

# AMENDMENT SHEET

Planning Committee  
26 September 2019

## AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

7.1 171529 – Land off Halstead Road, Eight Ash Green

Additional information

1. Clarification of procedure
2. Update on the Eight Ash Green Neighbourhood Plan

### Clarification of Procedure:

For the benefit of the public, the application seeks Outline Planning Permission for up to 150 dwellings (including 30% housing) with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access points from Halstead Road and Fiddlers Hill. All matters reserved except for means of access.

### ***What is an outline planning application?***

*An application for outline planning permission allows for a decision on the general principles of how a site can be developed. Outline planning permission is granted subject to conditions requiring the subsequent approval of one or more ‘reserved matters.’*

### ***What are reserved matters?***

*Reserved matters are those aspects of a proposed development which an applicant can choose not to submit details of with an outline planning application, (i.e. they can be ‘reserved’ for later determination). These are defined in [article 2 of the Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#) as:*

- *‘Access’ – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.*
- *‘Appearance’ – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.*

- *‘Landscaping’ – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;*
- *‘Layout’ – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.*
- *‘Scale’ – the height, width and length of each building proposed within the development in relation to its surroundings.*

In this case, all matters are ‘reserved’ other than access. This means that the application seeks permission for the principle of development and the means of access to/from the site. Matters of appearance, landscaping, layout, and scale would be determined under Reserved Matters application(s). Proposals submitted under Reserved Matters will still need to comply with current planning policy, including the Eight Ash Green Neighbourhood Plan (EAG NP).

## 2 Update on the Eight Ash Green Neighbourhood Plan

The final Examination Report for the Eight Ash Green Neighbourhood Plan 2017-2033 (EAG NP) has now been received, with the Examiner concluding that ‘the EAG NP policies, subject to the recommended alterations being accepted, would meet the Basic Conditions as defined in the Localism Act 2011, Schedule 10 and Schedule 4B, 8 (2) of the Town and Country Planning Act 1990, which a neighbourhood plan is required to satisfy before proceeding to a referendum’. The referendum of the EAG NP is scheduled to take place on Thursday 7<sup>th</sup> November 2019.

[Section 70\(2\) of the Town and Country Planning Act 1990 \(as amended\)](#) provides that a local planning authority must have regard to a post-examination draft neighbourhood development plan, so far as material to the application.

The Examiner has recommended certain amendments to policies in the EAG NP. The policies with specific reference to the application site are listed below (in italic bold), with Case Officer comment in respect of the application provided in standard font.

***FF 1 – To designate Fiddlers Field as a single Strategic Site for the development of 150 dwellings as shown on the EAG NP Policies Map.***

***FF 2 – Up to 150 residential dwellings on Fiddlers Field with a layout of medium density and design to be compatible with the character and context of the village.***

The proposal is for up to 150 dwellings on the site identified as 'Fiddlers Field' in the EAG NP. The layout would be determined at Reserved Matters stage.

***FF 3 – A mix of residential dwellings comprising houses, bungalows and flats of no more than two storeys high which meet the evidenced housing needs of the village offering housing choice across the local housing market, including first time buyers, downsizers, families and executives. Proposals offering to deliver 30% affordable housing in accordance with the expectations of the emerging Local Plan will be supported.***

The layout and design of the development would be established at Reserved Matters stage. The Outline would secure 30% affordable housing as part of a s106 legal agreement.

***FF 4 - A new direct access road built to a standard which can accommodate HGV traffic and to the satisfaction of the local Highways Authority, will be provided directly linking Fiddlers Hill to the A1124 with access to the said road being provided by way of priority junctions***

The layout of the development would be established at Reserved Matters stage, although indicative details for a vehicular route through the site (between Halstead Road and Fiddlers Hill) have been provided in a Development Framework Plan (ref: CSA/3121/111 Rev E). The Reserved Matters would need to include provision of an access road to accommodate HGV traffic, but in order to provide more certainty on this matter as additional condition can be applied as follows:

*The reserved matters application shall include details of a road (to a standard which can accommodate HGV traffic) linking the two site accesses on Fiddlers Hill and Halstead Road (A1124). Prior to the occupation of the 75<sup>th</sup> dwelling the road as approved shall be constructed and opened to traffic.*

*Reason: To meet the requirements of Policy FF4 of the emerging EAG NP, ensuring the delivery of this new route.*

The access points at Halstead Road and Fiddlers Hill are shown on the Proposed Site Access Strategy P16089-001G, which is secured as an approved document under recommended Condition 4.

