



PLANNING COMMITTEE

DATE: Wednesday 28 March 2018
TIME: 6.00 pm
VENUE: Council Chamber, Council Offices,
Thorpe Road, Weeley, CO16 9AJ

MEMBERSHIP:

Councillor White (Chairman)	Councillor Cawthron
Councillor Heaney (Vice-Chairman)	Councillor Everett
Councillor Alexander	Councillor Fowler
Councillor Baker	Councillor Hones
Councillor Bennison	Councillor McWilliams
Councillor M Brown	

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Meeting papers can be provided, on request, in large print, in Braille, or on disc, tape, or in other languages.

For further details and general enquiries about this meeting, contact Katie Sullivan on 01255686585.

DATE OF PUBLICATION: FRIDAY 16 MARCH 2018

AGENDA

1 **Apologies for Absence and Substitutions**

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

2 **Minutes of the Last Meeting (Pages 1 - 10)**

To confirm and sign as a correct record, the minutes of the meeting of the Committee, held on 6 March 2018.

3 **Declarations of Interest**

Councillors are invited to declare any Disclosable Pecuniary Interests or other interest, and nature of it, in relation to any item on the agenda.

4 **A.1 - Planning Application - 17/02168/OUT - Land West of Low Road, Dovercourt, CO12 3TR (Pages 11 - 32)**

Erection of 300 dwellings with vehicular access from Low Road, green infrastructure provision including children's play area, footpaths and cycle ways, structural landscaping, related infrastructure and service provision.

5 **A.2 - Planning Application - 17/02136/FUL & 17/02119/ADV - The Cottage Site, Ipswich Road, Colchester, CO4 9HB (Pages 33 - 54)**

1). Development of currently vacant site by way of the erection of single storey building for mixed A3/A5 use incorporating a drive thru lane, car and cycle parking and associated landscaping and boundary treatment.

2). Proposed illuminated & non-illuminated elevational signage & freestanding signage.

6 **A.3 - Planning Application - 18/00175/FUL - 18 Poplar Way, Kirby Cross, Frinton-on-Sea, CO13 0QX (Pages 55 - 58)**

Extension to existing garage.

7 **A.4 - Planning Application - 18/00071/FUL - Former Public Conveniences, Marine Parade, Dovercourt, CO12 2RA (Pages 59 - 64)**

Change of use from redundant public conveniences to cafe/restaurant. Internal alterations, new windows, stair access to roof, removal of rooflights, balustrade around roof area, and erection of waste storage area.

Information for Visitors

FIRE EVACUATION PROCEDURE

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**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY, 6TH MARCH, 2018 AT 6.00 PM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY,
CO16 9AJ**

Present:	Councillors White (Chairman), Alexander, Baker, Bennison, M Brown, Everett, Fowler, Hones and Turner (except item 97 (part))
Also Present:	Councillors Bray, Nicholls (except items 99 - 101) and Scott (items 92 – 95 only)
In Attendance:	Cath Bicknell (Head of Planning), Ian Ford (Committee Services Manager), Charlotte Parker (Solicitor (Property, Planning and Governance)) and Susanne Ennos (Planning Team Leader)

92. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were apologies for absence received from Councillors Cawthron (with no substitute), Heaney (with no substitute) and McWilliams (with Councillor Turner substituting).

93. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee, held on 30 January 2018, were approved as a correct record and signed by the Chairman.

94. DECLARATIONS OF INTEREST

Councillor White, in relation to Planning Application 17/02080/DETAIL, declared that he was a former Trustee of St Osyth Beach Estate Ltd who was the applicant. However, in the light of the fact that it was two years since he had resigned as a Trustee he confirmed that he was not pre-determined on this application.

Councillor Turner, in relation to Planning Application 17/01286/FUL, declared that he was pre-determined on this application. He stated that he would speak on the application as a member of Frinton and Walton Town Council and as an adjacent Ward Member but he that would then withdraw from the meeting whilst the Committee deliberated on the Application and reached its decision.

Councillor Alexander, in relation to Planning Application 17/02143/FUL, queried whether he needed to declare an interest insofar as he was a member of the same political party. The Solicitor (Charlotte Parker) informed Councillor Alexander that membership of the same political party did not automatically mean that a Member had an interest and he needed to consider whether there was a strong personal relationship involved.

Councillor M Brown, in relation to Planning Applications 17/02080/DETAIL and 17/01955/OUT, declared an interest insofar as he was a member of Weeley Parish Council who had made representations on those applications. He stated that he would not take part in the deliberations or decision making of either application.

Councillor Nicholls, who was present in the public gallery, declared an interest in relation to Planning Application 17/00927/DETAIL insofar as he was a local Ward Member.

Councillor Bray, who was present in the public gallery, declared an interest in relation to Planning Applications 17/02080/DETAIL and 19/01955/OUT insofar as he was a local Ward Member.

95. A.1 - PLANNING APPLICATION - 17/00927/DETAIL - LAND TO THE EAST OF TYE ROAD, ELMSTEAD, CO7 7BB

Councillor Nicholls, who was present in the public gallery, had earlier in the meeting declared an interest in relation to this Planning Application insofar as he was a local Ward Member.

Members recalled that this application had been deferred at Planning Committee on 29 November 2017 as the Committee had considered that they did not have enough information from the Highways Authority to justify departing from their standard policy of a 2 metre wide footpath and reducing to 1.5 metres. At that meeting it was requested that a site visit be arranged to enable Councillors White, Baker, Everett and Planning Officers to meet with a representative from the Highways Authority. Furthermore, the Committee had requested the re-measurement of the entire width of the footpath in order to establish if it was the same width, as it was evident that existing hedgerows would be restrictive.

Members were informed that the requested meeting had taken place on 10 January 2018 and following the site visit, further information had been provided by Essex County Council Highways who had reaffirmed their position of no objection.

It was reported that this application had originally been referred to the Planning Committee at the request of Councillor Nicholls, a local Ward Member.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Team Leader (SE) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of a correction to the wording of paragraph 6.14 contained in the Officers' report.

The Chairman reminded the Committee that only those Members who had considered the application at the meeting held on 29 November 2017 were eligible to consider and decide on the application at this meeting.

Following discussion by the Committee, it was moved by Councillor Everett, seconded by Councillor Alexander and **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following conditions:

1. In accordance with approved plans; and
2. Footpath and highways works as shown on the approved plans to be provided prior to the commencement of development.

96. **A.2 - PLANNING APPLICATION - 17/01318/FUL - LAND AT ROBINSON ROAD, BRIGHTLINGSEA, CO7 0ST**

Members recalled that this application had been deferred at Planning Committee on 3 January 2018, to enable further discussions and investigations to take place between Officers and the applicant with regards to the following:

- The need for an emergence survey for any potential bat roosts on the application site;
- The need for a Phase 2 Survey for the potential hibernation of Great Crested Newts on the application site;
- The potential removal of vehicular access from the application site onto Wilfreds Way;
- The proposed removal of the hedgerow along the Robinson Road frontage and the width of that road; and
- The undersized gardens in relation to certain plots within the application site.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Team Leader (SE) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of one additional letter of representation that had been received.

The Chairman reminded the Committee that only those Members who had considered the application at the meeting held on 3 January 2018 were eligible to consider and decide on the application at this meeting.

Following discussion by the Committee, it was moved by Councillor Alexander, seconded by Councillor Bennison and **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to:

- a) Within six months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where relevant):
 - Open Space – Transfer of land and future maintenance contribution or setting up of management company
 - Financial Contribution towards play space (£60,035.63)
 - Education contribution toward early years and childcare; primary and secondary education
 - 6 no. gifted dwellings for affordable housing
 - Financial contribution of £39,905 towards healthcare provision
- 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 (or the equivalent authorised officer) in their discretion considers appropriate).

Conditions:

1. Standard 3 year time limit for commencement;
 2. Accordance with approved plans;
 3. No work to take place until a detail surface water drainage scheme has been agreed;
 4. No work to take place until a scheme to minimise risk of off-site flooding during construction has been agreed;
 5. No work to take place until a surface water drainage system maintenance plan has been agreed;
 6. Maintain yearly logs of the agreed surface water drainage system maintenance plan;
 7. Development to be carried out in accordance with the mitigation measures set out in the Ecological Assessment and Habitats Regulations Assessment Screening Report;
 8. An Ecological Mitigation and Management Plan to be submitted and agreed;
 9. Submission of an Environmental Construction Management Plan to be agreed;
 10. Removal of permitted development rights for loft conversions on all plots;
 11. Landscaping to be carried out;
 12. Broadband Condition;
 13. Hours of Construction;
 14. Vehicular Visibility;
 15. Vehicular Parking and Turning to be provided in accordance with submitted plans;
 16. No unbound materials within 6 metres of a highway boundary;
 17. Details showing the means to prevent discharge of surface water onto the highway;
 18. Details of Wheel Cleaning Facilities;
 19. Completion of carriageways and footways;
 20. Provision of Residential Travel Information Packs;
 21. Provision of a footway across the whole Robinson Road frontage at the Developer's expense;
 22. Recent improvement works associated with Phase 1 and the site access upgraded to current policy standards of no less than 5.5 metres in width;
 23. Archaeological Trial Trenching;
 24. Completion of archaeological fieldwork; and
 25. Post-excavation archaeological assessment.
- c) That the Head of Planning (or the equivalent authorised officer) be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of six months, as the requirements necessary to make the development acceptable in planning terms had not been secured through a Section 106 planning obligation.

97. **A.3 - PLANNING APPLICATION - 17/01286/FUL - LAND TO THE SOUTH OF STONE POINT, OLD HALL LANE, WALTON-ON-THE-NAZE, CO14 8LQ**

Councillor Turner had earlier in the meeting declared that he was pre-determined on this application. This was as a result of the fact that he had recently held the office of the Council's Portfolio Holder with responsibility for coastal protection and that he had assisted in putting the planning application and project together.

It was reported that this application had been referred to the Planning Committee as the applicant was Tendring District Council.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Head of Planning (CB) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of:

- (1) Comments and informal comments received from Natural England; and
- (2) An amendment to the site plan.

Councillor Turner, representing Frinton and Walton Town Council and a local Ward Member for an adjacent Ward, spoke in favour of the application.

Councillor Turner then withdraw from the meeting whilst the Committee deliberated on the Application and reached its decision.

Following discussion by the Committee, it was moved by Councillor Alexander, seconded by Councillor M Brown and **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following conditions:

1. Standard 3 year time limit for commencement;
2. Accordance with approved plans;
3. Reptile and water vole surveys and any required mitigation to be undertaken prior to commencement of any development/site clearance; and
4. Precautionary approach adopted for all vegetation clearance and soil stripping and to exclude breeding bird season (March to August inclusive) unless prior survey of all vegetation to be removed does not identify any active nests.

98. A.4 - PLANNING APPLICATION - LAND SOUTH OF THE CREMATORIUM, COLCHESTER ROAD, WEELEY, CO16 9JP

Councillor M Brown, in relation to this Planning Application, had earlier in the meeting declared an interest insofar as he was a member of Weeley Parish Council who had made representations on the application. He did not take part in the deliberations or decision making on this application.

Councillor Bray, who was present in the public gallery, had earlier in the meeting declared an interest in relation to this Planning Application insofar as he was a local Ward Member.

Councillor Turner declared an interest in relation to this application insofar that he had previously held the office of the Council's Portfolio Holder with responsibility for the Weeley Crematorium.

Members recalled that outline planning application 16/00182/OUT had been approved by the Committee at its meeting held on 18 May 2016.

Members were informed that this application had been referred back to the Committee as the original outline application had been approved along with three other housing developments in the Weeley area at the same meeting and that all applications had been submitted by the same applicant.

Members were further informed that at reserved matters stage the other three applications had been referred back to the committee at Members' request and therefore to be consistent the Head of Planning had requested that this application be referred back to the Planning Committee for determination.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Head of Planning (CB) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of one additional letter of representation that had been received asking a number of questions together with the Officers' responses thereto.

Carol Bannister, a local resident, spoke against the application.

Parish Councillor Christine Hamilton, representing Weeley Parish Council, spoke against the application.

Councillor Bray, a local Ward Member, spoke against the application.

Bethan Roscoe, the agent on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Turner, seconded by Councillor Baker and **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following conditions:

1. All parking areas and garages to be provided prior to first occupation of the dwellings and retained as approved for parking purposes only;
2. Provision of acoustic fencing prior to occupation and retention;
3. Submission of construction method statement which shall include –
 - No work on Saturdays, Sundays, Bank Holidays
 - No external music/radios
 - Parking on site for contractors
4. Accordance with approved plans;
5. Removal of permitted development rights with regard to the means of enclosure.

The Committee also requested that an informative be sent to the applicant requesting that the Construction Method Statement should adhere to the Considerate Constructor Scheme.

99. A.5 - PLANNING APPLICATION - RAINBOW NURSERIES, 23 COLCHESTER ROAD, WEELEY, CO16 9JT

Councillor M Brown, in relation to this Planning Application, had earlier in the meeting declared an interest insofar as he was a member of Weeley Parish Council who had made representations on the application. He did not take part in the deliberations or decision making on this application.

Councillor Bray, who was present in the public gallery, had earlier in the meeting declared an interest in relation to this Planning Application insofar as he was a local Ward Member.

It was reported that this application had been referred to the Planning Committee at the request of Councillor Bray, a local Ward Member.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Team Leader (SE) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of an additional email of representation received from the Tendring District Ramblers Footpath Secretary.

Parish Councillor Christine Hamilton, representing Weeley Parish Council, spoke against the application.

Councillor Bray, a local Ward Member, spoke against the application.

Peter Le Grys, the agent on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Baker, seconded by Councillor Hones and **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to:

- 1 – 3. Submission of Details in relation to access, layout, scale, appearance and landscaping and Time Limit;
4. Single storey only;
5. Details of boundary treatments; and
6. Construction Method Statement considering Public Right of Way impact.

The Committee also requested that an informative be sent to the applicant requesting that the detailed plans include a turning/wider area at the northern part of the access.

100. A.6 - PLANNING APPLICATION - 17/02143/FUL - WISTERIA COTTAGE, SHOP ROAD, LITTLE BROMLEY, CO11 2PZ

It was reported that this application had been referred to the Planning Committee as the applicant was an active elected Member of Tendring District Council.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Head of Planning (CB) in respect of the application.

Following discussion by the Committee, it was moved by Councillor Everett, seconded by Councillor Fowler and **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following conditions:

1. 3 Year Time limit;
2. Approved plans;
3. Vehicular turning facility;
4. No unbound materials in first 6m of access;
5. Any gates at the vehicular access shall be inward opening and set back 6m from the highway;
6. Any gates at the vehicular access shall be inward opening set back 6m from the highway;
7. Details of proposed boundary treatments; and
8. Removal of Permitted Development rights for extensions and dormers.

101. A.7 - PLANNING APPLICATION - 18/00111/FUL - TENDRING DISTRICT COUNCIL, NORTHBOURNE COUNCIL DEPOT, VISTA ROAD, CLACTON-ON-SEA, CO15 6AY

It was reported that this application had been referred to the Planning Committee as the applicant was Tendring District Council.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Team Leader (SE) in respect of the application.

Following discussion by the Committee, it was moved by Councillor Turner, seconded by Councillor Bennison and **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following conditions:

1. 3 year time limit; and
2. Approved plans condition.

