

PLANNING COMMITTEE

17th February 2021

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

**A.3 PLANNING APPLICATION – 20/00385/OUT – LAND EAST OF POND HALL FARM
RAMSEY ROAD RAMSEY HARWICH CO12 5ET**



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Application: 20/00385/OUT

Town / Parish: Harwich Town Council

Applicant: Harding Estates (East Anglia) Ltd

Address: Land East of Pond Hall Farm Ramsey Road Ramsey Harwich CO12 5ET

Development: Variation of conditions 1 and 19 of approved application 14/01431/OUT to allow up to 80 residential unit occupations prior to completion of associated highway works and improvements including a new roundabout off the A120 as prescribed by condition 19.

1. **Executive Summary**

- 1.1 The application site covers an area of approximately 30 hectares and is located between the A120 highway and the existing Dovercourt urban area of Harwich.
- 1.2 The applicant proposes revisions to the extant planning permission (14/01431/OUT) under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary Conditions 1 and with a substituted phasing plan and revised wording to Condition 19. In order to permit the development of 80 residential dwellings ahead of the proposed new access and roundabout.
- 1.3 The applicant originally sought to amend conditions 1 and 19 in order to bring forward all 297 residential dwellings ahead of the proposed new access and roundabout. Following discussions with Officers and Essex County Council Highways the application was amended to allow a reduced amount of 80 residential units ahead of the access road and roundabout by revision of the approved phasing plan, in order to incorporate a sub-phase of phase 3 to come ahead of phases 1 and 2 for the access and roundabout.
- 1.4 It should be noted that at the occupation of the 80th dwelling all existing planning conditions and Section 106 contributions revert back to the requirements of the original Outline consent (14/01431/OUT).
- 1.5 The site at land east of Pond Hall Farm was allocated within the Tendring District Local Plan 2007 under policy HAR 2 without a residential allocation. The site was also included in various iterations of the Tendring District Local Plan (2013-2033) during the draft and consultation stages with an allocation of 297 residential dwellings and a requirement for the residential units to be delivered via Stour Close. Taking into account the site is now consented the Tendring District Local Plan (submission Draft) part (2) refers to the site as 'mixed use consented' and therefore it is not necessary for the site to be considered as an allocation.
- 1.6 The extant Outline consent was subject to Environmental Impact Assessment with the application being accompanied by an Environmental Statement. In light of subsequent changes to environmental legislation and time lapse the applicant has reviewed and updated the Environmental Statement and has submitted an Environmental Statement Addendum (ESA) in order to review and mitigate any changes.
- 1.7 The review to the ESA was carried out taking into account the delivery of all 297 residential dwellings off Stour Close, which was prior to amending the application to restrict the number to 80 residential dwellings. The findings of the review have demonstrated that there are no severe adverse impacts resulting from the delivery of 297 residential dwellings off Stour Close.
- 1.8 The Council have received objections from the public primarily concerning traffic and vehicle movements to and from the site. Due to the current pandemic and unusually low levels of traffic on the network historic data has been used to assess traffic impacts and movements, which has

confirmed that traffic impact would be at an acceptable level, again this was at the higher level of 297 dwellings. Whilst ECC Highways had concerns regarding the delivery of 297 dwellings off Stour Close they have 'No Objection' to the revised number of 80 dwellings subject to conditions including the improvement to a vision splay.

- 1.9 The applicant has informed the Council that the changes are necessary to secure a developer for the residential site in order to fund the delivery of the access and roundabout due to the lack of uptake of the retail, business and leisure uses and the inability to fund the access and roundabout.
- 1.10 The Councils Lawyer has confirmed that it is not necessary to amend the S106 and the necessary amendment of the approved phasing plan and agreement of 80 dwellings only can be undertaken through a Unilateral Undertaking which is currently being prepared.

Recommendation:

That the Head of Planning 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 Unilateral Undertaking.**
 - **S73 application subject to the existing S106**
- 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

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

National Policy:

The 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
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
EN17	Conservation Areas
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

Tendring 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
PPL8	Conservation Areas
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

- 2.1 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. In this latter regard, as of 26th January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.
- 2.2 Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10th December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.
- 2.3 The Council has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26th January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.
- 2.4 The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.
- 2.5 Where emerging policies are particularly relevant to a planning application and can be given 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 relation to housing supply:

- 2.6 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.

With the adoption of the modified Section 1 of the emerging Local Plan, the Councils 'objectively assessed housing need' of 550 dwellings per annum has been found 'sound' and there is no

housing shortfall. The Council is able to report a significant surplus of housing land supply over the 5 year requirement, in the order of 6.5 years.

3. Relevant Planning History

14/01431/OUT	<p>Hybrid application for proposed comprehensive development & the creation of employment floorspace (including start up units) consisting of:</p> <p>Outline approval for development of site to create employment units, cafe / restaurant units, public house, drive thru restaurants, cinema, hotel, up to 297 dwellings, landscaping, open space & associated means of access, internal estate roads & car parking.</p> <p>Full approval for the creation of retail shop units, foodstore, petrol filling station, associated highway works & improvements including a new roundabout off the A120 & link road, earthworks, service infrastructure & other associated works & improvements.</p>	Approved	08.06.2016
19/00239/DISCON	Discharge of condition 17 (Roundabout Solution) to approved Planning Application 14/01431/OUT.	Approved	14.05.2019
19/00576/DISCON	Discharge of condition 2 (Strategic Phasing Plan) of application 14/01431/OUT.	Approved	17.10.2019
19/00754/DISCON	Discharge of conditions for Phase 1 only: 7 (Ecological Enhancement), 10 (Archaeology), 11 (Local Recruitment) and 15 (Construction Management) of approved application 14/01431/OUT.	Approved	17.10.2019
19/00851/DETAIL	Reserved matters application for the development of site to create employment units, cafe / restaurant units, public house, drive thru restaurants, cinema, hotel, up to 297 dwellings, landscaping, open space & associated means of access, internal estate roads and car parking.	Current	

19/01632/LUEX

Construction of part of the permitted link road in accordance with permission 14/01431/OUT in order to begin development on the part of the permission granted in full in accordance with condition 21 and Section 56 of the Town and Country Planning Act 1990, as amended.

04.12.2019

20/00385/OUT

Variation of conditions 1 and 19 of approved application 14/01431/OUT to allow up to 80 residential unit occupations prior to completion of associated highway works and improvements including a new roundabout off the A120 as prescribed by condition 19.

Current

4. **Consultations**

ECC Highways Dept
25.01.2021

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980.

The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

The Highway Authority has considered all the information submitted with the previous planning application from last year. It is noted that that this revised proposal is to allow up to 80 residential unit occupations only, it is satisfied that the applicant has demonstrated (in accordance with the NPPF) the impact of the revised proposal on the highway network would be unlikely to be severe, therefore:

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

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

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities
- v. if required, temporary waiting restrictions

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

2. Prior to the commencement of any work on the site a joint inspection of the route to be used by construction vehicles should be carried out by the applicant and the Highway Authority, to include photographic evidence. The route should then be inspected again, after completion of the development, and any damage to the highway resulting from traffic movements generated by the application site should be repaired to an acceptable standard and at no cost to the Highway Authority. The Highway Authority may also wish to secure a commuted sum for special maintenance to cover the damage caused to the existing roads used as access by vehicles servicing the application site.

