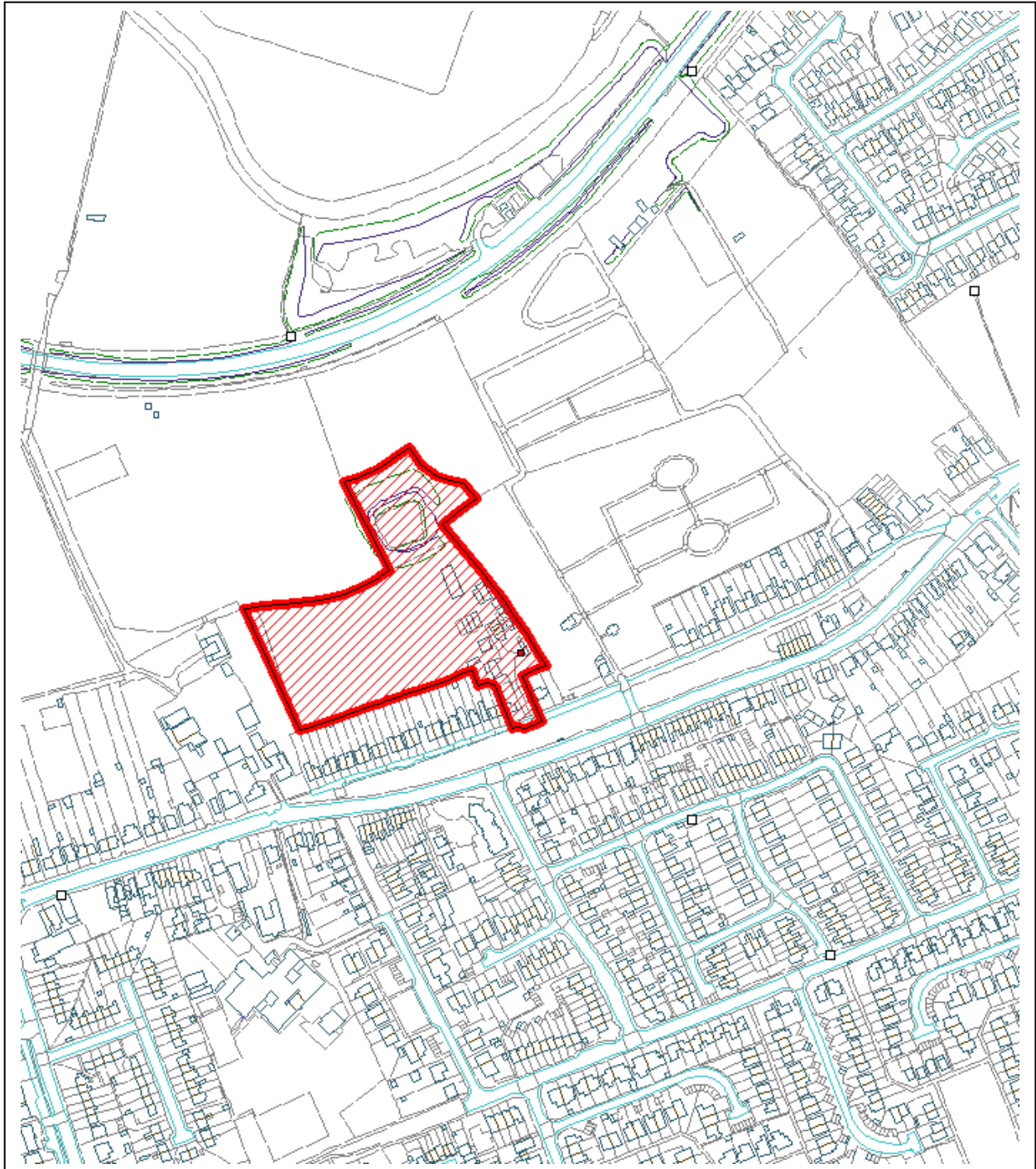


PLANNING COMMITTEE

26th June 2018

REPORT OF THE HEAD OF PLANNING

**A.2 PLANNING APPLICATION - 17/01909/OUT - GREENFIELD FARM, MAIN ROAD
HARWICH, CO12 4LT**



DO NOT SCALE

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

Application:	17/01909/OUT	Town / Parish: Harwich Town Council
Applicant:	Heyhill Land and Ann Luxford	
Address:	Greenfield Farm, Main Road, Harwich, CO12 4LT	
Development:	Proposed erection of 42 dwellings with associated access arrangements.	