The meeting was declared closed at 9.20 pm

Chairman

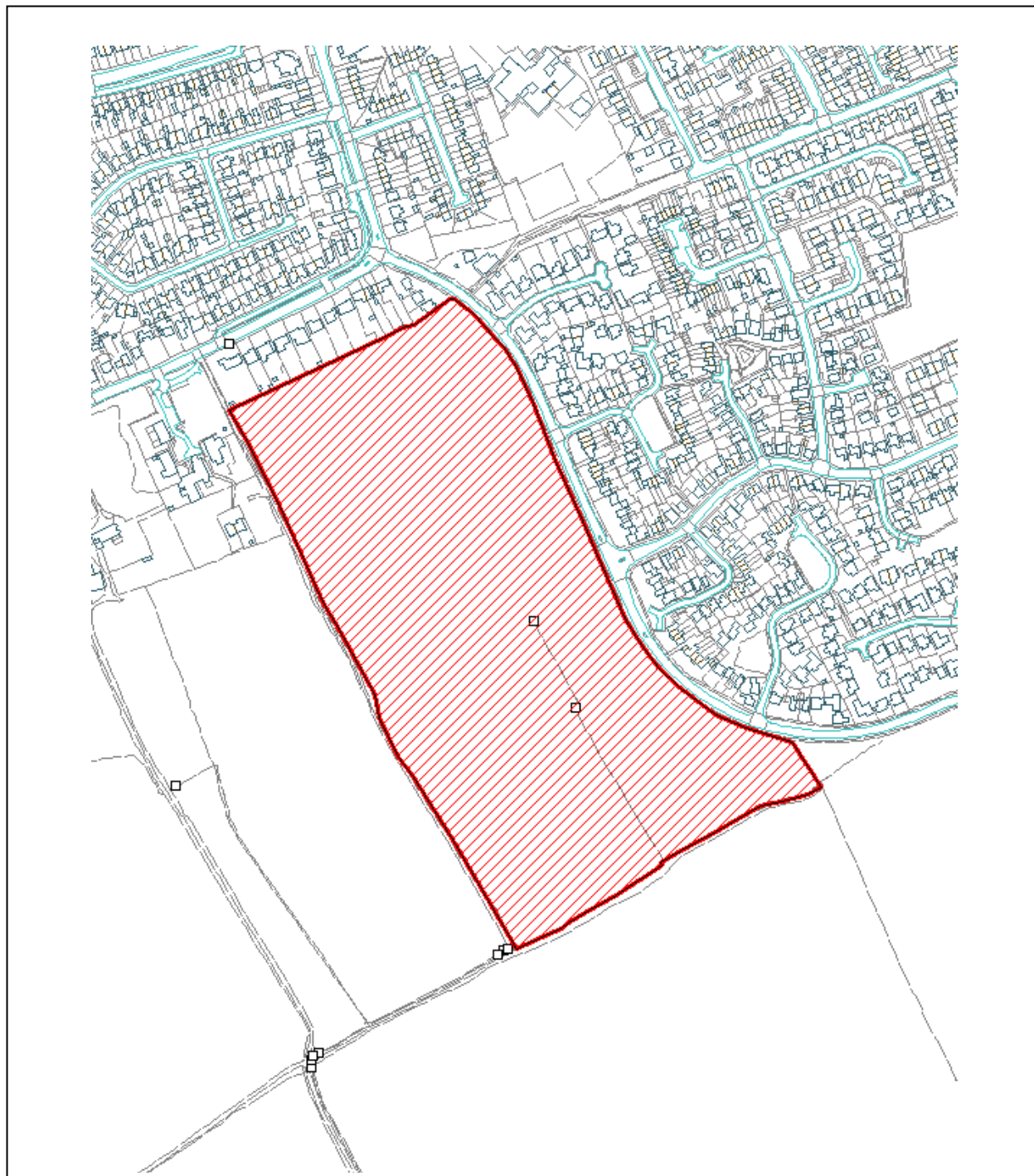
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PLANNING COMMITTEE

28 MARCH 2018

REPORT OF THE HEAD OF PLANNING

A.1 PLANNING APPLICATION - 17/02168/OUT - LAND WEST OF LOW ROAD, DOVERCOURT, CO12 3TR



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Application:	17/02168/OUT	Town / Parish: Ramsey & Parkeston Parish Council
Applicant:	Messrs R & R Raymond - NEEB Holdings LTD	
Address:	Land West of Low Road Dovercourt CO12 3TR	
Development:	Erection of 300 dwellings with vehicular access from Low Road, green infrastructure provision including children's play area, footpaths and cycle ways, structural landscaping, related infrastructure and service provision.	

1. Executive Summary

- 1.1 This application represents a Departure from the Adopted Tendring District Local Plan 2007, and has been called to Committee by Cllr R. Callinder for the following reasons:-
- Negative Impact on the Area
 - Highways impact due to the amount of traffic on to Low Road, Oakley Road and Main Road
 - Negative impact on the neighbours, and
 - Level of objections received
- 1.2 The application is in outline form with all matters apart from the access reserved for later consideration.
- 1.3 The site lies outside the defined settlement development boundary of the saved Local Plan but has been included within the settlement development boundary (and is a specific Housing Allocation – Policy SAH2) within the Publication Draft Local Plan – June 2017.
- 1.4 Due to a lack of objection to the changes to the Settlement Development boundary and the allocation of the land for housing purposes within the Publication Draft Local Plan, appreciable weight can be attributed to the Draft Policy.
- 1.5 The development is acceptable ‘in principle’ being in accordance with the emerging Local Plan, and a sustainable location adjoining a strategic urban settlement.
- 1.6 Whilst the application attracted a large number of objections from local residents and the Harwich Town Council, no significant issues have been raised during the application process by Statutory consultees.
- 1.7 Subject to the applicant entering in to a Section 106 agreement to cover the provision of affordable housing, provision and timescale for the open space, infrastructure/services contributions, the proposal is considered to be acceptable with no material harm to visual or residential amenity, or highway safety, and the application is therefore recommended for approval.

Recommendation: Approve Outline

That the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development subject to:-

a) Within 6 months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where required)

- Affordable housing;
- Education;
- Public Open Space Provision and timetable for play equipment and its design
- Highways requirements (on and off-site as advised); and
- Health.

b) Planning conditions in accordance with those set out below (but with such amendments and additions, if any, to the detailed wording thereof as the Head of Planning (or the equivalent authorised officer) in their discretion considers appropriate).

Conditions:

- Reserved Matters (Appearance, Landscaping, Layout, Scale)
- Standard 3 year time limit for submission of reserved matters application.
- Standard 2 year limit for commencement of development following approval of reserved matters.
- Details to be in general accordance with submitted parameter plans.
- Local recruitment strategy
- Provision of broadband
- Flood Authority Surface water conditions when final advice received
- Landscaping conditions to cover timing and management plan
- Ground level condition/ Earthworks to be agreed
- Tree/hedgerow protection.
- Biodiversity enhancements and mitigation measures
- Recommendations of ecological assessment and any conditions suggested by Natural England when their final comments Are received
- Highways conditions: To be advised by Local Highway Authority
- Travel Plan
- Archaeological investigations.
- Full details of the sustainable drainage system.
- A construction method statements including but not limited to:
 - Routing of delivery vehicles and measures to control noise,
 - Air pollution and avoiding discharges to watercourses/ditches.
 - Hours of construction.
- Contaminated land survey and a report if required

c) That the Head of Planning (or the equivalent authorised officer) be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of 6 months, as the requirements necessary to make the development acceptable in planning terms had not been secured through S106 planning obligation.

2. Planning Policy

NPPF National Planning Policy Framework

National Planning Practice Guidance

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL3 Minimising and Managing Flood Risk

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

QL12 Planning Obligations

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG3A Mixed Communities

HG4 Affordable Housing in New Developments

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

COM1 Access for All

COM6 Provision of Recreational Open Space for New Residential Development

COM24 Health Care Provision

COM26 Contributions to Education Provision

EN1 Landscape Character

EN3 Coastal Protection Belt

EN6 Biodiversity

EN6A Protected Species

EN6B Habitat Creation

EN11A Protection of International Sites European Sites and RAMSAR Sites

EN11B Protection of National Sites SSSI's, National Nature Reserves, Nature Conservation Review Sites, Geological Conservation Review Sites

TR1A Development Affecting Highways

TR2 Travel Plans

TR3A Provision for Walking

TR4 Safeguarding and Improving Public Rights of Way

TR5 Provision for Cycling

TR6 Provision for Public Transport Use

TR7 Vehicle Parking at New Development

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

SP1 Presumption in Favour of Sustainable Development

SP2 Spatial Strategy for North Essex

SP3 Meeting Housing Needs

SP6 Place Shaping Principles

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP1 Improving Health and Wellbeing

HP2 Community Facilities

HP3 Green Infrastructure

HP4 Safeguarded Local Greenspace

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

LP5 Affordable and Council Housing

PPL1 Development and Flood Risk

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

DI1 Infrastructure Delivery and Impact Mitigation

SPD - Schools Contributions from Residential Developments

SPD – COM6 - Provision of Recreational Open Space for New Residential Development

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. Part 1 was examined in January 2018 with the Inspector's report awaited and whilst its policies cannot yet carry the full weight of adopted policy, they can carry some weight in the determination of planning applications. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

3. Relevant Planning History

17/02168/OUT	Erection of 300 dwellings with vehicular access from Low Road, green infrastructure provision including children's play area, footpaths and cycle ways, structural landscaping, related infrastructure and service provision.	Current
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4. Consultations

UU - Open Space Consultation	Awaited
ECC SuDS Consultee	Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, wish to issue a holding objection to the granting of planning permission based on the following: Inadequate Surface Water Drainage Strategy The Drainage Strategy submitted with this application does not comply with the requirements set out Essex County Council's Outline Drainage Checklist. Therefore the submitted drainage strategy does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.
ECC Highways Dept	Awaited
Anglian Water Services Ltd	Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within

either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991.

The foul drainage from this development is in the catchment of Harwich and Dovercourt Water Recycling Centre that will have available capacity for these flows.

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. We request a condition requiring the drainage strategy covering the issue(s) to be agreed.

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. It is recommended that the applicant needs to consult with.

Recommend the following conditions

- No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings 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.
- 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.

Building Control and
Access Officer

No comments at this time.

Tree & Landscape Officer

The application site comprises agricultural land with some strong existing boundary screening, established trees and boundary hedgerows. The screening has been recently strengthened by additional planting.

In order to show the impact of the trees on the application site the applicant should provide a Tree and Hedge Survey. The report should be in accordance with BS5837 2012 Trees in relation to design, demolition and construction: Recommendations.

The report will need to show the extent of the constraint that the trees are on the development potential of the land. It should identify the trees that would need to be removed in order to facilitate the development and the way that retained trees would be protect during the construction phase of any planning permission that may be granted.

The proposed works to trees and hedgerows are relatively clear from

the information provided on the Masterplan and from soft landscaping proposals.

In terms of the impact of the development proposal on the local landscape character it is important to recognise the existing qualities and value of the landscape and to quantify the potential impact of the proposed development on the local landscape.

The Tendring District Council Landscape Character Assessment defines the area within which the application sits as the Hamford Coastal Slopes Landscape Character Area (LCA). At the northernmost point the application site falls within the Oakley Ridge LCA. The development proposal also has the potential to have a visual impact on the Hamford Drained Marshes and Islands LCA and The Hamford Water Marshes LCA.

In order to assess the impact of the development proposal on the local landscape character the applicant has submitted a Landscape and Visual Assessment (LVIA). The Landscape and Visual Impact Assessment has been carried out in accordance with Landscape Institute and Institute of Environmental Management and Assessment guidance contained in the Guidelines for Landscape and Visual Impact Assessment Third Edition 2013.

The document accurately describes existing landscape character and qualities of the landscape. It identifies and records the potential impact of the development on the character of the landscape and the way that it is perceived and enjoyed by the public. It goes on to accurately quantify the degree of harm to both the physical character of the landscape and its visual qualities and contains information to show how design principles and soft landscaping will mitigate the visual harm.

It is recognised that the development of the land will cause a degree of harm to the local landscape character and its visual qualities. However if the recommendations set out in section 1.9 of the LVIA are complied with then it is apparent that the development can be relatively well assimilated into the local landscape.

In terms of the extent of the constraint that the trees are on the development, the information contained within appendix 3 of the Landscape Proposals report (June 2017 Revision A December 2017) and item 4.5 of chapter 4 Tree and Hedge Survey is acceptable and sufficient to enable the planning application to be determined on the basis that there will not be significant harm caused to trees on the land.

Environmental Protection

In order to minimise potential nuisance to nearby existing residents caused by construction works, Pollution and Environmental Control ask that the following below are conditioned;

- Prior to the commencement of any site clearance, demolition or construction works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from the Pollution and Environmental Control. The method statement (Demolition/Construction Management Plan) should include the following;

Noise Control

- 1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.
- 2) No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.
- 3) The selection and use of machinery to operate on site, and working practices to be adopted will as a minimum requirement, be compliant with the standards laid out in British Standard 5228:2014.
- 4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
- 5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Local Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.
- 6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

Emission Control

- 1) A scheme of measures for the control and suppression of dust emissions shall be submitted to and approved in writing by the Local Planning Authority. Such agreed works shall be implemented in the approved form prior to the commencement of any development of the site and shall be maintained in the approved form until the development is completed and ready to be signed off as complete for the permitted purpose
- 2) All waste arising from the ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
- 3) No materials produced as a result of the site development or clearance shall be burned on site. All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.
- 4) All bulk carrying vehicles accessing the site shall be suitably

sheeted to prevent nuisance from dust in transit.

Lighting Control

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

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

Waste Management	No comments.
Leisure Services	Awaited
Regeneration	Awaited
The Ramblers Association	Awaited
Essex Bridleways Association	Awaited
NHS Property Services Ltd	<p>The development would have an impact on primary healthcare provision in the area and its implications, if unmitigated, would be unsustainable. The proposed development must therefore, in order to be considered under the 'presumption in favour of sustainable development' advocated in the National Planning Policy Framework, provide appropriate levels of mitigation.</p> <p>The intention of NHS North East Essex CCG is to promote Primary Healthcare Hubs with co-ordinated mixed professionals. This is encapsulated in the strategy document: The NHS Five Year Forward View.</p> <p>The development would give rise to a need for improvements to capacity, in line with emerging CCG Estates Strategy, by way of extension, reconfiguration, refurbishment or potential relocation for the benefit of the patients at Fronks Road Surgery, a proportion of the cost of which would need to be met by the developer.</p>
Environment Agency	Awaited
Natural England	Natural England's view is that there is currently insufficient information to allow likely significant effects to Hamford Water Special Protection Area (SPA) and Ramsar site, the Stour and Orwell Estuaries SPA and Ramsar site, the Essex Estuaries Special Area of Conservation (SAC) and the Colne Estuary SPA and Ramsar site to be ruled out. Also consider that there is insufficient information to rule out adverse

effects to Hamford Water and the Stour Estuary Sites of Special Scientific Interest (SSSIs).

The Extended Phase 1 Habitat Survey (Preliminary Ecological Assessment) submitted in support of the application concludes that the development proposal will have no likely significant effect on designated sites (t4 ecology Ltd, dated November 2017).

However, we advise that this development proposal does have the potential to affect the nearby sites and there are currently concerns for the impacts of increased recreational pressure on coastal designated sites, including Hamford Water, the Stour Estuary and the Colne Estuary.

