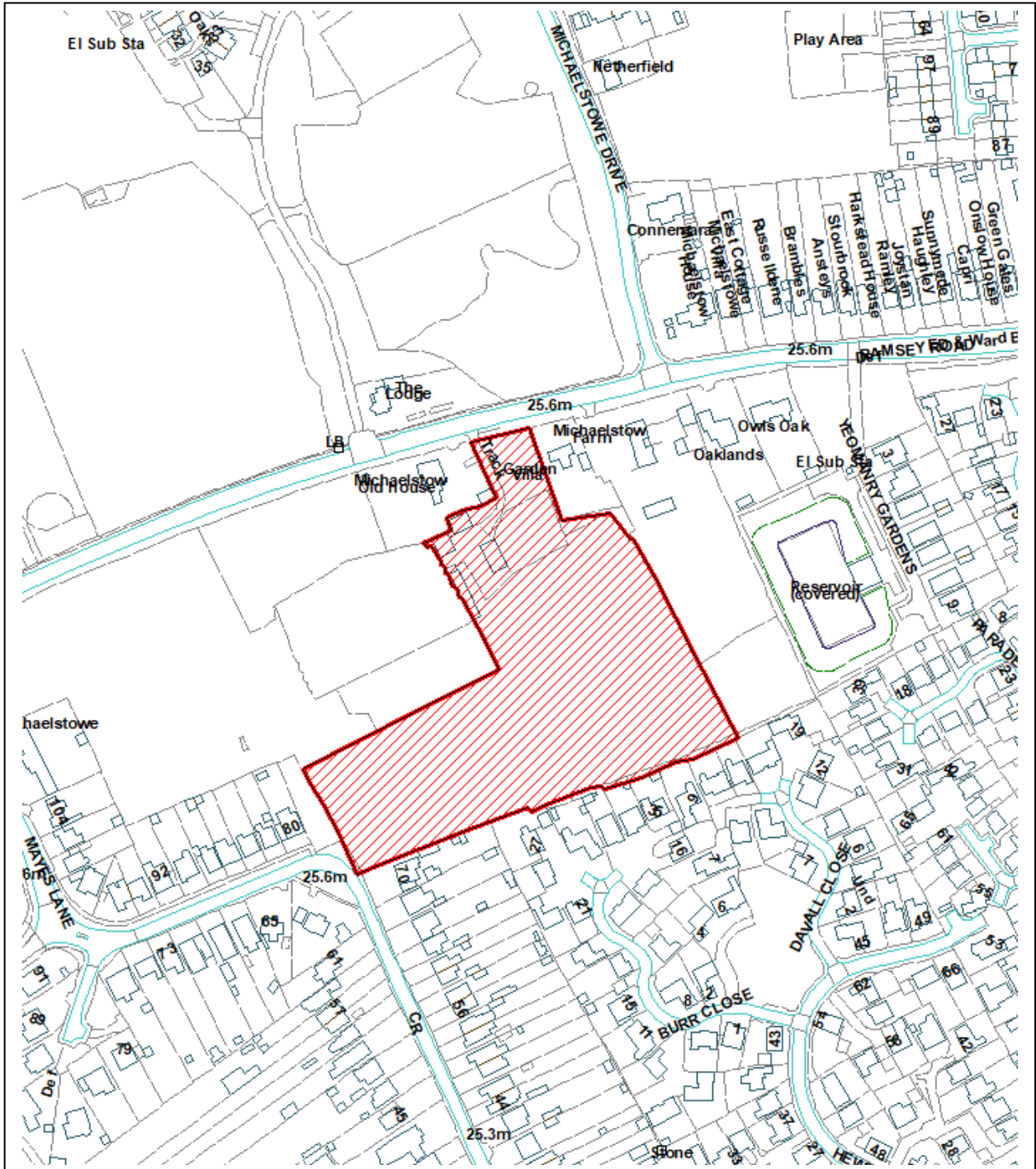


PLANNING COMMITTEE

19 MAY 2020

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

A.2 PLANNING APPLICATION – 19/00917/OUT – LAND TO THE SOUTH OF RAMSEY ROAD AND EAST OF MAYES LANE RAMSEY CO12 5EW



DO NOT SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Application: 19/00917/OUT

Town / Parish: Ramsey & Parkeston Parish Council

Applicant: C/o Agent

Address: Land to The South of Ramsey Road and East of Mayes Lane Ramsey CO12 5EW

Development: Outline application for development of 31 dwellings and 10 almshouse type bungalows for older persons and associated open space.

1. **Executive Summary**

- 1.1 This application is referred to the Planning Committee as the site is situated outside of any settlement development boundary (SDB), but adjacent to the SDB of Dovercourt. The development therefore represents a departure from the saved or emerging local plans.
- 1.2 **This application was deferred at the previous committee meeting to enable a member site visit to take place or if possible for the applicant to supply adequate video/photographic evidence of the site and surroundings. Additionally further information in respect of the method of securing the affordable housing element and details of the almshouses was requested by members.**
- 1.3 **To this end a video showing a walkover of the site, the points of access and all internal boundaries has now been provided for members to view. Furthermore, indicative plans of the proposed almshouses have been provided and are included within the presentation slides.**
- 1.4 **Information has also been provided by the applicant confirming that the required legal agreement would provide the certainty with construction and conveyance of the 12 affordable housing units (10 almshouses and 2 dwellings). These would be provided prior to occupation of the 16th dwelling on the remainder of the site. No shared ownership is being proposed and the legal agreement will secure transfer to a Registered Social Landlord subject to a restriction on age of occupancy on the almshouse element.**
- 1.5 The application site is located on the southern side of Ramsey Road at the western end of the settlement of Dovercourt. The site falls within the parish of Ramsey & Parkeston.
- 1.6 This application seeks outline planning permission for the erection of 31 dwellings and 10 almshouse type units (41 units in total) on the site. The application is in outline form with some matters reserved. This application therefore seeks approval of the access and scale along with the principle of development.
- 1.7 The application site originally an allocated site in the emerging local plan. This allocation included land to the east and west of the site, together with land opposite St Michael's Church. Following an appeal decision opposing development of 75 houses on land between the church and Two Villages School, the Council decided to withdraw the suggested allocation for all the land south of Ramsey Road/Church Hill.
- 1.8 Whilst the decision to exclude the land on the east side of Mayes Lane is understandable, based upon the appeal decision and the concern with the impact upon the setting of the Grade I church, the current application site has no special relationship with either the

church or its setting and this view is supported by the comments of Historic England and ECC-Place Services.