1. Executive Summary

- 1.1 This application is before the planning committee as it represents a departure from the Adopted Tendring District Local Plan 2007.
- 1.2 The application is for the construction of 42 dwellings and 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 forms part of a specific Housing Allocation – Policy SAH1) 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 that 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 Subject to the applicant entering in to a Section 106 agreement to cover the provision of affordable housing, 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

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;
- Health;
- Education;
- Public Open Space;
- Highways Fund – Traffic Regulation Order; and
- Open Space – Maintenance Responsibilities.

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:

1. Reserved Matters (Appearance, Landscaping, Layout, Scale)
2. Standard 3 year time limit for submission of reserved matters application.
3. Standard 2 year limit for commencement of development following approval of reserved matters.
4. Local recruitment strategy
5. Provision of broadband
6. Contamination Report
7. Foul Water Strategy
8. Turning/Parking Areas Prior to first occupation
9. No unbound materials in first 6m of any access
10. Access to be in accordance with submitted plans
11. Porous driveways
12. Residential travel pack
13. Ecological mitigation plan including details of receptor site
14. Ecological enhancement plan
15. Full details of the sustainable drainage system.
16. Maintenance details of sustainable drainage system
17. Submission of yearly maintenance logs for sustainable drainage system
18. A construction method statements including but not limited to:
 - Routing of delivery vehicles and measures to control noise,
 - Details of construction parking vehicles/materials storage/wheel washing facilities
 - Air pollution and avoiding discharges to watercourses/ditches.
 - Hours of construction.

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**

National Policy

The National Planning Policy Framework

National Planning Policy Guidance

Local Plan 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

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

EN1 Landscape Character

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

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
- 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

Supplementary Planning Guidance

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

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

the determination of planning applications. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

3. Relevant Planning History

00/00726/OUT	Residential development	Refused	12.07.2000
17/01909/OUT	Proposed erection of 42 dwellings with associated access arrangements.	Current	

4. Consultations

Building Control and Access Officer

No adverse comments at this time.

Environmental Protection

Should the above application be approved, Pollution & Environmental Control would recommend that the following informatives / conditions are attached to the decision notice:

Contaminated Land

Development shall not begin until a comprehensive site investigation for contaminants or gases likely to be associated with previous uses of the land, in a form to be agreed in writing by the local planning authority, has been submitted and approved in writing by the local planning authority. Such a scheme shall include provision for further soil sampling after treatment in order to ensure compliance with local planning authority requirements. Such a scheme shall be implemented before any building operations begin on site. Where hazards are identified by the site investigation a suitable reclamation strategy shall be drawn up, approved in writing by the local authority and implemented prior to occupation. Such a scheme shall include measures to protect end users of the site, vegetation, services (particularly water pipes) and structures on the site as appropriate.

Construction and demolition noise/dust/light

Site Clearance, Demolition & Construction In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works, Pollution and Environmental Control ask that the following is 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.

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 Friday. 0800-1300 on Saturdays 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 5228:1984.

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) A scheme of measures for the control and suppression of dust emissions shall be submitted to and approved in writing by the L.P.A. 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 demolition process, 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. 3) 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).

Regeneration

The Regeneration Team have no specific comments to make on the application.

Waste Management

No comments.

**Tree & Landscape
Officer**

Original Comments – 23/11/2017

In order to show the potential impact of the development proposal on the existing trees and other vegetation on the application site the applicant has provided an indicative site layout plan and a detailed Tree Report and Survey. The tree report is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction: Recommendations.

The report contains an accurate description of the health and condition of the trees on the land. It identifies those trees that would need to be removed in order to facilitate the development proposal and those that are to be retained.

None of the trees identified for removal make such a contribution to the amenity of the locality that they merit protection by means of a Tree Preservation Order. The most prominent tree T5 ' White Willow is a large and impressive specimen that is approaching the veteran stage. It would merit formal legal protection but for the extensive decay in the main stem revealed by an inspection of the tree made during site visit to the application site.

During the site visit it was noted that the Hybrid Black Poplar contained in G2 were close to the boundary with the adjacent cemetery ' one seemed to be within the grounds of the cemetery. This land is owned by Tendring District Council.

