Business, Industrial Warehouse Proposals

Requires proposals to be appropriate in terms of their relationship to adjacent uses, impacts on amenity and pollution, vehicular access, mains services and storage facilities. Developments must not compromise the opportunities for promoting the movement of freight by rail or through the district's ports.

2.31 ER25: New Hotels and Guest Houses

Supports proposals for new hotels and guest houses where they are appropriate in terms of the suitability and previous use of the site, the character of the surrounding area, parking and highway considerations and design implications.

- 2.32 ER27: Tourist Facilities in the A120 Corridor
Supports proposals for tourist facilities adjacent the A120 which incorporate high quality design within a landscaped setting, provide safe and convenient access and on sites close to existing settlements.
- 2.33 ER31: Town Centre Hierarchy and Uses
Requires all options for 'town centre uses' to be located within defined town, district or local centres to be thoroughly assessed before out of centre sites are considered.
- 2.34 ER32: Town Centre Uses Outside Existing Town Centres
Requires proposals for town centre uses outside of defined centres to be of an appropriate scale, not materially harm the vitality and viability of existing defined centres, be accessible by a range of transport modes and not prejudice the provision of employment land, housing, recreation or tourism facilities.
- 2.35 COM1: Access for All
Requires publically accessible buildings and spaces to be accessible to people of all abilities.
- 2.36 COM2: Community Safety
Requires developments to contribute toward a safe and secure environment and minimise the opportunities for crime and anti-social behaviour.
- 2.37 COM21: Light Pollution
Requires external lighting for new development to avoid unacceptable impacts on the landscape, wildlife or highway and pedestrian safety.
- 2.38 COM23: General Pollution
States that permission will be refused for developments that have a significant adverse effects through the release of pollutants.
- 2.39 COM29: Utilities
Seeks to ensure that new development on large sites is or can be supported by the necessary infrastructure.
- 2.40 COM31a: Sewerage and Sewage Disposal
Seeks to ensure that new development is able to deal with waste water and effluent.
- 2.41 EN1: Landscape Character
Requires new developments to conserve key features of the landscape that contribute toward local distinctiveness.
- 2.42 EN2: Local Green Gaps
Seeks to protect open land between settlements free of development to prevent coalescence and their rural setting (including land around the application site). Allows improvement of existing leisure and recreational facilities and, where resources and opportunities permit, encourages improvements to public rights of way.
- 2.43 EN2: Local Green Gaps
Seeks to protect open land between settlements free of development to prevent coalescence and their rural setting (including land around the application site). Allows improvement of existing leisure and recreational facilities and, where resources and opportunities permit, encourages improvements to public rights of way.
- 2.44 EN6: Biodiversity

Requires existing biodiversity and geodiversity to be protected and enhanced with compensation measures put in place where development will cause harm.

2.45 EN6a: Protected Species

Ensures protected species including badgers are not adversely impacted by new development.

2.46 EN6b: Habitat Creation

Encourages the creation of new wildlife habitats in new developments, subject to suitable management arrangements and public access.

2.47 EN11a: Protection of International Sites

Seeks to avoid development that would have an adverse impact on sites of international importance to nature conservation or geo-diversity, setting out the exceptional circumstances when development might be acceptable.

2.48 EN11b: Protection of National Sites

Seeks to avoid development that would have an adverse impact on sites of national importance to nature conservation or geo-diversity, setting out the exceptional circumstances when development might be acceptable.

2.49

EN11c: Protection of Local Sites

Seeks to avoid development that would have an adverse impact on sites of local importance to nature conservation or geo-diversity, setting out the exceptional circumstances when development might be acceptable.

2.50 EN12: Design and Access Statements

Requires Design and Access Statements with most planning applications.

2.51 EN13: Sustainable Drainage Systems

Requires developments to incorporate sustainable drainage systems to manage surface water run-off.

2.52 EN29: Archaeology

Requires, for any development proposals, the consideration of archaeological significance and the investigation, protection, incorporation or recording of any important archaeological features.

2.53 TR1a: Development Affecting Highways

Requires developments affecting highways to aim to reduce and prevent hazards and inconvenience to traffic.

2.54 TR1: Transport Assessment

Requires transport assessments for all major developments.

2.55 TR2: Travel Plans

Requires travel plans for developments likely to have significant transport implications including major developments.

2.56 TR3a: Provision for Walking

Seeks to maximise opportunities to link development with existing footpaths and rights of way and provide convenient, safe attractive and direct routes for walking.

2.57 TR4: Safeguarding and Improving Public Rights of Way

Seeks to secure opportunities from development to improve the public rights of way network and cycle tracks.

- 2.58 TR5: Provision for Cycling
Requires all major developments to provide appropriate facilities for cyclists.
- 2.59 TR6: Provision for Public Transport Use
Requires developments to make provision for bus and/or rail where transport assessment identifies a need.
- 2.60 TR7: Vehicle Parking at New Development
Refers to the adopted Essex County Council parking standards which will be applied to all non-residential development.
- 2.61 TR9: Access of Freight to Transport Networks
Seeks to locate developments likely to generate significant freight or goods movements to locations where there is (or the potential exist to create) good access onto the railway network or through existing ports.
- 2.62 HAR2: Land East of Pond Hall Farm
Allocates the application site for development of a new business park for storage and distribution along with general and light industrial uses.
- Tendring District Local Plan Proposed Submission Draft (November 2012), as amended by the Tendring District Local Plan Pre-Submission Focussed Changes (January 2014).
- 2.63 SD1: Presumption in Favour of Sustainable Development
Follows the Planning Inspectorate's standard wording to ensure compliance with the NPPF.
- 2.64 SD2: Urban Settlements
Identifies Harwich and Dovercourt as an 'Urban Settlement' where the majority of the district's economic growth will be achieved through the identification of new employment sites, investment in town centres, tourist attractions and key infrastructure and regeneration of deprived neighbourhoods.
- 2.65 SD5: Managing Growth
Seeks to direct new development to sites within settlement development boundaries.
- 2.66 SD7: Securing Facilities and Infrastructure
Requires developments to address their individual or cumulative infrastructure impacts and states that the Council will use planning obligations and/or CIL (when it is in place), where necessary, to ensure this happens.
- 2.67 SD8: Transport and Accessibility
Requires the transport implications of development to be considered and appropriately addressed.
- 2.68 SD9: Design of New Development
Sets out the criteria against which the design of new development will be judged.
- 2.69 SD10: Sustainable Construction
Requires non-residential development to maximise measures to reduce energy consumption and reduce carbon emissions and other forms of pollution both during construction and during use.
- 2.70 PRO1: Improving the Strategic Road Network

Sets out the Council's priorities upgrading of the district's strategic road network including the A120 between Hare Green and Ramsey, resisting development that might jeopardise this aim.

- 2.71 PRO2: Improving the Telecommunications Network
Requires new development to be served by a superfast broadband (fibre optic) connection installed on an open access basis and that can be directly accessed from the nearest British Telecom exchange and threaded through resistant tubing to enable easy access for future repair, replacement or upgrading.
- 2.72 PRO3: Improving Education and Skills
Requires applicants to enter into an Employment and Skills Charter or Local Labour Agreement to ensure local contractors are employed to implement the development and that any temporary or permanent employment vacancies (including apprenticeships) are advertised through agreed channels.
- 2.73 Policy PRO5 – Town, District, Village and Neighbourhood Centres.
This policy identifies Dovercourt and Harwich Town Centres as areas where the Council will work with its partners to promote economic growth and protect and enhance vitality and viability.
- 2.74 PRO6: Retail, Leisure and Office Development
Sets out the criteria against which proposals for retail, leisure and office developments outside of defined centres will be judged – incorporating the requirements of the NPPF sequential test and need for 'impact statements' for developments with a floor area of 2,500 square metres or more. The policy states that proposals outside of the defined town centre will only be permitted in certain circumstances. One of these circumstances is where the site is allocated for that purpose.
- 2.75 PRO7: Tourism
This policy promotes economic growth in tourism and supports proposals that will achieve this including new attractions with good access to the A133 or A120 and facilities associated with the enjoyment of the countryside.
- 2.76 PRO8: Hotels and Guesthouses
Supports proposals for new hotels and guesthouses on allocated mixed-use development sites where such accommodation is proposed as part of the mix of uses.
- 2.77 PRO12: Freight Transport and the Movement of Goods
Seeks to direct proposals for new freight, distribution and logistic facilities likely to generate significant goods movements, to allocated and safeguarded employment sites as a priority and applications will be assessed against criteria to test their impact.
- 2.78 PRO13: The Renewable Energy Industry
The policy promotes growth in the renewable energy industry and supports proposals for facilities at Harwich International Port associated with the manufacture, transportation and maintenance of off-shore wind farms.
- 2.79 PRO14: Employment Sites
This policy protects identified employment sites from non employment uses but allows for alternative employment-related activities (other than traditional business and industrial uses) where they would not conflict with other planning policies.
- 2.80 PEO1: Housing Supply
Sets out the proposed growth in new housing for the district, but is subject to considerable change to ensure compliance with the NPPF, as being overseen by the new Local Plan

Committee. Land East of Pond Hall Farm is expected to contribute some housing toward these figures and is listed as such in Appendix 3 of the draft Local Plan.

- 2.81 PEO3: Housing Density
Policy requires the density of new housing development to reflect accessibility to local services, minimum floor space requirements, the need for a mix of housing, the character of surrounding development and on-site infrastructure requirements.
- 2.82 PEO4: Standards for New Housing
Sets out proposed minimum standards for the internal floor area and gardens for new homes.
- 2.83 PEO5: Housing Layout in Tendring
Policy seeks to ensure large housing developments achieve a layout that, amongst other requirements, promotes health and wellbeing; minimises opportunities for crime and anti-social behaviour; ensures safe movement for large vehicles including emergency services and waste collection; and ensures sufficient off-street parking.
- 2.84 PEO7: Housing Choice
Promotes a range of house size, type and tenure on large housing developments to reflect the projected needs of the housing market.
- 2.85 PEO9: Family Housing
Promotes the construction of family homes within new housing developments.
- 2.86 PEO10: Council Housing
Requires up to 25% of new homes on large development sites to be made available to the Council, at a discounted price, for use as Council Housing.
- 2.87 PEO12: Flats and Maisonettes
Seeks to direct the development of flats and maisonettes to sites within town centres and close to railway stations.
- 2.88 PEO19: Green Infrastructure
Requires new developments to contribute, where possible, toward the district's green infrastructure network.
- 2.89 PEO20: Playing Pitches and Outdoor Sports Facilities
Requires new developments to contribute where possible to the district's provision of playing pitches and outdoor sports facilities.
- 2.90 PEO22: Green Infrastructure in New Residential Developments
Requires residential developments over 10 hectares to provide 10% of land as open space with financial contributions toward off-site provision required from smaller sites.
- 2.91 PEO23: Children's Play Areas
Requires new children's play areas as an integral part of residential and mixed-use developments.
- 2.92 PLA1: Development and Flood Risk
Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more.
- 2.93 PLA3: Water Conservation, Drainage and Sewerage

Requires developments to incorporate sustainable drainage systems to manage surface water run-off and ensure that new development is able to deal with waste water and effluent.