This is as a result of increased recreational use by residents of new development within walking or driving distance of them. Seeing as the proposal site is both allocated in your emerging Local Plan (Policy SAH2) and within the likely 'zone of influence' for recreational disturbance impacts to Hamford Water, the Stour Estuary and the Colne Estuary. Natural England's current advice is that the mitigation of such impacts requires more than one type of approach, typically involving a combination of 'on-site' informal open space provision and promotion (i.e. in and around the development site) and 'off-site' visitor access management measures (i.e. at the designated site(s) likely to be affected).

Advise that 'off-site' measures are also required as part of the mitigation package for predicted recreational disturbance impacts. Request that further information be provided.

This proposal provides opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of integrated bird nest boxes.

Comments on amended information - Awaited

Essex Wildlife Trust

Awaited

UU Housing Consultation

There is a high demand for housing in the Dovercourt area and only the Clacton area has a higher demand in the district. There are currently 72 families on the housing register seeking a 2 bedroom property in Dovercourt, 39 seeking a 3 bedroom property and 21 seeking a 4 bedroom home. There is a demonstrable need for affordable housing in Dovercourt and this department would like to see affordable housing delivered on this site.

The dwellings as affordable housing (30%). The Council would prefer that another registered provider is found to purchase the affordable housing on the site. If a provider cannot be found, the Council will consider other delivery options.

ECC Schools Service

Early Years and Childcare

For Essex County Council to meet its statutory duties it must both facilitate sufficient places to meet free childcare entitlement demand. The data shows insufficient places to meet demand from this proposal. It is, thereby, clear that additional provisions will be needed and a project to expand provision is proposed. An additional 27

places would be provided at an estimated total cost of £392,013 at April 2017 prices.

Primary Education

This development sits within the priority admissions area of Chase Lane Primary School, which it will require nine additional spaces by the academic year commencing 2021. Looking at the Harwich area as a whole (Tendring primary group 5), by this point, 42 additional spaces will be needed.

This development would require an additional 90 places at an estimated total cost of £1,146,060 at April 2017 prices. This equates to £12,734 per place and so, based on demand generated by this proposal set out above, a developer contribution £1,146,060 index linked to April 2017, is sought to mitigate its impact on local primary provision.

Secondary Education

At secondary level pupil numbers are also rising and current forecasts suggest that the school serving the area, Harwich & Dovercourt High, will be full during the 2024/25 admissions round onwards.

This development would require an additional 60 places at an estimated total cost of £1,160,700 at April 2017 prices. This equates to £19,345 per place and so, based on demand generated by this proposal set out above, a developer contribution £1,160,700 index linked to April 2017, is sought to mitigate its impact on local primary provision.

This development would add to the need for additional school places and, thereby, the scope of projects to provide the extra capacity is directly related to the proposal. A developer contribution is thus sought.

Having reviewed the proximity of the site to the nearest primary and secondary school Essex County Council will not be seeking school transport contributions, however the developer should ensure that safe direct walking and cycling routes to local schools are available.

Essex County Council
Archaeology

The above planning application has been identified as having the potential to harm non-designated heritage assets with archaeological interest.

The EHER records a number of cropmark features in the surrounding area that would indicate a high probability of surviving archaeological remains being present within the development site.

The proposed site also contains cropmark features which are likely to be of archaeological origin, the nature and date of these features are unknown and they will be disturbed or destroyed by the proposed development. A historic track runs along the western boundary leading from the main road through the historic settlement at Dovercourt, finds from the Portable Antiquities Scheme in the area date from the early medieval period.

The following recommendations are made in line with the Department for Communities and Local Government National Planning Policy Framework:

RECOMMENDATION: A Programme of Archaeological evaluation

1. No development or preliminary ground-works can commence until a programme of archaeological evaluation has been secured and undertaken in accordance with a Written Scheme of Investigation, which has been submitted by the applicant, 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/or preservation in situ, 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.

5. Representations

5.1 Harwich Town Council objects on the following grounds:-

- Local infrastructure is insufficient to sustain an additional development of this size
- CCG's statement that the GP practises would be unable to support development
- Access and egress to the proposed development is inappropriate and does not conform to standards
- Impact on wildlife and conditions of A120
- Significant impact to neighbouring properties and town

5.2 Ramsey and Parkeston Parish Council makes the following Comments:-

- Impact on Low Road in regards to traffic
- Impact on power supplies, sewerage systems, local primary schools, GPs and dentists
- S106 money should be available for Ramsey Ward Leisure facilities

5.3 74 representations have been made by local residents which can be summarised below:-

Local Area

- Shortage of school places
- Pressure on existing GP, dentists and schools
- Increase in crime - Already experience a lower presence of police and fire service
- Local police station unmanned
- Lack of employment in town increasing traffic to other areas
- Development will set a precedent for others within the area
- Harmful to existing character

- Loss of agriculture land
- Proposal out of keeping with rural character
- Loss of open space
- Impact to existing dog walkers, horse riders etc
- Inappropriate design and not in keeping with surrounding properties
- Apartment blocks will appear intrusive from Low Road and their positioning on site should be reconsidered
- Better sites available for the development
- Open space to be completed and retained at site. A lot of the time the development is finished without this element being completed.
- Area of land for proposal is currently enjoyed by residents of Earlhams Mews i.e. views and walking
- Current town centre failing
- Who will social housing be allocated to?
- Social housing means increased pressure on councils resources
- Mess and noise from building impacting physical and mental health
- Area should contain "Scrub" land and not be so close to housing
- Proposal will overwhelm the area
- Layout of houses questionable. Apartments and social housing are not near open/play space
- Impact on waste collection and royal mail deliveries
- High levels of unemployment
- No investment in area

Highways

- Inadequate and congested roads.
- Users already exceed speed limit in Low Road
- A120 junction already dangerous
- Lack of space and reduction in speed on cycle route
- Busy road with not only cars but lorries as well
- Existing road on an incline with a number of bends
- Proposed accesses opposite communal driveways and on bends resulting in poor visibility from the site
- Proposed access has adjacent driveways
- A120 in poor condition
- Poor maintenance of driveways result in mud on the road when it rains
- Proposal is sited away from train stations, occupants will use cars which will result in an increase to traffic
- Congestion in Low Road at peak times
- Other roads such as Mayes Lane will increase in traffic with users finding alternative routes
- Increase to parking on roads
- One way out of Low Road to Clacton and A120
- Hardly any bus stops resulting in more cars on the road
- A mini roundabout would be a safer alternative
- Introduction of traffic calming measure should be considered
- Shared access would be dangerous

- Inadequate parking proposed at site
- Application does not provide information on additional public transport or maps showing routes into the proposed development

Environment

- Loss of habitat and existing wildlife
- Loss of agricultural land which would be used for crops
- Increase in light and noise pollution
- Increase risk to flooding in area as existing drainage is poor
- Site sits on a high water table caused by historic pond
- Deep aquifer zones
- Boundary tree and hedging should be retained by way of condition
- Site is greenbelt land
- Increase to pollution
- Waste amenities already overstretched with long queues to the tip
- Loss of arable site
- Heavy rain and snow will result in flooding to residents
- Loss of farm land and crops
- Light and noise pollution to endanger wildlife habitat in listed woodland

Impact on Neighbours

- Loss of privacy due to removal of boundary planting and trees
- Light disturbance caused by cars and street lighting
- Loss of light, privacy and outlook to neighbours
- Length of time to complete development is likely to be long
- Height of dwellings over one storey to have significant impact on neighbours (maybe design could be amended to just a bungalow development)
- Layout should be amended to incorporate better screening and fewer houses
- Decrease in value to existing houses
- Increase in terms of noise and crime
- Increase to occupants house insurance
- Increase of noise and dust during construction
- Council likely to approve householder extensions in future which would put a strain on parking and neighbouring amenities
- Loss of views over greenspace
- Reduce property value

Local and National Policy

- Outside development boundary
- Whilst an allocated site, the local plan has not been adopted
- Council already has exceeded its 5 year housing supply demands

6. Assessment

The main planning considerations are:

- Principle of Development
- Design and Landscape Impact
- Impact on Protected Species/Wildlife
- Highway Safety
- Flooding/Drainage
- Impact on Amenity of Neighbours
- Affordable Housing
- Developer Contributions
- Other Issues

Site Description

- 6.1 The application site is a rectangular shaped parcel of land fronting on to Low Road at the western side of the main area of Dovercourt. The site is some 14.08ha and forms the Housing Allocation SAH2 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 6.2 The site is currently an arable field extending from Low Road on the eastern side of the site over to a public footpath and track, Deane's Lane in the west. The site rises considerably from its southern end (where Low Road turns through 90 degrees to run east-west rather than north-south) where a further boundary hedge/trees exist, and climbs up to its highest point, where it meets the rear gardens of dwellings that face on to the southern side of Oakley Road.
- 6.3 The site contains substantial tree and hedge cover to the eastern, southern and western boundaries, particularly the eastern side where it meets Low Road, and on the eastern side of Low Road, is a relatively modern housing estate development based around Gravel Hill Way.
- 6.4 To the western side of the adjacent track, is a modest development at Ramsey Lodge/Earlham's Mews, which along with the dwellings on Oakley Road are the closest residential property to the site.
- 6.5 Being an arable field, the site has few notable features (apart from the rising nature of the land, and the boundary planting referred to above), and there is a field ditch within the site at its southern end, and an area of shrubs at the northern end.

Proposal

- 6.6 This is an outline application with all matters reserved, apart from the access point locations from Low Road, for the development of 300 dwellings with green infrastructure provision including children's play area, footpaths and cycle ways, structural landscaping, related infrastructure and service provision.
- 6.7 An illustrative layout has been provided which shows a central green open-space area of 5ha (as required by the Local Plan Allocation), with approximately 1/3rd of the new housing at the northern (highest part) end of the site, and 2/3rds of the proposed housing at the southern (lowest part) of the site.
- 6.8 The 2 proposed access positions from Low Road are indicated on detailed plans and include:-

Northern Access

- 6.9 This shows a cul-de-sac arrangement that meets Low Road as a single access-point opposite No 96 Low Road, would be situated mid-way between Hazelville Close, and Kingfisher Drive.

Southern Access

- 6.10 This shows a larger series of cul-de-sacs and private-drives meeting Low Road as single access-point - opposite No.s 60/62 Low Road would be situated mid-way between Gravel Hill Way, and Chaffinch Drive.
- 6.11 The access points as indicated provide for a staggered junction arrangement and there is an emergency access point at the southern end of the site and opposite Chaffinch Drive.
- 6.12 The layout plan is only illustrative at this stage and shows the 2 areas of housing with the open-space between and with footpath access on to the public footpath to the west. It shows a wide range of dwelling types and indicates that the site will be developed in the following manner:-
- “The northern upper part of the site*
- *would be 88 chalet-style and 2-storey houses*
 - *these would be semis and detached*
 - *these would consist of 22 2-beds, 44 3-beds and 22 4-beds*
 - *Net density of 30.34 dwellings/ha*
- The southern lower part of the site*
- *would be 40 2-bed bungalows and 172 2-storey dwellings*
 - *these would be semis, detached and terraces*
 - *comprising 8 1-bed flats, 20 2-bedroomed flats, 64 2-bed houses, 69 3-bed houses and 11 4-bed houses*
 - *Net density of 35.33dwellings/ha*
- The density for the whole site, would be 21.28 dwellings/ha, which compares with the established modern housing to the east of 25 dwellings/ha”.*
- 6.13 The key feature of the site is the retention of the existing trees/hedgerows, especially to Low Road, which act both as a landscaped buffer and a green corridor, and attenuation ponds and the retention of the field ditch are features within the development.
- 6.14 The Landscape Master Plan shows a detailed layout of the open space area that contains a kick-about area, a LAP and a LEAP, as well as a range of footpaths and cycleways.
- 6.15 The application includes detailed reports including:-
- Extended Phase 1 Habitat Survey
 - Bat Survey
 - Dormouse Survey
 - Reptile Survey
 - Geo-environmental Survey
 - Flood-Risk Assessment and Drainage Strategy
 - Landscape and Visual Impact Assessment
 - Landscape Proposals and Master-Plan
 - Planning Design and Access Statement
 - Transport Assessment
 - Travel Plan

Principle of Development

- 6.16 Whilst the site is outside the settlement development boundary (SDB) of the saved Local Plans, and within the Coastal Protection Belt, it has been included within the settlement development boundary (and outside of the Coastal Protection Belt), within the Emerging Local Plan, and it is a specific Housing Allocation SAH2 within that document.

SAH2 states:-

Low Road, Dovercourt, shown on the Map SAH2, is allocated for housing development as follows:

a. at least 300 new homes of a mixed size and type to include affordable housing as per the Council's requirements;

b. minimum of 5 hectares of public open space;

Proposals must accord with the following:

c. the principal point of vehicular access will be off Low Road;

d. capacity and/or safety enhancements to the local highway network where necessary;

e. where necessary, enhancements to public transport, cycle, pedestrian, and bridleway infrastructure

f. the design and layout of the development must have regard to the surrounding landscape, seeking to minimise visual impacts through the inclusion of mitigation measures;

g. the development must also pay specific regard to the topography of the site;

h. the design and layout of the development incorporates or enhances important existing site features of ecological or amenity value. Where these features are identified, the applicant must avoid, then mitigate and, as a last resort compensate for adverse impacts upon these;

i. financial contribution to early years and childcare, primary and secondary education provision, as required by the Local Education Authority primarily through Section 106 Planning Obligations or the Community Infrastructure Levy;

j. early engagement with Anglian Water to secure upgrades to both treatment infrastructure and network and to formulate a water and drainage strategy to serve the new development;

k. financial contributions towards other community facilities such as health provision as required by the NHS/CCG either through the Community Infrastructure Levy or Section 106 Planning Obligations.

- 6.17 The site has been included as an allocation within successive drafts of the Emerging Local Plan which is now at an advanced stage, and the Examination in Public has commenced. There has been no objection to the allocation and inclusion within the settlement boundary, therefore appreciable weight can be attributed to the application in accordance with Paragraph 216 of the N.P.P.F.
- 6.18 The allocation of the site via the Local Plan process has already established that the Council considers the site to be sustainable and that it complies with the settlement hierarchy that views the Harwich/Dovercourt settlement as one of the large urban areas for new housing based on the existing services.
- 6.19 The proposal whilst being a technical departure from the 2007 Adopted Local Plan – is in line with the more recent evidence-base and Policies Emerging Local Plan that more accurately reflects the later guidance within the N.P.P.F and as a result, greater weight should be attributed to the compliance with the new plan.
- 6.20 The development proposed is considered to meet the terms of the above policy SAH2.
- Design and Landscape Impact
- 6.21 The applicant has indicated that the existing planting would be retained and enhanced and that in accordance with the Plan allocation, the design of the scheme takes in to account the topography. A Landscape Impact Assessment (L.I.A) has been submitted that concludes that the development would not cause significant harm to the landscape character, and that a landscape implementation and management plans would be prepared to show how the mitigation planting would be managed in the long-term. This would be a likely condition requiring the Council's agreement to such a scheme.
- 6.22 The L.I.A noted above, indicates that the northern element would be kept off the ridge-line and southern element would be set further back than originally intended to allow structural

landscaping to soften views from the surrounding area, and it would be expected that any subsequent reserved matters submission should reflect this basic design consideration.