The proposed development as shown on the drawing entitled 'Illustrative Masterplan' shows two major areas of concern regarding the relationship between the built development and the retained trees. These are the areas close to G2, on the eastern boundary and close to trees T14, 15 and 16 on the northern boundary - where there is a significant incursion into the Root Protection Areas of the retained trees. The layout should be altered to increase the separation distance and to improve the relationship between new buildings and trees.

In terms of the impact of the development proposal on the local landscape character it should be noted that views of the site from external locations are somewhat limited. The application site can

potentially be seen from the open countryside to the north where views would be from some distance to the north of the A120. In this respect the change to the appearance of the area will be somewhat lessened.

The density of the development is such that new soft landscaping opportunities are limited. Consideration should be given to decreasing the development density to facilitate a higher level of soft landscaping both within the main body of the application site and on its boundaries with an emphasis on planting on the northern boundary to help screen the development.

With regard to the proposed alteration to the access to the site from the main road, namely the creation of a new mini-roundabout, it is not clear what the impact the highway engineering works will have on the trees and the Green itself, in this area. It appears that land on which the site splays are shown is not under the control of the applicant and contains at least one tree and other amenity planting

Should planning permission be likely to be granted then details of soft landscaping should be secured as a reserved matter.

Additional Comments – 30/05/2018

Notwithstanding previous comments; the amended 'Illustrative Masterplan' goes some way to addressing the two areas of concern regarding the relationship between the built development and the retained trees on the superseded 'Illustrative Masterplan'. These were in the area close to G2, on the eastern boundary and close to trees T14, 15 and 16 on the northern boundary.

The amended proposed site layout shows a significant improvement in this regard showing only a minor incursion into RPA's.

It is however important to recognise that the application is 'outline form' and that the developer will not necessarily be tied to the proposed layout. The layout does however demonstrate that the development of the land is possible without causing harm to retained trees.

Anglian Water Services Ltd

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.

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval;

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.

Original Comments – 6/12/2018

This Authority has assessed the highway and transportation impact of the proposal and does not wish to raise an objection subject to the following:

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 following items shall be provided prior to occupation of any residential units;

- All the vehicular turning and parking facilities shall accord with current policy standards including position of garages, space dimensions, and garage dimensions.
- No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- The vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 5.5 metres and shall provide 2x 2m footways.
- The internal layout shall be arranged in agreement with this Authority where it is intended to offer it for adoption.
- A suitable contribution shall be deposited with this Authority to cover the implementation of a future parking restriction along the access route in the event that access efficiency problems occur.
- There shall be no discharge of surface water onto the highway.
- A 500mm wide overhang strip shall be provided adjacent to the carriageway
- Residential Travel Information Packs shall be provided for all new dwellings

NOTE: Whilst this proposal is acceptable to the Highway Authority, due to the limitations of the access route and the controls placed on expansion by the village green, any future expansion should be accessed via a new junction onto the A120.

Additional Comments – 29/01/2018

We have concluded that having regard to the current size of development (42 units), and the parking conflict/lack of deflection we

would not be requiring the mini roundabout work on Main Road to be undertaken; retaining it as a priority junction will suffice.

ECC SuDS Consultee

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

Condition 1

No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority.

Condition 2

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Condition 3

No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Condition 4

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

Essex Wildlife Trust

We have reviewed the Ecological Impact Assessment provided by The Landscape Partnership and can confirm that the proposed mitigation is acceptable and conforms to CIEEM guidelines and the guidelines in the Dormouse Conservation Handbook (Second Ed.) 2006.

We would ask that the proposed mitigation and the recommended ecological enhancements are conditioned as part of approval to ensure delivery. An Ecological Mitigation Plan should be provided by the developer prior to the commencement of any works on the site.

Natural England

Statutory Sites

Holding Objection - As identified in your emerging Local Plan Habitats Regulations Assessment (HRA), there are currently concerns for the impacts of increased recreational pressure to the Stour Estuary and Hamford Water as a result of increased use by residents of new development within walking or driving distance of it.

Natural England considers that mitigation of such impacts usually 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).

Seeing as the proposal site is both allocated in your emerging Local Plan (Policy SAH1) and within the likely 'zone of influence' for recreational disturbance impacts to the Stour Estuary and Hamford Water (as identified in your Local Plan HRA), we advise that it would be appropriate to agree a suitable financial contribution from this development towards strategic 'off site' measures.