Reason: To ensure all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the vicinity of the site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority and in the interests of highway safety and Policy DM1.

3. No occupation of the development shall take place until the following have been provided or completed:

a) A link road with a revised priority junction for part of Stour Close to provide access to the proposal site as shown in principle on planning application, block plan drawing number: C4-13027-011-a. The new priority junction shall include a minimum visibility splay of 2.4m x 70 metres in both directions.

b) A new access for the Harwich indoor Bowls Club as shown in principle on planning application, block plan drawing number: C4-13027-011-a.

c) For the residential development an affective 3 metre shared footway/cycleway shall be provided from the development to Stour Close as shown in principle on planning application, block plan drawing number: C4-13027-011-a.

d) Residential Travel Information Packs and Residential Travel Plan with Travel Plan Co-ordinator (details shall be agreed with the Local Planning Authority prior to commencement of the development).

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM1, DM9 and DM10.

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.

Notes:

The above requirements should be imposed by way of negative planning conditions or planning obligation agreements as appropriate.

In making this recommendation the Highway Authority has treated all planning application drawings relating to the internal layout of the proposal site as illustrative only.

Prior to any works taking place in the highway the developer should enter into an S278 agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works.

All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible)

All highway related details should be agreed with the Highway Authority.

The proposed junction layout with Stour Close and footway proposals will require an initial Stage 1 Road Safety Audit.

The development should be in accordance with the Parking Standards Design and Good Practice Supplementary Planning Document dated September 2009.

Informative:

1: 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.

2: On the completion of the 80 units no further development shall take place, including any ground works or demolition, until the new roundabout off the A120 as prescribed by condition 19 has been completed.

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

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

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

TDC Environmental
Protection
07.09.2020

With reference to the above application, Environmental Protection would like to make the following comments -

Should the outline application be approved; the EP Team are requesting the following information be submitted at the next phase of application:

Contaminated Land - Prior to the commencement of the development proposals, investigations shall be carried out to establish whether the site is contaminated in any way. Such investigations shall be carried out in accordance with a scheme which shall first be agreed in writing with the Local Planning Authority. If the investigations reveal contamination of the site, a further scheme shall be agreed in writing by the Local Planning Authority, setting out measures to ensure that the entire area of the site, in relation to soil conditions resulting from such contamination, will not be harmful or detrimental to human health, animal health, normal plant health or growth, to buildings, building surfaces or amenities. Such agreed measures shall be implemented and completed to the satisfaction of the Local Planning Authority prior to the commencement of any development of the site.

Construction Method Statement - In order to minimise potential nuisance to nearby existing residents caused by construction works, Pollution and Environmental Control ask that the following is conditioned; Prior to the commencement of any construction works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Environmental Protection Team -

' Noise Control

- 1) The use of barriers to mitigate the impact of noisy operations will be used where possible.
- 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 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) 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.
- 2) 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.
- 3) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

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

The reason for the above comments is to ensure the protection of amenity to residents.

TDC Environmental
Protection
25.09.2020

Environmental Protection have looked at the Noise Report for the above application and based on the recommendations in this report EP would have no further comments to make in relation to noise, notably from road use.

Representations

- 4.1 The Ramsey & Parkeston Parish Council made no comments on the 'original' consultation relating to the full 297 dwellings being delivered in advance of the approved new highway improvements to the A120.
- 4.2 With respect to the re-consultation on a restriction to 80 dwellings, the Parish Council has raised concerns with respect to the access/exit point of the development at the junction of Clayton Road/Main Road with increased traffic hazards and request consideration of the installation of a roundabout at that point to be installed using S278 Highways funding. The relevant proportion of S106 funding is requested, to be guaranteed to be used as part funding for the new proposed Ramsey Village Hall, planning permission granted, giving enhanced leisure facilities to local and visiting residents.
- 4.3 In addition, the Parish Council would wish to re-iterate their previous comments made on 25th November 2014 as below:
- 4.4 Comment submitted date: Tue 25 Nov 2014

The view of the Ramsey & Parkeston Parish Council is to support the application with:

Assurance is gained that works as described for Full approval (9.91 hectares) for the creation of retail shop units, foodstore, petrol filling station, associated highway works & improvements including a new roundabout off the A120 & link road, earthworks, service infrastructure & other associated works & improvements to be undertaken prior to any works as described in Outline approval (19.46 hectares) for development of site to create employment units, cafe/restaurant units, public house, drive thru restaurants, cinema, hotel, up to 297 dwellings, landscaping, open space & associated means of access, internal estate roads & car parking are undertaken following Full approval gained.

Assurance to be gained that vehicular access/egress to the site will be restricted via Clayton Road & Stour Close to emergency vehicles only.

- 4.5 5 objections were received from the public to the 'original' consultation and 9 objections from the public following the second round of consultation. These objections and concerns can be summarised as follows:

- Will create too much traffic;
- Road not wide enough;
- Noise from development and traffic;
- Inconvenience to existing residence from extra traffic;
- Construction traffic will use Clayton Road/ Stour Close, which isn't wide enough;
- Shouldn't build houses before the road is built;
- Excessive vehicle movements all houses could end up being accessed via Stour Close;
- Extra pressure on already stretched services;
- Delays due to construction traffic at Clayton Road/ Stour Close may cause delays to Harwich Ambulance Station; and
- Essential road improvements necessary before the development of houses.

5. **Assessment**

Site Context

- 5.1 The application site covers an area of approximately 30 hectares and is located between the A120 trunk road and the existing Dovercourt urban area of Harwich. It is currently in agricultural use with field boundaries demarcated by hedgerows and trees. Most of the area is located in Flood Zone 1 although the northern area is located in Flood Risk Zone 2 and 3. There are no environmental designations within the boundary of the site.

Proposal/ Planning History

- 5.2 The application proposes revisions to the extant planning permission (14/01431/OUT) under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary conditions 1, with a substituted phasing plan and revised wording to condition 19, in order to permit the development of 80 residential units ahead of the proposed new access and roundabout.
- 5.3 The consented scheme (14/01431/OUT) is for the development of employment floorspace including employment units, café / restaurant, public house, cinema and hotel together with 297 residential dwellings, retail units, petrol filling station, landscaping, open space and access to roads. The main access to the site as consented is via a new link road connecting the A120 to Stour Close.
- 5.4 This planning application proposes that a residential sub-phase of phase 3 of plan (0106 G) for the development of no more than 80 residential units with the construction and access via Stour Close ahead of the remainder of the development.

Principle of Development / Planning History

- 5.5 Application (14/01431/OUT) was approved in principle on 31st March 2015 subject to signing a legal agreement within 6 months of the decision date. The application was subsequently referred to the Secretary of State (SoS) although it was not 'called in' but referred back to the Council by the SoS for determination. Approval was granted following the signing of a S106 legal agreement.
- 5.6 The application site was allocated for business and industrial development in the 2007 adopted Local Plan. Due to the high development costs which included the need for a roundabout on the A120 the Council's then emerging Local Plan allocated the site for mixed-use development including a number of employment uses and housing development which was considered to be a more viable mix of use to ensure delivery.