2.94 PLA4: Nature Conservation and Geo-Diversity

Requires existing biodiversity and geodiversity to be protected and enhanced with compensation measures put in place where development will cause harm.

2.95 PLA5: The Countryside Landscape

Requires developments to conserve, where possible, key features that contribute toward the local distinctiveness of the landscape and include suitable measures for landscape conservation and enhancement.

2.96 PLA6: The Historic Environment

Seeks to protect and enhance the district's historic environment and heritage assets including features of archaeological importance.

2.97 HAD4: Development East of Pond Hall Farm

Allocates the application site for mixed use development including residential, community facilities, commercial development and public open space and sets out detailed requirements for the development.

Other Relevant Documents

Economic Development Strategy 2013

2.98 The overarching objectives of the Economic Development Strategy are to:

- Target growth locations, especially Harwich, Clacton and the West of Tendring;
- Target growth sectors, especially Offshore Energy and Care and Assisted Living;
- Ensure residents have the skills and information to participate;
- Support modernisation, diversification and growth within the business base; and
- Facilitate population growth where this supports economic objectives.

2.99 For Harwich specifically, the vision in the Economic Strategy emphasises the need to promote innovation in the offshore renewable energy sector both in and around the port including the establishment of new start ups, research and development activity and new education and training facilities. It also states that new housing, shops and services will be required, all of which will need to be developed in a way which builds upon Harwich's heritage and maintains the town's identity.

Retail Study 2010

2.100 This document advises that in terms of the revised capacity forecasts there is an identified negative capacity for additional convenience goods floor space in Dovercourt, on the basis of the under-performing food stores within the town centre. However, the report recognises that this is not to say that there is no qualitative need for enhanced facilities or potential for these centres to improve their market share which would in itself generate additional capacity. A similar exercise has been undertaken to establish a projected comparison expenditure capacity for the local plan period which identifies that there will be sufficient capacity to support additional comparison retail floor space within the town. At 2015 it has been identified there is a 343 sqm net additional comparison retail floors pace capacity, which rises to 1,299 sqm net at 2020 and 2,407 sqm net by 2025. The Council will therefore consider allocating sites suitable for accommodating this quantum of development within the town centre, and promote these sites through the local plan process.

- 2.101 Harwich is similarly identified as suffering from an over-supply of convenience floor space as a result of underperforming food stores in the town leading to a negative capacity for additional floor space. However, as with Dovercourt there is projected capacity for additional comparison retail floorspace in the short, medium and long-term with 260 sqm net at 2015, 981 sqm net at 2020 rising to 1,815 sqm net. The report advises that this figure may increase if Harwich were to increase its market share, and it should also be noted that capacity forecasts become increasingly open to margins of error over time and should be updated over the local plan period.

Employment Land Review 2013

- 2.102 The Employment Land Review assessed the potential of a number of sites for business and industrial use, including the application site. It recommends promotion of the application site, through the Local Plan, for employment use, but with business and industrial development forming part of a mixed-use scheme offering scope for the delivery of employment uses to be 'cross-funded' with other more lucrative development such as housing or retail.

Essex County Council Parking Standards – Design and Good Practice September 2009

Haven Gateway Green Infrastructure Study

- 2.103 The vision of the Green Infrastructure Study is to establish a framework for the delivery of high quality green infrastructure over the next 20 years, complementing and supporting planned housing and development growth. To contribute to quality of life through ensuring that everyone living and working in the Haven Gateway has access to a high quality natural and historic environment. It forms a technical background paper to inform the local plan.

3. Relevant Planning History

- 3.1 There is no planning application history relevant to this site.

4. Consultations

- 4.1 Building Control No adverse comments at this time.
- 4.2 Environmental Health None Received.
- 4.3 Regeneration None received.
- 4.4 Principal Tree & Landscape Officer - In order to show the impact of the development proposal on the trees and hedgerows on the land the applicant has submitted a Tree Survey and Report that has been carried out in accordance with the recommendations contained in BS5837: 2012 Trees in relation to design, demolition and construction.
- 4.5 The proposed development identifies the need to remove several trees and hedgerows in order to implement the development proposal. However the indicative site layout plan shows the creation of new public open space as well as extensive tree planting and other soft landscaping.
- 4.6 Whilst the development proposal would result in a significant change to the character and appearance of the area there are no trees affected by the proposal that merit protection by means of a Tree Preservation Order. Boundary planting will in time create a reasonable level of screening for a site that is not extensively overlooked other than by users of the A120.

- 4.7 The application will result in the loss of open countryside but will also bring about an increase in the number of trees on the land.
- 4.8 In order to show the extent of the impact of the development of the land on the visual amenity and landscape character of the area the applicant has provided a Landscape and Visual Impact Assessment (LVIA).
- 4.9 The LVIA accurately describes the qualities of the local landscape character. It also provides photographic evidence of the visibility of the site from several points within the zone of visual influence (ZVI) to show the likely impact of the development on the local environs when viewed from within the district and from the northern shore of the River Stour.
- 4.10 The LVIA is a genuine attempt to demonstrate the degree to which the development proposal causes harm to the local landscape character and sets out ways in which the harm can be mitigated. It is clearly identified and accepted that, in terms of its impact on the countryside, the development proposal will have an adverse impact on the area however all reasonable steps are identified to minimise the harm,
- 4.11 In terms of the soft landscaping of the complete site the applicant has provided a detailed description of the proposed planting scheme in section 9.4.9 to 9.4.19 of Volume 1 of the Environmental Statement. This sets out the way that structural planting and screening will be achieved as well as planting to enhance the appearance of the internal layout of the residential, commercial and industrial elements of the development. The principles set out are acceptable and adequate to ensure that all elements of soft landscaping have been considered and if a detailed landscape scheme is produced in accordance with these principles then it is likely to be acceptable.
- 4.12 The Environmental Statement makes reference to a 5 year management plan for the soft landscaping and this will be an important document to ensure that new planting is adequately maintained and that provision for routine maintenance and replacement planting made.
- 4.13 In addition to the landscaping of the application site the Design and Access Statement makes reference to the provision of land on the northern side of the A120 to form part of the Harwich Linear Park. The provision of additional land to form part of Harwich Linear Park will increase public access and links to the open countryside that will benefit the health and wellbeing of local residents and visitors to the area. This may contribute to the extension of the existing 'Sustrans' path from Harwich to Dovercourt.
- 4.14 ECC Highways The Highway Authority raises no objection subject to the following conditions:-
1. Prior to commencement of the development details of a wheel cleaning facility within the site and adjacent to the egress onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The wheel cleaning facility shall be provided prior to commencement and during construction of the development.

Reason: To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
 2. No commencement of any phase of the development shall take place until details of the following have been submitted to and approved in writing by the Local Planning Authority:

- a) a bus service or services serving the proposal site
- b) on site bus stop locations and specification
- c) new off site and/or improved existing off site bus stops
on site bus turn around and/or layover facilities (temporary and/or permanent)
- d) No occupation of any phase of the development shall take place until the agreed details have been provided.

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM1 and DM9 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 3. No occupation of the development shall take place until the following have been provided or completed:
 - a) A 4-arm roundabout (with a minimum 3 metre wide shared footway/cycleway between all four arms) on the A120 to provide access to the overall proposal site
 - b) A 4-arm roundabout (with a minimum 3 metre wide shared footway/cycleway between all four arms) on the proposed link road to provide access to part of the non-residential element of the proposal
 - c) A dual carriageway (with a minimum 3 metre wide shared footway/cycleway on both sides) between the two roundabouts mentioned above
 - d) A left in/left out priority junction off the dual carriageway mentioned above to provide access to the hotel. Junction shall include a minimum 2.4 x 70 metre visibility splay to the right for exiting vehicles
 - e) A link road between the roundabout mentioned under item b) above and Stour Close. Link road shall have a minimum 6.75 metre wide carriageway and two minimum 3 metre wide shared footway/cycleways
 - f) A priority junction off the link road mentioned above to provide access to the public house. Junction shall include a minimum 70 x 2.4 x 70 metre visibility splay
 - g) Two priority junctions off the link road mentioned above to provide access to the residential dwellings. Junctions shall include a minimum 70 x 2.4 x 70 metre visibility splay
 - h) A new access for the bowls centre off the link road mentioned above
 - i) Reconfiguration of Stour Close to provide a priority junction off the link road mentioned above. Junction shall include a minimum 70 x 2.4 x 70 metre visibility splay
 - j) For the non-residential elements of the proposal, a travel plan to include but shall not be limited to provision of a Travel Plan Co-ordinator and a £3,000 contribution to cover the Highway Authority's costs to approve review and monitor the Travel Plan;
 - k) For the residential elements of the proposal, Residential Travel Information Packs

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as transport, cycling and walking, in accordance with Policy DM1, DM9 and DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 4.15 ECC Archaeology The Tendring Historic Environment Characterisation project, held within the Essex Historic Environment Record identifies that the area of the proposed development has potential for waterlogged alluvial silts in this floodplain, which have the potential to hold important palaeo-environmental evidence relating to the interaction of human and natural processes and vegetational, climatic and coastal changes in the history of this part of the Tendring peninsula. The Historic Environment Record also contains information on adjacent areas, particularly to the east, that highlight the potential for

archaeological remains to be present. The extent and significance of any archaeological remains is currently unknown, but they will be damaged or destroyed by the proposed development.