Impact on Protected Species

No comments/objections

Housing Department

Based on our original conversation with the land agent we are satisfied with one gifted, three bedroomed bungalow on the site as the affordable provision. This is a type of property that we are acutely short of in our stock generally and particularly in this area.

Public Open Space Consultation

Due to the overall deficit in both Open Space and Play Areas in Harwich and Dovercourt it is felt that a contribution is justified and relevant to the planning application. The contribution would be used at Dovercourt Pool Play Area.

ECC – Education

Early Years and Childcare

The proposed development is located within the Harwich/Dovercourt Area. According to Essex County Council's childcare sufficiency data, published in the summer 2017 term, there are 2 providers of early years and childcare in the area. 1 is primary school nursery and the other is 1 childminder. Overall a total of 2 unfilled places were recorded. For Essex County Council to meet its statutory duties it must both facilitate sufficient places to meet free childcare entitlement demand and also ensure a diverse range of provision so that different needs can be met. Although there is some EY&C capacity in the area, 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 current provision is proposed. An additional 4.4 places would be provided at an estimated total cost of £64,029 at April 2017 prices. This equates to £14,519 per place and so, based on demand generated by this proposal set out above, a developer contribution of £64,029 index linked to April 2017, is sought to mitigate its impact on local EY&C provision.

Primary Education

This development sits within the priority admissions area of Chase Lane Primary School, which can accommodate up 420 pupils. The School is at or close to capacity in all year groups and, according to Essex County Council's latest forecasts', 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 add to that need and, thereby, the scope of projects to provide additional school

places is directly related to the proposal. An additional 14.7 places would be provided at an estimated total cost of £187,190 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 £187,190 index linked to April 2017, is sought to mitigate its impact on local primary provision.

Secondary Education

There is sufficient capacity at secondary level to accommodate the additional pupils' that this development is likely to generate.

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

NHS East Essex

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

A developer contribution will be required to mitigate the impacts of this proposal. NHS England calculates the level of contribution required, in this instance to be £14,983. Payment should be made before the development commences.

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

Assuming the above is considered in conjunction with the current application process, NHS England would not wish to raise an objection to the proposed development. Otherwise the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.

NHS England is satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the NPPF.

5. Representations

- 5.1 Harwich Town Council objects on the ground of congestion as the proposed development site is next to another future development. Furthermore, Harwich Town Council is concerned that the proposed access/egress arrangements will not only create a safety issue as it's near to a primary school, but will also result in a loss of open green space to and loss of existing on-street parking for residents close to the proposed new roundabout. Harwich Town Council's preference would be that vehicular access is via the A120 bypass, rather than through an already congested Main Road.
- 5.2 11 representations have been made by local residents which can be summarised below:
 - Restricted and narrow access between Main Road and The Green;

- Development will place extra pressure on existing health services;
- There are not sufficient local jobs to sustain the development;
- No full time manned police station in town;
- Access concerns in respect of emergency services;
- Loss of view;
- Noise concerns and loss of privacy to rear garden;
- Adverse impact upon wildlife and mitigation measures proposed are not sufficient;
- Danger to pedestrians utilising existing pavement;
- Potential yellow lines on The Green will restrict parking for funeral attendees;
- Damage to existing trees in vicinity of access;
- Noise, mud, fumes and vibration caused during construction phase; and
- Potential encroachment onto protected village green.

6. Assessment

The main planning considerations are:

- Site Context
- Development Proposal
- Principle of Development
- Design/Layout
- Landscape Impact/Tree Considerations
- Residential Amenity
- Heritage Assets
- Highway Safety
- Impact on Protected Species/Wildlife
- Flooding/Drainage
- Legal Obligations

Site Context

- 6.1 The site lies on the northern edge of Dovercourt adjacent to the current settlement boundary in the saved Tendring District Local Plan (2007) and within the settlement boundary as part of a housing allocation in the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). The site comprises a field, which parallels the urban edge, and extends into the southwest corner of a second field, which runs down to the A120 bypass. It is currently unused, and overgrown, although there is evidence of previous agricultural/horticultural use in the form of a number of semi-derelict buildings located along its eastern boundary and an irrigation pond. Boundaries largely comprise hedgerows with trees and fences (where adjacent to residential properties).
- 6.2 The site has a 10m frontage to The Green which accommodates a dwelling proposed to be demolished to make way for the access to the proposed development. To the east of the dwelling is an existing access to the remainder of the application site to the north. To the west fronting onto The Green is a mixture of detached and semi-detached dwellings and to the east are two detached properties and the grounds of a cemetery situated beyond. The Green runs alongside a greensward with village green status, which is held and managed by Tendring District Council. Main Road runs along the southern side of the greensward. To the west of the main developable part of the site is an area of land with planning permission for a mixed use development comprising of housing and commercial development.