- 5.7 The site at Land East of Pond Hall Farm was allocated within the Tendring District Local Plan (2007) under Policy HAR2. In the (2013) Local Plan (Draft) Policy HAR2 was replaced with Policy HAD4 which provided the principal point of access for the residential element of the development via Stour Close. This policy, was subsequently removed, in the 2017 update of the Local Plan as the site had already been consented in 2016.
- 5.8 Emerging Policy HAD4: 'Development East of Pond Hall Farm' (removed 2017) had allocated the site for a mix of residential development, community facilities, commercial development and public open space. It stated that the Council would "... work with the landowner to prepare a development brief for the site prior to the submission of a planning application and ensure that alongside relevant policy requires in Chapters 2 to 5 of this Local Plan, development proposals also meet the following specific requirements:
- a) *The principle point of vehicular access for commercial uses will be via a new roundabout on the A120;*
 - b) *The principle point of vehicular access for housing development will be via Stour Close;*
 - c) *A minimum of 5 hectares of land will be restricted to employment related development in Classes B1, B2 or B8, or port-related uses;*
 - d) *No more than 9 hectares of the site will be allowed to accommodate alternative employment uses, which could include retail and pub/restaurant/hotel use;*
 - e) *No more than 8 hectares of the site will be used for residential development; and*
 - f) *The development will contribute toward the delivery of the new Harwich linear Park through the provision of land north of A120, the creation of pedestrian and cycle links between the development and that land and the provision of vehicular access and a parking area via the new roundabout."*
- 5.9 In the most up-to-date version of the Tendring District Local Plan, a submission draft dated 2017, Policy HAD4 was removed, to reflect the previously mentioned outline planning permission being granted on the site. Instead, the site is recognised on the Local Plan Policies Map as a "mixed use site with consent".
- 5.10 The Hybrid application was for detailed approval for a food store, five non-retail units, a petrol filling station and associated earth works, infrastructure and road improvements. Outline approval for a cinema restaurant/ café, Employment units (warehouse and start-up units) and up to 297 new homes.

Environmental Impact Assessment

- 5.11 Application (14/01431/OUT) was subject to Environmental Impact Assessment; the application was supported by an Environmental Statement (ES). Since the production of the 2014 ES new regulations have come into place (The Town and Country Planning (Environmental Impact Assessment) Regulations 2017).
- 5.12 Part 1 (3) of the 2017 EIA regulations states;
The relevant planning authority, the Secretary of State, or an Inspector must not grant planning permission or subsequent consent for EIA development unless an EIA has been carried out in respect of that development.
- 5.13 The 2017 Regulations also require the submission of an Environmental Statement to support the application. The applicant has prepared an Environmental Statement Addendum (ESA) to support the application and has highlighted any subsequent changes in the legislation and areas which may need updates to the 2014 ES, which supports the consented Outline application. The ESA goes above and beyond the proposed 80 units and takes into account all 297 dwellings.

- 5.14 The aim of the ESA is to identify the likely significant environmental effects associated with the proposal and to provide sufficient information for the local planning authority and statutory consultees in full knowledge of the likely significant effects to determine the application.
- 5.15 An ESA must contain the information specified in Regulation 18 (3) of the EIA Regulations as well as meeting the requirements of Regulation 18 (4) Schedule 4 of the EIA Regulations and list additional information, which if relevant to the specific characteristics of the development or type of development and to the environmental features likely to be significantly affected, should also be included.
- 5.16 Whilst no formal Screening Opinion under Regulation 37 of the EIA Regulations or a formal Scoping Opinion under Regulation 15 was requested by the Council, informal scoping discussions have been undertaken with Essex County Council, the relevant Highways Authority also with the Local Planning Authority and Environmental Health Authority.
- 5.17 The further EIA work was limited to those effects likely to have changed by the proposal to amend the access arrangements to the site; these cover:
- Traffic and Transport.
 - Noise and
 - Air Quality
- 5.18 These assessments consider the effects during the construction and operational phases of the development.

Traffic and Transport

- 5.19 The transport chapter and technical note provides an updated assessment based on recent traffic survey information and considers the residential development independently of the larger consented scheme.
- 5.20 The number of peak trips for the permitted 297 has been calculated as follows although it must be noted that this application is for 80 dwellings which represents 27% of the overall figures below. This does not include construction traffic.

AM Peak Time 7.30-8.30	297 Dwellings	80 Dwellings (27%)
Movements entering	30	8
Movements leaving	98	26
PM Peak Times 16.45-17.45		
Movements entering	97	26
Movements leaving	52	14
Saturday Peak Times 13.00-14.00		
Movements entering	69	19
Movements leaving	19	19

- 5.21 The provision of a bus service to the permitted residential development remains the same, with at least one bus visiting per hour based on 07.00-19.00 timetable already permitted to the site and travelling via Stour Close.
- 5.22 It is considered that at worst the traffic impacts would be moderate in connection with the residential development. However, this has considered all 297 residential dwellings which was found to be acceptable from a traffic and transportation prospective.

Noise

- 5.23 The effects of the road traffic noise on residents, as a result of the proposed amendment to the access arrangements, has been assessed by the applicant's consultants. The study area

focused on Claydon Road. The survey included background noise levels representative of the front gardens in Claydon Road.

- 5.24 When compared to existing noise levels the future noise environment, as a result of the amended access arrangements will have a low impact on acoustic character of the area but will not result in a change in quality of life.

Air Quality

- 5.25 The 2014 Air Quality Assessment has been reviewed in order to take account of the changes to the legislation since the assessment and additionally to take account of any changes in air quality in the local area. During construction works a range of best practice mitigation measures will be implemented to reduce dust emissions, through the Construction Management Plan. The overall effect is not considered to be significant.
- 5.26 The effects of the emissions from HGV movements generated during the construction stage and the operational effects of traffic emissions from the new house occupants will not be significant even taking into account the revised and more stringent significant guidance, and most recent available monitoring data.
- 5.27 Overall, the conclusion of the Air Quality Assessment prepared in 2014 remains valid and air quality for existing and future residents will be acceptable.

Climate Change

- 5.28 Air quality is predicted to improve by the reduction of vehicle emissions although climate change long-term effect (2050-2080) is not a consideration for the ESA.

Highway Considerations

- 5.29 Paragraph 108 of the NPPF (2019) relates to transport and requires Councils, when making decisions, to ensure that:
- Appropriate opportunities to promote sustainable transport modes can be made - or have been - taken up, given the type of development and its location;
 - safe a suitable access to the site can be achieved for all users; and
 - 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
- 5.30 Policy QL2 in the adopted Local Plan, Policy CP1 in the emerging Local Plan seek to ensure that developments maximise the opportunities for access to sustainable transport including walking, cycling and public transport. The application site performs relatively well in this regard.
- 5.31 Policy TRA1a in the adopted Local Plan requires that development affecting highways be considered in relation to reducing and preventing hazards and inconvenience to traffic including the capacity of the road network. Policy CP2 in the emerging Local Plan states that proposals which would have any adverse transport impacts will not be granted planning permission unless these are able to be resolved and the development made acceptable by specific mitigation measures which are guaranteed to be implemented.