- 4.16 In addition the site contains a WWII pill box, which is one of the few surviving defences along the former 'Stanier Line' constructed to protect Harwich from attack during the Second World War. Unfortunately the Desk-Based assessment included with the planning application, fails to state the significance of the pill-box, which is of at least local importance, and should ideally be retained within an area of open space within the development, in line with paragraph 131 of the NPPF. If this is not possible, then the structure should be subject to a programme of archaeological recording in line with paragraph 141 of the NPPF.
- 4.17 The following recommendation is therefore made in line with Department for Communities and Local Government National Planning Policy Framework:
- 4.18 Recommendation: A programme of trial trenching followed by open area excavation.
1. No development or preliminary ground-works can commence until a programme of archaeological trial trenching and building recording has been secured and undertaken in accordance with a Written Scheme of investigation, which has been submitted by the application, and approved by the planning authority. Following the completion of this initial phase of archaeological work, a summary report will be prepared and a mitigation strategy detailing the approach to further archaeological excavation and/perseveration in situ through re-design of the development, shall be submitted to the local planning authority.
 2. No development or preliminary groundwork can commence on those areas of the development site containing archaeological deposits, until the satisfactory completion of archaeological fieldwork, as detailed in the mitigation strategy, which has been signed off by the local planning authority.
 3. Following completion of the archaeological fieldwork, the applicant will submit to the local planning authority a post-excavation assessment (within six months of the completion date, unless otherwise agreed in advance with the planning authority), which will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.
- 4.19 Further recommendations: A professional team of archaeologists should undertake the archaeological work. The archaeological investigation will comprise initial trial trenching evaluation of 4% of the total area (with 1% contingency). The evaluation will be undertaken and completed and then followed by open area excavation under a new archaeological programme where archaeological deposits are identified that will be affected by the proposed development. Briefs outlining the level of archaeological investigation will be issued from this office on request. Tendring District Council should inform the applicant of the recommendation and its financial implications.
- 4.20 ECC Schools According to the latest information available to Essex County Council's Early Years and Childcare Team all places in the surrounding wards are at 100% capacity, and could not accommodate the proposed development. 297 dwellings would generate the need for an additional 27 places, in addition the proposed employment units and commercial use would create further demand. The estimated number of employees is not known.
- 4.21 Forecasts indicate that there is likely to be sufficient places at primary and secondary school level to meet the need of school children generated by the proposed development. However there has been some concerns raised regarding safe walking routes to the school,

and the developer should give some consideration to pedestrian access to and from the development to avoid having to pay a financial contribution towards providing school transport to and from the site.

- 4.22 In view of the above, we request that any permission for this development is granted subject to a section 106 agreement to mitigate its impact on primary and secondary education provision. The formula for calculating education and childcare contributions is outlined in our Developer's Guide to Infrastructure Contributions, 2010 Edition. Our standard s106 agreement clauses that give effect to this formula are stated in our Education Contribution Guidelines Supplement, published in July 2010. For information purposes only, should the final development result in the unit mix stated above, the early years and childcare contribution for the housing element would be £330,169. In addition to this there will also be an employment element, based on the number of employees x0.04 (places generated) x £12,352 (cost per EY&C place) lines linked to April 2014 costs.
- 4.23 If your Council were minded to turn down the application, we would be grateful if the lack of education provision in the area can be noted as an additional reason for refusal and that we are automatically consulted on any appeal or further application relating to the site.
- 4.24 NHS England & NHS Property Services The proposal comprises a residential development of 297 dwellings, which is likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. NHS England would therefore expect these impacts to be fully assessed and mitigated by way of a developer contribution secured through a Section 106 planning obligation.
- 4.25 The planning application does not include a Healthcare Impact Assessment (HIA) of the proposed development or propose any mitigation of the healthcare impacts arising from the proposed development.
- 4.26 NHS England has recently carried out a review of GP services to identify capacity issues throughout Essex. This development is likely to have an impact on the services of 1 GP practice within Harwich. This GP practice does not have capacity for the additional growth as a result of this development. Therefore a Health Impact Assessment has been prepared by NHS England to provide the basis for a developer contribution towards capital funding to increase capacity within the GP Catchment Area.
- 4.27 In line with the Government's presumption for the planning system to deliver sustainable development and specific advice within the National Planning Policy Framework and the CIL regulations, which provide for development contributions to be secured to mitigate a development's impact, a financial contribution of £89,560 is sought, which would be payable before the development is first occupied. Assuming the above is considered in conjunction with the current application process, NHS England would not wish to object to proposed development.
- 4.28 Anglian Water Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.
- 4.29 The foul drainage from this development is in the catchment of Harwich and Dovercourt Recycling Centre that will have available capacity for these flows.
- 4.30 Development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures.

- 4.31 The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.
- 4.32 The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. We would therefore recommend that the applicant needs to consult with Anglian Water and the Environment Agency. We will request that the agreed strategy is reflected in the planning approval.
- 4.33 The planning application includes employment/commercial use. To discharge trade effluent from trade premises to a public sewer vested in Anglian Water requires our consent. Anglian Water would request that the following text be included within your notice should permission be granted:

“An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer

Anglian Water recommends that petrol/oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence.

Anglian Water also recommends the installation of properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.”

- 4.34 Anglian Water recommends the following planning conditions if the Local Planning Authority is mindful to grant planning approval:

Condition – No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason – To prevent environmental and amenity problems arising from flooding.

Condition – No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason – To prevent environmental and amenity problems arising from flooding.

- 4.35 Highways Agency Notice is hereby given that the Secretary of State for Transport directs conditions to be attached to any planning permission which may be granted. These are:

1. Within six months of grant of permission:

a) the developer shall have submitted to and obtained approval in writing by the local planning authority in consultation with the Highways Agency the following design details relating to the required improvements to the A120 Pond Hall Farm roundabout. The scheme shall generally conform to the arrangements shown in outline on Proposed Site Access, Highway General Arrangement C4-13027-011 Dated August 2014, and shall include drawings and documents showing:

- i) how the improvement interfaces with the existing highway alignment and carriageway markings including land destinations;
- ii) full construction details relating to the highway improvement. This should include any modification to existing structures or proposed structures, with supporting analysis;
- iii) full signing and lighting details where applicable;
- iv) confirmation of full compliance with Departmental Standards (DMRB) and Policies (or approved relaxations/departures from standards);
- v) Evidence that the scheme is deliverable within land in the control of either the Highway Authority or the Applicant notwithstanding that this may require a reasonable departure from normal standards;
- vi) an independent stage 2 Road Safety Audit (taking account of any stage 1 Road Safety Audit recommendations) carried out in accordance with Departmental Standards (DMRB) and Advice Notes; and

b) The above scheme approved by the Local Planning Authority shall be implemented and completed to the satisfaction of the Local Planning Authority, in consultation with the Highways Authority, No construction on the site shall take place unless and until the junction improvements shown on drawing Proposed Site Access, Highway General Arrangements C4-13027-011 Dated August 2014, have been delivered and are fully open to traffic.

Reason – To ensure that the A120 trunk road, will continue to full its purpose as part of the Strategic Road Network in accordance with the Highways Act 1980, Circular 02/2013 ‘Planning and the Strategic Road Network’.

4.36 Environment Agency Original comments on 30th December 2014:

4.37 Petrol Filling Station: The National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

4.38 The northern part of the site is underlain by superficial Alluvium deposits designated as a Secondary A Aquifer. The southern fringes of the site overlie the superficial Kesgrave Formation and Lowestoft Formation (Undifferentiated) also designated as a Secondary A Aquifer. No superficial deposits are indicated to underlie the central part of the site. The solid geology beneath the site (underlying the superficial deposits, where present) comprises the London Clay designated as Unproductive Strata. The site is not located in a groundwater source protection zone.

4.39 A number of unnamed drains are located within the site and at the site boundary. Ramsey Creek is located approximately 40 metres north of the site boundary at the closest point.

4.40 We object to the application, as submitted, because the risks to groundwater from the development are unacceptable. The applicant has not supplied adequate information to demonstrate that the risks posed to groundwater can be satisfactorily managed. We recommend that planning permission should be refused on this basis in accordance with the precautionary principle.

4.41 Flood Risk: The development sites falls partially within fluvial and tidal Flood Zones 1 and 2. A very small section of the development (a new access roundabout north of the A120 falls within Flood Zone 3. As the site exceeds a hectare in area, the proposed scale of

development may also present a risk of flooding on-site and/or off-site if surface water run-off is not effectively managed.

- 4.42 The proposed development is for a mix of 'less' and 'more vulnerable' development as defined in Table 2 of the Planning Practice Guidance on Flood Risk and Coastal Change. Section 4.8 of the submitted Flood Risk Assessment (FRA) states that the majority of the development will be sequentially sited within Flood Zone 1. All residential ('more vulnerable') development will be located within this low risk zone. Some commercial ('less vulnerable') development will be within Flood Zone 2.
- 4.43 We are satisfied that the FRA provides the information necessary for the Council to make an informed decision. We have no objection to this application on flood risk issues. Although we are not raising an objection the Council should ensure it considers the development to be safe for its lifetime prior to any approval.
- 4.44 If the above objection, relating to the petrol station can be overcome, we consider the proposed development will only be acceptable and meet the requirements of the NPPF if the following measures, as detailed in the approved FRA, are implemented and secured by way of a planning condition on any planning permission.

Condition: The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and the following mitigation measures detailed:

- 1) A scheme for the provision of compensatory storage shall be submitted and agreed with the Local Council in consultation with the Environment Agency prior to development.
- 2) Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological context of the development, has been submitted to and approved in writing by the local planning authority and in consultation with Essex County Council. The scheme shall be implemented before the development is completed in accordance with the approved details. The scheme shall:
 - i) Incorporate the SuDS "Management Train" and ensure all features are designed in accordance with CIRIA (C697) The SuDS Manual, so ecological, water quality and aesthetic benefits can be achieved in addition to the flood risk management benefits. In addition, the maintenance requirements for the SuDS element of the proposed surface water drainage system should be formulated as per the recommendations within the CIRIA SuDS Manual (C697).
 - ii) Fully investigate the feasibility of infiltration SuDS as a preference and provide evidence to establish if the principles of any infiltration based surface water drainage strategy are achievable on site, based on the ground conditions, such as infiltration or soakaway tests which adhere to BRE365 guidance.
 - iii) Provide drainage plans and drawings showing the proposed locations and dimensions of all aspects of the proposed surface water management scheme. The submitted plans should demonstrate that the proposed drainage layout will perform as intended based on the topography of the site and the location of the proposed surface water management features. In addition, full design details, including cross sections of any proposed infiltration or attenuation features will be required.

