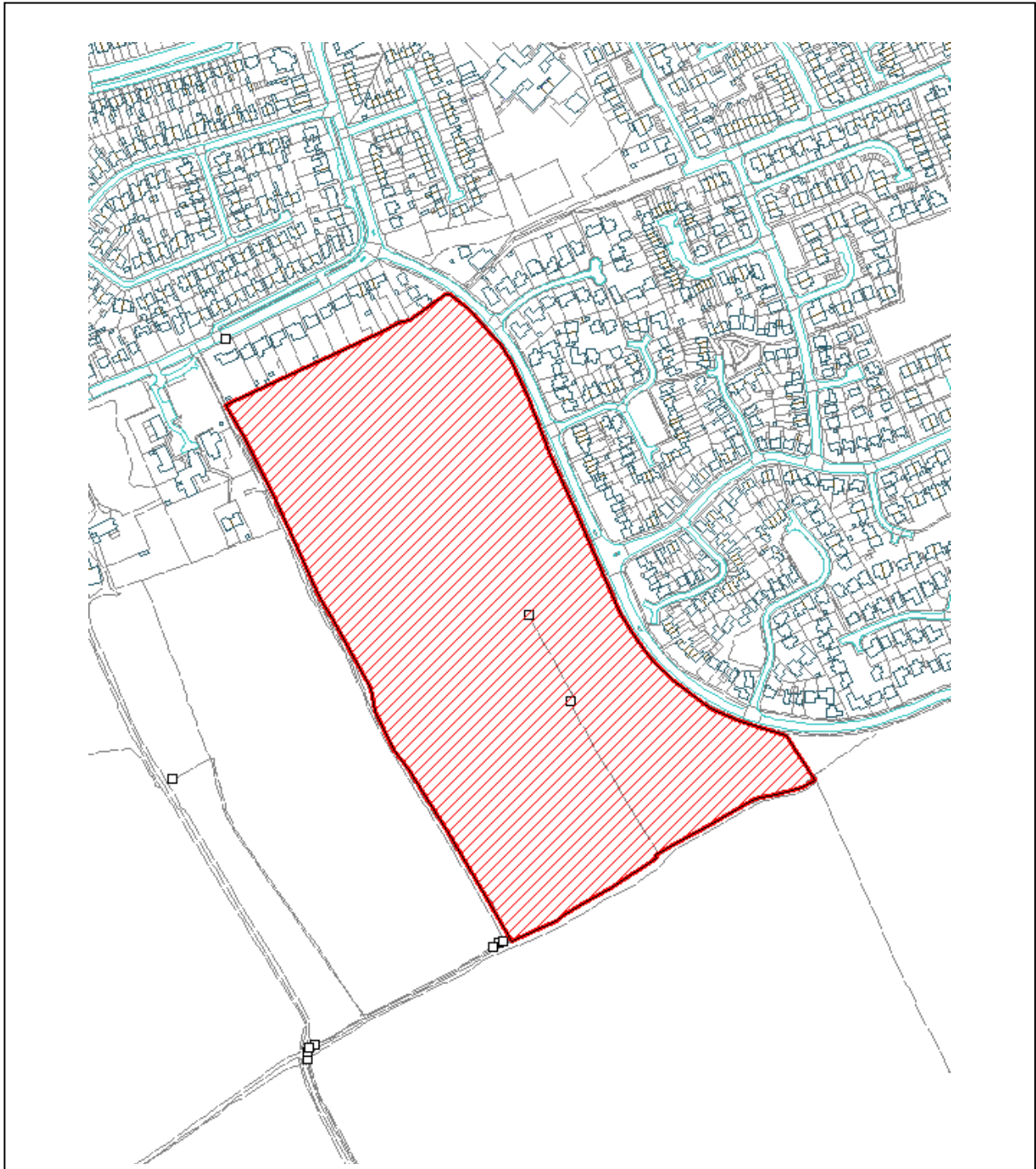


PLANNING COMMITTEE

28 MARCH 2018

REPORT OF THE HEAD OF PLANNING

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



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

1. Executive Summary

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

Recommendation: Approve Outline

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

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

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

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

Conditions:

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

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

2. Planning Policy

NPPF National Planning Policy Framework

National Planning Practice Guidance

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL3 Minimising and Managing Flood Risk

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

QL12 Planning Obligations

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG3A Mixed Communities

HG4 Affordable Housing in New Developments

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

COM1 Access for All

COM6 Provision of Recreational Open Space for New Residential Development

COM24 Health Care Provision

COM26 Contributions to Education Provision

EN1 Landscape Character

EN3 Coastal Protection Belt

EN6 Biodiversity

EN6A Protected Species

EN6B Habitat Creation

EN11A Protection of International Sites European Sites and RAMSAR Sites

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

TR1A Development Affecting Highways

TR2 Travel Plans

TR3A Provision for Walking

TR4 Safeguarding and Improving Public Rights of Way

TR5 Provision for Cycling

TR6 Provision for Public Transport Use

TR7 Vehicle Parking at New Development

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

SP1 Presumption in Favour of Sustainable Development

SP2 Spatial Strategy for North Essex

SP3 Meeting Housing Needs

SP6 Place Shaping Principles

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP1 Improving Health and Wellbeing

HP2 Community Facilities

HP3 Green Infrastructure

HP4 Safeguarded Local Greenspace

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

LP5 Affordable and Council Housing

PPL1 Development and Flood Risk

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

DI1 Infrastructure Delivery and Impact Mitigation

SPD - Schools Contributions from Residential Developments

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

Status of the Local Plan

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

3. Relevant Planning History

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

4. Consultations

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

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

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

Development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures. We request a condition requiring the drainage strategy covering the issue(s) to be agreed.

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

Recommend the following conditions

- No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.
Reason - To prevent environmental and amenity problems arising from flooding.
- No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.
Reason - To prevent environmental and amenity problems arising from flooding.

Building Control and
Access Officer

No comments at this time.

Tree & Landscape Officer

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

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

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

The proposed works to trees and hedgerows are relatively clear from

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

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

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

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

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

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

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

Environmental Protection

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

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

Noise Control

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

Emission Control

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

sheeted to prevent nuisance from dust in transit.

Lighting Control

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

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

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

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

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

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

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

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

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

Comments on amended information - Awaited

Essex Wildlife Trust

Awaited

UU Housing Consultation

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

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

ECC Schools Service

Early Years and Childcare

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

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

Primary Education

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

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

Secondary Education

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

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

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

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

Essex County Council
Archaeology

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

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

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

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

RECOMMENDATION: A Programme of Archaeological evaluation

1. No development or preliminary ground-works can commence until a programme of archaeological evaluation has been secured and undertaken in accordance with a Written Scheme of Investigation, which has been submitted by the applicant, and approved by the planning authority. Following the completion of this initial phase of archaeological work, a summary report will be prepared and a mitigation strategy detailing the approach to further archaeological excavation and/or preservation in situ, shall be submitted to the local planning authority.
2. No development or preliminary groundwork can commence on those areas of the development site containing archaeological deposits, until the satisfactory completion of archaeological fieldwork, as detailed in the mitigation strategy, which has been signed off by the local planning authority.
3. Following completion of the archaeological fieldwork, the applicant will submit to the local planning authority a post-excavation assessment (within six months of the completion date, unless otherwise agreed in advance with the planning authority), which will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

5. Representations

5.1 Harwich Town Council objects on the following grounds:-

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

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

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

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

Local Area

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

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

Highways

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

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

Environment

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

Impact on Neighbours

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

Local and National Policy

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

6. Assessment

The main planning considerations are:

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

Site Description

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

Proposal

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

Northern Access

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

Southern Access

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

Principle of Development

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

SAH2 states:-

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

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

b. minimum of 5 hectares of public open space;

Proposals must accord with the following:

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

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

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

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

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

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

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

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

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

- 6.17 The site has been included as an allocation within successive drafts of the Emerging Local Plan which is now at an advanced stage, and the Examination in Public has commenced. There has been no objection to the allocation and inclusion within the settlement boundary, therefore appreciable weight can be attributed to the application in accordance with Paragraph 216 of the N.P.P.F.
- 6.18 The allocation of the site via the Local Plan process has already established that the Council considers the site to be sustainable and that it complies with the settlement hierarchy that views the Harwich/Dovercourt settlement as one of the large urban areas for new housing based on the existing services.
- 6.19 The proposal whilst being a technical departure from the 2007 Adopted Local Plan – is in line with the more recent evidence-base and Policies Emerging Local Plan that more accurately reflects the later guidance within the N.P.P.F and as a result, greater weight should be attributed to the compliance with the new plan.
- 6.20 The development proposed is considered to meet the terms of the above policy SAH2.

Design and Landscape Impact

- 6.21 The applicant has indicated that the existing planting would be retained and enhanced and that in accordance with the Plan allocation, the design of the scheme takes in to account the topography. A Landscape Impact Assessment (L.I.A) has been submitted that concludes that the development would not cause significant harm to the landscape character, and that a landscape implementation and management plans would be prepared to show how the mitigation planting would be managed in the long-term. This would be a likely condition requiring the Council's agreement to such a scheme.
- 6.22 The L.I.A noted above, indicates that the northern element would be kept off the ridge-line and southern element would be set further back than originally intended to allow structural

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

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

Impact on Protected Species/Wildlife

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

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

Highway Safety

- 6.34 Whilst many of the objections raise concerns that the highway network cannot cope with the scale of the development, the site already been discussed at length with the Local Highway Authority via its allocation through the Emerging Local Plan process, and whilst the Highway Authority has yet to formally respond, no formal objection is anticipated. Any update in relation to the Highway Authority response will be reported in the update sheet at Committee.
- 6.35 The outline scheme proposed 2 main access points on to Low Road, with an emergency access point along with pedestrian links to nearby public footpaths, as well as cycle routes within the site.
- 6.36 The indicative layout plan shows that each dwelling could be served by at least two parking spaces - commensurate with the current parking standards and turning where applicable and there are casual visitor parking possible on the access drives.

Flooding/Drainage

- 6.37 The applicants have submitted detailed flood-risk assessment and a drainage strategy, and whilst the S.U.D's team at the County Council have issued a holding objection, this is based on the need for some additional information, rather than any fundamental concerns that the development of the site would cause flooding of adjoining land or other land elsewhere.
- 6.38 An update will be given at Committee, although it is anticipated that the required information would be provided as an amended drainage strategy such that SUD's would withdraw their objection.
- 6.39 The proposed surface water attenuation measures – including swales and an attenuation pond – will add to bio-diversity in the locality and be a feature of the scheme, and no fundamental drainage or flooding concerns would result from the development.

Residential Amenities

- 6.40 There are few neighbours that directly adjoin the site or that would be directly affected, the main ones being on the northern boundary of the site on Oakley Road and a few dwellings on the west side of Low Road, where it meets the B1414.
- 6.41 The existing properties at the top-end of Low Road are 2-storey in height and face on to Low Road, and as a result, they are orientated at 90 degrees to the site and any impact would be minimal.
- 6.42 The existing dwellings that face on to Oakley Road are also 2-storeys in height, and they have long rear gardens – in excess of 26m – and as a result, they would be unlikely to experience any appreciable loss of light, privacy from overlooking, and if conventional 2-storey houses or bungalows are erected (as suggested in the accompanying documents) there would be oppressive impact on existing property arising from the development.
- 6.43 The other existing residential development on the east side of Low Road, and at Ramsey Lodge/Earlhams Mews, are separated from the application site by Low Road and Deans Lane respectively, and as a result, they would not experience any direct loss of amenity, as the new housing is largely shielded by existing substantial boundary planting.

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

Affordable Housing

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

Developer Contributions and Open Space

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

Education Provision

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

NHS Provision

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

Play Space

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

Other Issues

Contamination

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

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

Conclusion

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

Background Papers

None