***FF 5 – Proposals including the following transport improvements prepared in accordance with the Essex Design Guide<sup>25</sup> comprising:***

***a) a new footway provided along the northern edge of the A1124 to connect the site to the village facilities;***

***b) a pedestrian through route linking to the Holy Trinity School and the Fiddlers Folly development;***

***and;***

***c) two new bus stops located on the A1124 within a safe and convenient distance of the site entrance, will be supported.***

a) Recommended Condition 20 requires a 'minimum 2-metre-wide footway along both sections' of the site's Halstead Road (i.e. A1124) frontage.

b) The Proposed Site Access Strategy (ref: P16089-001G) shows a pedestrian/cycle connection to the north-east corner of the site which would provide off-road access to Fiddlers Folly and Holy Trinity School. The Proposed Site Access Strategy would be secured as an approved document under recommended Condition 2.

c) Recommended Condition 20 requires the upgrade of two bus stops.

***FF 6 – A suitable landscaping plan which provides screening to the existing businesses on Fiddlers Farm and adjacent houses, to include the Grade 2 listed Fiddlers Farmhouse, all of which border and limit any expansion of the site, to ensure that ambient noise and amenity currently enjoyed at these properties is maintained.***

The submitted Development Framework Plan indicates that landscaping to these areas can be accommodated as part of the development. Landscaping would be established at the Reserved Matters stage where precise details can be negotiated.

***FF 7 – A scheme demonstrating that appropriate surface water drainage is provided within the site conforming to the guidance within Sustainable Drainage Systems Design Guide, published by Essex County Council, April 2016 and any subsequent revisions.***

Recommended Conditions 17-19 would secure a surface water drainage scheme for the site.

***FF 8 – Appropriate wiring to be installed within each property to provide for charging for electric cars/vehicles; and ducting to for the provision of superfast broadband. Development proposals that demonstrate that the design and layout of dwellings on the site have the potential for the effective installation of sustainable battery pods that stores energy from renewable sources will be supported.***

Recommended Condition 10 would secure electric charging points for vehicles.

The provision of superfast broadband can be secured via condition. A condition is therefore recommended as follows:

*Prior to occupation, a scheme detailing measures for appropriate digital connectivity to serve each dwelling shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall then be implemented prior to occupation of the development.*

*Reason: In the interest of providing high quality digital infrastructure as part of social well-being.*

It is noted that 'sustainable battery pods to store energy from renewable sources' will be supported as part of the Neighbourhood Plan and this can be promoted as an informative.

### ***FF 9 – Planning Obligations***

***i. Financial contributions will be required, as appropriate, from each developer of the Fiddlers Field site, as identified on Plan \*, to mitigate the impact of new development by providing necessary community facilities, open space, transport infrastructure and other requirements to meet the community needs arising from the proposals, including:***

- ***a recreational play area on the site;***
- ***provision for open space to meet the recreation needs of the new residents including for dog walking;***
- ***a contribution towards the delivery of a new community centre/hub;***
- ***a contribution towards the expansion of the local primary school;***
- ***a contribution towards the expansion of capacity of Junction 26 of the A12;***
- ***safe, direct routes for walking and cycling and appropriate bus services to serve the new communities;***

***ii. Financial contributions will be required, as appropriate, from each developer to fund additional healthcare, education and leisure services justified by reference to Colchester Local Plan Adopted Focused Review26 Core Strategy Policy SD2- Delivering facilities & Infrastructure or subsequent adopted Local Plan policies relating to planning obligations over the life of the EAG NP.***

It is noted that the items listed as planning obligations in this policy are required 'as appropriate' to mitigate the impact of new development. A s106 legal agreement is currently being finalised and would secure public open space, as well as provide contributions to community facilities and education in accordance with this policy. No contribution has been sought for the expansion of capacity of junction 26 of the A12 as Highways England have not sought any contribution, instead requesting a Travel Plan in order to mitigate impact from the development. Routes for walking and cycling will be established at Reserved Matters stage.

***FF 10 - Development proposals will make provision for a sufficient and accessible area of public open space within the Fiddlers Field site for public access, appropriately laid out with facilities for informal recreation and dog walking designed to avoid adversely affecting the Local Wildlife Site.***

***Ownership of the open space together with an appropriate commuted management and maintenance sum shall be transferred, for that purpose by the developer to the Parish Council or residents' association if***

***established, at the discretion of the Parish Council, on occupation of the 135th dwelling.***

The s106 legal agreement would secure that 1.84ha of open space (over 15% of the site area) would be provided prior to occupation of any dwelling on site; this would provide for dog walking (including dog bins and notice boards). The remaining open space would then be provided prior to 80% occupation, with additional amenity areas (e.g. smaller areas of grass and landscaping) being provided prior to 90% occupation.

The legal agreement also has provision for the open space to be transferred to the Parish Council or a residents' association. Should such a transfer take place, a maintenance fee would be paid by the developer.