- 1.9 The site is located on the edge of a large urban settlement with good access to local services/facilities. Planning permission has been granted for residential development on land directly to the east and there is existing housing to the south and west of the site. As a consequence there would be minimal landscape impact whilst sufficient spacing to existing residents is retained to safeguard amenity.
- 1.10 In the current situation the Council cannot demonstrate a 5 year housing supply and therefore in accordance with the provisions of the National Planning Policy Framework (NPPF) the presumption in favour of sustainable development apply. The development is considered to meet the economic, environmental and social strands of sustainability as outlined in the NPPF.
- 1.11 Subject to the applicant entering into a Section 106 agreement to cover the provision of affordable housing and healthcare/RAMS contributions, the proposal is considered to be acceptable with no material harm to visual or residential amenity, heritage assets, ecology interest or highway safety, and the application is therefore recommended for approval.

Recommendation:

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

- a) **Within 6 (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):**
- **Financial Contribution towards RAMS**
 - **30% Affordable Housing Provision (12 units including 10 almhouses and 2 dwellings to be provided prior to the 16th occupation of the market housing)**
 - **NHS contribution**
- b) Subject to the conditions stated in section 8.2
- c) That the Head of Planning be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of 6 (six) months, as the requirements necessary to make the development acceptable in planning terms had not been secured through a s106 planning obligation.

2. Planning Policy

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

National Policy:

National Planning Policy Framework
National Planning Policy Guidance

Local Policy:

Tendring District Local Plan 2007

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
HG3A Mixed Communities
HG4 Affordable Housing in New Developments
HG6 Dwelling Size and Type
HG7 Residential Densities
HG9 Private Amenity Space
COM2 Community Safety
COM6 Provision of Recreational Open Space for New Residential Development
COM21 Light Pollution
COM23 General Pollution
COM24 Health Care Provision
COM26 Contributions to Education Provision
COM29 Utilities
COM30 Electricity Supply
COM31A Sewerage and Sewage Disposal
EN1 Landscape Character
EN2 Local Green Gaps
EN3 Coastal Protection Belt
EN6 Biodiversity
EN6A Protected Species
EN6B Habitat Creation
EN11A Protection of International Sites: European Sites and RAMSAR Sites
EN12 Design and Access Statements
EN13 Sustainable Drainage Systems
EN23 Development Within the Proximity of a Listed Building
EN29 Archaeology
TR1A Development Affecting Highways
TR1 Transport Assessment
TR2 Travel Plans
TR3A Provision for Walking
TR5 Provision for Cycling
TR6 Provision for Public Transport Use
TR7 Vehicle Parking at New Development

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

SPL1 Managing Growth
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design
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
PPL7 Archaeology
PPL9 Listed Buildings
CP1 Sustainable Transport and Accessibility
CP3 Improving the Telecommunications Network

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice
Essex Design Guide

Status of the Local Plan

- 2.2 The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) 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 48 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.
- 2.3 Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.
- 2.4 With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. 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 48 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.
- 2.5 In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably

outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

3. Relevant Planning History

19/00917/OUT	Outline application for development of 31 dwellings and 10 almshouse type bungalows for older persons and associated open space.	Current
--------------	--	---------

4. Consultations

Essex County Council Ecology	No objection subject to securing;
------------------------------	-----------------------------------

- a) a financial contribution towards visitor management measures at Hamford Water SPA, SAC and Ramsar site and;
- b) ecological mitigation and enhancement measures

We have now reviewed the recently submitted Bat Survey Report (Liz Lord, September 2019) relating to further detailed inspection and emergence / re-entry surveys were recommended for three of the buildings on the development site - B1, B4 and B5.

This report is in addition to the Ecological Appraisal (Liz Lord Ecology, December 2018) for the above application. These documents assess the likely impacts of the development on designated sites, Protected and Priority species and habitats.

We note that the surveys indicate that bats are not using the buildings to roost, and no further surveys or licences are recommended. However the report recommends a precautionary approach to dismantling B4 and B5, as they continue to provide potential roosting opportunities for individual bats, and the gable end crevices of B1 should also be inspected for the presence of bats by a suitably qualified ecologist immediately prior to demolition. We recommend that these mitigation measures are secured by a condition of any consent to avoid any offence and demonstrate the LPA's duty under s17 Crime and Disorder Act 1998.

We support the provision of artificial roosting features for bats as recommended in the Ecological Appraisal report (Liz Lord, December 2018) and agree that these should be built into the fabric of the buildings, or consist of long lasting woodcrete/woodstone.

We note that the Ecological Appraisal includes a reference to the sites lying within the Zone of Influence for Hamford Water SAC, SPA and Ramsar site and Stour & Orwell Estuaries SPA and Ramsar site. As residential development is relevant to the Essex Coast Recreational disturbance Avoidance & Mitigation Scheme (RAMS), and this will result in likely impacts, in combination with other plans and projects. The LPA will therefore prepare a Habitats Regulation Assessment (HRA) Appropriate Assessment as, without mitigation, it cannot conclude no adverse effect on integrity of the above European (Habitats) sites. The likely impacts from residential development within the Zone of Influence of the Essex Coast RAMS (published since the Ecology report was written) triggers the need for a proportionate financial contribution towards this strategic solution to secure effective visitor management measures at the coastal sites in perpetuity.

We agree that although there are records of Hazel Dormouse within 1km of the site, the patchy scrub on site is low quality habitat with no connectivity to large areas of suitable habitat off site and unlikely to serve as commuting corridor for these European Protected Species .

