



Application No: 150177

Location: Chapmans Farm, Nayland Road, Colchester, CO4 5HA

Scale (approx): 1:1250

The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of Rowan House, 33 Sheepen Road, Colchester CO3 3WG under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Crown Copyright 100023706 2015



Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **22nd October 2015**
Report of: **Head of Professional/Commercial Services**
Title: **Planning Applications**

7.1 Case Officer: Alistair Day

Due Date: 01/12/2015

MAJOR

Site: Chapman's Farm, Nayland Road, Colchester, CO4 5HA

Application No: 150177

Date Received: 2 February 2015

Agent: Mr Nigel Berry, Fenn Wrights

Applicant: Cants of Colchester

Development: Demolition of all existing buildings and construction of a maximum of 27 houses on the existing site currently occupied by Cants of Colchester.

Ward: Mile End

Summary of Recommendation: Conditional Approval subject to signing of Section 106 Agreement

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because objections have been received to this development proposal and a s106 legal agreement is required.

2.0 Synopsis

- 2.1 This outline planning application seeks permission for the erection of a maximum of 27 houses with associated amenity space and parking on land currently forming part of the curtilage to Chapmans Farm. A number of objections have been received to this application. These relate to highway/traffic issues, overdevelopment, overlooking, loss of green space and impact on wildlife/trees. The report explains and comments on these issues. The recommendation is one of conditional approval subject to a s106 legal agreement being signed.

3.0 Site Description and Context

- 3.1 Chapman's Farm is located in Mile End to the east of the Nayland Road (A134). The site is approximately 0.95 hectares in size and consists of a farmhouse, preformed steel silos, an asbestos clad portal framed building, a 'porta cabin' site office along with various other low rise brick built or timber clad outbuildings. The application site extends beyond the existing farmstead to include a small section of the field to the north of the site. There is an existing vehicular access to Nayland Road at the southern end of the site.
- 3.2 The site lies to the northern extent of the existing built up area in Mile End. To the south and east of the site is existing residential housing. The land to the north and west is currently cultivated farmland; however this land forms part of the North Growth Area Urban Extension (NGAUE – also known as Chesterwell), which was granted outline planning approval in 2014.

4.0 Description of the Proposal

- 4.1 The application seeks planning permission for the construction of up to 27 two storey dwellings. The application is submitted in outline form with all matters reserved, except access.

5.0 Land Use Allocation

- 5.1 Predominantly residential

6.0 Relevant Planning History

- 6.1 RM/COL/05/0679 Former Cowie Site, Boxted Road, Colchester Reserved matters application for 24 new dwellings with garages and parking (outline O/COL/03/1312)
- 6.2 O/COL/03/1312 Former Cowie Site, Boxted Road, Colchester - Outline application for re-development of former Cowie site to comprise residential development, associated landscape planting and new access
- 6.3 RM/COL/00/0181 Land at the Grange, Nayland Road, Colchester, CO4 5HA Details for the erection of 17 No three & four bedroom houses, Approve Conditional -
- 6.4 21/07/2000 Renewal of Temporary Permission Chapmans Farm Nayland Road, Mile End, Colchester, Continued use of porta cabin office building Approve Conditional

- 6.5 98/0774 Land at the Grange, Nayland Road, Colchester, Outline application for residential development of 17 No. dwellings Approve Conditional
- 6.6 98/0648 Erection of 1 No. 4 bedroomed house, 1 No. 3 bedroomed bungalow Part Garden Of Eagle Lodge, Nayland Road, Colchester - Approve Conditional

7.0 Planning Policy

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the application is determined in accordance with the provisions of the adopted development plan unless material considerations indicate otherwise. For those purposes the relevant adopted development plan currently comprises Core Strategy (adopted 2008, amended 2014), Development Policies (adopted 2010, amended 2014) and Site Allocations (adopted 2010)

- 7.2 The Core Strategy provides local strategic policies and the following are of particular relevance to this application:

- SD1 - Sustainable Development Locations
- SD2 - Delivering Facilities and Infrastructure
- SD3 - Community Facilities
- H1 - Housing Delivery
- H2 - Housing Density
- H3 - Housing Diversity
- H4 - Affordable Housing
- UR1 - Regeneration Areas
- UR2 - Built Design and Character
- PR1 - Open Space
- PR2 - People-friendly Streets
- TA1 - Accessibility and Changing Travel Behaviour
- TA2 - Walking and Cycling
- TA3 - Public Transport
- TA4 - Roads and Traffic
- TA5 - Parking
- ENV1 - Environment
- ER1 - Energy, Resources, Waste, Water and Recycling

- 7.3 In addition, the following are relevant Development Policies:

- DP1 Design and Amenity
- DP3 Planning Obligations and the Community Infrastructure Levy
- DP4 Community Facilities
- DP12 Dwelling Standards
- DP16 Private Amenity Space and Open Space Provision for New Residential Development
- DP17 Accessibility and Access
- DP18 Transport Infrastructure Proposals
- DP19 Parking Standards
- DP20 Flood Risk and Management of Surface Water Drainage
- DP21 Nature Conservation and Protected Lanes

- DP25 Renewable Energy

7.4 The National Planning Policy Framework (2012) (the Framework) is capable of being a material consideration. Paragraph 14 provides in summary, amongst other things, that there should be a presumption in favour of sustainable development. The Framework includes policies that are potentially relevant to the main issues generated by this application. Planning Practice Guidance (PPG) was issued in March 2014 and has since been partially amended. It amplifies, but does not change, the policies in the Framework.

7.5 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:

- Backland and Infill
- Community Facilities
- Vehicle Parking Standards
- Open Space, Sport and Recreation
- The Essex Design Guide
- External Materials in New Developments
- Affordable Housing
- Cycling Delivery Strategy
- Myland Village Design Statement

7.6 The emerging Myland & Braiswick Neighbourhood Plan (the MBNP) seeks to follow the housing requirements set out in the local plan. It does not propose any additional housing site allocations. It does however include objectives and also various criteria based policies for handling development proposals. The MBNP also sets out a number of aspirations that have not all been translated into policies. Limited weight has been afforded to the MBNP as this may be subject to change or could fail to attract the necessary majority at the referendum stage in the adoption process.

8.0 Consultations

Planning Policy Team

8.1 Transportation Policy has advised that the opportunity should be taken to create an east-west cycle and pedestrian link through this development. This link will allow access from the northern section of the NGAUE development through to North Colchester Business Park, Gilbert School and Tesco via the new Severalls development. This link will also allow access to the cycle route to the town centre. This east-west route is marked as a Proposed Cycle Link in the Colchester Cycling Delivery Strategy. Consideration must also be given to linking this development with the proposed development land to the north of the site

Planning Projects Team

Landscape Officer

8.2 The Landscape Officer has confirmed that he has no objection to the principal of development in landscape terms. Amendments have however been suggested to the submitted layout, which include:

- Rear gardens should not 'hang out' to the access road or Nayland Road
- The proposal should be revised to provide a deep verge within the site running along the Nayland Road hedge line
- A native hedge and hedgerow trees should be provided to the northern boundary of the site
- Plot 10 frontage has an awkward relationship to the Open Space which needs to be resolved.

Urban Design Officer

8.3 The Urban Design Officer has not raised an objection to this application. Comments have however been made as to how the illustrative layout can be improved.

- Development frontage is needed to Nayland Road
- Plots 24-27 should not back onto the street
- Front of plot car parking should not be used.
- Increased pedestrian linkages to adjoining areas (e.g. Walnut Drive and Nayland Road to the north) are required;
- Vehicular/pedestrian access to the north is required
- Potential overlooking issues need to be designed out.
- Address potential overlooking issues between plot 15 and existing property on Whitebeam

The above amendments may require a reduction in the number of units and/or the type of units.

Tree Officer

8.4 The Tree Officer notes that the submitted Tree Report recommends the removal of numerous trees and has confirmed that he is in agreement with the conclusions of the report.

Environmental Protection Team

8.5 The Environmental Protection Team has recommended conditions to safeguard the residential amenity of nearby residents should planning permission be granted.