- 6.23 With the existing and proposed planting, the development would not harm the landscape character and mitigation planting – carried out in 2015/6 – is already 2-3m high (willows are 5m) and will reduce the impact from public footpaths and the main views from the south-west.
- 6.24 The proposal allows for retention of a field ditch, and boundary planting with new green infrastructure in the form of drainage swales and attenuation ponds for surface water disposal.
- 6.25 Subject to the design considerations within the L.I.A, and to an appropriate final design and scale of the dwellings, it is considered that the proposed development would not cause any appreciable harm to the landscape character of the area, such that permission could be refused and the enhancements to the green infrastructure and additional landscaping proposed are appropriate, and are a requirement of Policy SAH2.

Impact on Protected Species/Wildlife

- 6.26 Whilst Natural England has issued a 'holding' objection to the proposal, this is based on a concern that additional residents create increased recreational pressure and disturb nearby Nature/Ramsar sites and the S.S.S.I. Their comment in relation to the additional information submitted by the applicant is awaited, and will be updated at the Planning Committee.
- 6.27 The application has been accompanied by a range of ecology reports which conclude that:-
- 6.28 Reptiles – The results of the survey demonstrate the presence of a 'Low' sized population of common European lizard and slow worm in the north-eastern corner of the site. The presence of juvenile slow worm also indicates that the site is suitable to support reptile breeding. It is concluded that the population can be maintained and enhanced through relocation to purpose built receptor located within the boundaries of the site, as illustrated by the landscape masterplan.
- 6.29 Bats - The survey gives a general indication of the level of bat activity in the area, to help inform mitigation and enhancement of the site. The weather conditions during all surveys were optimal and any bats present would have been active during these surveys. No roosting bats were recorded on the site; dusk and dawn survey focusing on the two trees with highest roosting potential (T2 and T5) did not record any roosting bats. No further trees or structures within the site boundary which could support roosts will be impacted by the proposed development.
- 6.30 A European Protected Species (EPS) Licence will not be required to develop the site, and impact to bats using the site should be negligible if the following recommendations and precautions are implemented:
- 6.31 Dormice - No dormice were recorded during the survey, which was carried out at an appropriate time of year, and covered six months of the peak active dormouse season. Therefore, there are no constraints with regards dormice, and no further precautions are required to proceed.
- 6.32 However, dormice are known to be present in the local area, and the site could be enhanced for dormice on completion of the development, to encourage colonisation of the site in the future. Boundary hedges could be created where absent, and in-filled, thickened and diversified where existing, with native shrub and tree-planting. Dormouse boxes could be installed in the retained wooded buffer to the east of the site.

6.33 Whilst the comments of Essex Wildlife Trust are awaited, it is apparent from the ecology reports that protected species will not be a constraint on development and that the retention and enhancement of the green infrastructure as proposed will promote wildlife in the locality.

Highway Safety

6.34 Whilst many of the objections raise concerns that the highway network cannot cope with the scale of the development, the site already been discussed at length with the Local Highway Authority via its allocation through the Emerging Local Plan process, and whilst the Highway Authority has yet to formally respond, no formal objection is anticipated. Any update in relation to the Highway Authority response will be reported in the update sheet at Committee.

6.35 The outline scheme proposed 2 main access points on to Low Road, with an emergency access point along with pedestrian links to nearby public footpaths, as well as cycle routes within the site.

6.36 The indicative layout plan shows that each dwelling could be served by at least two parking spaces - commensurate with the current parking standards and turning where applicable and there are casual visitor parking possible on the access drives.

Flooding/Drainage

6.37 The applicants have submitted detailed flood-risk assessment and a drainage strategy, and whilst the S.U.D's team at the County Council have issued a holding objection, this is based on the need for some additional information, rather than any fundamental concerns that the development of the site would cause flooding of adjoining land or other land elsewhere.

6.38 An update will be given at Committee, although it is anticipated that the required information would be provided as an amended drainage strategy such that SUD's would withdraw their objection.

6.39 The proposed surface water attenuation measures – including swales and an attenuation pond – will add to bio-diversity in the locality and be a feature of the scheme, and no fundamental drainage or flooding concerns would result from the development.

Residential Amenities

6.40 There are few neighbours that directly adjoin the site or that would be directly affected, the main ones being on the northern boundary of the site on Oakley Road and a few dwellings on the west side of Low Road, where it meets the B1414.

6.41 The existing properties at the top-end of Low Road are 2-storey in height and face on to Low Road, and as a result, they are orientated at 90 degrees to the site and any impact would be minimal.

6.42 The existing dwellings that face on to Oakley Road are also 2-storeys in height, and they have long rear gardens – in excess of 26m – and as a result, they would be unlikely to experience any appreciable loss of light, privacy from overlooking, and if conventional 2-storey houses or bungalows are erected (as suggested in the accompanying documents) there would be oppressive impact on existing property arising from the development.

6.43 The other existing residential development on the east side of Low Road, and at Ramsey Lodge/Earlhams Mews, are separated from the application site by Low Road and Deans Lane respectively, and as a result, they would not experience any direct loss of amenity, as the new housing is largely shielded by existing substantial boundary planting.

- 6.44 Whilst the development would generate some additional traffic, this is not considered to be of a scale that there would be any undue noise or disturbance, as a result.
- 6.45 It is considered that based on a proposal of 300 dwellings (single and 2-storeys in height as indicated in the application documents, the new proposal would not cause any harm to amenity, due to the separation distances involved.
- 6.46 The illustrative scheme suggests that any development could be designed to meet the policy requirements for garden size, distance to boundaries and other dwellings along with other amenity/design criteria, although such matters are for later consideration, however the scheme does demonstrate that 300 dwellings can be accommodated on the site without any particular concerns.

Affordable Housing

- 6.47 At 300 dwelling units, the site far exceeds the threshold for affordable housing provision within Adopted Policy HG4 and Emerging Plan Policy LP5, and the Housing Officer identifies a high level of local need for affordable dwellings of 2, 3 and 4 bedroomed proportions and at the normal level of 30% (the level within the Emerging Plan based on viability calculations), some 90 affordable dwellings should be delivered.
- 6.48 The actual delivery mechanism has yet to be established, however at this outline stage, it would be expected that provision should be on-site and would need to be delivered by means of a Section 106 agreement that would cover method of tenure, occupancy restrictions and timetable for implementation/trigger-points.
- 6.49 As there is a recognised short-fall in the delivery of affordable homes, the current proposal represents a significant benefit.

Developer Contributions and Open Space

- 6.50 The level of local objections cites a lack of schools and overcrowded doctors surgeries and lack of play space as key issues. In accordance with Adopted Plan Policies COM6, COM 24 and 26 and Emerging Plan Policies HP1, HP5 and D11, an appropriate level of developer contributions to infrastructure and open space would be provided via a Section 106 mechanism and on the following basis:-

Education Provision

- 6.51 In order to ensure adequate provision of education, a developer contribution of £3,012,773 is required via a section 106 agreement to mitigate its impact on childcare, primary, & secondary education.

NHS Provision

- 6.52 There is a requirement for a developer contribution of £ 104,091, for the improvement of Fronks Road Surgery, before development commences.

Play Space

- 6.53 The proposal includes (as required by Allocation Policy SAH2) an open space/play area of at least 5ha. The proposal includes the open area as an integral part of the development, and includes a LAP, LEAP and kick-about area for a range of ages of children, which would be provided on-site. If the developer requires the Council to formally adopt the play-space, then there would need to be a commuted sum payment via a Section 106 agreement for future maintenance.

Other Issues

Contamination

- 6.54 A contamination report has been submitted which concludes:-

- 6.55 On the basis of the findings of Phase I Geoenvironmental Assessment, it is considered that the site is very likely to be suitable for the proposed residential end use.
- 6.56 However, within the preliminary CSM plausible pollutant linkages (PPL) relating to the previous activities on-site have been identified and assessed as presenting a 'low to moderate' or 'moderate' risks to future site users and buried services. These are principally limited to the north/ north-eastern area of the site associated with historical agricultural building and a former building site compound area.
- 6.57 Subject to appropriate mitigation measures, it is considered that contamination would not be a constraint on development. This would be secured by condition.
- 6.58 The Environmental Health Officer has recommended that a construction Method Statement be submitted to ensure that building works do not impact on the neighbouring residential property.

Conclusion

- 6.59 The development is an appropriate one that follows closely, the Policy stimulations within the Proposed allocation Policy SAH2 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 6.60 There has been no objection to that allocation and as a result, appreciable 'weight' can be attributed to that policy.
- 6.61 The submitted documentation demonstrates that the proposed 300 dwellings can be accommodated on the site without any appreciable impact on the landscape, highway safety or the amenity of the neighbours.
- 6.62 The development would take in to account any protected species and the retention of existing planting, and new landscaping would add to biodiversity in the area.
- 6.63 The proposal offers substantial benefits in that it add to the availability of housing, provide a mix of dwelling types, deliver a significant level of affordable housing, and a new open-space and play area.
- 6.64 The proposal, by virtue of the developer contributions to local infrastructure that would be delivered by the Section 106 agreement, would not over-load local services.
- 6.65 The development is an appropriate one that reflects the new Local Plan, and is therefore recommended for approval.

Background Papers

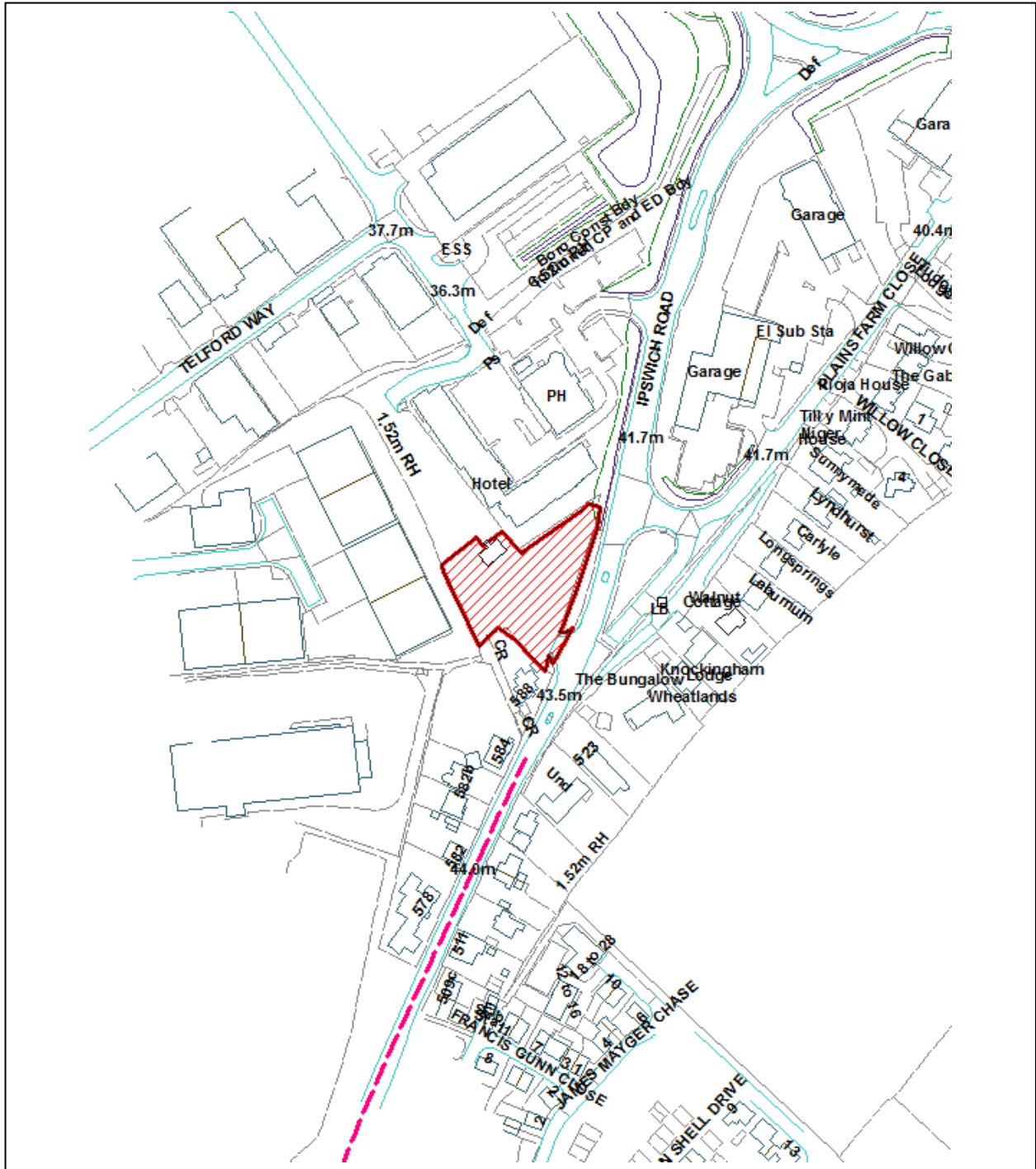
None

PLANNING COMMITTEE

28 MARCH 2018

REPORT OF THE HEAD OF PLANNING

A.2 PLANNING APPLICATION - 17/02136/FUL & 17/02119/ADV - THE COTTAGE SITE, IPSWICH ROAD, COLCHESTER, CO4 9HB



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Application:	1). 17/02136/FUL 2). 17/02119/ADV	Town / Parish: Ardleigh Parish Council
Applicant:	Mr William Barker - KFC UKI	
Address:	The Cottage Site Ipswich Road Colchester	
Development:	<p>1). Development of currently vacant site by way of the erection of single storey building for mixed A3/A5 use incorporating a drive thru lane, car and cycle parking and associated landscaping and boundary treatment.</p> <p>2). Proposed illuminated & non-illuminated elevational signage & freestanding signage.</p>	

1. Executive Summary

- 1.1 These applications have been called in by Councillor Neil Stock for the following reasons:-
- The fast food restaurant and drive-through aspect of the application are completely inappropriate and unacceptable for that location.
 - The impact on the amenity and general quality of life of existing residential properties will be substantially damaged by the cooking smells, highway activities and noise disturbance.
 - This is an extremely busy and congested highway any use of that site should not be allowed to place a significant increase onto the road in terms of access and egress movements.
- 1.2 The planning application proposal relates to the erection of a fast food restaurant and drive-through including associated parking, delivery bay, footpaths and landscaping. The advertisement consent concerns illuminated signage to the proposed building, an illuminated totem sign to the front of the site and various information/direction signs within the site.
- 1.3 The site was previously the subject of an approved planning application in 2009 for a car showroom with associated offices and servicing areas (Ref: 08/00046/FUL). Works to the site access and the discharge of related planning conditions have ensured that this permission has now been implemented and remains live.
- 1.4 In December 2012, a planning application (ref. 12/01411/FUL) and associated advertisement consent application (ref. 12/01412/ADV) was submitted proposing the erection of a fast-food restaurant and 'drive-thru' (mixed A3/A5 use) with associated access road, parking for cars, cycles and motor-cycles, delivery bay, footpaths and associated landscaping, whilst the advertisement consent application proposed both elevational and freestanding internally illuminated signage.
- 1.5 Following the Council's failure to determine either planning application ref. 12/01411/FUL or associated advertisement consent application ref. 12/01412/ADV, within the statutory timescales, non-determination appeals were submitted to the Planning Inspectorate. In May 2014, both the planning appeal (ref. APP/P1560/A/13/2203099) and the associated express advertisement consent appeal (ref. APP/P1560/H/13/2203196) were determined by the Planning Inspectorate. Whilst the advertisement consent appeal was allowed, the planning appeal was dismissed. The sole reason for the dismissal of the planning appeal relating to the application was that the proposal was considered to significantly harm the living

conditions of the occupants of Lion and Lamb Cottage, due to the noise and disturbance associated with the day-today operations of the proposed development.