We also note that the majority of the site provides low to moderate quality terrestrial habitat for Gt crested newt (GCN), with small pockets of moderate to high quality habitat. However as there are no records within 2km and no EPS mitigation licences within this distance on MAGIC map, the likelihood of GCN being present on site is considered low. Two ponds were identified within 250m of the site, at approximately 140m west north west (WB1), and 225m north west (WB2). Neither of the ponds were accessible during the site survey. We agree that the likelihood of GCN being present is low and no further surveys are necessary. The Ecological Appraisal notes that in the event that a great crested newt is discovered on site at any point, all works must cease and an ecologist contacted for further advice.

We note that Michaelstowe Park LoWS (Te113) lies within 15m of the development site though separated by B1352 so agree that no direct adverse impact on this non statutory designated site is likely.

As the eastern hedgerow is a Priority Habitat, we agree that this should be retained - and ideally enhanced / replanted - as part of the development proposals to help deliver measurable net gain for biodiversity. Consideration should also be given to the gapping up and enhancement of the southern site boundary with a mix of native shrub species.

We welcome consideration of likely impacts on Priority

species on site. As the site provides potential foraging habitat for Priority Species such as House Sparrow, Hedgehog, Dunnock and Song Thrush and potentially Hedgehog, biodiversity enhancements should be provided for these species.

We are now satisfied that there is sufficient ecological information available for determination of this application. We recommend that the suggested mitigation measures are secured to avoid any offence and enhancements in section 6 of the above Ecological Appraisal and Bat Activity reports, to deliver measurable net gain for biodiversity. In addition, it should include reasonable biodiversity enhancements, as paragraph 175 of the NPPF 2019 which highlights that development should identify and pursue opportunities for securing measurable net gains for biodiversity.

Submission for approval and implementation of the details below should be a condition of any planning consent:

Recommended conditions

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

"All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal (Liz Lord Ecology, December 2018) particularly Appendix 3, and Bat Survey Report (Liz Lord Ecology, September 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

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

2. PRIOR TO SLAB LEVEL: BIODIVERSITY ENHANCEMENT LAYOUT

"A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within Section 6 of the Ecological Appraisal (Liz Lord Ecology, December 2018), shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter."

Reason: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species)

3. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

"A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority."

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

Environmental Protection

No comments

Waste Management

No comments

NHS

Existing Healthcare Position Proximate to the Planning Application Site

The proposed development is likely to have an impact on the services of one GP practice operating within the vicinity of the application site. This GP Practice does not have capacity for the additional growth resulting from this development.

The proposed development will be likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. North East Essex CCG would therefore expect these impacts to be fully assessed and mitigated.

Review of Planning Application

The planning application does not appear to include a Health Impact Assessment (HIA) or propose any mitigation of the healthcare impacts arising from the proposed development.

A Healthcare Impact Assessment (HIA) has been prepared by North East Essex CCG to provide the basis for a developer contribution towards capital funding to increase capacity within the GP Catchment Area.

Assessment of Development Impact on Existing Healthcare Provision

The existing GP practice does not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 90 residents and subsequently increase demand upon existing constrained services.

Healthcare Needs Arising From the Proposed Development

The intention of NHS NEE 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.

The development would give rise to a need for improvements to capacity, in line with emerging STP Estates Strategy, by way of refurbishment, reconfiguration, extension, or potential relocation for the benefit of the patients of Mayflower Medical Centre or through other solutions that address capacity and increased demand via digital solutions or health and wellbeing initiatives. For this a proportion of the cost would need to be met by the developer.

A developer contribution will be required to mitigate the impacts of this proposal. North East Essex CCG calculates the level of contribution required, in this instance to be £23,094. Payment should be made before the development commences.

North East Essex CCG therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation.

Conclusions

In its capacity as the primary healthcare commissioner, North East Essex CCG has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development.

The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development.

Historic England

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals.

ECC Highways Dept

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

1. The access road off Ramsey Road at its centre line shall provide clear to ground visibility splays with dimensions of 2.4 metres by 150 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway in the interest of highway safety in accordance with policy DM1.

2. For the proposed access road off Mayes Lane, there should be no obstruction above ground level within a 2.4 m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.

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

3. Vehicular parking and turning facilities in accordance with current policy standards shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway

safety in accordance with policy DM1.

4. An area within the site for the purpose of loading, unloading and manoeuvring of all vehicles including construction traffic, as well as a timetable for their implementation, shall be submitted to and approved, in writing, by the Local Planning Authority prior to any works being undertaken on site. The areas for loading, unloading and manoeuvring shall then be provided in accordance with the agreed details and shall be retained at all times for that sole purpose thereafter unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

Reason: To ensure that appropriate turning, and loading /unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

5. No unbound material shall be used in the surface treatment of the vehicular accesses.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

6. The vehicular access road off Ramsey Road shall be constructed at right angles to the highway boundary and to the existing carriageway and shall be provided, but not be limited to, the following aspects;

- Carriageways measuring no less than 5.5m in width
- 2x2m Footways on both sides of the access road
- Appropriate pedestrian crossing facilities where the new road joins the existing highway.
- Appropriate vehicle visibility splays in accordance with current policy standards.
- Kerb radii measuring 6m
- Any other reasonable items to ensure the access is in accordance with current policy standards.
- The upgrade of the two existing bus stops located in the vicinity of the site access on either side of Ramsey Road and the relocation of the southern bus stop to include: open/ cantilever shelter, raised kerbs, flag and timetable frame. The precise location to be agreed with the Highway Authority.
- A new footway measuring no less than 2m in width either side of the junction with tactile paving either side off Ramsey Road extending to the relocated bus stop on the south side.
- The vehicular access shall be for the sole use of vehicular traffic serving the 31 dwellings only and not for the proposed 10 almshouse type bungalows served by the new access off Mayes Lane.
- All residential properties to be provided with a Transport

Information Marketing Pack.

- Areas within the site identified for the purpose of loading/unloading/reception and storage of building materials and manoeuvring clear of the highway and retained at all times for that sole purpose as approved in writing by the Local Planning Authority.