- 8.6 Contamination Land Officer notes that the Geosphere Phase 1 – Desk Study identifies some potential sources of contamination and recommends further assessment. Based on the information provided, the Contamination Officer has advised that it would appear that the site could be made suitable for the proposed use, with the remaining actions dealt with by way of condition. The report also notes that there is the potential for asbestos containing material to be present in existing buildings, requiring appropriate surveying and where necessary production of an action plan by suitable qualified and experienced persons, prior to any demolition or refurbishment at the site. Consequently, should permission be granted for this application, Environmental Protection recommend inclusion conditions to cover contamination and remediation.

Highway Authority

- 8.7 The Highway Authority (HA) has confirmed that they do not have an objection to the principle of the development. The HA has however made the following comments in respect of the illustrative layout:
- The pedestrian linkage is poor. There is no footway on the development side of Nayland Road and one could be provided at the developer's expense (2m wide via a s278 agreement).
 - Plot 12 could be amended to provide a pedestrian/cycle link through to Walnut Drive thus providing a linkage through to Boxted Road.
 - The parking facilities should comply with current standards including visitor parking.
 - There should be an appropriate footway connection at the main bellmouth onto the shared surface.
 - Transport Information marketing Packs should be provided for all new dwellings

Officer Comment: A revised drawing of the bellmouth junction has been submitted and the HA has confirmed that this addresses their requirement for an appropriate footway connection at the main bellmouth onto the shared surface.

Anglian Water

- 8.8 Anglian Water has advised that the foul drainage from this development site is in the catchment of Colchester Water Recycling Centre that there is available capacity for flows from this development. Anglian Water has also confirmed the sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.
- 8.9 Anglian Water has advised that there are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that an informative is added to the decision notice should permission be granted

9.0 Parish Council Response

9.1 A summary of Myland Community Council's comments are summarised below:

- This Planning Application for 27 new homes has to be seen in the context of the approved Chesterwell [NGAUE] and Severalls Hospital development. MCC are of the view that Myland Parish is at saturation point for standard 2 to 4 bedroom homes, as indicated on the submitted drawings.
- MCC believes the footprint of the buildings is too small for family living in what is a transitional urban to rural environment and believes that the number of units should be reduced to 20 dwellings.
- 20% affordable housing should be provided in-line with policy.
- The NGAUE highways changes are that the existing A134 Nayland Road is to become a cul-de-sac with all traffic diverted by a new A134 through the Chesterwell neighbourhood centre. This means there would be no contentious issues for the primary access to the Chapmans site
- The CBC policy defines a need for a 2m wide cycle and pedestrian access to and from the site at:
 - To the East through to Walnut Drive and into Bosted Road
 - To the North to link to the NGAUE Eastern green corridor and main entrance to Severalls.
- The development will need to comply with the adopted parking and highway standards.
- The 10 % open space requirement for this site is some 950m². It is requested that negotiations are held with Mersea Homes on the siting of open space on their land to form a more meaningful area of public open space.
- The conclusions of the ecology report are questioned. The fields immediately adjacent to the farm support a population of Skylarks. The Hedgerows around the farm fields also support Yellowhammers. Around the farm itself there are House Sparrows. Fieldfare, Redwing Linnets and Cuckoos can be found within 1000 metres of the farm. The ecological appraisal also talks about potential bat roosting sites on the farm and recommends the need for a further survey at the appropriate time of year
- MCC is concerned about the loss of trees and the landscape content of the application.
- MCC are of the view on economic/commercial factors, local policy and demographic grounds are such that that this outline application is inappropriate and ill-advised at this time in terms of the published emerging Myland & Braiswick Neighbourhood Plan.
- MCC will directly approach Cants (the applicant) and Fenn Wright (the agent) and request that the main house is retained as the central social core for a cluster of between 25-40 individual properties specifically for Myland's older residents and that Lifetime Homes building standard is applied.

Conclusions

- Myland Community Council, accept the principle that housing development on this site is appropriate and in compliance with overarching LPA Planning Policy.
- The outline scheme as currently presented does not meet any of our local criteria for new housing applications in North Colchester.
- The building plots are too small and the number of units needs to be reduced.