- iv) Attenuation storage shall be provided to cater for the 1 in 100 year critical storm plus 30% allowance for climate change and there should be consideration given to long-term storage solutions.
- v) Provide calculations to demonstrate that the proposed surface water management scheme has been adequately sized to accommodate the critical duration 1 in 100 year rainfall event including allowances for climate change without causing nuisance or damage. The management strategy should consider both storage and conveyance of surface water.
- vi) Provide calculations of the piped network performance in the 1 in 30 year or 1 in 100 year rainfall events, including climate change.
- vii) Provide sufficient information to demonstrate that people and property will be kept safe from flooding, with consideration given to exceedance flows and overland flow routing from on and off site sources, in accordance with CIRIA C635.
- viii) Ensure that any surface water discharged to the receiving ordinary watercourse/ditch shall be no greater than existing present day Greenfield runoff rates for a range of equivalent return period events up to and including the 1 in 100 year rainfall event with allowances for climate change.
- ix) Provide details of the future adoption and maintenance of the proposed surface water scheme for the lifetime of the proposed development.
- x) Confirm that the receiving watercourse is in a condition to accept and pass on flows from the discharge proposed.

4.45 The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason:

- 1) To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.
- 2) To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development.

4.46 In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications in making their decisions.

4.47 Foul and Surface Water Drainage: The submitted information indicates that a pumping station will deal with foul water. This is acceptable provided that it has been ensured that the local water authority is able to accommodate increased flow without in impeding on the pumping station and sewage treatment works.

4.48 The Environmental Statement states that 'appropriate petrol interceptors will be required in car park areas' but there is no reference to where these will be installed (petrol station, car park and any other area), how many will be installed, what the specifications of the interceptors are (capacity), and a drainage map with these on and their flows.

4.49 Particularly with the petrol station, a trade effluent consent would be required to discharge to the foul drainage after it has passed through the interceptor.

- 4.50 Sustainability: Climate change is one of the biggest threats to the economy, environment and society. New development should therefore be designed with a view to improving resilience and adapting to the effects of climate change, particularly with regards to already stretched environmental resources and infrastructure such as water supply and treatment, water quality and waste disposal facilities. We also need to limit the contribution of new development to climate change and minimise the consumption of natural resources.
- 4.51 Opportunities should therefore be taken in the planning system, no matter the scale of the development to contribute to tackling these problems. In particular we recommend the following issues are considered at the determination stage and incorporated into suitable planning conditions:
- Overall sustainability: a pre-assessment under the appropriate Code/BREEAM standards should be submitted with the application. We recommend that design stage and post-construction certificates (issued by the Building Research Establishment of equivalent authorising body) are sought through planning conditions.
 - Resource efficiency: a reduction in the use of resources (including water, energy, waste and materials) should be encouraged to a level which is sustainable in the long term. As well as helping the environment, Defra have advised that making simple changes resulting in the more efficient use of resources could save UK businesses around £23bn per year.
 - Net gains for nature
 - Sustainable energy use

Subsequent comments on **9th February 2015**: We refer to the email from Peter Brett Associates, received on 26 January 2015, which confirms that all oil storage for the petrol filling station (PFS) will be above ground. **As a result of this, we are able to remove our previous objection to the PFS provided that the Control of Pollution (Oil Storage) (England) Regulations 2001 are complied with.**

SUSTRANS Objects to this application because it appears to make inadequate provision for cycling and walking within the proposed site. **We would withdraw this objection if adequate provision is being made.**

- 4.52 Essex Bridleways Association We object to this application as it appears no consideration has been given to the improvement of the public rights of way network, as required by the National Planning Policy Framework (NPPF). This application presents an ideal opportunity to improve and expand the bridleway network, yet bridleways have been completely ignored by the applicant.
- 4.53 Some of the documents submitted with the application are inaccurate and do not show the position of existing bridleways near the application site, giving the impression that there are no bridleways to be taken into account when the application is considered. The applicants plans do not show bridleways on Plan One, yet public rights of way are stated in the legend to be shown on the plan.
- 4.54 The nearest bridleway to the application site is number 177_34 and starts at Pond Hall Farm, and goes west, linking to further bridleways to the south. Further, this bridleway passes through the A120 underpass, giving access to the land to the north of the A120. This underpass was created by ECC years ago for the very purpose of enabling horse riders to be given access to the land to the north of the A120 when appropriate. This land comprises, in part, land further east which it is hoped will be used to create a linear park for the benefit of horse riders, cyclists, walkers and other vulnerable users.

- 4.55 We note the applicant owns land to the north of A120. If linking circular bridleways could be created in the application site and beyond to the bridleway network to the south and in the land edged blue to the north, it is easy to envisage how, long-term, a very extensive network of safe off road tracks could be created. An area of this nature, where people can walk, ride and cycle in safety, would be a huge asset to the District and no end of benefits would accrue as a result – financial, health, work – the list is endless.
- 4.56 A network of bridleways needs to be created in the District, again in accordance with Government policy. This can only be achieved by forward planning over a long period of time. This development provides an opportunity to create vital links in the long term chain.
- 4.57 We also ask that the developer is required to provide s106 funds or similar to pay for the improvement of the bridleway network in the area. The proposed scale of the development is such that the funds required to create new bridleways are negligible compared to the overall cost of the proposed development.
- 4.58 Natural England -The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Stour Estuary Special Protection Area (SPA) which is a European site. The site is also listed as Ramsar site and also notified at a national level as the Stour Estuary Site of Special Scientific Interest (SSSI).
- 4.59 In considering the European site interest, the Council should have regard for any potential impacts that a plan or project may have.
- 4.60 On the basis of information provided, Natural England advises that there is currently not enough information to rule out the likelihood of significant effects. Natural England therefore advises that your authority should not grant planning permission at this stage.
- 4.61 The information and evidence gaps could potentially be resolved with additional information formally submitted by the application in order to amend the proposal. This would then provide an opportunity for your authority to repeat your screening to check for the likelihood of significant effects of the project as submitted (i.e. with all new information provided as part of the proposal). Any information gaps should be met by the formal submission of information, so that the project as a whole, i.e. as submitted with all information and measures to protect the European site, can be screened to check whether the likelihood of significant effects can be ruled out.
- 4.62 Natural England advises that the following information should be requested from the applicant, in order to screen the project to check for the likelihood of significant effects:
- 4.63 Given scale and proximity, the issue of recreational disturbance to estuary birds should be considered as the proposals are developed, alone and in combination with other plans or projects. In order to do this it will be necessary to assess the likely recreational impact as a result of the proposals in terms of numbers of people, where and how far they are likely to go, what would they do, which car parks they would visit etc. This kind of information has been developed in a range of other studies. Local relevant examples including the Suffolk Coastal Core Strategy Appropriate Assessment, the Ganges Habitat Regulation Assessment, and the Stour & Orwell recreational disturbance study.
- 4.64 It will also be necessary to look at existing disturbance/recreational activity – are the areas already disturbed, will the proposals contribute significantly to this, and are there other

undisturbed areas of refuge areas nearby? This might mean drawing together existing survey information or doing new surveys.

- 4.65 The sensitivity of the areas people are visiting should also be considered – for example, are there particularly important roost sites or feeding sites which could be disturbed.
- 4.66 Once likely impact has been assessed, mitigatory measures can be considered. Areas of natural green space and walking routes within the development, can contribute to this, but the design and purpose of these measures should be set out against the forecast impacts to demonstrate that mitigation is suitable, with monitoring so that it can be adjusted as necessary.
- 4.67 A range of other mitigation measures including footpath management, screening, signage, wardening, and information provision , may also be considered.
- 4.68 The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure provision, Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement.
- 4.69 Essex County Council Flood Authority Having reviewed the Flood Risk Assessment and the associated documents which accompany the application, we would endorse the application for approval, based solely on the information relating to the surface water and groundwater drainage strategy, with the inclusion of the additional advice which should be addressed before development commences.

5 Representations

- 5.1 A total of 102 representations have been received.
- 5.2 91 representations have been received in support of the development, which are summarised below:
- make Harwich a better place to live;
 - bring vitality and regeneration to Harwich;
 - create more jobs for Tendring residents;
 - boost the economy of the District;
 - deliver new community facilities;
 - create a new night time economy for Harwich;
 - address a current lack of restaurants and leisure facilities;
 - provide new homes including affordable homes for local people;
 - ensure residents spend their money in Harwich as opposed to further afield;
 - bring 1,000 new jobs to Harwich;
 - we need more investment in our towns and Harwich often loses out to the likes of Colchester and Ipswich;
 - help to attract new businesses to Tendring;
 - create a new place for local residents to enjoy;
 - hopefully be the catalyst for further development in the area;
 - regenerate Harwich whilst we wait for development at Bathside Bay to come forward;
 - it would be churlish to turn down £45million of investment in a town that needs it;
 - there are few jobs in the area, with each vacancy chased by more than five people;
 - reinvent Harwich and attract new people to the area;
 - deliver some of the homes that Tendring needs alongside employment space, new shops and leisure opportunities;

- provide young people with more recreation;
- save local residents money in petrol costs and time as they won't have to travel so far for entertainment;
- new homes will help young families get onto the housing ladder;
- there is a huge amount of support amongst local residents and this development will give local people what they want;
- give younger people a chance to get into employment;
- bring real retail choice to the area and attract recognised High Street retailers;
- bring more people to the town which will benefit existing shops;
- attract a new supermarket brand to the town and give people more choice;
- improve the A120 and other associated infrastructure;
- create a new family environment for residents to enjoy;
- provide a better future for the town, particularly for the next generation;
- taken local residents into consideration by installing a bus gate at the development entrance, with traffic off the A120 rather than through Clayton Road and Stour Close;
- sensible development in a good location;
- give young people something to do at the weekends;
- create a new leisure destination;
- support the arguments in favour of dualling of the A120 from Horsley Cross to accommodate increased development;
- open space to north of A120 will benefit walkers and horse riders;
- bring the town into the 21st Century;
- provide places for cruise ship tourists to visit and spend their money; and
- good balance of commercial/residential development and green space.

5.3 Harwich Town Council has no objection to the application, however would like to see the industrial units and those intended for job creation, along with the necessary infrastructure to facilitate those, to be built within the first phase of the development, and, specifically, prior to the residential element.