Development Proposal

- 6.3 This is an outline application with all matters reserved, apart from the access point from The Green, for the construction of 42 dwellings. The existing Greenfields Farm house and outbuildings will be demolished to make way for the access.
- 6.4 In respect of the proposed access point, The Green will be 'diverted' into the site at the site existing entrance and become the through route. That part of The Green, which lies to the west of the site frontage, will become a cul-de-sac accessed via a priority junction. This arrangement is proposed to prioritise the main traffic movements. The junction leading to The Green from Main Road remains unaltered.
- 6.5 An indicative layout plan has been provided which shows that the majority of the new dwellings will be located around two cul-de-sacs that run east to west across the site. They primarily comprise 2 and 3 bed terraced houses and 3 and 4 bed detached houses and bungalows. The layout provides amenity space around the existing pond, which will also be utilised as part of the SUDS strategy. The layout also proposes a single four bedroom house to the north of the pond, in the southwest corner of the adjacent field. The land to the north of single property, which is not within the application site but in the ownership of the applicant, is to accommodate a second SUDS attenuation basin to the south of the A120 and a newly created wildlife habitat as a mitigation measure against the habitat lost to make way for the development.
- 6.6 Whilst only in outline form the submitted supporting statements confirm that the range of existing trees and hedges on the site will be protected and maintained, where possible. The statement also confirms that additional trees, hedges and other small scale shrubbery will be planted in order to maintain similar characteristics as existing greenery, surrounding the site.
- 6.7 The application includes detailed reports including:
- Extended Phase 1 Habitat Survey & Associated Species Specific Surveys
 - Drainage Strategy/Flood Risk Assessment
 - Landscape and Visual Impact Assessment
 - Environmental Noise Impact Assessment
 - Tree Survey
 - Planning Design and Access Statement
 - Transport Assessment

Principle of Development

- 6.8 Whilst the site is located outside the settlement development boundary (SDB) of the saved Tendring District Local Plan (2007) and within the Coastal Protection Belt and Green Gap, it has been included within the settlement development boundary (and outside of the Coastal Protection Belt and Green Gap) within the Emerging Local Plan, and it forms the southern part of a specific housing allocation outlined within emerging policy SAH1.
- 6.9 Emerging policy SAH1 states that the whole housing allocation is expected to provide at least 164 homes with the principle vehicular access provided from Main Road to the south. This application proposes 42 dwellings within only the southern section of the housing allocation. Essex County Council Highways have confirmed, via their comments for this application that any development proposals for the rest of the housing allocation will need to be accessed via the A120 to the north.
- 6.10 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 NPPF.

- 6.11 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.
- 6.12 The proposal, whilst being a technical departure from the 2007 Adopted Local Plan, is in line with the more recent evidence-base and emerging local plan policies that more accurately reflect the later guidance within the NPPF and as a result, greater weight should be attributed to the compliance with the new plan.

Design/Layout

- 6.13 Although the layout and appearance of development are reserved matters a high level of detail has been supplied within the submitted design and access statement. The statement confirms that the development will comprise of three main character areas as follows:
- Character Area 1 – Defined moderate density residential area comprising of 19 houses/bungalows set between streets and along the southern edge of the development reflecting the linear form of The Green.
 - Character Area 2 – Residential courtyard of 8 cottages of traditional Almhouse design set around a communal green space.
 - Character Area 3 – A total of 15 larger detached properties set on the northern edge of the development looking out over the valley, estuary and docks. A single house is proposed on the northern side of the existing pond.
- 6.14 The indicative house types show a variety of dwelling types accommodating a range of residential needs relating to the character areas noted above. The properties are proposed to be finished with tiled roofs with render and brick facades to accord with the vernacular of the local area.
- 6.15 The original application proposed the construction of 49 dwellings on the site. Officers raised concerns that the development would appear overly cramped as the majority of the dwellings were not served by sufficient private amenity space. Consequently, a revised scheme has been provided showing 7 less properties. As a result the indicative layout for 42 dwellings is now considered to adequately demonstrate that the site can accommodate a development of this scale whilst representing an appropriate response to the pattern of development in the locality. The submitted plans also show that each property would be served by a private amenity space commensurate with the requirements of saved policy HG9, which governs garden sizes. Furthermore, areas of open space within the site are to be provided along with pockets of vegetation within the 3 character areas and at the site entrance from The Green. This will assist in enhancing views into the development from the south and improving the overall aesthetics of the scheme.