**Conclusion:**

Subject to two additional conditions, the proposal fully accords with the post-examination draft Eight Ash Green Neighbourhood Plan which needs to be considered as part of the decision-making process.

The additional conditions are as follows:

**Road for HGV Traffic**

The reserved matters application shall include details of a road (to a standard which can accommodate HGV traffic) linking the two site accesses on Fiddlers Hill and Halstead Road (A1124). Prior to the occupation of the 75<sup>th</sup> dwelling the road as approved shall be constructed and opened to traffic.

Reason: To meet the requirements of Policy FF4 of the emerging EAG NP, ensuring the delivery of this new route.

**Digital Connectivity**

Prior to occupation, a scheme detailing measures for appropriate digital connectivity to serve each dwelling shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall then be implemented prior to occupation of the development.

Reason: In the interest of providing high quality digital infrastructure as part of social well-being.

**Informative:**

The Developer is advised that development proposals that demonstrate that the design and layout of dwellings on the site have the potential for the effective installation of sustainable battery pods that stores energy from renewable sources will be supported under Policy FF8 of the Eight Ash Green Neighbourhood Plan.

7.2 183077 – North Colchester Urban Ext, Mile End Road, Colchester

One further letter of objection has been received following the publication of the committee report. The comments are summarised as follows:

Why approve one application and then allow it to be changed?

What is the point of the commenting on applications, if comments are then ignored?

The Council has no interest in doing what is best for Colchester, just meeting the government building criteria.

Natural England has made the following comments:

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

*We understand that you have screened this proposed development and consider that it falls within scope of the Essex Coast RAMS and that you have undertaken a Habitats Regulations Assessment (HRA) (Stage2: Appropriate Assessment) in order to secure any necessary recreational disturbance mitigation, and note that you have recorded this decision within your planning documentation.*

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of European designated sites within scope of the Essex Coast RAMS

We are satisfied that the mitigation described in your Appropriate Assessment is in line with our strategic-level advice (our ref: 244199, Dated 16th August 2018 and summarised at Annex 1). The mitigation should rule out an 'adverse effect on the integrity' (AEOI) of the European designated sites that are included within the Essex Coast RAMS from increased recreational disturbance.

We advise that an appropriate planning condition or obligation is attached

to any planning permission to secure the on-site mitigation measures, including links to footpaths in the surrounding area. The financial contribution should be secured through an appropriate and legally binding agreement, in order to ensure no adverse effect on integrity.

7.3 191581 – North Colchester Urban Ext, Mile End Road, Colchester

Natural England has made the following comments:

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

*We understand that you have screened this proposed development and consider that it falls within scope of the Essex Coast RAMS and that you have undertaken a Habitats Regulations Assessment (HRA) (Stage2: Appropriate Assessment) in order to secure any necessary recreational disturbance mitigation, and note that you have recorded this decision within your planning documentation.*

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of European designated sites within scope of the Essex Coast RAMS

We are satisfied that the mitigation described in your Appropriate Assessment is in line with our strategic-level advice (our ref: 244199, Dated 16th August 2018 and summarised at Annex 1). The mitigation should rule out an 'adverse effect on the integrity' (AEOI) of the European designated sites that are included within the Essex Coast RAMS from increased recreational disturbance.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure the on-site mitigation measures, including links to footpaths in the surrounding area. The financial contribution should be secured through an appropriate and legally binding agreement, in order to ensure no adverse effect on integrity.

## 7.5 191414 – Former Wilkin & Sons Ltd., Factory Hill, Tiptree

### Tiptree

#### Comparative Accommodation Schedule Summary

Approved Layout Mix (40 unit Phase)		Proposed Mix (49 units)	
No. of Beds	No. of Plots	No. of Beds	No. of Plots
2 Bed House	0	2 Bed House	10
3 Bed House	9	3 Bed House	23
4 Bed House	27	4 Bed House	16
5 Bed House	4	5 Bed House	0
<b>Total:</b>	<b>40</b>	<b>Total:</b>	<b>49</b>
<b>Total Sqft:</b>	<b>63,793</b>	<b>Total Sqft:</b>	<b>49,481</b>

## 7.6 191525 – Lane Farm, Lane Road, Wakes Colne

Condition 2 to read:

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers: 09 C Block Plan indexed 14 August 2019, 15/A - 2 OF 2 Proposed Elevations indexed 12 September 2019, 12 C Proposed Ground Floor indexed 14 August 2019, 14 E Proposed Elevation 1 of 2 indexed 14 August 2019, Site Location Plan indexed 14 August 2019, 13 Proposed First Floor Plan indexed 17 June 2019, Preliminary Ecological Appraisal indexed 3 July 2019 and Bat Survey Report indexed 17 June 2019.

Reason: For the avoidance of doubt and to ensure that the proposed development is carried out as approved.