Transport Assessment

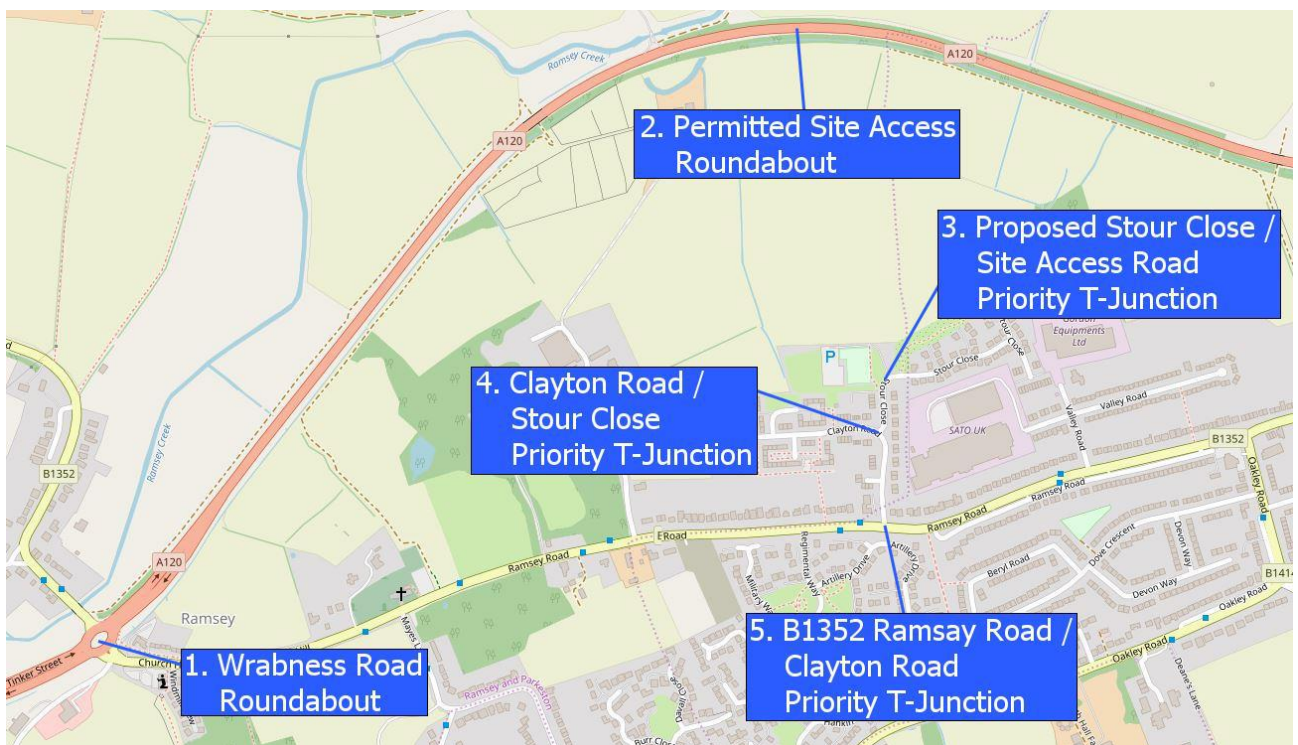
5.32 The permitted development includes the construction of a four-arm roundabout on the A120 to provide access to the site from the north, as well as a connection to Stour Close to the south. A bus gate was proposed between the development and Stour Close that would prevent private vehicle traffic from accessing the site on Stour Close.

5.33 The applicant's original intention was for the retail uses permitted (phase 1) to fund the infrastructure, including the roundabout to the A120. This would mean that all proposed traffic to the development including the residential phases. The original technical evidence was based on this position.

5.34 However, the current proposal is to deliver the residential phase ahead of the retail uses on the site. As such this application seeks to vary conditions 1 and 19 to enable 80 dwellings to be occupied via Stour Close prior to the construction of the roundabout.

5.35 The transport note considers the traffic impact of the residential development on the following junctions,

- 1) The A120 / B1352 Wrabness Road / B1352 Church Hill Roundabout (the 'Wrabness Road Roundabout').
- 2) The permitted A120 / Site Access Roundabout (the 'Permitted Site Access Roundabout')
- 3) The proposed Stour Close / Site Access Road Priority T-Junction.
- 4) The Clayton Road / Stour Close Priority T-Junction.
- 5) The B1352 Ramsay Road / Clayton Road Priority T-Junction.



5.36 In the 2014 Transport Assessment (TA), the assessment considered the larger permitted development in the assessment years of 2019 (Application year + five years – Local Highway Authority test) and 2025 (Application year + 10 years – Highways England test).

5.37 The updated note considers the residential development in the assessment years of 2025 (Application year + five years) and 2030 (Application year + 10 years).

- 5.38 Growth factors have been applied to the December 2019 surveys to represent the future year to account for projected economic growth and local development forecasts.
- 5.39 (The growth factors have been derived based on the TEMPro (Version 7.2) database for car drivers in the periods of 2019 – 2025 and 2019 – 2030 for the geographical area of 'Tendring 004', with area type 'All' and road type 'All').
- 5.40 The PICADY computer modelling software module has been used to model the operation of the Stour Close / Site Access Road, Stour Close / Clayton Road and B1352 Ramsay Road / Clayton Road junctions as PICADY is an industry standard software module for modelling the operation of priority T-junctions.
- 5.41 The PICADY9 computer program has been used to assess the operation of the Stour Close / Clayton Road junction and the B1352 Ramsay Road / Clayton Road Junction based on their existing geometries, as well as the Site Access Road / Stour Close junction based on the geometries proposed as part of the 2014 application.
- 5.41 PICADY relates the geometry of the junction combined with traffic flow information to predict capacity. The software provides a number of results in its output, the most meaningful of which is the Ratio of Flow to Capacity (RFC), where an RFC of 1.00 reflects a demand equal to the theoretical capacity of the junction approach.
- 5.42 The operation of the B1352 Ramsay Road / Clayton Road and Stour Close / Clayton Road junctions have been assessed in weekday AM, weekday PM and Saturday midday peaks in the 2019 Surveyed Flows, 2025 Base Flows, 2025 Base + Proposed Development scenarios using the existing junction geometries, measured from Ordnance Survey mapping.
- 5.43 The operation of the Stour Close / Proposed Access Road junction has been assessed in the weekday AM, weekday PM and Saturday midday peaks in the 2025 Base + Proposed Development scenarios using geometries measured from the highways proposals within the 2014 TA.
- 5.44 The 2030 Base and 2030 Base + Proposed Development scenarios have not been tested as none of the above three junctions are / will be under the jurisdiction of Highways England.
- 5.45 All of the models have been run in 'One Hour' mode. The 'One Hour' mode estimates the traffic profile for an hour long period using a bell shaped curve with a 15-minute 'Warm Up' period before and a 15-minute 'Cool Down' period after, the central period. This simulates the effect of a peak within the peak hour.
- 5.46 The software indicates that all three of the assessed junctions will operate within capacity in the future with the proposed development in place of all 297 dwellings.