- 1.6 It is important to note that whilst the description of the 2012 proposals is similar to what is now proposed, both the site area and layout, as well as the positioning of the proposed building, are now significantly different to the earlier applications. In Officer's view the re-location of the restaurant unit, the re-configuration of the parking layout and the provision of a robust landscaping buffer is considered to overcome the planning inspector's previous concerns.
- 1.7 The application site is located within a defined development boundary and is not allocated for any specific use within either the adopted Tendring District Local Plan (2007) or the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). As such the use of the site for the erection of a fast food restaurant/drive-thru is not contrary to any policy regarding a specific land use allocation.
- 1.8 The development proposal is considered to be sequentially preferable and would not have an adverse impact upon the health and vibrancy of Colchester Town Centre.
- 1.9 The proposals are found to be acceptable in terms of their impact on the character and appearance of the local area.
- 1.10 Matters of design, layout and highway safety are also considered acceptable, having regard to all other material planning considerations.
- 1.11 The impact of the proposals in terms of noise, light and odour pollution on nearby residents/hotel users have been fully assessed in conjunction with the Council's Environmental Health Officers, and are considered to be acceptable and would not have a significant adverse impact on residential amenity.
- 1.12 Officers consider that the planning application and the advertisement consent are acceptable and that conditional planning permission and advertisement consent should be granted.

1) 17/02136/FUL

Recommendation: Approve

Conditions:

1. Standard time limit for commencement
2. Development to be carried out strictly in accordance with submitted plans
3. Samples and/or details of construction materials to be submitted and agreed
4. Implementation of the approved landscaping scheme (Replacement of any plants dying or damaged over a 10 yr period)
5. Restriction of opening hours to 0600-2300 (Mon-Sun)
6. Restriction to delivery hours between 0800-1900
7. Details of extraction equipment and noise attenuation/limit/ and maintenance
8. Laying out of parking area/bicycle storage prior to opening
9. Erection of acoustic fencing prior to first use
10. Ordering system volume survey/time restriction
10. Litter management scheme
11. Secure sensitive lighting scheme
12. Details of wheel and underbody cleaning during construction to be provided
13. Visibility Splays 2.4m x 90 in both directions to access
14. Access routes within the site constructed to 6m in width

15. No gates at entrance
16. No unbound materials in first 20m of access
17. Turning and serving facilities provided prior to first use
18. Details of powered two wheelers parking areas
19. No dig technology used for surfaces within RPA's of Oak Trees
20. Details of tree protection measures
21. CCTV scheme
22. Details of lighting scheme including the provision of light shields to the columns
23. Restriction on hours of construction work
24. Restriction on time period for site clearance
25. Compliance with drainage strategy

2) 17/02119/ADV

Recommendation - Approve

1. Advertisement Conditions (5 Standard)

- No advertisement is to be displayed without the permission of the owner of the site
- No advertisement shall be sited or displayed so as to
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

2. Development to be carried out strictly in accordance with submitted plans
3. Maximum Luminance of any signage shall not exceed 300 Candelas per square metre (300 cd/m²)
4. Illuminated signs to be switched off when restaurant/drive-thru is closed to the public

2. Planning Policy

National Policy:

The National Planning Policy Framework
National Planning Policy Guidance

Local Plan Policy:

Tendring District Local Plan (2007)

- QL1 Spatial Strategy
- QL9 Design of New Development
- QL10 Designing New Development To Meet Functional Needs
- QL11 Environmental Impacts and Compatibility of Uses
- ER2 Principal Business and Industrial Areas
- ER7 Business, Industrial and Warehouse Proposals
- ER16 Tourism and Leisure Uses

ER32 Town Centre Uses Outside Existing Town Centres
 COM1 Access for All
 COM2 Community Safety
 COM20 Air Pollution/Air Quality
 COM21 Light Pollution
 COM22 Noise Pollution
 COM23 General Pollution
 EN6a Protected Species
 EN18b Advertisement Control
 TR1a Development Affecting Highways
 TR1 Transport Assessment
 TR3a Provision for Walking
 TR5 Provision for Cycling
 TR7 Vehicle Parking at New Development

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

SPL1 Managing Growth
 SPL2 Settlement Development Boundaries
 SPL3 Sustainable Design
 PP1 New Retail Development
 PP2 Retail Hierarchy
 PP5 Town Centre Uses
 PP6 Employment Sites
 PPL1 Development and Flood Risk
 PPL4 Biodiversity and Geodiversity
 PPL5 Water Conservation, Drainage and Sewerage
 CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

The ‘development plan’ for Tendring is the 2007 ‘adopted’ Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. Part 1 was examined in January 2018 with the Inspector’s report awaited and whilst its policies cannot yet carry the full weight of adopted policy, they can carry some weight in the determination of planning applications. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

3. Relevant Planning History

00/00750/FUL	Erect car showroom, display of used cars for sale, formation of altered access to Ipswich Road (with consequent improvements to the highway) all in connection with	Approved	02.06.2003
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car dealership (Lexus Marque)

90/01116/OUT	Development of site for office building with related car parking and construction of access to Ipswich Road	Refused	10.01.1995
99/01471/LBC	Complete demolition	Approved	07.03.2000
90/01116/LBC	Development of site for office building (4,500m2) with related car parking and construction of roundabout	Approved	10.01.1995
90/00039/LBC	Demolition of cottage	Approved	09.04.1991
08/00046/FUL	Erection of car showroom, MOT facility and workshops, display of new and used cars for sale and alterations to access onto Ipswich Road.	Approved	23.06.2009
12/01411/FUL	Erection of fast food restaurant and drive-thru with associated access road, parking for cars, cycles and motor cycles, delivery bay, footpaths and landscaped areas and change of use to A3 and A5.	Non-Determination on Appeal - Dismissed	02.09.2013
12/01412/ADV	Illuminated projecting fascia signage and applied signage to fast food restaurant building. Illuminated blade totem sign adjacent to access road. 2 no. applied lettering signs to building, 1 no. applied logo vinyl graphic, 1 no. blade totem sign and 8 no. site direction/information signs.	Non-Determination on Appeal - Allowed	02.09.2013
13/00625/FUL	Change of use to vehicle hire with modular building and canopied wash-bay.	Approved	18.09.2013
13/00626/ADV	Proposed 3 fascia signs and 1 pole sign.	Approved	18.09.2013
15/00241/FUL	Erection of 14 dwellings.	Approved	22.08.2016
17/02119/ADV	Proposed illuminated & non-illuminated elevational signage & freestanding signage.	Current	
17/02136/FUL	Development of currently vacant site by way of the erection of single storey building for mixed A3/A5 use	Current	

incorporating a drive thru lane, car and cycle parking and associated landscaping and boundary treatment.

4. Consultations

Tree & Landscape Officer The main body of the land has been cleared of all significant vegetation.

There are however two Oak trees that may be affected by the development proposal. Both are situated on, or close to, the western boundary of the application site.

It may not be necessary for the applicant to submit a detailed Tree Survey and Report however the applicant should provide information to show how these trees will be physically protected for the duration of any planning permission that may be granted. This information should be in accordance with BS5837: 2012 Trees in relation to design, demolition and construction: Recommendations.

It will be essential to ensure that the car park surfacing within the Root Protection Area (RPA) of the trees will be constructed using no dig technology.

In terms of the soft landscaping proposal the applicant has submitted details of new planting intended to both screen and enhance the appearance of the development. Taking into account the location and future use of the site it will be important to secure a robust and comprehensive scheme to both partially screen and enhance the appearance of the development

The proposed changes to the soft landscaping to include more trees is desirable and will, in my view, strengthen the landscaping proposals.

My concerns regarding the durability of some of the species including in the scheme remain; especially in relation to the Ceanothus, which simply does not survive the winter in this district and Anemanthele lessoniana which is recognised as a short lived species. Nevertheless as the landscape architect is confident in their proposal I suggest that the period within which replacement of plants that have failed should be carried out should be extended from the usual 5 year period to something in the region of 10 years.

In this way the Council would be able to secure replacement planting for the foreseeable future.

Building Control and Access Officer No comments

Environmental Protection Following your consultation and further information submitted by the agent I have the following comments to make.

In terms of noise the assessment and levels I have no adverse comments to make relating to the parking and movement of customers vehicles on site.

In terms of the noise levels from commercial deliveries and collections from the site I ask that a condition is imposed to restrict the delivery vehicles accessing the site prohibiting them between 2300 and 0700 to protect the existing amenity.

There may need to be further assessment for the food ordering system and controls put in place to limit the volume if these cause nuisance to the hotel.

I am satisfied from the agents reply that the lighting proposed can be shielded if required to prevent nuisance once it is in operation This needs to be conditioned please.

Please condition that the extraction equipment is installed in line with the submitted plans and maintained as required in the manufacturer's recommendations.

If the lighting is to be altered in any way, a new assessment will be required. Reason to protect the existing amenity.

Food Health and Safety	No comments.
Waste Management	No comments.
Ardleigh Reservoir Committee	No comments received.
Colchester Borough Council	Colchester Borough Council objects to the proposal for the following reasons: <ul style="list-style-type: none">- This scheme will result in numerous vehicle movements close to the neighbouring dwelling. The access road and parking area forms an L-shape around the neighbours' garden which will result in situations of noise from car movements and car door opening and closing close to the neighbours windows and private amenity area, including their sitting out area.- This issue is exacerbated as the proposed A3/A5 use is looking to open between 6.00am and 11pm weekdays, weekends and on Bank Holidays. This means the noise and disturbance will encroach into the neighbouring resident's sleep time every day of the year.- The new position of the proposed building is a retrograde step in design terms. Whereas it was previously set well back in the site, it has been brought forward and rotated so will have a far greater street presence. Much of the flank will now be highly publically visible. The design is a bland, go-anywhere box which will not enhance the area.- Loss of residential in respect of the current extant permission for 14 dwellings on the site.- Request archaeological conditions included on any approval due to likely finds in the locality.

ECC Highways Dept This Authority has assessed the highway and transportation impact of the proposal and taken regard to the following aspects;

1) The principle of development on this site has been set for a number

of years with both commercial and residential proposals being permitted albeit not implemented.

2) Therefore, an intensification in traffic associated with the site has already been accepted and highway infrastructure improvements have already been realised; new right turn lane, new footway facilities, thus catering for the increase in traffic.

3) The previous application for a garage and MOT centre limited access onto Ipswich Road to light vehicles and, whilst this proposal will generate an occasional larger vehicle, this will be outside the normal peak flow times and therefore the level of conflict is not thought to be severe.

Having regard to the above this Authority does not wish to raise an objection subject to the following:

- Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 90 metres in both directions, as measured from and along the nearside edge of the carriageway.
- Prior to occupation of the development the vehicular turning facilities, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.
- Prior to occupation of the development the area within the site identified as a loading/servicing bay shall be provided clear of the highway and retained at all times for that sole purpose as approved in writing by the Local Planning Authority.
- No unbound material shall be used in the surface treatment of the vehicular access within 20 metres of the highway boundary.
- Prior to the first occupation of the development, the proposed access routes within the site shall be constructed to a width of 6 metres to the satisfaction of the Local Planning Authority.
- At no point shall gates be provided at the vehicular access. The access shall remain open and free for use in perpetuity.
- There shall be no discharge of surface water onto the highway.
- Prior to commencement of the proposed 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.
- Prior to the first use of any external lighting within the development site, the light source shall be so positioned and shielded, in perpetuity, to ensure that users of the highway are not affected by dazzle and/or glare, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays with a clear minimum distance of 6m between rows of spaces.
- Each vehicular parking space shall have minimum dimensions of 2.5 metres x 5.0 metres.
- Prior to the commencement of the development the details of

the amount, location and design of cycle/powered two wheeler parking facilities shall be submitted to and approved in writing by the Local Planning Authority.

Essex Wildlife Trust

No comments received.

Highways England

Offer no objections to the development.

Natural England

Statutory nature conservation sites – no objection

Natural England has assessed this application using the Impact Risk Zones data (IRZs) and is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Bullock Wood SSSI has been notified.

Impact on Protected Species

No comments/objections

5. Representations

5.1 Ardleigh Parish Council strongly objects to this application. The Council considers that the proposed development is totally inappropriate for the location and would contravene all the guidelines in the Ardleigh Village Design Statement.

The Parish Council has the following serious concerns;

- The development will cause increased traffic movements in and out of the site from early morning to late at night. This section of Ipswich Road already has a large number of entrances.
- The quantity of vehicles using Ipswich Road will increase substantially in the near future with the proposed development of over 200 residential units at the former Betts site and a further 120 units still to be built. Traffic congestion and flow here is a major problem.
- Coming from the Colchester direction, the entrance to Westpark is just round a corner, a blind spot and potential traffic accident spot.
- A fast food outlet will cause a continuous high level of noise, from traffic and customers, which will start very early in the morning and continue until late. This is unacceptable to what is now a considerable residential area.
- The smell and litter which will come from the food waste is likely to result in a certain number of vermin, foxes and rats being attracted to the site. Litter is a major problem and the parish council has a continual battle with litter as it blows along road sides.
- Light pollution is bound to be high from the building itself, the signs and the traffic. This is unacceptable for the residents of Plains Farm Close and Ipswich Road.
- The vicinity of Lion & Lamb Cottage which is adjacent. The vehicle entrance and exit to the outlet is close the boundary and car parking is also planned to that side of the unit close to the cottage. The constant noise from slow traffic, reverse parking, car doors closing and people speaking will be significant.
- There is no proven need for another food outlet at this location. It is evidenced that there are better location away from residential areas.

- 5.2 The planning application (Ref: 17/02136/FUL) has received a total of 24 objections.
- 5.3 The advertisement consent application (Ref: 17/02119/ADV) has attracted 3 objections.
- 5.4 The salient points of the objectors' representations are summarised as follows:
- Impact upon residential amenity in respect to odours, noise and light pollution;
 - Fast food restaurant out of keeping in this location;
 - Highway safety concerns/congestion;
 - Litter concerns;
 - Loss of development of 14 houses on the site;
 - Community Safety/Anti-Social behaviour;
 - Incompatible use adjacent to residential properties;
 - Impact upon residents staying at adjacent hotel;
 - Totem sign too large and visually intrusive.
- 5.5 Letter from Walsingham Planning representing Whitbread Group Plc outlining the following objections;
- Loss of housing;
 - Noise and disturbance to neighbouring occupiers including hotel users. The windows to the hotel on this elevation are openable. Noise assessment only considers the impact on users with windows closed;
 - Adverse noise from servicing of the unit and the ordering system;
 - Impact upon air quality for users of the hotel;
 - Adverse cooking odours from units;
 - Bin store should be covered and a litter management plan should be implemented;
 - Adverse impact upon the hotel – all issues noted above would seriously harm the amenity of hotel users.

6. **Assessment**

The main planning considerations are:

- Site Context;
- Proposal details;
- Planning History
- Policy issues;
- Sequential Test/Sustainability Considerations
- Design/Layout;
- Residential Amenity;
- Highway Issues;
- Ecological Concerns
- Drainage; and,
- Advertisement Consent.

Site Context

- 6.1 The application site is located on the western side of Ipswich Road on the outskirts of Colchester. To the north of the site is an existing Premier Inn Hotel, to the south and east are residential properties and to the north-west is Severalls Industrial Estate. Directly to the west of the site is a large commercial building owned by Royal Mail. The area is characterised by a mixture of residential properties in Plains Farm Close and commercial

premises i.e. car showrooms, hotel and public house. The site is located within a Defined Settlement Boundary in both the saved and emerging local plans.