5.4 Ramsey and Parkeston Parish Council supports the application with: 1) assurances that the works as described for Full approval (9.91 hectares) for the creation of retail shop units, foodstore, petrol filling station, associated highway works and improvements including a new roundabout off the A120 link road, earthworks, service infrastructure and other other associated works and improvements are undertaken prior to any works as described in Outline approval (19.46 hectares) for development of the site to create employment units, café/restaurant units, public house drive thru restaurants, cinema, hotel, internal estate roads and car parking are undertaken, following Full approval; and 2) assurances that vehicular access/egress to the site will be restricted via Clayton Road and Stour Close to emergency vehicles only.

5.5 8 representations were received objecting to the development. The issues raised are summarised below:

- all traffic from the proposed housing development, including buses, will be routed via Stour Close which is only 14ft wide;
- no vehicular access between the housing development and the proposed supermarket/ petrol station meaning the use of Stour Close and Clayton Road for every journey;
- potential 450 extra cars using Stour Close/Clayton Road;
- doubt over the expected job figures given that Morrisons only employs 150 full and part time staff;
- concern about proximity to the refinery and the possible effects of an explosion;

- if A120 gets blocked from an accident or from a flood, all vehicles will be allowed through Stour Close, turning it into a rat run;
- Stour Close joins Clayton Road on a sharp bend;
- lack of schools, doctors etc to cope with the new houses;
- rather than creating jobs, development will take trade away from existing town retail units who will then shed jobs;
- development will ruin views and lower house prices;
- increase in traffic flow which is dangerous in such a small town which has many schools;
- disruption caused by building works;
- town centre and other redundant/underused buildings should be regenerated/redeveloped rather than building on farmland;
- schools, dentists and surgeries are full;
- the area has high unemployment and many people have to travel long distances on inadequate roads for work;
- no need for a new pub because many pubs have closed down from lack of business;
- there are plenty of brownfield sites that should be used;
- concern about construction access being taken from Stour Close;
- the development is not needed;
- the personality of the area will be ruined;
- development will disrupt life and ruin the landscape;
- destruction and permanent loss of habitat;
- four supermarkets and three petrol stations are adequate for the town; and
- A120 unable to accommodate additional traffic.

5.6 3 representations have been received neither objecting to nor supporting the planning application, the points raised are summarised below:

- approval of development should be dependent on social infrastructure, including schools and medical facilities, being expanded to accommodate the likely increase in population;
- approval of housing on the site should be conditional on the prior completion of the business, commercial and retail elements of the scheme;
- new street lighting should be powered by a source, or sources, other than one funded through Essex County Council, Tendring District Council or any other public body;
- there should not be any access to the new estate via Clayton Road and Stour Close;
- concern that the new jobs will not materialise; and
- concern about lack of information about the country park proposed for land north of the A120 and how this will be delivered.

6 Assessment

The Site

6.1 The application site comprises just over 29 hectares of predominantly greenfield agricultural land located between the northern built-up edge of Ramsey and Dovercourt and the A120 Dovercourt Bypass, with a small portion of the site on the northern side of the A120. The site straddles the Harwich and Dovercourt Town Council and Ramsey and Parkeston Parish Council areas across seven individual parcels of that are separated by deep ditches and hedges containing, in selected locations, some mature trees. The site also includes a stretch of the A120 from which access is proposed. The boundary of the site with the A120,

on both sides, is formed by low-lying hedges in the main, interspersed at irregular intervals with some individual mature trees.

- 6.2 The northern third of the site is relatively flat and low lying and falls within an area of flood risk (Flood Zones 2, with a small area north of the A120 in Flood Zone 3) in the valley of Ramsey Creek. The southern two thirds of the land rises considerably up to the established urban edge and the change in of the topography is clearly visible in views from the A120 and elsewhere from the northern parts of the site and from the higher land and established built-up areas to the south from which, in places, offer long distance views over farmland toward the Stour Estuary, the cranes at Parkeston Quay and Felixstowe Port and the tanks at Petrochem Carless Refinery. In the centre of the largest of the seven parcels of land lies an unlisted concrete World War II 'pill box'.
- 6.3 Beyond the boundary of the site to the west lies the complex of agricultural buildings at Pond Hall Farm, north of which is a relatively strong tree-lined field boundary separating the application site from the land beyond, which rises considerably toward Michaelstowe Farm and Ramsey Village. Beyond the southern boundary of the site at the top of the slope is the urban edge of Ramsey and Dovercourt comprising, from west to east, the 1970s and 1990s 'River View' housing estates off Clayton Road and Chevy Court, the large industrial-looking metal-clad but relatively low profile Harwich and District Indoor Bowls Centre building, the relatively recent housing development off Stour Close, the land heavily vegetated area of land north of Durite Works off Valley Road, the long rear gardens serving the row of predominantly inter-war suburban semis in Valley Road and the even larger rear gardens to houses and bungalows on the northern side of Main Road. To the east of the site is land at Greenfields Farm, of which a thin strip of land to the north along the boundary with the A120 has been included in the site boundary. Beyond Greenfield Farm is Dovercourt Cemetery and the centre of Upper Dovercourt.

The Proposal

- 6.4 The proposal is for a major mixed-use development including employment units, café/restaurant units, public house, drive thru restaurants, cinema, hotel, up to 297 residential dwellings, retail shop units, foodstore and petrol filling station along with associated landscaping, open space, car parking and highway works including a new roundabout onto the A120.
- 6.5 The planning application is a 'hybrid'; seeking outline consent for some elements of the development and detailed consent for others. Detailed approval is sought for a 6,422 square metre (sqm) (gross internal area) foodstore (of which 4,078sqm will be net sales area) with a roof level of 11.7 metres, five retail units for non-food goods together comprising 6,352sqm of gross internal floor area (5,399sqm net sales area) and 10.55m in height, along with a petrol filling station. Detail approval is also sought for the earthworks, service infrastructure, car parking and highway works and improvements connected to the retail units and petrol filling station, including the creation of a new roundabout onto the A120 which will also unlock access for the other wider uses proposed for the site and attenuation basins to deal with surface water run-off from across the site.
- 6.6 These retail units would be set within a wider 'zone' of retail and leisure development on 7.5 hectares in the eastern part of the site for which outline consent is being sought. Within this retail and leisure zone, outline approval is sought for just over 5,000sqm of leisure development potentially including restaurants/cafes (both eat-in and drive-thru) (Use Classes A3 and A5) and a cinema (Use Class D2) with space for future expansion with a maximum height of 20 metres. Other uses sought include a hotel (Use Class C1) of up to 2,463sqm gross internal area and 16m in height; a public house (Use Class A4) of up to 651sqm gross internal area and 12m in height.

- 6.7 On 6.3 hectares of land in the low-lying north western part of the site, outline consent is being sought for up to 26,534 sqm of employment space for business and industrial use (Use classes B1, B2 and B8) which is anticipated to include predominantly warehousing with some start-up units. On 8 hectares of land on the south western, higher part of the site, outline consent is being sought for up to 297 new homes with open space.
- 6.8 The principle access to the development would be via the new roundabout proposed for the A120 with a second internal roundabout serving the separate retail/leisure and employment uses and the new housing to the south beyond, for which detailed consent is being sought. A secondary southern access via Stour Close and the Indoor Bowls Centre will also be created but access will be limited through the use of a 'Bus Gate' to buses, cycles and pedestrians. The new A120 roundabout includes a northern spur to provide access to the land north of the A120 which can be extended in the future to serve the a future Harwich Linear Park, although the creation of the linear park itself is not specifically proposed as part of the application.

Architectural Drawings

- 13977/0200 Location Plan
- CWA_13_168_517 Rev P2 Proposed Cut/Fill Isopachytes (Sheet 1 of 2)
- CWA_13_168_518 Rev P2 Proposed Cut/Fill Isopachytes (Sheet 2 of 2)
- CWA_13_168_515 Rev P2 Proposed Earthworks Contours (Sheet 1 of 2)
- CWA_13_168_516 Rev P2 Proposed Earthworks Contours (Sheet 2 of 2)
- 13977/0301 Rev A Parameters Plan – Detailed for Determination
- 13977/0300 Rev A Planning Application Boundaries
- 13977/0302 Indicative Masterplan
- 13977/0310 Rev B Masterplan – Detailed for Determination
- 13977/0311 Rev A Foodstore Elevations – Detailed for Determination
- 13977/0312 Rev A Foodstore Elevations – Detailed for Determination
- 13977/0313 Rev A PFS (Petrol Filling Station) Elevations – Detailed for Determination
- C4-13027-011 Proposed Site Access – Highway General Arrangements
- 13977/0305 Rev A Foodstore – Ground Floor Plan
- 13977/0306 Rev A Retail Plan
- 13977/0307 Rev A PFS (Petrol Filling Station) Plan
- 13977/0340 Proposed Indicative Site Sections
- 13977/0341 Rev B Proposed Typical Retail Bay Section & Elevation for Determination
- CWA_13_168_511 Rev P2 Proposed Drainage Strategy (Sheet 1 of 2)
- CWA_13_168_512 Rev P2 Proposed Drainage Strategy (Sheet 2 of 2)
- CWA_13_168_513 Rev P2 Proposed Surface Finish Contours (Sheet 1 of 2)
- CWA_13_168_514 Rev P2 Proposed Surface Finish Contours (Sheet 2 of 2)

Reports and Technical Information

- Design and Access Statement (September 2014)
- Consultation Assessment (August 2014)
- Planning Statement (September 2014)
- Sustainability Statement (August 2014)
- Interim Commercial Travel Plan (July 2014)
- Residential Travel Plan (July 2014, amended October 2014)
- Habitat Regulation Assessment Screening Report (February 2015)
- Retail Statement (September 2014)
- Environmental Statement (September 2014) which includes, as appendices:
 - Transport Assessment
 - Flood Risk (FRA) and Drainage Strategy

- Landscape and Visual Impact Assessment (LVIA)
- Ecological Survey
- Noise Assessment
- Socio-Economic Assessment
- Arboricultural Impact Assessment
- Air Quality Assessment
- Phase I Geoenvironmental Risk Assessment
- Phase II Geoenvironmental Ground Investigation
- Archaeological Desk Based Assessment (DBA)

The main planning considerations are:

- Principle of mixed use development;
- Delivering employment land;
- Retail and leisure uses and their wider impact;
- Housing supply;
- Green infrastructure, bridleways and Harwich Linear Park;
- Highways, transport and accessibility;
- Flood risk and drainage;
- Landscape and visual impact;
- Ecological impact;
- Archaeological impact;
- Impact upon neighbours; and
- Design.