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

7. The vehicular access road off Mayes Lane shall be constructed at right angles to the highway boundary and to the existing carriageway and shall be provided, but not be limited to, the following aspects;

- Combined pedestrian and vehicular surface of 6m.
- A straight section of carriageway to be provided from the entrance junction for 10 metres.
- Priority for pedestrians and cyclists across junction.
- Appropriate vehicle visibility splays in accordance with current policy standards.
- The vehicular access shall be for the sole use of vehicular traffic serving the 10 almshouse type bungalows only and not for the proposed 31 dwellings served by the new access off Ramsey Road.
- Combined pedestrian/ cycle links to be provided between the two developments.
- Appropriate vehicle visibility splays in accordance with current policy standards.
- All residential properties to be provided with a Transport Information Marketing Pack
- Any other reasonable items to ensure the access is in accordance with current policy standards.

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

8. Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1.

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

Reason: To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety in accordance with Policy DM7.

10. 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. The wheel cleaning facility shall be provided at the commencement of the development and maintained during the period of construction.

Reason: To ensure that loose materials and spoil are not brought out onto the highway, in the interests of highway safety in accordance with policy DM1.

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

ECC SuDS Consultee

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission based on the following:

Condition 1

No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that's storage features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 100 year event plus climate change.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to

occupation.

Reason

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

Condition 2

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason

To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

Anglian Water Services Ltd

Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

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. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

Wastewater Treatment

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.

Used Water Network

The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

Housing Services

In light of the fact that the application is for 41 properties, the total number of homes delivered as affordable housing should be 12 properties in total as 30% of 41 properties equates to 12.3 properties (12 rounding down).

I note that the application is proposing a mixture of 3 and 4 bedroom family homes as well as the 10 alms-house type properties earmarked for affordable housing. There are currently 49 households on the housing register seeking a 3 bedroom home in Ramsey and therefore I would recommend that 2 x 3 bedroom units should be delivered as on-site affordable housing to make the total number 12. I would prefer that another registered housing provider be sought to take on the affordable homes on the site.

Essex Wildlife Trust

No comments received

Environment Agency	No comments received
ECC Schools Service	We have sufficient capacity in Harwich for a development of this size - therefore no education contribution required.
Essex County Council Heritage	<p>The application site, although located within the extended setting of the Dovercourt and Ramsey conservation areas, is nevertheless sited far enough from both of these heritage assets to have a negligible impact on their significance as derived from their setting. Whilst a Grade I listed Church of St Michael (HE Ref: 1112103) can be visible from the proposed entrance to the application site, this asset is also not seen to be impacted in a meaningful manner. Michaelstowe Cottage and The Lodge, considered to be non-designated heritage assets due to some historic and artistic significance, are situated within close proximity of the proposed development and the application site appears to encompass land historically associated with Michaelstowe Cottage as inferred from cartographic evidence. As the relationship of the Cottage with the application site in its undeveloped form has not been fully understood, there is potentially harm with this regard to the setting of the non-designated heritage asset and as such paragraph 197 is relevant.</p>
Essex County Council Archaeology	<p>The following application has been identified on the weekly list as having archaeological implications if given approval.</p> <p>The Historic Environment Record shows that the proposed development lies directly to the south of a medieval and post medieval Manor house and grounds of Michaelstowe Hall. Elements of the estate are likely to survive within the development area. Immediately to the south of the site lies a military camp and former Prisoner of War site (EHER 20831). The boundary of the camp runs along the southern boundary of the development and elements of the site may extend into the development area.</p> <p>The following recommendation is in line with the new National Planning Policy Framework:</p> <p>RECOMMENDATION: An Archaeological Programme of Trial Trenching followed by Open Area Excavation</p> <p>1. No development or preliminary groundworks can commence until a programme of archaeological trial trenching 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 prior to reserved matters applications being submitted.</p>

2. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.

3. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.

4. The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within three months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This 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 The view of the Ramsey & Parkeston Parish Council is to remain neutral with the following comments requested to be considered:

- The outline plan shows the development close to the boundary of established residential properties, causing concerns of an invasion of privacy to those residents.
- Concerns of the access to Mayes Lane is deemed dangerous to pedestrians needing to cross at this point.
- The wildlife survey being conducted in the month of December would not reflect the full quantity of species potentially in hibernation. It is also stated that the land is regularly maintained, this is disputed as the vegetation is thick and high, giving ideal habitat for many species that appear to have increased.

5.2 5 letters of representation have been received from local residents outlining the following observations and concerns (an officer response is provided in bold within brackets where necessary);

- Plot 5 is shown on the plan as a house causing loss of privacy (**Revised plans have now been received showing plot 5 as a bungalow**).
- Garages in close proximity to rear gardens (**The garages are single storey and hipped away from neighbour's gardens thereby reducing their impact. However, the layout is indicative and these details can be fully review at reserved matters stage**).
- Site not maintained and a wildlife haven containing deer, bats, owls. Ecology report undertaken in December. (**Place Services Ecology Team have reviewed all information submitted and have no objections to the development subject to conditions securing mitigation and biodiversity enhancement measures**).
- Existing perimeter vegetation should be retained (**This is the applicant's intention and a condition is attached to secure this**).
- Loss of privacy and overlooking.
- Infrastructure pressures in Dovercourt/Harwich area.
- Uncontrolled piecemeal development causing traffic congestion/hazards.

- Dangerous access onto Mayes Lane (**ECC-Highways have no objections subject to several conditions. In this instance with the access being on the outside of the bend on Mayes Lane visibility is good**).
- Council should seek a contextual response to the character and appearance of the area through a traditional approach of bungalows and dwellings.
- Essex Design Guide requirements for back to back distances and distance retained to rear boundaries should be achieved. (**Submitted plans show that at least 15m to existing rear boundaries and 25m back to back distances can be achieved. These distances will be secured at reserved matters stage**).
- Width of Mayes Lane could be increased to improve highway safety (**ECC-Highways have considered this and do not consider this is necessary to make the development acceptable from a highway safety viewpoint**).
- Biodiversity gains should be considered (**Biodiversity enhancement measures are to be secured via a condition**).