Impact on Residential Amenity

- 5.47 It is considered that the increase in traffic in relation to 80 new dwellings will create an acceptable increase in traffic, the applicant has successfully demonstrated that there is sufficient capacity on the existing road network to accommodate the extra traffic. ECC Highways have no objection subject to conditions.
- 5.48 A Construction Management Plan is required in order to ensure that all construction traffic is accommodated for parking within the site and that deliveries can be controlled by

management. Also that both air and noise pollution are managed throughout the duration of the development.

5.49 In relation to impact associated with the build out period, the applicant has advised that they expect the 80 dwellings to be completed within a two year period.

5.50 The updated ESA has demonstrated that there are no significant adverse increases associated to environmental impacts from the changes to the residential access route via Stour Close for 80 dwellings.

6. Legal Implications

6.1 This application seeks to vary the outline permission. The legal agreement at that stage will not need to be amended, although a Unilateral Undertaking will be required in order to transfer the obligations to the new planning permission.

7. Conclusion

7.1 The application site comprises of mixed use development which includes 297 residential dwellings. Over the past twelve months there has been a significant change in the market place for retail and business use development due to the pandemic. In order to ensure this important site comes forward it is essential for the access road and roundabout to be funded.

7.2 The applicant seeks an amendment to the consented scheme (14/01431/OUT) in order to bring forward the residential development to fund the infrastructure. The initial application was for all 297 dwellings but following discussions with officers and ECC Highways the applicant has amended the application to 80 dwellings. ECC Highways have no objection subject to conditions.

7.3 The applicant seeks to amend two of the planning conditions in order to change the phasing. Originally, Phase 1 and 2 dealt with the delivery of infrastructure and Phase 3 residential. An inclusion of a sub-phase will allow the delivery of 80 residential dwellings without any further changes to any of the other requirements set out in (14/01431/OUT) and the agreed S106 legal agreement.

7.4 Whilst it must be noted that there will be an increase in traffic on Stour Close the impact is considered to be acceptable with access points working within capacity.

7.5 It is still a requirement of the consent for the bus gate to be installed at the time the new access road and roundabout come into use.

7.6 It is considered that the proposal meets the requirements of both national and local policy and subject to conditions and the signing of a unilateral undertaking 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 Unilateral Undertaking.

8.2 Conditions and Reasons

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

- 13977/0200 Rev A Location Plan
- 0106 Rev G Sub Phase Plan
- CWA_13_168_517 Rev P2 Proposed Cut/Fill Isopachytes (Sheet 1 of 2)
- CWA_13_168_518 Rev P3 Proposed Cut/Fill Isopachytes (Sheet 2 of 2)
- CWA_13_168_515 Rev P3 Proposed Earthworks Contours (Sheet 1 of 2)
- CWA_13_168_516 Rev P3 Proposed Earthworks Contours (Sheet 2 of 2)
- 13977/0301 Rev B Parameters Plan - Detailed for Determination
- 13977/0300 Rev B Planning Application Boundaries
- 13977/0310 Rev C Masterplan - Detailed for Determination
- 13977/0311 Rev B Foodstore Elevations - Detailed for Determination
- 13977/0312 Rev B Retail Elevations - Detailed for Determination
- 13977/0313 Rev A PFS (Petrol Filling Station) Elevations - Detailed for Determination
- C4-13027-011 Proposed Site Access - Highway General Arrangements
- 13977/0305 Rev B Foodstore - Ground Floor Plan
- 13977/0306 Rev B Retail Plan
- 13977/0307 Rev A PFS (Petrol Filling Station) Plan
- 13977/0341 Rev C Proposed Typical Retail Bay Section & Elevation for Determination
- CWA_13_168_511 Rev P2 Proposed Drainage Strategy (Sheet 1 of 2)
- CWA_13_168_512 Rev P3 Proposed Drainage Strategy (Sheet 2 of 2)
- CWA_13_168_513 Rev P2 Proposed Surface Finish Contours (Sheet 1 of 2)
- CWA_13_168_514 Rev P3 Proposed Surface Finish Contours (Sheet 2 of 2)

Reason - For the avoidance of doubt and in the interests of proper planning. To ensure the phases of development are delivered in a complementary manner that ensures the appropriate mix of uses for this key site and to restrict the height of buildings to an acceptable level in the interest of visual impact, given the sensitive topography of this urban fringe site. To ensure the phases of development are delivered in a complementary manner that ensures an appropriate mix and spatial distribution of uses across this key development site, to the maximum benefit of the community.

2. No development shall commence until a Strategic Phasing Plan has been submitted to and approved in writing by the Local Planning Authority. The Strategic Phasing Plan shall include details of the following:

- the number of phases;
- the physical extent of each proposed phase of development and the development proposed within it;
- an indicative timescale for implementation of each phase;
- technical design details and timing of any temporary site access (if applicable) for the construction phases of the development
- highways infrastructure including the roundabout junction from the A120 (T) and internal access ways; estate roads; parking (including cycle parking and two wheeler powered vehicle parking) and servicing areas and communal areas;
- strategic landscaping;
- earthworks and changes in existing ground levels including details of the volumes of any materials that are to be exported from or imported to the site
- pedestrian linkages and connections;
- utilities infrastructure including foul and surface water drainage; and
- the order in which the phases are to be developed/delivered

The development shall be carried out in accordance with the details of the Strategic Phasing Plan as approved.

Reason - To ensure that the scheme is brought forward in a timely and comprehensive manner in the interests of proper planning; highway safety; amenity and the character and appearance of the area and to ensure a satisfactory relationship between the various components of the development and between the site and adjoining land. To ensure that construction is carried out at a suitable level having regard to drainage, access, the appearance of the development, any trees or hedgerows and the amenities of neighbouring properties.

3. Notwithstanding the details submitted with the application, no development shall commence in any phase identified within the approved Strategic Phasing Plan (excluding operations consisting of site clearance; demolition works; archaeological investigations; investigations for the purposes of assessing ground conditions; remedial work in respect of any contamination or other adverse ground conditions; diversion and laying of services; and groundworks) until precise details and samples of the external materials to be used in the construction of the development in that phase and the surfacing materials for any car park and all other public circulation areas in that phase 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 - In order for the Local Planning Authority to retain control over the materials to be used for the proposed development in the interests of visual amenity and to protect and enhance the character and appearance of the area.

4. Notwithstanding the details submitted with the application, no development shall commence in any phase identified within the approved Strategic Phasing Plan (excluding operations consisting of site clearance; demolition works; archaeological investigations; investigations for the purposes of assessing ground conditions; remedial work in respect of any contamination or other adverse ground conditions; diversion and laying of services; and groundworks) until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the phase, which shall include a timetable for implementation and completion; any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection (during the construction phase and thereafter) which shall comply with the recommendations set out in the British Standards Institute publication 'BS 5837: 2012 Trees in relation to design, demolition and construction'.

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.

5. The approved landscaping details for each phase (referred to in Condition 4) shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development in the phase to which it relates or in such phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of five years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

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

6. Notwithstanding the details submitted with the application, no development shall commence in any phase of the development identified within the approved Strategic Phasing Plan (excluding

operations consisting of site clearance; demolition works; archaeological investigations; investigations for the purposes of assessing ground conditions; remedial work in respect of any contamination or other adverse ground conditions; diversion and laying of services; and groundworks) until a Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaping; landscaped areas; Sustainable Urban Drainage features; public open space; amenity space and play areas and equipment has been submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall be carried out as approved in accordance with the details and the timescales in the Plan.