Principle of mixed-use development

- 6.9 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a material consideration in this regard.
- 6.10 The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. The 2012 Local Plan: Proposed Submission Draft, as amended by the 2014 Local Plan: Pre-Submission Focussed Changes, is the Council's 'emerging' Local Plan.
- 6.11 On 25th March 2014, the Council decided that further substantial revisions to the emerging plan will be required before it is submitted to the Secretary of State to be examined by a Planning Inspector. These revisions will aim to ensure conformity with both the NPPF and the legal 'duty to cooperate' relating mainly to issues around housing supply. A new Local Plan Committee is overseeing this work with a view to a new version of the plan being published for consultation later in 2015.
- 6.12 The application site is allocated, through Policy QL5 in adopted Local Plan, as a 'strategic employment site' for business and industrial use; however no planning applications for pure business or industrial development have come forward since the Local Plan was adopted in 2007.
- 6.13 Paragraph 22 of the NPPF advises against the long-term protection of sites allocated for employment where there is no reasonable prospect of a site being used for that purpose

and it also requires Councils to review such allocations regularly. The Council's 2013 Employment Land Review contains the latest assessment of existing and potential employment sites in the district. The assessment recognises that the application site slopes and suffers from flood risk on its northern part and would require at least one new junction on the A120 for access and therefore development is likely to incur considerable infrastructure costs. The assessment recommends continuing to promote the site for employment use, but with business and industrial development forming part of a mixed-use scheme – offering scope for the delivery of employment uses to be 'cross-funded' with other more lucrative development such as housing or retail.

- 6.14 The NPPF states that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities. In the emerging Local Plan the site is accordingly allocated for mixed-use development through Policy HAD4 including a minimum of 5 hectares for business, industrial or port related uses; up to 9 hectares for alternative employment uses that could include retail and pub/restaurant/hotel use; and up to 8 hectares for residential development. During consultation on the emerging Local Plan, this policy attracted a significant level of local support during the last Local Plan consultation exercise including a petition signed by 237 residents.
- 6.15 There has been no commercial interest in developing the site purely business and industrial use since 2007 and the evidence in the latest Employment Land review strongly suggests that such a development is unlikely to be economically viable. Given the thrust of the NPPF to promote economic growth and housing development and the limited level of objection to, and considerable support, for a mixed-use development, Officers consider that more weight should be given the emerging policy and therefore, in principle, a mixed-use development should be approached with a view to approve, subject to compliance with other policies.

Delivering employment land

- 6.16 The development of employment units on this site for business, industrial and warehousing use (Use Classes B1, B2 and B8) is fully in accordance with both the adopted and emerging Local Plan and the thrust of the NPPF to encourage business investment and job creation. Although the amount of land promoted for employment use is considerably less than envisaged in the adopted Local Plan, for the reasons explained above, without mixed-use development including higher-value land-uses to help cross-fund the infrastructure, in particular the roundabout onto the A120, it is highly questionable whether employment-related development is ever likely to be achievable on this site.
- 6.17 Emerging Policy HAD4 states that a minimum of 5 hectares of land will be restricted to employment-related development in Classes B1, B2 or B8, or port related uses (criterion c). 6.3 hectares is proposed for these uses in this planning application and it is therefore in line with the emerging policy.
- 6.18 Because the principle objective of allowing development on this site is to generate economic growth and deliver employment opportunities for the people in the Harwich area, reasonable safeguards would need to be put in place in approving this planning application for mixed-use development to ensure that the proposed employment units are actually delivered and that the full comprehensive package of growth and economic benefits is achieved. Only by delivering the full package of development can the arguments in favour of development outweigh the concerns, explained below about retail impact.
- 6.19 Harwich Town Council has specifically suggested that the employment element of the scheme must come forward before the residential element and Ramsey and Parkeston

Parish Council has suggested that the foodstore and petrol filling station ought to be developed before the employment units.

- 6.20 The applicant has indicated a willingness to accept the approval of the application subject to a planning condition that seeks to control phasing to ensure the full package of development comes forward in a timely manner. The applicant envisages development coming forward in the following phases: 1) Spine road, access of A120 and site infrastructure; 2) foodstore, petrol filling station and the five non-food retail units; 3) the cinema, restaurants and pub; 4) business and industrial units and warehousing; and finally 5) residential development. The proposed phasing appears to be in line with the wishes of Harwich Town Council and Ramsey and Parkeston Parish Council and Officers recommend a condition requiring a more detailed phasing plan, along these lines, to be submitted to the Council for consideration and approval prior to the commencement of development.

Retail and leisure uses and their wider impact

- 6.21 The retail and leisure uses proposed for the site would, in themselves, generate economic growth, widen customer choice and provide additional employment opportunities for the people in the Harwich area. Criterion c) in emerging Policy HAD4 allows for up to (but no more than) 9 hectares of the site to be developed for alternative employment uses outside of Use Classes B1, B2 and B8 which could include retail and pub/restaurant/hotel use. Such alternative uses represent 'higher-value' development that would be essential to fund and therefore enable the infrastructure needed to unlock the full development potential of the wider site.
- 6.22 Although the principle of developing a foodstore, other retail units, a hotel, a cinema and restaurant/cafes is in line with the emerging policy, any development of retail and leisure uses in an 'out of centre' location such as this also requires careful detailed assessment to ensure it does not detract from the vitality and viability of existing town centres. Paragraph 24 of the NPPF requires Councils to apply a 'sequential test' to such proposals, requiring the use of town centre sites or, failing that, 'edge of centre' sites, as a priority over out of centre locations. Where, following the sequential test, an out of centre location is considered to be justified, paragraph 26 of the NPPF requires Councils to request an 'impact assessment' for any development involving the creation of 2,500 square metres or more of new floorspace. This must include an assessment of the impact of the proposal on town centre investments and on the vitality and viability of town centres. Where applications fail to satisfy the sequential test or the development is likely to have a significant adverse impact on established town centres, paragraph 27 of the NPPF says that applications should be refused.
- 6.23 The applicant submitted a Retail Statement with the application which suggests that there should be no significant adverse impact on town centre vitality and viability and that the proposal will deliver a significant enhancement to the retail offer in the Harwich and Dovercourt area which is current losing a significant amount of customer trade to locations further afield.
- 6.24 The applicant's Retail Statement has been independently tested, on the Council's instruction, by consultants GVA. For the sequential test, GVA suggests that the applicant's assessment could have gone further to explore the potential to accommodate the proposed retail and leisure development on 'sequentially-preferable sites' within or closer to the town centres, including being more flexible in terms of the scale and format of the proposal. However, the development would need to be significantly smaller for any of these sites to be suitable and would provide no benefit in helping to fund the infrastructure needed to unlock the wider economic potential of this particular site. On balance, Officers consider that whilst there are some sequentially-preferable sites with the potential to accommodate some retail and leisure uses, it is reasonable to discount them on the basis that they would

not be large enough to accommodate a comprehensive development of this scale which seeks to deliver wider economic and social benefits.

- 6.25 GVA's independent appraisal has also raised some concerns about the applicant's assessment of the impact of development on the vitality and viability of existing town centres. It is suggested that the applicant could have underestimated the potential turnover of the proposed retail units and that attracting national multiple retailers to this modern out of town facility, could have the effect of drawing away more than 10% of Dovercourt Town Centre's current trade. For the cinema and food and drink uses, GVA acknowledges that they will add to choice and competition in the local area and lead to a shortening in the length of cinema-going trips, but there is some concern that the mix of uses proposed for the new development will create a 'quasi town-centre environment' that would compete with and potentially detract from the existing town centre.
- 6.26 The advice provided by GVA suggests that the Council would be justified in refusing the planning application in line with paragraph 27 of the NPPF. However, to do so would not recognise the specific wider benefits of this development in unlocking land for employment use and new housing and to bring greater overall consumer choice to the Harwich area, a concept that appears to have attracted considerable local support. Also, given the long-standing lack of commercial interest in developing the site for business and industrial use, refusing this application on the grounds of retail impact would effectively rule out any reasonable prospect of unlocking the economic potential of the site and would bring into question its use for any development purpose other than perhaps housing.
- 6.27 Mindful of the arguments both for and against the retail and leisure element of the development proposal, Officers consider that the principle benefit of unlocking this strategically important site to provide a range of much needed employment opportunities alongside new housing, on balance, should outweigh the potential harm to the existing town centres, if measures are put in place to minimise or mitigate the impact.
- 6.28 Officers consider that the most likely effect of constructing a new foodstore is to draw trade away from the town's existing ASDA and Morrison supermarkets than shops within the town centres and that the construction of a multiplex cinema is likely to assist in widening the leisure offer for the people of Harwich and reducing the need or temptation to travel further afield to say Colchester or Ipswich for such entertainment. Officers do recognise however that the proposed non-food retail units could have the most negative effect on town centres, particularly if they are likely to compete on a like-for-like basis in terms of the range, quality and price of goods on offer.
- 6.29 To minimise the potential effect of the development on the vitality and viability of the existing town centres and planned investment the following controls can be considered:
- Controls on gross floor areas and use classes
 - Minimum unit sizes
 - No unit will be occupied by a retailer that at the date of occupation or within a period six months prior to occupation was present within Dovercourt town centre
 - Within at least two of the permitted non food retail units at least 50% of the retail floor space will be first used for at least the first six months for clothing; footwear; and ancillary items
- 6.30 In addition, Officers have considered whether some of the impact could be offset through measures to improve the town centre environment and a contribution towards the projects contained within the Dovercourt Rediscovered document will be considered.