6. Assessment

Site Context

- 6.1 The application site is located on the southern side of Ramsey Road at the western end of the settlement of Dovercourt. The site is located outside of any defined settlement boundary in both the saved and emerging local plans but is situated directly to the north of the boundary in both plans. The site falls within the parish of Ramsey & Parkeston.
- 6.2 The site consists of rough grazing land measuring approximately 1.8 hectares in size and is located between Ramsey Road and Mayes Lane. Within the northwest corner of the site are some former pig farrowing units and a block of stables. A vehicular access exists onto Ramsey Road between Michaelstowe House and Garden Villa (two large detached dwellings) and a further gated access is present onto Mayes Lane.
- 6.3 To the east of the site is the former Michaelstowe Farm for which planning permission exists for 14 dwellings. To the south is an estate of 90's housing predominantly consisting of detached family homes. The southern boundary of the site is marked by close boarded fencing and hedging. To the south-west is the access onto Mayes Lane which consists mainly of bungalows.
- 6.4 To the north-west of the site opposite Mayes Lane's junction with Ramsey Road is St Michael's Church, which is a Grade 1 listed building. Views of the church are not seen in conjunction with the site due to the presence of extensive trees and hedgerows within the neighbouring land to the west.

Planning History

- 6.5 There has not been any planning history directly concerned with this proposal, although a scheme for the development of 14 dwellings on the land to the east was approved on 11th June 2019.

Proposal

- 6.6 This application seeks outline planning permission for the erection of 31 dwellings and 10 almshouse type units (41 units in total) on the site. The application is in outline form with some matters reserved. This application therefore seeks approval of the access and scale along with the principle of development.
- 6.7 The proposed layout is in two parts due to the dual frontage character of the site set in between both Mayes Lane and Ramsey Road. The largest area to be developed would

consist of 31 detached and semi-detached houses and would be accessed via a new bellmouth junction onto Ramsey Road. This element of the proposals would also provide for an area of open space.

- 6.8 The second area to be developed would provide for a small almshouse style development of 1 and 2 bed single storey units that would be accessed via Mayes Lane. The supporting documents state that it is envisaged these units would be designed for older persons (65 yrs and over).
- 6.9 The indicative layout shows that the two areas would be linked via a pedestrian/cycle route which would follow the location of a sewer easement that runs through the site from Mayes Lane eastwards.

Principle of Development

- 6.10 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a material consideration in this regard.
- 6.11 'Sustainable Development', as far as the NPPF is concerned, is development that contributes positively to the economy, society and the environment and under the 'presumption in favour of sustainable development', authorities are expected to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.
- 6.12 One of the NPPF's core planning principles is to "actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable". With this in mind, Policy SPL1 in emerging Local Plan includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations.
- 6.13 Whilst the site falls within the Ramsey & Parkeston Parish it is located immediately adjacent to the built up area of Dovercourt. Within emerging policy SPL1 the Harwich/Dovercourt urban area (which also includes Parkeston and part of Ramsey) is classified as a 'Strategic Urban Settlement'. These urban areas have larger populations and a wide range of existing infrastructure and facilities, making them the most sustainable locations for growth. For this reason these areas are to accommodate the largest proportion of the District's increase in housing stock.
- 6.14 To maintain the Council's housing supply position going forward and prior to the adoption of the emerging local plan it is acknowledged that sustainable sites on the edge of Strategic Urban Settlements will be assessed on a case by case basis. In this instance the site forms a logical development site on the edge of one of the principal urban areas. The site will help to contribute towards the housing supply in the area and due to the character of the site and its surroundings would have a minimal impact upon the landscape character of the locality.
- 6.15 Comments from the Council's Policy Team confirm that the application site was shown within a draft version of the emerging Local Plan as being suitable for housing purposes. This allocation included land to the east and west of the site, together with land opposite St Michael's Church. Following an appeal decision opposing development of 75 houses on land between the church and Two Villages School, the Council decided to withdraw the suggested allocation for all the land south of Ramsey Road/Church Hill.

- 6.16 While the decision to exclude the land on the east side of Mayes Lane is understandable, based upon the appeal decision and the concern with the impact upon the setting of the Grade I church, the current application site has no special relationship with either the church or its setting and this view is supported by the comments of Historic England and ECC-Place Services. It must also be noted that the land to the western side of Mayes Lane is designated as a 'green gap' in the saved local plan whereas the application site is not.
- 6.17 Consequently, the presumption in favour of sustainable development is applicable to this case as set out in Paragraph 11 of the NPPF. The proposal therefore needs to be considered against the three dimensions within the definition of 'sustainable development,' providing for an economic, social and environmental role.
- 6.18 In terms of the social and economic strands the scheme is considered to be in a sustainable location as identified within recent decisions of the Council for sites in the immediate locality having regard to the relatively good access to local services and facilities. The proposal would also contribute economically to the area by supporting existing construction jobs and also increasing the population within the area to help sustain local services and amenities.
- 6.19 From an environmental perspective, as discussed further below, the development will not have an impact on the setting of St Michael's Church. It will not cause any significant harm to visual amenity within the area and would be positioned sufficient distance from neighbouring dwellings not to cause any loss of privacy or outlook.
- 6.20 The site is therefore considered to be a suitable location for this form and scale of development and is acceptable in principle. Consideration therefore turns to the technical design aspects covered below.

Visual Impact

- 6.21 Previously the site was used as rough grazing land and includes a series of small buildings in varying states of repair within its north-western corner. As stated above the site is located on the edge of the Dovercourt Urban Area and contains several agricultural buildings. The location of the site means that it is surrounded by residential properties on most boundaries and therefore the proposed housing would be viewed in this context. To the west along Ramsey Road glimpses of the development would be obscured by an existing area of mature trees and the vegetation contained within the grounds of Michaelstowe Old House. Views of the development from the east would also be screened by existing and proposed built form and mature vegetation present on the roadside.
- 6.22 Consequently, the site is relatively well-contained and would only be visible from the public realm in direct views from its two frontages to Ramsey Road and Mayes Lane. The development of the site would therefore not have an adverse impact upon the character and setting of the locality and would not result in the loss of any designated landscape area.