- 6.2 The side and rear boundaries to the site are identified by thin hedgerows and some mature Oak and Beech trees. The south and north eastern boundaries, at the frontage of the site consist of close boarded fencing with some hedge planting and form the boundary lines to the side and rear of the Lion and Lamb Cottage, which is a residential property located directly to the south of the site.
- 6.3 The site is currently vacant, and has remained so for many years following the demolition in the 1990's of the previous residential property, known as the Cottage, which was a Grade II listed building. Following that demolition the site was very overgrown, but following the implementation of a vehicular access into/out from the site in 2012 the site has largely remained cleared yet otherwise undeveloped.
- 6.4 Ipswich Road (the A1232) runs in an approximately north-east to south-west direction, leading into the town centre of Colchester to the south-west (approximately 2.5 miles from the site), whilst approximately 400 metres to the north-east is junction 29 of the A12 London to Lowestoft Road, with this junction linking the A12 with the A120 road (leading to both the port of Harwich and the resort of Clacton-on-Sea).
- 6.5 The closest bus stops to the site are located approximately 230 metres to the north-east of the existing vehicular entrance into the site, with those stops known locally as Balkerne Gate. The site is situated approximately 850 metres east from National Cycle Network Route 1, which runs along Severalls Lane connecting the towns of Ipswich and Colchester.

Proposal Details

- 6.6 This application seeks to develop this vacant site with a fast food restaurant incorporating a drive-through together with service access road, car parking, cycle facilities to serve the proposed development. The change of use would bring the site into A3 (Restaurant) and A5 (Hot Food Takeaway) use. The opening hours proposed are 06:00-23:00 Monday to Sunday and the unit is envisaged to employ approximately 45 staff comprising of both full-time and part-time roles.
- 6.7 The restaurant proposed for this site would have a gross internal floor area of 208m² and would consist of a single storey building with flat roof. The building in the main would measure 11.7m wide by 23.7m long and 5.3m in height.
- 6.8 Access into the site will be off Ipswich Road. A new road junction on Ipswich Road to serve the site and Plains Farm Close has recently been completed. This junction and the associated right hand turn and pedestrian crossings were approved under planning permission ref: 08/00046/FUL.
- 6.9 The building would be positioned at an angle to the road to replicate the orientation of the Premier Inn building to the north. At its closest point the building would be situated 13m back from the Ipswich Road carriageway and 28m back at its furthest point. The building would retain a 15m gap to the Premier Inn hotel to the north and 24m to the side boundary of Lion & Lamb Cottage to the south.
- 6.10 The proposed drive-through encircles the proposed building, with traffic circulating around the building in a clockwise direction, with drivers placing their orders shortly after entering the drive-through lane and then collecting their orders from the opposite side of the building. The drive-through lane, has been designated for both large cars and a 12-seater minibus vehicle to utilise, and can accommodate up to 10 cars between the start of the drive-through lane and the collection window.

- 6.11 A total of 31 car parking spaces, including 2 disabled spaces and 2 'grill-bays', are proposed within the curtilage of the site, together with 8 cycle parking spaces by way of 'Sheffield stands' positioned close to the entrance of each unit.
- 6.12 The application is also accompanied by a Delivery & Servicing Plan prepared by mode transport planning, and that document sets out how that unit will be serviced with vehicles no larger than 12 metre rigid HGV's, with typical frequencies of 3 times per week, taking place outside of peak trading (mid-morning). Servicing will take place in a dedicated area adjacent to the proposed main building.
- 6.13 Refuse storage, including recycling facilities, will be provided within dedicated refuse storage areas, both within the yard area of the proposed building and within a separate detached building close to the northern boundary of the site, accessed from the rear of the proposed main building.
- 6.14 The development also incorporates new boundary treatment including, a low post and rail fence along the Ipswich Road frontage of the site, together with two sections of 2.1 metre high acoustic fencing, one section positioned along the north-western boundary of the site (adjacent to the neighbouring Premier Inn hotel) and also along the southern and south-western boundary of the site (adjacent to Lion and Lamb Cottage).
- 6.15 A detailed landscaping scheme has also been proposed. This landscaping focuses primarily upon the Ipswich Road frontage of the site, and also provides a generous landscaped buffer (approximately 5 metres wide) running all along the south and south-western boundary of the site.
- 6.16 The associated advertisement consent ref: 17/02119/ADV proposed various corporate elevational signage to the building and directional signage for pedestrians and users of the drive-through element. The advertisement consent also proposed the erection of a 6.3m high totem sign which is to be illuminated. The height and siting of the totem sign replicates that previously allowed on appeal.

Planning History

- 6.17 In June 2009, planning permission (application ref. 08/00046/FUL) was granted in respect of the application site for the erection of a car showroom, MOT facility and workshops, incorporating the display of new and used cars for sale and alterations to the existing access onto Ipswich Road. That permission was subsequently implemented by way of the alterations to the site access, but no other work pursuant to the granting of that permission has subsequently been undertaken, over 8 years since it was approved.
- 6.18 In September 2013, planning permission (application ref. 13/00625/FUL) was granted for the use of the site for vehicular hire purposes incorporating a modular building and canopied wash bay, but that permission was never implemented and subsequently lapsed.
- 6.19 In December 2012, a planning application (ref. 12/01411/FUL) and associated advertisement consent application (ref. 12/01412/ADV) was submitted proposing the erection of a fast-food restaurant and 'drive-thru' (mixed A3/A5 use) with associated access road, parking for cars, cycles and motor-cycles, delivery bay, footpaths and associated landscaping, whilst the advertisement consent application proposed both elevational and freestanding internally illuminated signage.
- 6.20 It is important to note at this stage that whilst the description of those proposals is similar to what is now proposed, both the site area and layout, as well as the positioning of the proposed building, are now significantly different to the earlier applications.

- 6.21 Following the Council's failure to determine either planning application ref. 12/01411/FUL or associated advertisement consent application ref. 12/01412/ADV, within the statutory timescales, non-determination appeals were submitted to the Planning Inspectorate. In May 2014, both the planning appeal (ref. APP/P1560/A/13/2203099) and the associated express advertisement consent appeal (ref. APP/P1560/H/13/2203196) were determined by the Planning Inspectorate. Whilst the advertisement consent appeal was allowed, the planning appeal was dismissed.
- 6.22 As paragraphs 36 and 49 of that decision confirm, the sole reason for the dismissal of the planning appeal was that the proposal was considered to significantly harm the living conditions of the occupants of Lion and Lamb Cottage, due to the noise and disturbance associated with the day-to-day operations of the proposed development.
- 6.23 In August 2016, planning permission (application ref. 15/00241/FUL) was granted for the erection of 14 residential units (1 x 2 bed flat, 4 x 2 bed houses, 7 x 3 bed houses and 2 x 4 bed houses) on a larger application site of 0.39 hectares in area incorporating both the application site of these new applications and extending beyond the north-western boundary of the current application site.

Policy Considerations

- 6.24 The National Planning Policy Framework (NPPF) contains the Government's planning policies and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes. Specific references to relevant sections of the NPPF are referred to in the assessment later in this report.
- 6.25 The site is located within a settlement development boundary in both the saved and emerging local plans and therefore there is a presumption in favour of development in this location. The area immediately in the vicinity of the site is in mixed use including a public house, a hotel, a Royal Mail distribution centre and a collection of car showrooms. The site is not allocated for any particular use in the saved Tendring District Local Plan (2007) or the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) so the use of the site for construction of a fast food restaurant/drive-through is considered to be acceptable in principle.
- 6.26 It should also be noted that, in May 2014, when determining the previous planning appeal for the same commercial use of the site as to what is now proposed, the Inspector stated (within paragraph 20 of her decision notice) that

"although there are no 'drive-through' restaurants, I consider that the nature of the proposal is compatible with the existing mixed character of the locality which includes several commercial and leisure uses."

This must also be considered against the backdrop of the previous planning history pertaining to the site, including an implemented planning permission for a car showroom dating back to 2009 and an extant planning permission for housing. As such it is clear that that principle of the development of the site for either commercial or residential use has been established, and either of these planning permissions could still be implemented.

- 6.27 Matters therefore now turn to the detailed aspects of the scheme, which are controlled by a whole host of policies. These policies seek to ensure that proposals are well designed, relate satisfactorily to their surroundings, would not adversely impact upon residential amenity in the locality, are acceptable from a highways perspective and are acceptable in terms of their environmental/ecological impact.

Sequential Test/Sustainability Considerations

6.28 Saved Policy ER32 of the Local Plan (2007) permits town centre uses outside of existing town centres, provided they do not individually or cumulatively, materially harm the viability and vitality of an existing centre. Paragraph 24 of the Framework states that proposals for town centre uses that are not in an existing town centre, and which are not in accordance with an up to date Local Plan should be subject to a sequential test which may identify preferable sites in town centres. Only if suitable sites are not available should out of centre sites be considered.

6.29 The Glossary to the National Planning Policy Framework ('The Framework') confirms that drive-through uses are defined as a town centre use for which the policies of 'The Framework' apply. According to 'The Framework' the proposed site lies within an out of town centre position. Paragraph 24 of 'The Framework' therefore applies, this states;

'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 edge of centre locations and only if suitable sites are not available should out of centre sites be considered'.

6.30 Planning Practice Guidance Note - 'Ensuring the vitality of town centres' states that the sequential test guides main town centre uses towards town centre locations first, then, if no town centre locations are available, to edge of centre locations, and, if neither town centre locations nor edge of centre locations are available, to out of town centre locations, with preference for accessible sites which are well connected to the town centre. It supports the viability and vitality of town centres by placing existing town centres foremost in both plan-making and decision-taking.

6.31 Therefore, as the proposal involves the development of a main town centre use, not in an existing centre, an updated sequential approach document has been submitted. As part of the previous application a sequential assessment was considered, firstly by the Council, and then on appeal by the Inspector, whom, in her decision notice of May 2014, concluded that due to the historic street pattern of Colchester it was unlikely that any town centre sites would be suitable. Concluding the inspector found that no persuasive evidence to indicate that there are any suitable sequentially preferable locations available to the applicant. The inspector concluding by stating;

"In the absence of any sequentially preferable sites, I consider the proposal to be environmentally sustainable. It would also be economically sustainable in that it would provide about 45 jobs in the future. I therefore conclude that the proposal would be sustainable development and would not conflict with policy QL2 of the Local Plan which aims to avoid reliance on private cars and promote transport choice."

6.32 The updated assessment identifies that for any site to be considered in the sequential test it needs to meet the following requirements;

- A broadly level site with a minimum size of 0.3 hectares, configured in such a way to allow a single storey drive-thru building, traffic circulation and parking provision;
- Safe and efficient access to the strategic road network; and
- To be sufficiently prominent to ensure visibility to passing custom.

6.33 With these criteria in mind the updated sequential assessment relooks at those sites previously considered and several new sites. All the sites were assessed in terms of their availability within a reasonable time period, suitability in respect of the applicant's needs

and demands and viability in regard to judging whether there is a reasonable prospect that development will occur on the site.

The sites included in the assessment are;

- 1. Existing KFC, 10 High Street
- 2. Tollgate Retail Park, Tollgate West
- 3. Stanway Retail Park, Peartree Road
- 4. Colchester United FC, United Way
- 5. BP Services, Cuckoo Farm Way
- 6. Betts Site, 505 Ipswich Road
- 7. The Rovers Tye, Highwoods Approach
- 8. Waitrose Supermarket, St Andrews Avenue
- 9. Knowledge Gateway, Elmstead Road
- 10. Cowdray Industrial Estate, Cowdray Avenue
- 11. Turner Rise Retail Park, Turner Road
- 12. Colchester Retail Park, Sheepen Road
- 13. Sainsbury's Supermarket, 1 Western Approach,
- 14. Tesco Supermarket, Greenstead Road
- 15. Colne View Retail Park, Cowdray Avenue
- 16. Wickes, 1 Clarendon Way

- 6.34 Of the previous alternative sites appraised (as listed above) the assessment finds that none have since become either available or more appropriate for the proposed mixed A3/A5 use than the application site, and several have subsequently been approved for residential-led or wholly residential development.
- 6.35 Further sites considered include land around The Maltings and Lightship Way including the existing BBQ store. However, these sites have existing planning permissions and are not visually prominent and do not therefore meet the client's criteria listed above. It must also be noted that these sites are also not within a town centre location.
- 6.36 As such it is concluded that the site is sequentially appropriate for its proposed mixed A3/A5 usage incorporating drive-through facilities, having regard to the nature of the proposed use and its likely customer base, and the absence of any appropriate or available sequentially preferable sites within the area.
- 6.37 Paragraph 26 of 'The Framework' makes it clear that, in the absence of a locally set threshold, schemes with a floor space below 2500 square metres should not be required to provide an assessment of the impact upon viability and vitality of town centres. However, it is considered that due to the nature of the proposal trade is likely to be derived from existing out of centre facilities. The drive-through format is therefore unlikely to result in any recordable trade diversion from food retail facilities present within the surrounding centres, any 'impact' in this respect is consequently anticipated to be negligible.
- 6.38 Turning to matters of sustainability, it is evident that the proposal for a drive-through facility is aimed at competing primarily with other out of centre facilities such as McDonalds at Colchester Leisure World (2.7 miles) and McDonalds at Tollgate Retail Park (6.9 miles). Furthermore, it is highly likely that the expenditure directed to the new facility will already be car bourn, either as a result of commuting journeys; leisure related trips or dedicated trips seeking a drive-through facility. As such, the proposal is not considered to represent a 'trip generator' on its own. In addition, there will be very little trade diverted from the town centre, either in the form of direct competition with other food outlets or secondary impacts via linked trips.

- 6.39 In relation to the accessibility of the site, the National Cycle Network Route (NCN1) runs within Severalls Lane to the rear of the site. Cyclists departing from the rear access would need to ride 850m to reach the NCN1. The closest bus stop (Ardleigh, Balkerne Gate) is within 230m walking distance from the site. Buses operate frequently from this stop largely between Colchester and Ipswich. A further bus stop is located to the south (Colchester Crown Gate), again this stop provides for buses on a frequent basis operating between Monkwick, Highwoods and Colchester Town Centre.
- 6.40 The development of a drive-through restaurant in this location is therefore considered to promote the aims and objectives of sustainability, by meeting an identified need for car borne restaurant facilities in this location off a key distributor road, which is also accessible via public transport facilities.