Housing supply

- 6.31 Councils are required through paragraph 47 of the NPPF to identify a supply of deliverable housing sites that can accommodate 'five-years' worth of housing development, plus a 'buffer' of 20% (in areas with consistent under-delivery of housing) against the 'objectively assessed' need for housing. Where Councils are unable to identify sufficient land to meet this requirement, paragraph 49 of the NPPF dictates that housing policies are 'out-of-date' and that the 'presumption in favour of sustainable development', as set out in paragraph 14 of the NPPF should apply.
- 6.32 In March 2015, the Council was only able to identify a 2.9 year supply and therefore the presumption in favour of sustainable development is engaged, requiring the Council to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole, or specific policies in the NPPF indicate that development should be restricted. 'Sustainable development', as defined in the NPPF, has three dimensions: an economic role, a social role and an environmental role.
- 6.33 In principle, Officers support the inclusion of housing development within the mix of uses proposed for the site. The application proposes residential development on no more than 8 hectares of the site, in accordance with emerging Policy HAD4 (criterion e), including up to 297 dwellings and open space. Whilst this application only seeks outline consent and matters of detailed design and layout would be considered through a reserved matters application, Officers have considered whether development up to 297 dwellings would be acceptable on this part of the site as a matter of principle.
- 6.34 If 10% of the 8 hectare site is provided as open space in accordance with Policy COM6 in the adopted Local Plan, a development of 297 dwellings over 7.2 hectares would represent a net dwelling density of just over 41 dwellings per hectare. Policy PEO3 in the emerging Local Plan sets out the factors that should be taking into account when assessing the density of a scheme. These are:
- a) accessibility to local services;
 - b) Minimum internal floor area and private amenity space standards (as set out in emerging Policy PEO4);
 - c) The required mix of housing;
 - d) The character of development in the immediate area; and
 - e) On-site infrastructure requirements (such as green infrastructure and highways).
- 6.35 Given that the new homes would be one element of a wider 'hub' of retail, leisure and employment, the site performs well in accessibility terms and therefore support a higher-than-average density of housing development included some flatted development, as proposed. Minimum internal floor areas and amenity space standards will need to be complied with through the approval of reserved matters, although it is accepted that the emerging plan is yet to be adopted following examination and these standards are the subject of unresolved objections and therefore will therefore need to be applied flexibly and pragmatically.
- 6.36 The mix of housing suggested in the application would again be for later approval at reserved matters stage, but the indicative proposal suggests 72 x 2-bed flats 12 x 2-bed houses, 148 3-bed houses and 65 x 4-bed houses. Although the provision of flats runs contrary to emerging Policy PEO12 which prefers town centre locations and sites close to

railway stations, flatted development could be acceptable on this site as it will be highly accessible to new retail, leisure and employment opportunities. As an indicative proposal at this stage, Officers consider that the mix of dwelling size and type being suggested would be broadly acceptable in line with the national and local policy on providing a choice of housing.

- 6.37 Looking at existing developments in the immediate area, the only development to which the new site might look for context is recently built housing of Stour Close which has an average density of just over 31 dwellings per hectare but contains no flats. There appears to be no strong sense of residential character or design on or immediately adjoining the site and which would suggest that the proposed density would be unacceptable in respect of the character and appearance of the area which will change considerably anyway as a result of the commercial elements of the development.
- 6.38 Policy PEO10 in the emerging Local Plan requires 25% of new dwellings on large sites to be made available to the Council to acquire at a discounted value for use as Council Housing. The policy does allow flexibility to accept as low as 10% of dwellings on site, with a financial contribution toward the construction or acquisition of property for use as Council Housing (either on the site or elsewhere in the district) equivalent to delivering the remainder of the 25% requirement. The applicant has indicated that they are willing to comply with this more flexible approach and it is proposed that the on-site Council Housing (up to 29 units) with a financial contribution toward provision elsewhere be secured through a section 106 legal agreement, subject to economic viability.
- 6.39 Some of the objections from residents raise concern about the impact of the additional homes on the capacity of schools and doctors surgeries. Essex County Council as the local education authority have advised that whilst local primary and secondary schools should have sufficient capacity to accommodate the additional children likely to result from the development, a financial contribution of £330,169 has been requested toward the provision of Early Years and Childcare facilities. The NHS has advised that 297 new homes will impact significantly upon one of the town's GP practices that has insufficient capacity to accommodate additional patients arising from the development. A financial contribution of £89,560 toward increasing health capacity in the area has been requested.
- 6.40 The impact of the development on schools and surgeries can therefore be mitigated through appropriate financial contributions that will be secured through a s106 legal agreement. The location and layout of the minimum 10% on-site open space requirement would also be agreed at reserved matters stage but the principle of 106 legal agreement to secure its lay-out and transfer to the Council for future maintenance.
- 6.41 In conclusion, the new housing proposed as part of this development would make a valuable contribution toward meeting the district's projected housing need, particularly given the current lack of a five-year supply of deliverable housing sites. Housing, as a higher-value land use, will also help cross subsidise the essential infrastructure needed to unlock the full economic potential of the site. The impact of the increase in population arising from this scale of development on local schools and GP surgeries can be mitigated through developer contributions. Officers consider that a development of up to 297 dwellings as part of this mixed use development is acceptable in principle, with details to be approved at a later stage.

Green infrastructure, bridleways and Harwich Linear Park

- 6.42 Criterion f) of Policy HAD4 requires that the development contributes toward the delivery of the new Harwich Linear Park through the provision of land north of the A120, the creation of pedestrian and cycle links between the development and that land and the provision of vehicular access via the new roundabout. In response to this requirement, the application

proposes that the new roundabout on the A120 includes a stub access to the land north of the A120 along with non-signalised pedestrian links and cycle links crossing the A120.

- 6.43 The Essex Bridleways Association has objected to the proposal on the basis that opportunities to widen and enhance the bridleway network have not been taken up. It has suggested that circular bridleways could be incorporated into the Linear Park or financial contributions toward bridleways in the wider area could be secured through s106. The Council's Principal Tree and Landscape Officer has also requested securing land north of the A120 for Harwich Linear Park to increase public access and links to the open countryside that will benefit the health and wellbeing of local residents and visitors to the area and provide an opportunity to extend the existing 'Sustrans' path from Harwich to Dovercourt.
- 6.44 The application does not include the provision of land for the Linear Park although a substantial area of land north of A120 is within the applicants wider ownership and, falling within Flood Zone 3, has no development potential or value. To comply fully with the spirit of emerging Policy HAD4 and to deliver a phase of the Linear Park, a long-term project originally identified as part of the Haven Gateway Partnership's Green Infrastructure Strategy, Officers propose securing the transfer of and agreeable area of land north of the A120 for green infrastructure, including bridleways and walkways/cycleways, to the Council through a s106 legal agreement, with a financial contribution toward its layout and maintenance.

Highways, transport and accessibility

- 6.45 Criterion a) of emerging Policy HAD4 requires that the principle point of vehicular access for commercial uses on the site will be via a new roundabout on the A120 and criterion b) requires that the principle point of access for the new housing will be via Stour Close. The application proposes the creation of A120 roundabout linking to a central spine road that serves the proposed uses to the east and west. However, following the applicant's public pre-application public consultation exercises which revealed considerable local concern about access to the new homes via Stour Close, the application proposes access to all the proposed uses, for cars, via the new A120 roundabout.
- 6.46 The access via Stour Close will be restricted to buses, pedestrians and cycles with use of a 'bus gate' to prevent access by cars. Because this alternative approach has been informed by local consultation and there are no objections from either the Highways Agency or Essex County Council as the local highway authority, Officers consider that non-compliance with criterion b) of Policy HAD4 is acceptable.
- 6.47 The applicant has provided a Transport Assessment as part of its Environmental Statement which has assessed the current levels of access to sustainable transport modes such as walking, cycling and public transport, along with the likely the impact of the proposed development on the local highway network. Both the Highways Agency and Essex County Council as the local highways authority have considered this information and have concluded that the impacts of the development would be acceptable, subject to a number of conditions which are proposed.
- 6.48 The proposal includes additional cycle, footpath and road connections and the applicants plan to engage local bus operators and Essex County Council in diverting bus routes to the proposed development. Proposed planning conditions will require details of bus services, provision of new bus stops and necessary improvements to existing stops for the Council's agreement. As requested by Essex County Council, the applicants have prepared a Travel Plan which, subject to the ECC's agreement will be employed to encourage both employers and residents on the site to encourage the uptake of sustainable transport modes. The proposal does also provide for adequate parking space to serve the customers, employees

and residents using the development, in line with Essex County Council's adopted standards.

Flood risk and drainage

- 6.49 Northern parts of the site are low-lying and fall within the Flood Zone 2, with part of the land north of the A120 in Flood Zone 3. The NPPF and relevant Local Plan policies seek to direct new development, through a 'sequential approach' to land at the lowest risk of flooding. The residential development is the land use most vulnerable to flood risk but this element of the scheme falls outside of the flood risk area (Flood Zone 1). The commercial elements of the proposal are considered less vulnerable to flood risk and are considered to be acceptable uses for the lower-lying parts of the site within Flood Zone 2. No built development is proposed for Flood Zone 3. The Environment Agency has confirmed that it has no objections to the proposal on fluvial flood risk grounds.
- 6.50 On any development larger than 1 hectare of affecting a flood risk area, the NPPF requires a Flood Risk Assessment to be undertaken and for the risk of flooding, including surface water flooding, not to be worsened as a result of development, where possible reducing flood risk overall. The applicant has submitted a Flood Risk Assessment and a Drainage Strategy as part of the Environmental Statement. These have been considered by the Environment Agency and Essex County Council as the authority for sustainable drainage, both of whom confirm that flood risk and drainage issues can be addressed by the development, subject to their suggested planning conditions.

Landscape and visual impact

- 6.51 It is accepted that a development of this scale in this location will have a significant landscape and visual impact, particularly given the rising topography of the site and its prominent location on the A120. The sustainable location of the site and its ability to deliver considerable economic and social benefits including employment opportunities and new housing have justified its allocation in both the adopted and emerging Local Plans and, on balance, the inevitable detrimental impact on the landscape is outweighed.
- 6.52 Policy EN1 in the adopted Local Plan and Policy PLA5 in the emerging Local Plan seek to ensure that landscape character is protected and wherever possible enhanced, in particular the seek to ensure that natural and man-made features that contribute to local distinctiveness are conserved.
- 6.53 The applicant has submitted a Landscape and Visual Impact assessment which has been considered by the Council's Principle Trees and Landscape Officer. The application proposes a net gain of 4.3 hectares of native trees and vegetation which will complement and enhance some of the trees and hedges already present on the site and help soften the appearance of the development. Extensive landscaping along the A120 will help to reduce the visual impact of hard development on the wider landscape. A detailed landscaping plan will be required through a planning condition and Officers are satisfied that, subject to the landscaping being agreed and implemented, the visual and landscape impacts will be acceptable.