Layout

- 6.23 The indicative layout makes use of the dual frontage afforded to the site by splitting the built form into family houses/bungalows accessed via Ramsey Road and older person's almshouses access via Mayes Lane in the south-western corner of the site.
- 6.24 The layout demonstrates that the almshouses, which are to be single storey in scale, would each be served by a small private garden area measuring a minimum of 50sqm and a single car parking space each. The units would be served by a landscaped area of courtyard parking which would also accommodate 2 visitor's spaces. Given that the scale and layout of these properties is designed with older people in mind a condition to restrict

the occupation of the properties to older people over 65yrs is contained within the recommendation.

- 6.25 The layout and scale of the proposed almshouses along with the spacing to adjacent properties is considered to represent an appropriate response to the character of Mayes Lane which predominantly consists of bungalows in this location. The low key nature of the use also ensures that the use of the proposed access onto Mayes Lane will be limited.
- 6.26 The land to the east of the almshouses would accommodate 31 units at a relatively low density of 19 units per hectare, which is comparable to the recent approved scheme directly to the east of this site. The indicative layout plan shows that the site can accommodate this level of development whilst ensuring sufficient private amenity space is provided for each dwelling and at least two parking spaces per property.
- 6.27 The estate road here follows in part the sewer which crosses the southern part of the site. This application is specific in demonstrating that there should be no motor vehicle link through from Ramsey Road to Mayes Lane. It is neither necessary nor desirable for a short-cut to be available for cars or motorbikes. However, with family units proposed for the majority of the site, the desire for school children to access Two Villages School rather than pursue a long way round along Ramsey Road is clear. The scheme therefore suggests a pedestrian/cycle route through to Mayes Lane to link up with the existing footpath network.
- 6.28 The indicative layout also shows that back to back distances to existing dwellings to the south of the site accords with the recommend distance of 25m in the Essex Design Guide and in most cases this distance is exceeded. The distance between the rear elevation of the proposed properties and the shared boundary to the south measures 20m in most cases which also accords with the guidance and ensures, subject to design considerations at detail stage, that the privacy of residents to the south of the site will be maintained.
- 6.29 The layout also demonstrates that an area of open space equating to 10% the total site area can be achieved to meet the requirements of saved policy COM6 which states that sites measuring over 1.5 hectares should provide 10% useable open space.

Scale

- 6.30 As scale is being assessed at this stage the submitted indicative layout plan confirms that the almshouses and those properties situated on plots to the side and rear of the existing property known as Garden Villa will be single storey in nature. The remainder of the proposed properties are to be two-storey in scale.
- 6.31 This arrangement represents an appropriate response to the character and scale of properties in the vicinity and, through the submission of detailed design proposals at a later stage, will safeguard existing resident's amenity.
- 6.32 A condition is recommended at section 8.2 of this report to secure these scale parameters.

Impact on Residential Amenity

- 6.33 The NPPF (2019) at paragraph 127 states that planning should secure developments with a high standard of amenity for existing and future users. Saved Policy QL11 of the Tendring District Local Plan (2007) states that amongst other criteria development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.
- 6.34 The proposed layout has been carefully considered and although Officers note the representations raised by residents living in close proximity to the site, the indicative layout

submitted demonstrates that sufficient spacing to existing properties to the south can be achieved thereby not causing any adverse impacts in respect of loss of light, outlook or privacy. This arrangement is considered to be in accordance with the Essex Design Guide which states that;

Where new development backs on to the rear of existing housing, existing residents are entitled to a greater degree of privacy to their rear garden boundary. Where the rear faces of the new houses are approximately parallel to those of the existing homes, the rear of the new houses may not encroach any closer than 15m to an existing rear boundary – even though with a closer encroachment, 25m between the rears of the houses could still be achieved.

- 6.35 The indicative plans provided demonstrate that a minimum of 15m from the rear elevation of the proposed properties to the southern boundary of the site can be achieved in conjunction with the required 25m back to back distances.
- 6.36 At detail stage the appearance and position of fenestration will be considered but it is evident from the submitted layout plan that this can be achieved without having adverse impacts on existing and future resident's amenity.
- 6.37 Furthermore, the proposed units to the rear and of the property known as Garden Villa are to be single story to safeguard the existing resident's amenity.
- 6.38 The distance shown between the side elevation of the property on plot 29 and the rear elevation of Michaelstowe House is sufficient to avoid any outlook impacts upon the residents.
- 6.39 In terms of the almshouses, these would be situated side on to existing properties in Mayes Lane but due to the spacing shown and the fact these are modest single storey properties any impact on existing resident's amenity would be minimal.

Heritage Impacts

- 6.40 St Michael's Church, a Grade 1 listed building is located to the northwest, on the opposite side of Ramsey Road, opposite the junction with Mayes Lane. It is obscured from view of the application site by the vegetation along Ramsey Road and extensive trees and hedgerow within the neighbouring land on the eastern side of Mayes Lane.
- 6.41 In view of the lack of any meaningful inter-visibility between the church and the application can this asset is also not seen to be impacted in an adverse manner. This view is supported by Historic England and ECC-Place Services who both have no objections in this respect.
- 6.42 ECC-Place Services Heritage Team have identified that Michealstowe House to the north as a non-designated heritage asset (i.e. not statutorily listed or within a conservation area but of heritage value). In this respect The National Planning Policy Framework at paragraph 197 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 6.43 In this instance the non-designated heritage asset would not be lost by the development and its setting would not be demonstrably harmed. The benefits of providing additional housing are considered to significantly outweigh any perceived harm in this respect.

Highway Safety/Parking

- 6.44 Paragraph 108 of the NPPF (2019) requires Councils to, when making decisions, take account of whether;
- a) appropriate opportunities to promote sustainable transport modes can be, or have been, taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users; and
 - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 6.45 Saved Policy QL10 states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate.
- 6.46 As stated above the site is to be served by a new bellmouth access from Ramsey Road and an access via Mayes Lane to serve the 10 almshouses. The Highway Authority have not raised objection to this arrangement subject to the imposition of a number of detailed planning conditions which include the provision of visibility splays to the accesses, the specification of the individual accesses, the dimensions of parking bays and garages, the construction of the access/footways prior to occupation and the implementation of a residential travel pack for sustainable transport. These conditions are included as part of the recommendation.
- 6.47 The indicative plan shows that each property would be served by a minimum of 2 no. parking spaces either through open bays or garaging. Large driveways are shown which would absorb visitor parking. 15 bays are indicatively proposed for the almshouses. This provision accords with the requirements of the current parking standards.