Design/Layout

- 6.41 Policies QL9 (Tendring District Local Plan 2007) and SPL3 (Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) state that all new development should make a positive contribution to the quality of the local environment and protect or enhance local character. Paragraph 58 of 'The Framework' supports this stance by confirming that development should function well and add to the overall quality of the area.
- 6.42 The existing vacant appearance of the site and its unkempt condition is considered to detract from the overall quality of the street scene in this location. The site is seen within a context of commercial and residential properties which have little or no local distinctiveness. The nearest buildings are ubiquitous in character and include a hotel/public house, a car showroom and storage/distribution depot. The siting of a fast food restaurant in this location would therefore not appear out of character in this location where there is a wide variety of architectural styles and building types.
- 6.43 The restaurant building is to be of a contemporary design and would consist of a steel portal frame construction with insulated cladding panels and a variety of specialist feature finishes including composite panelling and stone textured panels. The building's overall appearance is quite simple in form and would not compete, in a detrimental way, to the character of buildings that surround the application site. The building is located on the edge of an industrial park and is therefore surrounded by many larger double height industrial units on 3 sides. The building would be single storey and is therefore subservient in height to the neighbouring Premier Inn, which is two-storey and has a high pitched roof. As such the building would be predominantly viewed against the backdrop of the larger hotel building sited directly to the north thereby reducing its overall prominence. It must also be noted that the car showroom building, of which the planning permission has been implemented, is a significantly higher and bulkier building than the restaurant building now proposed.
- 6.44 The form and layout of the scheme is clearly heavily influenced by the functional requirements of the proposed drive-through element of the proposal. The access point is fixed and there needs to be space for vehicles to queue around the building so that customers have time to make their choices as they approach the ordering point. As such the building has been set back into the site. This results in the building being less conspicuous in views along Ipswich Road and it being viewed against the backdrop of the larger Royal Mail depot building to the west and the Premier Inn building to the north.
- 6.45 The set back of the building into the site also enables hedging and tree planting, particularly around the entrance to the site and along the boundary with Lion and Lamb Cottage. A robust planting scheme has been provided which includes the planting of several trees along the site frontage and comprehensive hedge and shrub planting eastern and western ends of the site. This further assists in reducing the prominence of the building by softening its overall appearance and enhancing views of the development from Ipswich Road.

- 6.46 Overall the design of the building and the layout proposed are considered to represent an appropriate response to the character and setting of the area. The contemporary design approach taken does not compete in a detrimental manner with the mixed character of buildings in the locality and the development of the site would bring back into use a vacant and unkempt plot.

Residential Amenity/Relationship to Premier Inn

- 6.47 The previous planning application (ref. 12/01411/FUL) for mixed A3/A5 use on part of the current application site was dismissed on appeal in May 2014 solely on the basis that it was considered to cause harm to the living conditions of the occupants of the nearest residential property, Lion and Lamb Cottage, and that harm would outweigh the benefits of the proposals. In particular within the appeal decision the inspector makes reference to concerns over the proximity of the drive-through circuit and parking spaces to the rear of the rear garden serving the property and noise from car doors and loud voices which would be audible above the general noise level. The inspector concludes by stating that;

“that due to the hours of operation and the proximity of the parking areas and patio areas to the boundary with Lion and Lamb Cottage, the proposed use would have a significant adverse effect on the quality of life that the occupants of Lion and Lamb Cottage currently enjoy”.

- 6.48 To address these concerns the proposed building has been relocated so that it is positioned on the northern-most part of the revised application site, between the hotel and the Ipswich Road frontage. Secondly, this relocation also means that the associated drive-through lane is now positioned away from Lion and Lamb Cottage, whereas the 2012 application involved every vehicle using the drive-through lane manoeuvring within 6 metres of the rear boundary of the curtilage of Lion & Lamb Cottage.
- 6.49 Furthermore, the 2012 application proposed 5 car parking spaces virtually adjoining that same rear boundary, and consequently it is recognised that those proposals would have generated a significant level of activity, both in terms of customers utilising the drive-through lane, vehicles parking in the 5 parking spaces adjacent to the rear boundary of Lion and Lamb Cottage, and customers walking between those spaces and the building.
- 6.50 As such the most intensive use of the application site proposed by the 2012 application was immediately to the rear of the Lion and Lamb Cottage. The current proposal relocates this use away from that property, to a more sympathetic position within the site where any impacts are comparable to the existing significant levels of activity in terms of vehicular movements along Ipswich Road which the building will now be close to.
- 6.51 A further revision to this scheme over the 2012 proposal is the provision of a deeper landscape buffer, wrapping around the Lion and Lamb Cottage and comprising of more robust planting. This planting buffer in conjunction with the 2.1m high acoustic fencing will further mitigate against any potential noise emanating from the development.
- 6.52 A further concern of the inspector was that the previously submitted noise assessment did not fully assess the impact of traffic queuing for the drive-through or those turning from Ipswich Road into the site. As stated above the relocation of the drive-through circuit away from the neighbouring property and deeper into the site has largely overcome this matter. Consequently, an updated noise assessment has been provided which concludes the following;
- The rating noise level of fixed plant will be designed and controlled so as to not exceed the existing minimum background noise climate; 45 dB during the daytime and a rating level of 40 dB at night.

- Noise from drive-through operation, use of the external seating area and customer car parking activity would comply with World Health Organisation guidance values and is well below the existing noise climate for operating between 0600 hours and midnight.
 - It is concluded, therefore, that the proposed restaurant with drive-through facilities could trade between 0600 hours and 2300 hrs without associated noise causing significant adverse impact, in accordance with both national and local policy aims.
- 6.53 The assessment also confirms that predicted noise levels from vehicles queuing will be significantly below existing noise levels from road traffic on Ipswich Road and therefore will not cause any impact to residents of Lion and Lamb Cottage.
- 6.54 The Council's Environmental Health Officers have reviewed the noise assessment and have confirmed they have no objections to its findings in respect of the impact upon the residents of Lion & Lamb Cottage. Environmental Health Officers also confirm that shielding to the lighting columns is required to prevent nuisance once in operation. In view of this, full details of the lighting scheme for the development are to be secured through condition. No changes can then be made to the lighting scheme without planning consent being obtained first.
- 6.55 Officers are therefore of the opinion that the significant revisions to the current proposals both address and overcome the concerns of the Inspector who determined the previous planning appeal, including the concerns raised in paragraph 29 of the appeal decision relating to noise from car doors and loud voices associated with both vehicular and pedestrian activity so close to the residential boundaries.
- 6.56 In regard to the impact upon users of the Premier Inn Hotel to the north a technical noise note has been provided in response to the objection received from on behalf of Whitbread Group Plc. The technical note in particular concludes the following;
- That even with windows open, noise levels will be less than existing noise levels and will not cause significant adverse impact to residents of the hotel.
 - That deliveries to the restaurant should be within daytime hours only (7am-11pm) to protect users of the hotel and occupiers of the nearby cottage from adverse noise.
 - Ordering system sound levels should be controlled via time restricted condition.
- 6.57 As to the impact of odours upon amenity, it is intended to install filtration and odour-suppressing equipment to the roof of the building. Indicative details have been supplied as part of the application. These details will be secured via condition. Again, the Council's Environmental Health Officers have reviewed the indicative details and have confirmed that that as long as the extraction equipment is installed, operated and maintained in line with the manufacturer's recommendations the likelihood of a nuisance will be negligible. The planning inspector agreed with this view in the previous appeal decision by stating that the installation of odour control system would avoid any harm to the living conditions of surrounding residents arising from cooking odours.
- 6.58 In respect to litter, it is acknowledged that people sometimes discard packaging and half-eaten food. However, litter bins are proposed to serve the restaurant and KFC operate a litter picking policy which should reduce the likelihood of any nuisance caused by litter dropped by customers. A litter strategy will also be secured by condition.
- 6.59 Taking all the above into account it is not considered that the proposal would result in unacceptable harm to the living conditions of nearby residents, being those adjacent to the site at the 'Lion and Lamb Cottage' or those in Ipswich Road or Plains Farm Close opposite the site. Furthermore, due to the transient nature of residents staying at the adjacent Premier Inn Hotel, the impact of the proposal in terms of noise and odours is negligible. The proposal is therefore considered to accord with saved policies QL10 and QL11 of the

adopted Tendring District Local Plan (2007) and policy SPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Highway Safety

- 6.60 The previous approval pertaining to the site (planning ref: 08/00046/FUL), which related to the erection of a car show room, MOT bay and 6 bay workshop, required that certain highway works took place prior to the commencement of development. These works involved the alteration of the access into the site from Ipswich Road and alterations to Ipswich Road itself including; the formation of a right turn lane, construction of relevant footpaths and works involving the widening of Ipswich Road. These works were produced in consultation Essex County Council Highways.
- 6.61 The highway works have been completed to the satisfaction of the Highway Authority. Consequently a Transport Assessment has been submitted to assess the impact of the proposed development upon highway safety in the vicinity. The access statement concludes that the completed highway improvements to the Ipswich Road and Plains Farm Close junction, to allow access to the 2009 consented car showroom development would also be adequate to serve the development proposal for a fast food restaurant/drive-through facility. The assessment concludes by stating that an assessment of the site access junction operation has been undertaken and demonstrates that the site access would operate within theoretical capacity during all surveyed periods. The assessment work undertaken has indicated that there would not be demonstrable harm arising from the proposed scheme and there are no identifiable severe impacts. Therefore, there are no traffic and transport reasons why the development should not be granted planning consent.
- 6.62 Supporting this conclusion it is also important to note that in the May 2014 appeal decision, the Inspector concluded that;
- “the proposal would not have a harmful effect on highway safety and would comply with policy QL10 of the Tendring District Local Plan 2007 in that the highway network would be able to accommodate the additional traffic generated by the proposal.”*
- 6.63 Essex County Council Highways support this view and have no objections to the development providing, amongst other requirements, that a wheel washing facility is supplied on site, the parking and access is provided as shown on the plans prior to opening of the unit, cycle storage is provided, no gates provided at the entrance and no unbound materials used in the first 20m of the access road. These requirements will both be secured via planning condition.
- 6.64 The Highway Agency has also confirmed that they have no objection to the development proposals.
- 6.65 In regards to parking provision, the scheme provides for 31 no. car parking spaces (including 2 no. mobility impaired spaces and a bicycle parking zone. The split of A3 (Restaurant) use and A5 (Takeaway use) means that a total provision of 26 no. spaces are required for the proposal, this is based on a floor area of 208m². As such the parking provision is comfortably in accordance with the Council's adopted Car Parking Standards.

Ecological Concerns

- 6.66 An extended phase 1 habitat survey (preliminary ecological assessment) has been submitted and concludes that the proposed development site can be considered to be of low overall ecological value. The survey area comprises of emergent scrub land between extensive areas of ruderal vegetation across the majority of the site. In addition, the site is effectively an 'island' surrounded by development and infrastructure, thus offering negligible

potential protected species habitat. It is considered that no protected species would be adversely impacted by the development proposals.

- 6.67 Notwithstanding the above, appropriate recommendations/due diligence in respect of nesting birds and ecological enhancements are provided within the report. These relate to sensitive lighting and vegetation clearance timings. These will be secured via condition.
- 6.68 The Council's Tree Officer has confirmed that two Oak trees may be affected by the development proposal. Both are situated on, or close to, the western boundary of the application site. He has therefore recommended that a condition is attached to ensure that the car park surfacing within the Root Protection Area (RPA) of the trees will be constructed using no dig technology.

Drainage

- 6.69 A drainage strategy has been submitted which confirms that surface water will be dealt with heavy duty buried attenuation tanks with the capacity to cater for 1 in 30 yr storm conditions. Foul water will be carried off site via a connection to the existing sewer within Ipswich Road.

Advertisement Consent – 17/02119/ADV

- 6.70 The proposed projecting fascia signage, illuminated blade totem sign, 2 no. applied lettering sign to the building, 1 no. applied logo vinyl graphic, 1 no. blade totem sign and 8 no. site direction/information signs are to be sited on and around the proposed fast food restaurant. The illuminated blade totem sign is to be located adjacent to the site access at the front of the site.
- 6.71 For advertisement consent the only issues that can be considered are amenity and public safety.

Amenity

- 6.72 The signage to the building would not be unduly prominent within the street scene due to the setback nature of the proposed building and the presence of other signage within the vicinity. Furthermore, the signage would respect the character of the area in terms of their size, position, colouration and materiality.
- 6.73 The various freestanding internally illuminated signs within the application site would provide direction to both vehicular traffic and pedestrians. These structures take their design cues from the materials and colours which characterise the proposed elevational appearance of both buildings and therefore complement the overall appearance of the application site.
- 6.74 The illuminated totem blade to the front of the site would be fairly prominent due to its height of 6m. However, there are other similar signs in the locality, in particular to the north at the Table Table Public House. The sign is also set back from the edge of the carriageway by some 8m which further reduces its prominence in views along Ipswich Road. Although illuminated this would be confined to the lettering and logo and as such would not over accentuate its presence at night.
- 6.75 It must again be noted that the advertisements were allowed on appeal previously by the inspector in 2014. The size and siting of the adverts applied for now remain as previously proposed.
- 6.76 Further, the signage is considered to be sited far enough away from the adjacent residential property (26m) not to cause an adverse impact upon the residents in terms of light pollution.

The Council's Public Experience (Environmental Health) department have not raised any concerns in this regard.

- 6.77 To further reduce the impact of the illumination upon residents in the locality a condition will be attached to the permission ensuring that the illumination of the signage is switched off when the premises are closed to the public.

As such there is no significant harm to local amenity that would warrant a refusal.

Public Safety

- 6.78 Essex County Council Highway raise no objections to the development providing the luminance level of the signage proposed does not exceed 300cd/m² and any light source is suitably shielded to avoid any glare to users of the highway. These requirements will be secured via condition and ensures that the illuminated adverts would not adversely impact upon public safety.

Background Papers

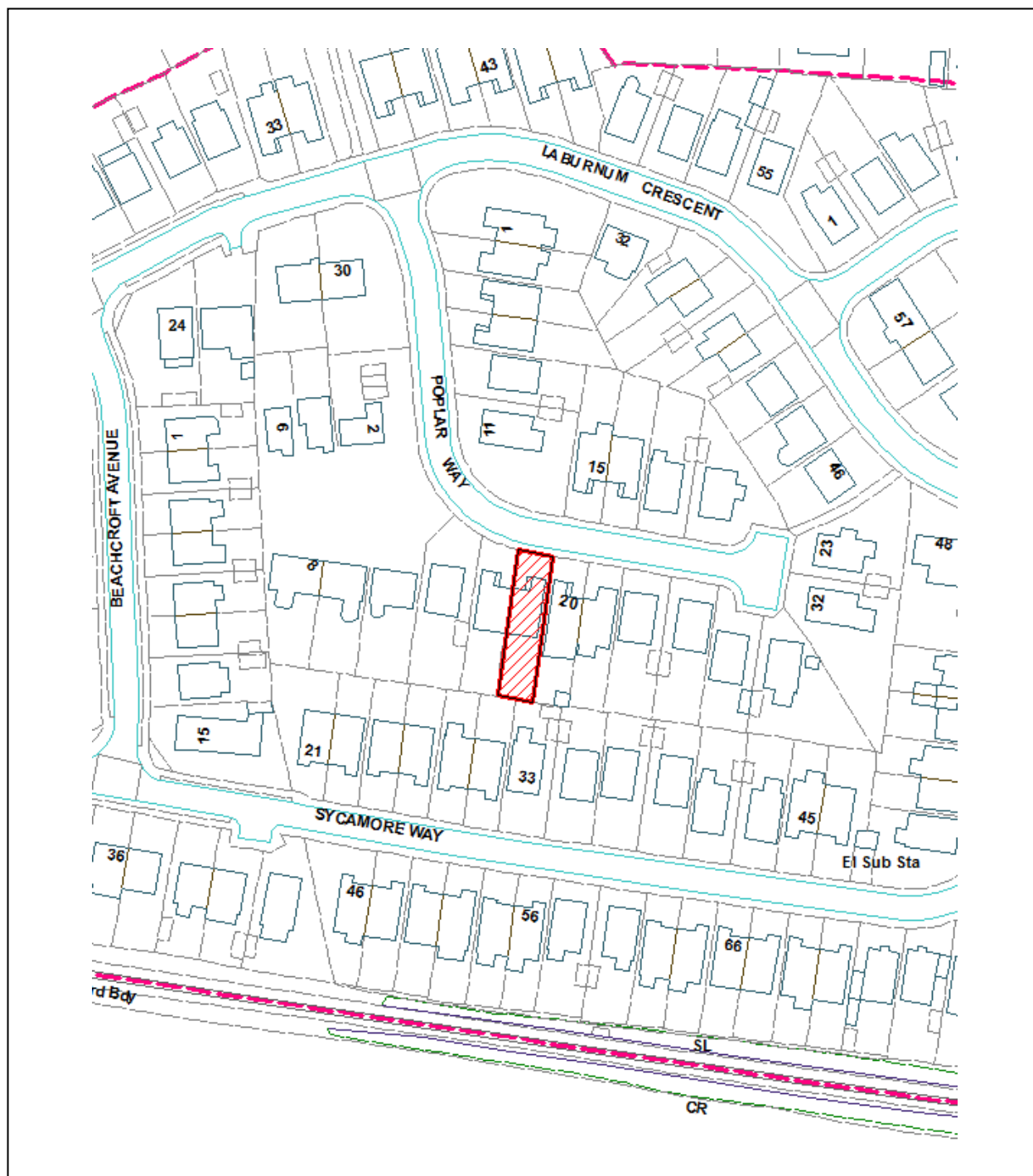
None

PLANNING COMMITTEE

28 MARCH 2018

REPORT OF THE HEAD OF PLANNING

A.3 PLANNING APPLICATION - 18/00175/FUL - 18 POPLAR WAY, KIRBY CROSS, FRINTON-ON-SEA, CO13 0QX



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Application:	18/00175/FUL	Town / Parish: Frinton & Walton Town Council
Applicant:	Mr T Beech	
Address:	18 Poplar Way Kirby Cross Frinton On Sea CO13 0QX	
Development:	Extension to existing garage.	