Landscape Impact/Tree Considerations

- 6.16 A Landscape Impact Assessment (LIA) has been submitted that concludes the development would not cause significant harm to the landscape character or heritage assets in the local area. The assessment states that the presence of existing development within Dovercourt, which has expanded along a ridge of higher ground, is such that the proposed development would have little influence on landscape character beyond the immediate area, or on any publicly-accessible visual receptors or residential properties.

- 6.17 In terms of the immediate vicinity of the site the assessment confirms there would be a wholesale change in character from agricultural land to a residential development, however the site itself is strongly influenced by the proximity of the urban area and the presence of unmanaged vegetation and dilapidated buildings weaken the overall character of the site.
- 6.18 As such the assessment determines there would be limited landscape and visual effects arising from the proposed development and such effects would be largely confined to the site itself.
- 6.19 The Council's Trees and Landscaping Officer concurs with the findings of the LIA by stating that: 'In terms of the impact of the development proposal on the local landscape character it should be noted that views of the site from external locations are somewhat limited. The application site can potentially be seen from the open countryside to the north where views would be from some distance to the north of the A120.'
- 6.20 In regard to the impact upon trees, the Council's Trees and Landscaping Officer originally raised concerns, when commenting on the 49 dwelling scheme, over the impact upon mature trees sited on the northern and eastern boundaries of the site. The indicative layout for the reduced 42 dwelling scheme has overcome these concerns by leaving a greater degree of separation between the proposed dwellings and the trees in question. The Council's Tree Officer has now confirmed that the revised indicative layout suitably demonstrates an acceptable relationship between the development and the trees can now be achieved. Full details of tree protected measures will be secured at reserved matters stage.
- 6.21 Additional concerns originally raised by the Tree Officer concerning the impact upon trees present on the village green area at the junction with Main Road have been allayed via the removal of the mini-roundabout that was originally proposed on the Main Road junction.

Impact upon Residential Amenity

- 6.22 The only properties that border the site are situated adjacent to the southern boundary and front The Green. These properties have long rear garden of approximately 30m, as a result the indicative layout plan shows a back to back distance from these properties to those proposed of 40m, which is comfortably in excess of the recommended distances. As such the development of the site is unlikely to cause any appreciable loss of light, privacy or outlook to existing residents.
- 6.23 In respect of the new vehicular access this would be sited in between no's. 660 and 666 Main Road. The access would be located in closer proximity to the boundary with no.666 than no.660 where a landscaped gap is indicatively proposed.
- 6.24 Given the proximity of the access to the dwellings located either side and the increase in the level of traffic a noise assessment has been provided to assess the impact of the proposed vehicle movements upon the nearest noise sensitive premises. Having ascertained current background noise levels the report concludes that on the basis of 6 vehicular movements per day per dwelling (24 hours) there is no perceivable noise impact. For reference the report adds there would need to be up to 8 vehicle movements at night (2300–0700) per dwelling (392 movements) before there would be a perceivable impact.
- 6.25 Overall the noise report confirms that the construction of a vehicular access to serve 42 dwellings, as shown on the submitted plans, would not cause undue noise and disturbance to those existing resident's living on either side of the access.
- 6.26 The Council's Environmental Protection Team has reviewed the noise assessment and has no objections to its methodology and conclusions.

Heritage Assets

- 6.27 The nearest listed building is the Grade II 'Vicarage Farmhouse' located approximately 40m to the south-west. The application site is separated from the farmhouse by a residential garden. The farmhouse is found within a predominantly urban setting with residential development to the east and west and light industrial units to the north. From publicly accessible viewpoints the site cannot be seen within the same view as the listed building. The proposals would increase the amount of built development in the vicinity of the listed building, however residential development already forms part of the landscape setting of the building, and intervisibility is limited by an existing hedge. Taking into account all of above factors, the effect on the setting of the Listed Building is considered to be minor.