Reason - To ensure the proper planning, management and maintenance of the approved landscaping; landscaped areas; Sustainable Urban Drainage features; public open space; amenity space and play areas and equipment in the interests of amenity; sustainability and the character and appearance of the area. The site is large and currently exposed open countryside. It will form a new edge to the urban area and it is essential that the development includes adequate provision for structural tree planting and for the soft landscaping to mature and create an appropriate landscaped context for the built development, as permitted.

7. Phase 1 of the development hereby approved shall be carried out in accordance with the Biodiversity and Ecological Enhancement and Mitigation Scheme and Management Plan approved under 19/00754/DISCON.

No development shall commence in any other phase identified within the approved Strategic Phasing Plan until a Biodiversity and Ecological Enhancement and Mitigation Scheme and Management Plan for that Phase (incorporating the recommendations and proposals from the submitted Environmental Statement, September 2014) has been submitted to and approved, in writing, by the Local Planning Authority. The document shall include:

- (i) A survey to confirm (or otherwise) the presence of protected species on the application site.

If protected species are present, the survey shall be accompanied by a scheme of appropriate mitigation measures (including precise details of the timing and method/s of protection). No development shall be undertaken except in full accordance with any such approved scheme of mitigation.

- (ii) A management plan to demonstrate how biodiversity within the site will be encouraged by the development.

Reason - In order to safeguard protected wildlife species and their habitats and in the interests of biodiversity and to ensure best practice measures are used on the site and during both the construction and occupation phases of the development to minimise the impact on birds and wildlife and promote biodiversity.

8. Notwithstanding the details submitted with the application, no development shall commence in any phase identified within the approved Strategic Phasing Plan (excluding operations consisting of site clearance; demolition works; archaeological investigations; investigations for the purposes of assessing ground conditions; remedial work in respect of any contamination or other adverse ground conditions; diversion and laying of services; and groundworks) until precise details of the external appearance and design of any click and collect canopies; trolley shelters; cycle shelters and other ancillary items of street furniture in that phase 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 - In order for the Local Planning Authority to retain control over the design of the proposal in the interests of visual amenity and to protect and enhance the character and appearance of the area.

9. No development shall commence in any phase identified within the approved Strategic Phasing Plan (excluding operations consisting of site clearance; demolition works; archaeological investigations; investigations for the purposes of assessing ground conditions; remedial work in respect of any contamination or other adverse ground conditions; diversion and laying of services; and groundworks) until a detailed scheme for the provision and implementation of water, energy and resource efficiency measures for that phase, during the construction and occupational phases of the development is submitted to and agreed in writing by the Local Planning Authority. The scheme shall follow the principles outlined in the submitted Sustainability Statement dated 06/08/14 and shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme shall be constructed and the measures provided and made available for use in accordance with such timetables as may be agreed.

Reason - To enhance the sustainability of the development through better use of water, energy and materials.

10. Other than Phase 1, which was agreed in writing on 17 October 2019 under discharge of conditions application ref. 19/00754/DISCON, no development or preliminary ground-works shall commence until a programme of archaeological trial trenching and building recording (including that of the World War II Pill Box occupying the site) has been secured and undertaken in accordance with a Written Scheme of Investigation to be submitted to and approved in writing by the Local Planning Authority. Following the completion of this initial phase of archaeological work, a summary report will be prepared and a mitigation strategy detailing the approach to further archaeological excavation and/perseveration in situ through re-design of the development, shall be submitted to the Local Planning Authority. No development or preliminary groundwork shall commence on any part of the site identified as containing archaeological deposits, until the satisfactory completion of archaeological fieldwork, as detailed in the approved mitigation strategy. Within six months following the completion of the archaeological fieldwork, a post-excavation assessment shall be submitted to the Local 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.

Reason - To ensure the archaeological value of the site is properly assessed and recorded.

11. Other than Phase 1, which was agreed in writing on 17th October 2019 under discharge of conditions application ref. 19/00754/DISCON, no development shall commence in any phase of the development identified within the approved Strategic Phasing Plan until details of a local recruitment strategy for that phase have been submitted to and approved in writing by the Local Planning Authority. The local recruitment strategy shall include details of how the applicants/developer shall use their reasonable endeavours to promote and encourage the recruitment of employees and other staff in the locality of the application site for the construction of the development and for the uses of the development thereafter. The approved local recruitment strategy shall be adhered to therein after.

Reason - In order to recruit and procure services locally to help and improve employment and training opportunities for local residents.

12. No phase of development shall commence identified within the approved Strategic Phasing Plan (excluding operations consisting of site clearance; demolition works; archaeological investigations; investigations for the purposes of assessing ground conditions; remedial work in respect of any contamination or other adverse ground conditions; diversion and laying of

services; and groundworks) until a foul water strategy for that phase has been submitted to and approved in writing by the Local Planning Authority. No buildings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved.

Reason - To prevent pollution and environmental and amenity problems arising from flooding.

13. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (Environmental Statement 2014) and no phase of development identified within the approved Strategic Phasing Plan shall commence (excluding operations consisting of site clearance; demolition works; archaeological investigations; investigations for the purposes of assessing ground conditions; remedial work in respect of any contamination or other adverse ground conditions; diversion and laying of services; and groundworks) until a surface water drainage scheme for that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:

i) Incorporate the SuDS "Management Train" and ensure all features are designed in accordance with CIRIA (C697) The SuDS Manual, so ecological, water quality and aesthetic benefits can be achieved in addition to the flood risk management benefits. In addition, the maintenance requirements for the SuDS element of the proposed surface water drainage system should be formulated as per the recommendations within the CIRIA SuDS Manual (C697).

ii) Fully investigate the feasibility of infiltration SuDS as a preference and provide evidence to establish if the principles of any infiltration based surface water drainage strategy are achievable on site, based on the ground conditions, such as infiltration or soakaway tests which adhere to BRE365 guidance.

iii) Provide drainage plans and drawings showing the proposed locations and dimensions of all aspects of the proposed surface water management scheme. The submitted plans should demonstrate that the proposed drainage layout will perform as intended based on the topography of the site and the location of the proposed surface water management features. In addition, full design details, including cross sections of any proposed infiltration or attenuation features will be required.

iv) Attenuation storage shall be provided to cater for the 1 in 100 year critical storm plus 30% allowance for climate change and there should be consideration given to long-term storage solutions.

v) Provide calculations to demonstrate that the proposed surface water management scheme has been adequately sized to accommodate the critical duration 1 in 100 year rainfall event including allowances for climate change without causing nuisance or damage. The management strategy should consider both storage and conveyance of surface water.

vi) Provide calculations of the piped network performance in the 1 in 30 year or 1 in 100 year rainfall events, including climate change.

vii) Provide sufficient information to demonstrate that people and property will be kept safe from flooding, with consideration given to exceedance flows and overland flow routing from on and off site sources, in accordance with CIRIA C635.

viii) Ensure that any surface water discharged to the receiving ordinary watercourse/ditch shall be no greater than existing present day Greenfield runoff rates for a range of equivalent return period events up to and including the 1 in 100 year rainfall event with allowances for climate change.

ix) Provide details of the future adoption and maintenance of the proposed surface water scheme for the lifetime of the proposed development.

x) Confirm that the receiving watercourse is in a condition to accept and pass on flows from the discharge proposed.