1. Executive Summary

- 1.1 This application is referred to the Planning Committee by Councillor Davis due to the impact on neighbouring privacy and the proposal being 'out of character with the design and intention' of the area.
- 1.2 The application seeks planning permission for an extension to the existing garage, filling the space underneath the existing roof canopy towards the centre of the front elevation.
- 1.3 The development necessitates the use of the existing side door to the property becoming the main entrance, with some internal alterations. However, the increased use of this door does not require planning permission and so cannot be considered as part of this application. Planning permission is being sought only for the erection of the garage extension.

Recommendation: Approve

Conditions:

1. Three Year Time Limit
2. Approved Plans

2. Planning Policy

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR7 Vehicle Parking at New Development

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

SPL3 Sustainable Design

Local Planning Guidance

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. Part 1 was examined in January 2018 with the Inspector's report awaited and whilst its policies cannot yet carry the full weight of adopted policy, they can carry some weight in the determination of planning applications. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

3. Relevant Planning History

16/01779/HHPNOT	Proposed single storey rear extension with pitched roof.	Approved	11.01.2017
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4. Consultations

N/A

5. Representations

5.1 Frinton and Walton Town Council have recommended the application for refusal for the following reasons:

- Loss of second door to the property is detrimental to the emergency service access
- Concerned with DDA access.

5.2 Three letters of objection have been received – one from Cllr. Bucke, and two from the adjacent neighbour at 20 Poplar Way. The neighbour raises concerns over the design of the proposal.

5.3 Further concerns raised in all three representations regarding the use of the existing side door as the main access to the property, and its subsequent impact on neighbouring amenities and safety at the property, cannot be considered as part of this application as those works do not require planning permission.

6. Assessment

6.1 The main planning considerations are:

- Design and Appearance;
- Impact on Neighbouring Amenity; and
- Parking Provision.

Design and Appearance

- 6.2 The proposal is sited to the front of the property, so will be visible from the highway. As the proposal seeks to infill the existing canopy adjacent to the garage, it will not involve any increase to the roof line or overall foot print of the property. The scale of the proposed extension is minor.
- 6.3 External materials to match the host dwelling are proposed, which will create a sense of cohesive development.
- 6.4 Although no other properties in the vicinity have extended their garage in this way, a nearby property has infilled the roof canopy adjacent to the garage to create a large porch of brick construction. Extending the property in this way is therefore not out of character with surrounding properties and will result in no material harm to the visual amenity of the area.

Impact on Neighbouring Amenity

- 6.5 The proposed extension is sited centrally on the front elevation, with separation from each side boundary. It is single storey and will infill the canopy provided by the existing roof. A small window is proposed in the side elevation. This window does not serve a primary living space, and at 1.75m high will be above eye level. The proposed garage extension will therefore cause no significant loss of daylight, outlook or privacy to neighbouring properties.

Parking Provision

- 6.6 The Essex Parking Standards indicate that any new dwellings with 2 or more bedrooms require parking spaces for 2 cars, each measuring at least 5.5m by 2.9m (7m x 3m in the case of a garage). A single parking space to the front of the existing garage will be retained.
- 6.7 The existing garage does not satisfy the minimum dimensions in terms of depth or width. The depth of the garage will remain unchanged following the erection of the proposal. The garage will be increased in width and will then exceed the width required by the parking standards, thereby making it more usable
- 6.8 While it is acknowledged that the proposal does not afford the property two parking spaces as required by the adopted standards, the proposed garage extension will not reduce the existing parking provision at the site and does not provide any additional bedrooms. There will therefore be no material harm to highway safety as a result.

Background Papers

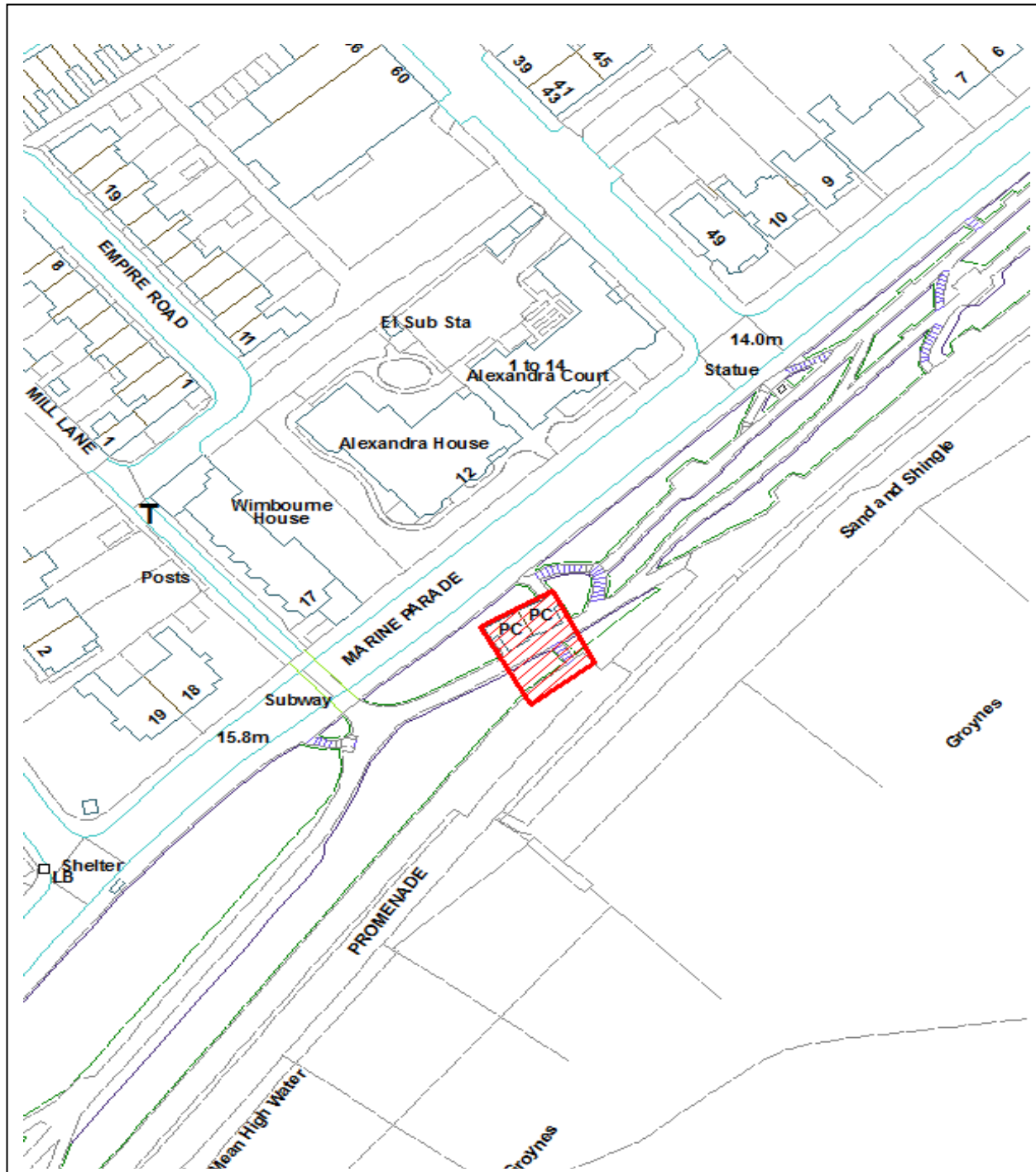
None.

PLANNING COMMITTEE

28 MARCH 2018

REPORT OF THE HEAD OF PLANNING

A.4 PLANNING APPLICATION - 18/00071/FUL - FORMER PUBLIC CONVENIENCES, MARINE PARADE, DOVERCOURT, CO12 2RA



DO NOT SCALE

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Application:	18/00071/FUL	Town / Parish: Harwich Town Council
Applicant:	Mr Stuart Hazell	
Address:	Former Public Conveniences Marine Parade Dovercourt CO12 2RA	
Development:	Change of use from redundant public conveniences to cafe/restaurant. Internal alterations, new windows, stair access to roof, removal of rooflights, balustrade around roof area, and erection of waste storage area.	

1. Executive Summary

- 1.1 The application is referred to Planning Committee as the land is owned by T.D.C.
- 1.2 The building is the former public convenience located within the Dovercourt Bay beach front adjacent to the Promenade.
- 1.3 The site lies just outside of the defined town centre and conservation area boundaries of the saved Local Plan close to the Town Centre of Dovercourt.
- 1.4 The building is no longer in use and has been empty since its closure. Whilst there is no appearance of dilapidation, the planning application presents an opportunity to realise a viable alternative tourism-related use for the redundant building, that would be in keeping with the general location and that supports local economic activity and wider regeneration aims of the Council.
- 1.5 The modest scale of the proposed café is considered to be an acceptable alternative use. And, with appropriate conditioning and moderate adaptation, no material harm is envisaged to the visual amenity of the surrounding area and the amenity of residents nearby. The application is therefore recommended for approval.

Recommendation: Approve

Conditions:-

1. Commence within 3 years
2. Development in Accordance with Approved Plans
3. Materials
4. Extraction and ventilation details
5. Opening times: 07.30am till 20.00pm Monday - Sundays including Bank Holidays
6. No sound amplification in external areas

2. Planning Policy

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

ER16 Tourism and Leisure Uses

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

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

PP8 Tourism

SPL3 Sustainable Design

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. Part 1 was examined in January 2018 with the Inspector's report awaited and whilst its policies cannot yet carry the full weight of adopted policy, they can carry some weight in the determination of planning applications. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

3. Relevant Planning History

N/A

4. Consultations

Food Health and Safety No Comment

Waste Management No comments

Environmental Protection Working hours to be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst construction works and alterations are being carried out.

In reference to the (proposed layout diagram) full details of proposed kitchen have not been provided or the use of extractor/mechanical units mentioned.

In the case extractor/mechanical units are to be installed, the units must satisfy BS4142 assessment i.e. the end use(s) must not be deemed to have 'adverse impact' on all nearby noise-sensitive premises. A detailed report of the assessment shall be submitted to EP for approval.

5. Representations

None

6. Assessment

The main planning considerations are:

The Principle of the Use
The impact of the development
The Impact on Neighbouring Amenities

Site Location

- 6.1 The application relates to a former public conveniences located on the eastern side of Marine Parade within the beach front area overlooking the Promenade.
- 6.2 The application property varies in height due to the topography of the land, but is of a modest scale overall; the southern elevation measures 4.5m and the northern elevation 6.0m. The building is 13m in depth but set back against the slope of the land, in effect having 'three sides' with no rear elevation.
- 6.3 There are entrances into the building on either elevation and a single window opening. The southern entrance is accessed via steps enclosed within a boundary wall. A similar boundary wall encloses the northern entrance. The roof of the structure can be accessed from Marine Parade and there is a single seat on part of the roof and roof lights on the remainder. The remainder of the roof is fenced off from the back of the pavement on Marine Parade. There is some basic landscaping.
- 6.4 Access to the building is via a public foot path leading to the Promenade.
- 6.5 The application building is not listed or located within a conservation area.

Proposal

- 6.6 The development proposes the re-use of the building to form a café (Class A3) following internal and external adaptations including new window openings an external bin store, ramped access, external stairs to access the roof-top seating area with a balustrade surround.
- 6.7 The applicant has indicated as additional information, the following matters:-
- The café could create 3 full time posts
 - Would operate between 07.00am and 20.00pm Monday to Sunday
 - The operation of the café involves light cooking
 - Appropriate adaptations to facilitate public use, means of emergency escape.

Principle of the Use

- 6.8 The application property lies within the settlement boundary of Harwich within the coastal area of Dovercourt Bay. The proposed development will re-imagine the functional use of a redundant feature building, revive and animate the location, and contribute to the local economy.
- 6.9 The proposed alterations to the building are modest and will improve its appearance and facilitate its reuse.
- 6.10 The development is consistent with the Local Plan which recognises the importance of tourism to the local economy and encourages new development that provide new attractions and facilities, provided there are no adverse impacts to the local environment including traffic implications.
- 6.11 The proposed development is located within the beach front area adjacent to the Promenade off Marine Parade, and close to the Town Centre. The site is therefore accessible by foot or by public transport. The building is made fully accessible by means of ramped access to the main entrance.

Impact of the development

- 6.12 The various physical alterations to the building are considered to be proportionate and necessary to facilitate the operational needs of the proposed café and full accessibility. The roof-top seating area will add to the novelty value by affording views across the Dovercourt Bay.
- 6.13 The application property is not a noteworthy building neither is it of high architectural merit. Therefore, erecting a balustrade and inserting white UPVCu window frames are considered to be minor alterations and are acceptable in design terms. The proposed waste storage area is a proportional and modest addition to the building, and the roller shutters will minimise opportunity for crime.

Impact on neighbouring amenity

- 6.14 The scale of the proposed development is appropriate and it is not considered that there would be any loss of amenity to residents living nearby as the building is around 30 metres from the nearest residents. The roof top seating area will be visible more widely and may be audible to some residents, but given the separation distance and the topography this is not considered to be significant. However, Marine Parade is a busy main road therefore ambient noise levels will already be relatively high. Furthermore, the hours of operation will ensure the premises and roof top seating area is not available late into the evening.
- 6.15 There are no adverse environmental impacts as a result of the change of use and the proposed development will conform with Local Plan policy

Overall planning balance

- 6.16 The application proposal will bring back into productive use a local building that has remained empty and redundant for many years. Proposed renovations will enhance the appearance of the building, and its general scale and character and visual impact within the beachfront setting are preserved.
- 6.17 The proposed development will make a positive contribution to the local economy and tourism through the creation of a new café, that will create jobs; as such, the proposed development will promote the continued regeneration of the Harwich and Dovercourt area.

Background Papers
None