Highway Safety

- 6.28 In support of the application a Transport Assessment has been submitted that concludes that:

- The development site has previously operated as a farm and a farm shop. Therefore, not only has the site historically attracted notable traffic levels it has also attracted large vehicles including articulated goods vehicles.
- During scoping discussions, Essex County Council Highways indicated that that the need for waiting restrictions on the section of The Green between the site access and the spur to Main Road should be monitored following the opening of the development and that a contribution of £5000 should be secured from the development to cover the cost of implementing waiting restrictions if they are deemed to be required.
- It is considered that the site has a good accessibility profile due to the local shops and various bus services available to access Harwich town centre, the international port and other nearby towns. Likewise the site is near to schools and leisure facilities.
- The likely levels of traffic generated by the proposed development have been calculated. During the weekday road network peak hours the development would only generate around 1 vehicle movement every 2 to 2.5 minutes, on average at the access junction. It is considered that the modest volume of development traffic would not give rise to a perceptible impact on 'The Green' or, the B1352, or indeed anywhere within the vicinity of the site.

- 6.29 Essex County Council Highways have been consulted on the application and raise no objection subject to the conditions as detailed above. All conditions recommended are reasonable and necessary in the interests of highway safety. Originally the submitted plans showed the provision of a mini-roundabout at the spur road junction with Main Road. However, following the reduction in the number dwellings proposed and concerns over a parking conflict at the Main Road junction, Essex County Council Highways have confirmed that it can remain as a priority junction.

- 6.30 Essex County Council Parking Standards state that for one bedroom dwellings 1 off-street parking space is provided and for dwellings with 2 or more bedrooms a minimum of 2 off-street parking spaces are provided. Furthermore, 0.25 spaces per dwelling should be provided for visitor parking. The submitted indicative parking strategy plan shows that each property would be served by a minimum of 2 parking spaces either through garages or open parking bays. A large number of the properties will be served by more than 2 spaces. In addition areas for visitor's parking are proposed throughout the development. Consequently, the plan adequately demonstrates that the required level of parking provision can be provided.

Impact upon Protected Species/Wildlife

- 6.31 Paragraph 118 of the NPPF requires Councils, when determining planning applications, to aim to conserve and enhance biodiversity. Where significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for, Councils should refuse planning permission. Saved policies EN6 of the adopted Local Plan and emerging policy PPL4 of the emerging Local Plan give special protection to designated sites of international, national or local importance to nature conservation but for non-designated sites still require impacts on biodiversity to be considered and thereafter minimised, mitigated or compensated for.
- 6.32 Under Regulations 61 and 62 of the Habitats Regulations, local planning authorities as the 'competent authority' must have regard for any potential impact that a plan or project might have on European designated sites. The application site is not, itself, designated as site of international, national or local importance to nature conservation but the urban area of Harwich is close to the Stour Estuary which is designated as a Special Protection Area (SPA), a Ramsar Site and a Site of Special Scientific Interest (SSSI). Whilst the application site is located some distance from the Stour Estuary and there will be no direct disturbance, consideration still needs to be given to potential indirect effects on the designated area that might result from the proposed development.
- 6.33 In this case, Natural England has expressed concerns for the impacts of recreational pressures on the Stour Estuary. Natural England recommends that an off-site contribution is obtained to provide mitigation against any perceived impacts. However, the site is approximately 1500 metres south of the estuary and access to the development site is from the south of the site via the established and substantial built up area of Dovercourt. The site is also separated from the protected areas by the A120 which is a significant barrier to direct movements from the site. The proposed development of 42 new dwellings is relatively modest in the context of the existing built form of Harwich and Dovercourt. Taking these factors together, it is considered that the proposal will not lead to a significant impact on the designated areas. Furthermore, for an off-site contribution to be considered reasonable it needs to meet the relevant tests in the NPPF, i.e. it needs to be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. At the present time it is clear that Natural England are not at a stage where specific projects and amounts can be identified. Therefore it is considered that the request for a financial contribution does not meet the required tests and therefore it would be against national policy to request such a contribution.
- 6.34 In respect of the impact upon protected species, the submitted ecological survey states that based on the habitat types present, that the site has potential to support the following protected species or groups of species: Great Crested Newts, reptiles, breeding birds (common species), Badger, and Dormouse.
- 6.35 The site comprises predominantly rough grassland, dense and scattered scrub and scrubby boundary hedges. Collectively the habitats within the proposed development site are assessed as being of value at up to the County level. Species specific surveys for reptiles, Dormouse, Badger and Great Crested Newts were undertaken in 2017 and confirmed the presence of Dormice in scrub habitats in the northern, lower field, a moderate population of Slow Worm and Common Lizard and limited Badger activity (foraging and dung pits) also in habitats in the lower field. Great Crested Newt DNA analysis confirm that this species was absent from the pond.
- 6.36 Mitigation has been proposed, including outline avoidance measures in respect of Dormouse and reptiles including seasonal constraints to site clearance, capture and translocation of reptiles and establishment of replacement habitat in the northern, lower