Ecology/Trees

- 6.48 Paragraph 170 of the NPPF requires Councils, when determining planning applications, to minimise impacts on and providing net gains for biodiversity. Where significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for, Councils should refuse planning permission. Saved policies EN6 of the adopted Local Plan and emerging policy PPL4 of the emerging Local Plan give special protection to designated sites of international, national or local importance to nature conservation but for non-designated sites still require impacts on biodiversity to be considered and thereafter minimised, mitigated or compensated for.
- 6.49 In this respect an ecological appraisal and an associated bat survey have been submitted. These surveys conclude/recommend the following;
- A precautionary approach to dismantling certain buildings as they continue to provide potential roosting opportunities for individual bats along with the gable end of a building which should be inspected for the presence of bats by an ecologist prior to demolition;
 - The patchy scrub on site is low quality habitat with no connectivity to large areas of suitable habitat off site and unlikely to serve as commuting corridor for Hazel Dormouse;
 - The majority of the site provides low to moderate quality terrestrial habitat for Gt Crested Newt (GCN), with small pockets of moderate to high quality habitat. However as there are no records within 2km and no EPS mitigation licences within this distance on MAGIC map, the likelihood of GCN being present on site is considered low.
 - Michaelstowe Park LoWS (Te113) lies within 15m of the development site though separated by B1352 so no direct adverse impact on this non statutory designated site is likely;

- The eastern hedgerow is a Priority Habitat and should be retained or ideally enhanced as part of the development proposals to help deliver measurable net gain for biodiversity;
- The provision of artificial roosting features for bats/birds.

- 6.50 Essex County Council Place Services Ecology Team have reviewed the information provided and have no objections subject to the application securing a financial contribution towards visitor management measures in respect of RAMS and a condition securing ecological mitigation and enhancement measures.
- 6.51 The Council's Tree and Landscaping Officer states that the main body of the application site contains rank and ruderal vegetation. There are no trees or other significant vegetation on the site other than remnant field boundaries. Some of these contain small trees. The protection of the existing planting and areas of new planting are to be assessed as part of the reserved matters application.

Drainage

- 6.52 A Flood Risk Assessment and sustainable drainage strategy has been provided with the application. The site lies within Flood Zone 1 and is therefore at low risk of flooding from rivers and the sea. Surface water from the development must be adequately managed to prevent runoff and risk of flooding elsewhere. The sustainable drainage strategy proposes to utilise rain water storage where possible for landscape irrigation, permeable hard surfacing and catchment areas.
- 6.53 Essex County Council Flood Water Management Team raises no objection to the proposal subject to conditions set out below.
- 6.54 Anglian Water in their consultation response confirms that the foul drainage from this development is in the catchment of Harwich and Dovercourt Water Recycling Centre and that it has available capacity for these flows.

Section 106 – Legal Obligations

- 6.55 The following obligations are to be secured as part of a Section 106 Legal Agreement;

NHS Provision

- 6.56 There is a requirement for a developer contribution of £23,094, for the improvement of Mayflower Medical Centre before development commences.

Affordable Housing

- 6.57 The Council's Housing Department have confirmed the requirement of 30% affordable housing for this scheme. These would take the form of the 10 no. Almshouses and 2 x 3 bed units provided prior to the occupation of the 16th market housing property.

RAMS

- 6.58 Legal advice has been sought to confirm that Tendring District Council should now seek financial contributions in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). A Habitat Regulations Assessment (HRA) has been carried out to confirm that the mitigation will be the RAMS contribution as recommended by Natural England. It is therefore considered that this contribution is sufficient to mitigate against any adverse impact the proposal may have on European Designated Site (Stour Estuary SPA and Ramsar).

Open Space

- 6.59 A contribution toward play improvements in the local area has been requested by the Council's Open Spaces Team. However, as the site area is over 1.5 hectares in size open space is to be provided on-site of a size commensurate with the requirements of saved policy COM6. As a result the requirements of the policy noted above are met and an off-site contribution is not to be included as part of the legal agreement.

7. Conclusion

- 7.1 The proposal for 41 dwellings is considered to represent sustainable development, on the western edge of the Dovercourt and Harwich Urban Area.
- 7.2 The indicative layout and the proposed density and scale of the development are considered to be acceptable. The proposal would result in no material harm to residential amenity, highway safety and biodiversity interests. Subject to completion of the S106 legal agreement and the conditions set out below the application is recommended for approval.

8. Recommendation

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

CATEGORY	TERMS
Affordable Housing Provision	30% affordable housing (10 almshouses and 2 no. x 3 bed units)
NHS contribution	£23,094 for improvements to the Mayflower Medical Centre
Financial contribution towards RAMS.	£122.30 per unit

8.2 Conditions and Reasons

- 1). Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2). No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the appearance, landscaping and layout have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - The application as submitted does not provide sufficient particulars for consideration of these details.

- 3). The development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 4). The access road off Ramsey Road at its centre line shall provide clear to ground visibility splays with dimensions of 2.4 metres by 150 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times.

Reason - To provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway in the interest of highway safety.

- 5). For the proposed access road off Mayes Lane, there should be no obstruction above ground level within a 2.4 m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before the road junction/access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason - To provide adequate inter-visibility between users of the access and the public highway in the interests of highway safety.

- 6). Vehicular parking and turning facilities in accordance with current policy standards shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason - To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

- 7). No unbound material shall be used in the surface treatment of the vehicular accesses.

Reason - To avoid displacement of loose material onto the highway in the interests of highway safety.