A scheme for the provision of compensatory storage shall also be submitted to and approved in writing by the Local Planning Authority.

Development shall be carried out in accordance with the surface water strategy and compensatory storage schemes so approved.

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

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

14. Notwithstanding the details submitted with the application, the following details (including a date for installation or a timetable for implementation where applicable) shall be submitted for each separate phase of development identified within the approved Strategic Phasing Plan and shall be approved in writing by the Local Planning Authority:

- a. CCTV;
- b. All external lighting, including details of measures to minimise light pollution to adjoining residential properties;
- c. All external plant and machinery;
- d. All boundary treatments (both in the residential; commercial and industrial areas) including the siting, height, design and materials of all boundary walls and fences which face onto public spaces/highways or private drives including engineering and facing material details of all retaining walls;
- e. outside storage of goods, materials or containers shall be stored, stacked or deposited on the site outside the buildings hereby permitted;
- f. A recycling collection point in the retail area and refuse and recycling collection points in the residential and commercial areas; and
- g. A Service Management Plan (specifying delivery times and the means of securing and managing the car parking areas)

The approved details shall be constructed/implemented and adhered to therein after, unless otherwise agreed in writing with the Local Planning Authority.

Reason - In order to prevent crime and create safer, sustainable communities and in order to ensure the location of CCTV protects the privacy of neighbouring residential properties.

15. Other than Phase 1, which was agreed in writing on 17th October 2019 under discharge of conditions application ref. 19/00754/DISCON, no phase of development identified within the approved Strategic Phasing Plan shall commence until a Construction Method Statement has been submitted to and approved, in writing, by the Local Planning Authority for that particular phase. The statement shall include:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoardings

- v. wheel washing facilities
- vi. HGV Routing plan
- vii. measures to control the emission of dust and dirt during construction
- viii. noise monitoring
- ix. construction site lighting
- x. a scheme for storing; recycling and disposing of waste resulting from demolition and construction works
- xi. construction work hours

The development shall be carried out in accordance with the details so approved.

Reason - To control the construction phase in order to ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and to protect the amenities of the occupiers of nearby residential properties and the efficient operation of nearby commercial properties.

16. The highways and access arrangements for the site shall be carried out in general conformity with the Proposed Site Access/Highway General Arrangements drawing C4-13027-011 dated August 2014. No phase of development identified within the approved Strategic Phasing Plan shall be occupied before these arrangements, as are relevant to the phase being developed, have been delivered and are fully open to traffic.

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

17. Other than works approved discharge of conditions application ref. 19/00239/DISCON, no phase of development identified within the approved Strategic Phasing Plan shall commence until drawings and documents containing the following design details relating to the proposed A120 Pond Hall Farm roundabout solution shall have been submitted to and approved in writing by the Local Planning Authority:

i) how the roundabout solution interfaces with the existing highway alignment and carriageway markings including land destinations;

ii) full construction details relating to the roundabout solution including any modification to existing structures or proposed structures, with supporting analysis;

iii) full signing and lighting details where applicable;

iv) confirmation of full compliance with Departmental Standards (DMRB) and Policies (or approved relaxations/departures from standards);

v) evidence that the scheme is deliverable within land in the control of either the Highway Authority or the Applicant notwithstanding that this may require a reasonable departure from normal standards; and

vi) an independent stage 2 Road Safety Audit (taking account of any stage 1 Road Safety Audit recommendations) carried out in accordance with Departmental Standards (DMRB) and Advice Notes.

The development shall thereafter be carried out in accordance with the approved details.

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

18. No phase of development identified within the approved Strategic Phasing Plan shall commence (excluding operations consisting of site clearance; demolition works; archaeological investigations; investigations for the purposes of assessing ground conditions; remedial work in respect of any contamination or other adverse ground conditions; diversion and laying of services; and groundworks) until details of the following have been submitted to and approved in writing by the Local Planning Authority:
- a) a bus service or services serving the development
 - b) on site bus stop locations and specification
 - c) new off site and/or improved existing off site bus stops, on site bus turn around and/or layover facilities (temporary and/or permanent)

No development shall be occupied until these requirements, as approved, have been delivered.

Reason - To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

19. No phase of the development identified within the approved Strategic Phasing Plan shall be occupied until the following have been provided or completed, relevant to the phase being developed, in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority:
- A. A 4-arm roundabout (with a minimum 3 metre wide shared footway/cycleway between all four arms) on the A120 to provide access to the overall proposal site other than up to 80 residential units in the approved residential phase which can be accessed from Stour Close in accordance with drawing 04-13027-011 Proposed Site Access - Highway General Arrangements Rev A. Once 80 residential units have been constructed and occupied, access to the residential phase will use the approved roundabout on the A120;
 - B. A 4-arm roundabout (with a minimum 3 metre wide shared footway/cycleway between all four arms) on the proposed link road to provide access to part of the non-residential element of the proposal;
 - C. A dual carriageway (with a minimum 3 metre wide shared footway/cycleway on both sides) between the two roundabouts mentioned above;
 - D. A left in/ left out priority off the dual carriageway mentioned above to provide access to the hotel. Junction shall include a minimum 2.4x70 metre visibility splay to the right for exiting vehicles;
 - E. A link road between the roundabout mentioned under item B) above and Stour Close. Link road shall have a minimum 6.75 metre wide carriageway and two minimum 3 metre wide shared footway/cycleways;
 - F. A priority junction off the link road mentioned above to provide access to the residential dwellings. Junctions shall include a minimum 70 x 2.4 x 70 metre visibility splay;

- G. Two priority junctions off the link road mentioned above to provide access to the residential dwellings. Junctions shall include a minimum 70 x 2.4 x 70 metre visibility splay;
- H. A bus gate;
- I. Reconfiguration of Stour Close to provide a priority junction off the link road mentioned above. Junction shall include a minimum 70 x 2.4 x 70 metre visibility splay;
- J. For the non-residential phases of the development, a travel plan to include but shall not be limited to provision of a Travel Plan Co-ordinator;

Reason - To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as transport, cycling and walking.

- 20. No occupation of any part of the phases of the development identified within the approved Strategic Phasing Plan development shall occur, until such time as the service yard and car parking areas related to that phase indicated on the approved plans, including any spaces for the mobility impaired have been hard surfaced, sealed and marked out in parking bays. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development.

Reason - To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

- 21. The development hereby permitted within the full application area of the approved planning application boundaries Plan (reference 13977/0300 Rev B) shall be begun before the expiration of three years from the date of this permission.

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

- 22. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 (or any order revoking or re-enacting those Orders with or without modification), the foodstore and retail units (shown on drawing 13977/306 Rev B) hereby permitted shall be used for Class A1 (Retail) purposes only.

Reason - In order for the Local Planning Authority to retain control over the uses on the site because the retail impact of the development on the town centres of Dovercourt and Harwich has been made on the basis of the information submitted for the scale and nature of the development hereby permitted.