Ecological Impact

- 6.54 The application site is not specifically designation as site of international, national or local importance to nature conservation but on an undeveloped site like this, it has been important to assess both the impact of development any wildlife that might exist on or around the site and any possible impact on designated sites in the surrounding area. This is a requirement of the NPPF and both adopted and emerging Local Plan policy.

- 6.55 Natural England, in its original comments on the application highlighted the proximity of the site to the Stour Estuary Special Protection Area (SPA) which is also listed as a Ramsar Site and a Site of Special Scientific Interest (SSSI) and requested that more information be provided as to the possible effects of the proposal on this area. This included information about the likely recreational impact as a result of additional people, where and how far they are likely to go, what they would do and how this might affect wildlife in the protected area.
- 6.56 In response, the applicant has prepared a Habitat Regulation Assessment (HRA) Screening Report which has provided an initial assessment of likely impacts of additional residents and tourism resulting from the development on the areas of international importance for nature conservation. The assessment has concluded that the development is unlikely to have any significant effects on these designated areas and that a further, more detailed stage 2 assessment is not necessary. Natural England have since confirmed that the HRA assessment provides the information that was required and that it has no objection to scheme.
- 6.57 For the application site itself, the applicants have submitted a Phase 1 Habitat Survey as part of the Environmental Statement combined with surveys for reptiles, birds, dormice, great crested newts, badgers, water voles and bats. The surveys identified that site does have some ecological value but that mitigation measures can be put in place to conserve and offset any adverse impacts whilst creating a more viable habitat overall. Mitigation measures include new reptile habitats, bat boxes and 'bat bricks' and new nesting sites which would be secured through planning conditions.

Archaeological Impact

- 6.58 Essex County Council's archaeological department has advised that the site might have the potential for important archaeological artefacts beneath the ground including evidence relating to the interaction of human and natural process and vegetational, climatic and coastal changes in the area's history. Concern is also raised about the proposed loss of the World War II Pill Box occupying the centre of site which, whilst not listed, is of local importance and should ideally be retained.
- 6.59 It is not intended that the Pill Box be retained within the scheme and, if it were, its significance would be effectively undermined by the development proposed around it. Through planning condition, it is proposed that before the Pill Box is removed, it is subject to a programme of archaeological recording in line with paragraph 141, as requested by ECC. A condition is also proposed to secure a programme of trial trenching followed by open area excavation prior to the commencement of development, as requested by ECC.

Impact upon Neighbours

- 6.60 Being an edge of town site, the only adjoining neighbours, most likely to be affected, are the residential properties at 'River View' off Clayton Road and Chevy Court; the relatively recent development off Stour Close and in Valley Road along with the Harwich and District Indoor Bowls Club and the industrial premises at the Durite Works.
- 6.61 Although a small number of objections have been received concerned about the impact on traffic and views, the concerns over traffic are addressed by limiting access via Stour Close to busses, cycles and pedestrians only through the use of a 'bus gate' and the loss of views is not a material planning consideration. The topography of the site, the proposed access arrangements and the proposed use of landscaping along with the healthy distances achievable between existing properties and the new development mean that the impact on neighbours is expected to be very limited.

- 6.62 As part of the Environmental Assessment, the applicant has submitted a noise report which assessed the effects of noise pollution during the construction and operation phase of the development. The report recognises that the construction phase of development will have a temporary adverse effects on noise for which measures will need to be put in place to control and for which a condition is proposed. For the operational phase of development, the impact of noise is anticipated to be negligible, other than for the service yards which might generate some minor adverse levels of noise.

Design

- 6.63 As a hybrid application, the only element of the proposal for which detailed approval is sought, and for which detailed design needs to be considered, is the proposed foodstore, five retail units and the petrol filling station, along with associated groundworks and infrastructure. For the elements of the scheme proposed in outline, maximum building heights are proposed.
- 6.64 For the foodstore and non-food retail units, the customer facing elevations adjacent to the car park will use full height glazing with a canopy over the store. Other materials include durable metal cladding and roofing as well as timber to add warmth and tone and the buildings are proposed to meet BREEAM standards of energy efficiency.
- 6.65 Design is subjective and the NPPF discourages Councils from seeking to impose architectural styles or tastes or seeking to stifle innovation, originality or initiative. The emphasis in the NPPF is to promote or reinforce local distinctiveness. Because this is an undeveloped site with no surrounding development of any particular architectural significance with which new development could seek to respect or reflect, and the development is to be part of a wider package of new land uses including employment units, cinema, hotel pub etc which will have their own functional appearance and character, Officers consider the proposed design to be acceptable for this location.

Other Impacts

- 6.66 In its original comments, the Environment Agency raised concerns about the proposed Petrol Filling Station and the possibility of contaminants leaching into the soil and polluting the area's groundwater supply. The applicant has since confirmed to the Environment Agency that the oil storage for the petrol filling station will be above ground and the Environment Agency has subsequently confirmed the removal of its original objection.
- 6.67 Anglian Water has confirmed that the sewage treatment network should have sufficient capacity to deal with the levels of additional waste water likely to result from the development but has recommended conditions requiring a foul water strategy and a surface water management strategy to ensure any environmental and amenity problems that might arise from flooding are prevented.
- 6.68 The applicant has undertaken an Air Quality Assessment as part of its Sustainability Assessment which identifies that there would be some detrimental effects on air quality during the construction phase but stringent control measures would be put in place to mitigate against these effects. During the operation phase, once the development is complete, effects on air quality would not be significant.

Conclusion

- 6.69 The application has been assessed in relation to the policies of the NPPF; NPPGs; and relevant adopted local plan and emerging local plan in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2014. The application has been assessed in relation to the following issues and potential impacts:

- Principle of mixed use development;
- Delivering employment land;
- Retail and leisure uses and their wider impact;
- Housing supply;
- Green infrastructure, bridleways and Harwich Linear Park;
- Highways, transport and accessibility;
- Flood risk and drainage;
- Landscape and visual impact;
- Ecological impact;
- Archaeological impact;
- Impact upon neighbours; and
- Design.

6.70 The application proposals have been screened in accordance with the Town and Country Planning Environmental Impact Regulations 2011 and, in line with the Council's recommendation that EIA was required, the applicant has submitted a detailed Environmental Statement.

6.71 In summary the main considerations are:

- The application has been assessed in accordance with Section 38 (6) of Act and taking account of all other material considerations.
- The application is a 'hybrid' seeking detailed approval only for the foodstore, five retail units and petrol filling station and associated groundworks and infrastructure and outline approval for the other elements of the scheme including the cinema, pub, hotel, restaurant/cafes, employment units and housing.
- The site is undeveloped greenfield land between the edge of the urban area of Dovercourt and part of Ramsey and the A120.
- Part of the site is low lying and at risk of flooding.
- The site is allocated in the adopted Local Plan for business and industrial development and in the emerging Local Plan for mixed use development and the change in policy reflects evidence contained within the Council's latest Employment Land Review.
- There has been no genuine commercial interest in developing the site for pure business and industrial use since the adopted of the Local Plan in 2007 because of the high infrastructure costs associated with accessing the site.
- Mixed-use development including higher-value uses such as retail, leisure and housing alongside employment units is a more viable form of development that can better address the prohibitive infrastructure costs and unlock the economic potential of the site.
- Consultants have advised the Council that the retail and leisure elements of the development, as proposed, are likely to have an adverse impact on the vitality and viability of Harwich and Dovercourt Town Centres which could justify the refusal of planning permission in accordance with the NPPF.
- The wider economic and social benefits of the proposal have been taken into account in weighing up the advantages and disadvantages of the proposal and Officers are of

the view that the benefits should outweigh the harm, although measures are proposed to reduce the potential harm to the town centres.

- The proposal will create a considerable number of new jobs if implemented in full and it is recommended, through a planning condition, that a phasing plan is prepared and agreed to ensure that the employment-related elements of the development precede the construction and occupation of the new homes.
- The new homes would make a valuable contribution toward meeting the projected future need for housing and given the location within a mixed-use scheme including new job opportunities, shops and leisure facilities a medium density housing development with up to 297 dwellings including some flats and 10% on-site affordable housing would be acceptable.
- The impacts of the new housing development on schools and doctor surgeries can be addressed through financial contributions, as requested by Essex County Council and the NHS.
- The development proposes footpath, cycleway and road access into land north of the A120 as a contribution toward the creation of the Harwich Linear Park and it is recommended that some of the land north of the A120 is secured through a s106 agreement to be laid out for this purpose, including the provision of bridleways.
- Flood risk issues have been considered with housing being limited to the land outside of the flood risk area and less-vulnerable commercial uses proposed for the lower-lying more vulnerable parts of the site – an approach that is acceptable, in principle, to the Environment Agency.
- A Flood Risk Assessment and Drainage Strategy has been submitted with the application which demonstrates that surface water flooding resulting from development on the site can be managed through the use of sustainable drainage systems and conditions are proposed requiring the submission of detailed plans for the Council's approval, in liaison with the Environment Agency and Essex County Council.
- Highways impacts have been considered and both the Highways Agency and Essex County Council Highways have no objection, subject to their suggested planning conditions being applied.
- Access to the site from Stour Close is to be restricted using a 'bus gate' to buses, pedestrians and cycles in response to the concerns of local residents.
- The landscape, visual and ecological impacts of the scheme have been considered and, subject to conditions requiring landscaping and other mitigation measures, the impacts are considered to be acceptable.
- The unlisted World War II Pill Box in the centre of the site will not be retained within the development but conditions are proposed requiring archaeological recording before it is removed as well as trial trenching and open area excavation of the wider site for archaeological remains.
- The development is not expected to have an unacceptable impact on neighbours.
- The detailed design of the proposed foodstore, retail units and petrol filling station are considered acceptable for this location.

- There have been a large number of representations received that are in support of the proposal and very few objections and the proposal is supported, in principle, by both Harwich Town Council and Ramsey and Parkeston Parish Council.
- In considering the proposal against the NPPF presumption in favour of sustainable development, Officers consider that the social, environmental and, on balance, economic effects of the proposal would be positive.

6.72 There are a number of considerations relevant to the application proposal which require a balanced judgement to be made. On the basis of the details and assessment in this report officer's recommend that the application is approved subject to the completion of a Section 106 planning obligation and a number of controlling conditions as outlined within the recommendation at the head of the report.

Background Papers

None.