- 8). The vehicular access road off Ramsey Road shall be constructed at right angles to the highway boundary and to the existing carriageway and at reserved matters stage the following details shall be submitted to and approved in writing by the Local Planning Authority:

- Plans showing carriageways measuring no less than 5.5m in width.
- Plans showing 2x2m Footways on both sides of the access road.
- Plan showing appropriate pedestrian crossing facilities where the new road joins the existing highway.
- Plans showing kerb radii measuring 6m.
- Plans demonstrating the upgrade of the two existing bus stops located in the vicinity of the site access on either side of Ramsey Road and the relocation of the southern bus stop to include: open/ cantilever shelter, raised kerbs, flag and timetable frame. The precise location to be agreed with the Highway Authority.
- Plans showing a new footway measuring no less than 2m in width either side of the junction with tactile paving either side off Ramsey Road extending to the relocated bus stop on the south side.
- Plans demonstrating that the vehicular access from Ramsey Road shall be for the sole use of vehicular traffic serving the 31 dwellings only and not for

the proposed 10 almshouse type bungalows served by the new access off Mayes Lane.

- Plans showing areas within the site identified for the purpose of loading/unloading/reception and storage of building materials and manoeuvring clear of the highway and retained at all times for that sole purpose as approved in writing by the Local Planning Authority.

Reason - To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

- 9). The vehicular access road off Mayes Lane shall be constructed at right angles to the highway boundary and to the existing carriageway and at reserved matters stage the following details shall be submitted to and approved in writing by the Local Planning Authority:

- Plans showing a combined pedestrian and vehicular surface of 6m.
- Plans showing a straight section of carriageway to be provided from the entrance junction for 10 metres.
- Plans showing priority for pedestrians and cyclists across junction.
- Plans demonstrating that the vehicular access shall be for the sole use of vehicular traffic serving the 10 almshouse type bungalows only and not for the proposed 31 dwellings served by the new access off Ramsey Road.
- Plans showing the combined pedestrian/cycle links to be provided between the two developments.

Reason - To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

- 10). Prior to first occupation of the development the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, (to include six one day travel vouchers for use with the relevant local public transport operator free of charge).

Reason – To promote the use of sustainable transport modes.

- 11). Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

Reason - To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

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

Reason - To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety.

- 13). No development shall commence, including any groundworks, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Construction Method Statement shall provide for:

- safe access to/from the site;
- the parking of vehicles of site operatives and visitors;
- the loading and unloading of plant and materials;
- the storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control the emission of dust and dirt during demolition and construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- details of hours of deliveries relating to the demolition and construction of the development;
- details of hours of site clearance or construction;
- a scheme to control noise and vibration during the demolition and construction phase, including details of any piling operations.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason - In the interests of residential amenity.

- 14). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), the dwellings at plots 2, 5 and 6 and the almshouses shall not exceed one storey in height and shall not contain any habitable rooms or windows above ground floor level. The dwellings on all other plots shall not exceed two-storeys in height and shall not contain any habitable rooms or windows above first floor level. The roofs shall not be extended, converted or otherwise altered to provide any habitable space.

Reason - To ensure that the development preserves the character of the area and does not adversely impact on neighbour amenities. In order to ensure that a suitable scale of density is provided with consideration to a contextual analysis of the surrounding area, as well as to protect amenity of adjacent residents.

- 15). The garage accommodation forming part of the development shall be retained for parking motor vehicles at all times and shall not be adapted to be used for any other purpose, including other uses ancillary to the residential use, unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason - To retain adequate on-site parking provision in the interest of highway safety.

- 16). A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape/open space areas, other than small, privately owned, domestic gardens, shall be submitted to and approved, in writing, by the local planning authority prior to the first occupation of the development. The landscape management plan shall be carried out as approved in accordance with the details and timescales in the plan.

Reason - To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area.

- 17). No works shall take place until all trees, shrubs and other natural features not scheduled for removal on the approved plans have been safeguarded behind protective fencing to a standard that will have previously been submitted to and agreed, in writing, by the Local Planning Authority (see BS 5837). All agreed protective fencing shall thereafter be maintained during the course of all works on site and no access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

Reason - To safeguard existing trees, shrubs and other natural features within and adjoining the site in the interest of amenity.

- 18). The occupation of the ten almshouses hereby approved shall be limited to persons over the age of 65 years only.

Reason – To secure the almshouses as accommodation for the elderly and to ensure compatibility with the layout proposed.

- 19). All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal (Liz Lord Ecology, December 2018) particularly Appendix 3, and Bat Survey Report (Liz Lord Ecology, September 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

Reason - To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 20). A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within Section 6 of the Ecological Appraisal (Liz Lord Ecology, December 2018), shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason - To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

- 21). A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the

scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason - To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

22). No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that's storage features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 100 year event plus climate change.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason -

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

23). The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason - To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

24). No development shall take place on the site until a Written Scheme of Archaeological Investigation shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- a. The programme, including phasing, and methodology of site investigation and recording;
- b. The programme for post investigation assessment;

- c. The provision to be made for analysis of the site investigation and recording;
- d. The provision to be made for publication and dissemination of the analysis and records of the site investigation;
- e. The provision to be made for archive deposition of the analysis and records of site investigation; and
- f. The nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason - To allow proper investigation and recording of the archaeological and historic significance of the site.

- 25). Each dwelling with on-plot garage parking shall be provided with a vehicle charging point. The charging point shall be provided prior to occupation of each such dwelling.

Reason - To enhance the sustainability of the proposed development.

- 26). No works shall take place until a scheme for the phasing of construction work has been submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved phasing scheme.

Reason - To limit the local impact of construction work in the interests of the amenities of the surrounding area.

- 27). The development hereby permitted, in respect of access and scale parameters only, shall be carried out in accordance with the following approved plans: 3276:002 Rev A and the submitted Visibility Splay Plan.

Reason – For the avoidance of doubt.

8.3 Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Highways Informative

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

SMO1 - Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land

Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Section 106 Agreement Informative

The applicant is reminded that this permission is linked to a planning obligation under Section 106 of the Town and Country Planning Act 1990.

Anglian Water Informative

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 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

9. Additional Considerations

Public Sector Equality Duty (PSED)

- 9.1 In making your decision you must have regard to the PSED under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions to:
- 9.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- 9.3 B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and
- 9.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 9.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.
- 9.6 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 9.7 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

- 9.8 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a

public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.

- 9.9 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 9.10 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Finance Implications

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

10. Background Papers

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