- 23. Notwithstanding the provisions of Article 3, Schedule 2, Part 8 or Part 42 Class A, B or C of the Town and Country Planning (General Permitted Development) Order 1995, as amended, (or in any order revoking or re-enacting that order with or without modification) there shall be no extension to the hereby permitted foodstore and retail units (shown on drawing 13977/306 Rev B) and the A1 retail floor space in the hereby permitted development shall not exceed the following:

- (i) The foodstore shall be limited to 6,422 square metres gross internal area and 4,078 square metres net sales floorspace of which no more than 1,223 square metres shall be used for the sale of comparison goods; and

(ii) The retail units shall be limited to 6,352 square metres gross internal area and 5,399 square metres net sales floorspace of comparison goods floorspace, of which no unit shall be less than 1,000 square metres.

There shall be no subdivision of the gross internal floor areas or net sales floor areas or the creation of any mezzanine floors in addition to those permitted as part of this application.

Reason - In order for the Local Planning Authority to retain control over the uses on the site because the retail impact of the development on the town centres of Dovercourt and Harwich has been made on the basis of the information submitted for the scale and nature of the development hereby permitted.

24. No A1 retail floor space hereby approved shall be occupied by any retailer that, at the date of the grant of this planning permission, or within a period of 6 (six) months immediately prior to the occupation of a phase of development that includes retail, occupies retail floor space within Dovercourt or Harwich town centre.

Reason - To minimise harmful direct competition with Dovercourt and Harwich town centre in the interest promoting their continued vitality and viability and to ensure the retail offer is different to, and does not detract from, that of Dovercourt and Harwich town centre, in the interest of promoting their continued vitality and viability.

25. For at least the first 6 (six) months following first occupation, a minimum of two of the Class A1 non food units hereby permitted shall use at least 50% of the net sales area for the sale and display of clothing and footwear and ancillary items in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.

Reason - To promote a diverse retail offer in the Harwich area and minimise unnecessary direct competition with Dovercourt and Harwich town centre in the interest promoting its continued vitality and viability.

26. No development hereby permitted shall commence within the outline application area of the approved planning application boundaries Plan (reference 13977/0300 Rev B) until plans and particulars of "the reserved matters" relating to appearance, landscaping, layout and scale 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.

27. Application for approval of the reserved matters (listed above) within the outline application area of the approved planning application boundaries Plan (reference 13977/0300 Rev B) 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.

28. The development hereby permitted within the outline application area of the approved planning application boundaries Plan (reference 13977/0300 Rev B) shall be begun before the expiration of two 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.

29. The maximum number of dwellings to be contained in the residential phase of the development shall be 297 and dwellings shall be erected only within the residential area indicated on the parameters plan 13977/0301 Rev. B.

Reason - To ensure that the functional needs of the development are met within the application site.

30. The A3, A4 and A5 Use Class floor space in the hereby permitted development shall not exceed the following:

- (i) 2,138 square metres gross internal area Class A3 restaurants and Café;
- (ii) 651 square metres gross internal area Class A4 public House ; and
- (iii) 651 square metres gross internal area Class A5 drive thru restaurants.

Reason - In order for the Local Planning Authority to retain control over the town centre uses on the site because the impact of the development on the town centres of Dovercourt and Harwich has been made on the basis of the information submitted for the scale and nature of the development hereby permitted.

31. Notwithstanding the provisions of the Town and Country Planning (Use Class) Order 1987, as amended by the Town and Country Planning (Use Class) (Amendment) (England) Order 2005 (or any order revoking or re-enacting those Orders with or without modification), the permitted C1 floorspace shall be used as a hotel and for no other purpose in Class C1 and the gross internal area shall not exceed 2,463 square metres.

Reason - The hotel use has been assessed to be acceptable because it has been shown that the impact on car parking, Dovercourt and Harwich town centres and the interests of sustainability will be within acceptable bounds. Other uses within Class C1 would need to be assessed on their own merits in relation to these criteria to ensure that Dovercourt and Harwich town centres and the interests of sustainability are not harmed.

32. Notwithstanding the provisions of the Town and Country Planning (Use Class) Order 1987, as amended by the Town and Country Planning (Use Class) (Amendment) (England) Order 2005 (or any order revoking or re-enacting those Orders with or without modification), the permitted D2 floorspace shall be used as a cinema and for no other purpose in Class D2 and the gross internal area shall not exceed 2,509 square metres.

Reason - The cinema use has been assessed to be acceptable because it has been shown that the impact on car parking, Dovercourt and Harwich town centres and the interests of sustainability will be within acceptable bounds. Other uses within Class D2 would need to be assessed on their own merits in relation to these criteria to ensure that Dovercourt and Harwich town centres and the interests of sustainability are not harmed.

33. At least 10% of the gross residential site area shown on the approved parameters plan 13977/0301 Rev. B shall be laid out for use as play space and other amenity open space in accordance with a scheme submitted to and approved, in writing, by the Local Planning Authority before any development within the residential site area commences and such spaces shall subsequently be provided as specified in the scheme so approved and made available for use within 12 months of the occupation of any dwelling within that phase of development and thereafter retained for public use.

Reason - To ensure a satisfactory development in terms of public play space and open space in the interests of local amenity.

34. The amount and type of business floor space within the development hereby permitted shall be a maximum of 26,678 square metres floor space in Class B1 , B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and shall be erected only within the employment areas as specified in the approved Strategic Phasing Plan.

Reason - To ensure that the functional needs of the development are met within the application site.

35. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended or the Town and Country Planning (use Classes) Order 1987 as amended (or any Orders revoking and re-enacting those Orders with or without modification) no more than 2,607 square metres gross internal area of the floor space hereby approved shall be used as an office (whether in whole or in part) except as ancillary to the principal use of that building hereby approved.

Reason - In order to ensure that the development is sustainable for its lifetime in accordance with the National Planning Policy Framework and because Class B1 office uses are defined as 'town centre uses' by the National Planning Policy Framework (March 2012) and the accompanying National Planning Policy Guidance: Ensuring the Vitality Viability of Town Centres (March 2014).

9. 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.

Informatives

Informative: This decision is also subject to a planning obligation under section 106 of the Town and Country Planning Act 1990 the purpose of which is to exercise controls to secure the proper planning of the area and to ensure that the development is sustainable for the lifetime. The planning obligation runs with the land and not with any person or company having an interest therein.

Informative: The applicant's attention is drawn to the advisory comments of Essex County Council Highway Authority in its letter of 22nd January 2015.

Informative: The applicant's attention is drawn to the advisory comments of Essex County Council Archaeological Officer dated 20th December 2014.

Informative: The applicant's attention is drawn to the advisory comments of Essex County Council Lead Flood Authority in its letter of 4th November 2014.

Informative: The applicant's attention is drawn to the advisory comments of the Highways Agency (now Highways England) in its letter of 25th November 2014.

Informative: The applicant's attention is drawn to the advisory comments of the Environment Agency in its letter of 30th December 2014.

10. Additional Considerations

Public Sector Equality Duty (PSED)

- 10.1 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:
- 10.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- 10.3 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
- 10.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 10.5 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.
- 10.6 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.
- 10.7 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

- 10.8 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.
- 10.9 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).
- 10.10 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

- 10.11 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.
- 10.12 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.

11. Background Papers

- 11.1 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/>.