field. This outline mitigation would reduce the impacts of the development proposals upon the habitats and species present, to give rise to an overall Neutral impact.

- 6.37 A number of ecological enhancements have been proposed, which would improve the quality of the site for native flora and fauna, including habitat piles, bat boxes, bird boxes and native planting. Delivery of these enhancements would lead to an overall Neutral-Minor Beneficial impact.
- 6.38 Essex Wildlife Trust has reviewed the content of the ecological survey and the outlined mitigation measures and confirms that the proposals are acceptable and conform to CIEEM guidelines and the guidelines in the Dormouse Conservation Handbook (Second Ed.) 2006. They have requested that the ecological enhancements and mitigation measures are secured via condition. The replacement habitat is proposed to be to the north of the application site on land in the applicant's ownership. Consequently, a condition can be used to secure the habitat provision.

Flooding/Drainage

- 6.39 Paragraph 103 of the NPPF requires Councils, when determining planning applications, to ensure flood risk is not increased elsewhere. Although the site is in Flood Zone 1 (low risk), the NPPF, Policy QL3 in the adopted Local Plan and Policy PPL1 in the emerging Local Plan still require any development proposal on site larger than 1 hectare to be accompanied by a site-specific Flood Risk Assessment (FRA). This is to assess the potential risk of all potential sources of flooding, including surface water flooding that might arise as a result of development.
- 6.40 A Flood Risk Assessment and sustainable drainage strategy has been provided with the application. The site lies within Flood Zone 1 and is therefore at low risk of flooding from rivers and the sea. Surface water from the development must be adequately managed to prevent runoff and risk of flooding elsewhere. The sustainable drainage strategy proposes to utilise the existing pond on site where surface water will be discharged via a swale at a controlled rate to a second attenuation basin to be formed to the north of the site adjacent to the A120. Surface water will be attenuated here prior to off-site discharge to an existing ditch that runs parallel with the southern side of the A120.
- 6.41 Additional information has been submitted during the application process to overcome the original objection from Essex County Council Flood Water Management Team, who now raises no objection to the proposal subject to conditions set out above.
- 6.42 Anglian Water in their consultation response confirms that the foul drainage from this development is in the catchment of Harwich and Dovercourt Water Recycling Centre and that it has available capacity for these flows.

Legal Obligations

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

- NHS Provision

There is a requirement for a developer contribution of £ £14,983, for the improvement of Mayflower Medical Centre before development commences.

- Affordable Housing

The Council's Housing Department have confirmed the requirement of one 'gifted' three bedroomed bungalow on the site as the affordable provision. They confirm that

this is the type of property that they are acutely short of in their stock generally and particularly in this area.

- Education Contribution

ECC Education Department have confirmed the need for a financial contribution towards early years care and primary school places in Chase Lane Primary. An indicative figure of £251,219 has been requested and will be secured via the Section 106 agreement.

- Open Space Contribution

An area of open space around the existing pond is to be provided on site. The maintenance of which will be controlled via clauses in the legal agreement. Notwithstanding this, due to the overall deficit in both Open Space and Play Areas in Harwich and Dovercourt it is agreed that a financial contribution towards improvements to existing play equipment is justified and relevant to the planning application. The contribution would be used at Dovercourt Pool Play Area and will be secured via the Section 106 agreement.

Conclusion

- 6.44 The proposal for 42 dwellings is considered to represent sustainable development, on the northern edge of the Dovercourt and Harwich Urban Area, and in an area benefiting from planning permission for a mixed use development on the adjacent site and as a proposed housing allocation within the emerging local plan.
- 6.45 The design, layout, landscaping and scale are considered acceptable. The proposal would result in no material harm to residential amenity, highway safety and designated habitats/landscapes. Subject to completion of the S106 legal agreement and the conditions set out above the application is recommended for approval.

Background Papers

None.