- The proposals for the site need to be reconsidered if a new design, sensitive to the local and historical context is developed, which addresses this Council's demographic needs and policies, improves the public connectivity, mitigates and enhances the environmental impact, then MCC will be pleased to support it.

10.0 Representations

10.1 12 letters of representation have been received in respect of this development. The issues raised are summarised below:

- The proposed development will result in overlooking and the loss of privacy
- The proposed new housing will 'hem-in' the adjacent housing
- The proposed development will result in the loss of light and overshadowing
- The proposal constitutes over development and proposes a higher density than the adjacent residential areas.
- Bats are known to inhabit the farm dwellings; the application does not address this or provide protection / mitigation measures.
- the Ecological Appraisal to be insufficient and inaccurate with respect to birds listed as Species of Principal Importance in England
- The development would adversely affect highway safety and the convenience of road users. Traffic into the current farm premises is light but this would increase following the development, increasing the risk to human safety
- The current entrance to the farm does not have footpath access along the A134
- There will be a notable increase in the noise and disturbance from the new housing and therefore adversely impact the residential amenity of our property and neighbouring owners
- The development will result in a loss in existing property values
- The access will be dangerous and is too close to the existing Eagle Lodge access.
- Approval of this application is premature as it could adversely affect the approved developments at Severalls Hospital and the North Colchester Urban Extension (locally referred to as Chesterwell).
- It is inappropriate to use Eagle Lodge as a model for eaves height as this is a large Victorian / Edwardian property
- The development will result in the loss of existing trees and hedging
- The development will create drainage problems
- Objection has been made to Environmental Protection's recommendation that work is permitted on site on Saturday mornings

10.2 Cllr Goss has made the following objection to this application:

- My main concern is the design and density of the proposed housing - there are far too many units on this site. It strikes me this is an opportune application piggy backing on the commencement of the Chesterwell development.
- This application needs to be rejected on housing density, potential highway visibility issues and impact on some neighbouring properties privacy on the adjacent WhiteBeam Close development.
- I fully support all objections made by residents and Myland Community Council

The full text of all of the representations received is available to view on the Council's website.

11.0 Parking Provision

11.1 See Paragraph 16.33-34

12.0 Open Space Provisions

12.1 See Paragraph 16.14-17

13.0 Air Quality

13.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

14.0 Development Team and Planning Obligations

14.1 This application is classed as a “Major” application and it was therefore a requirement for it to be considered by the Development Team. It was considered that Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990. The Obligations that would be agreed as part of any planning permission would be:

- Affordable Housing 20%
- Education Contribution (early years, primary and secondary) £175,000
- Open Space– strategic and local £171,130 (On-site / Mile Recreation Ground)
- Community – £41,000 (Severalls Hospital Community Centre)

14.2 The requested obligations are considered to meet the statutory tests and are all necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. In respect of each relevant infrastructure project, the planning obligations entered into on or after 6 April 2010 does not exceed CIL regulation 123(3) as amended.

14.3 Subsequent to the Development Team, Essex County Council has advised that it no longer wishes to pursue the education contribution for this site due to the strictures imposed by the Community Infrastructure Regulations.

15.0 Environmental Assessment

15.1 The development proposed consists of the demolition of existing buildings and the erection of up to 27 dwellings on the site of Chapman’s Farm and an area of land currently in agricultural use.

- 15.2 It is considered unlikely that the development would have significant effect on the environment by virtue of factors such as its nature, size or location. The land is not sensitive as defined by the Environmental Assessment Regulations and constitutes previously developed land. The potential impacts include highways issues, ecology and the loss of trees. The identified potential environmental impacts can be subject to appropriate mitigation measures within the normal planning process. Consequently, while there may be some impact as a result of this development, it is not considered that a proposal of this type, size, scale and at this location would result in significant environmental impact. An Environmental Impact Assessment is not therefore required.

16.0 Report

The Proposal

- 16.1 The application seeks planning permission for the demolition of the existing house and farm buildings and the erection of up to 27 dwellings. With the exception of access all matters are reserved (i.e. siting, appearance and landscaping) and will be the subject of future detailed (reserved matters) application(s).

The Principle of Development

- 16.2 In accordance with Core Strategy (CS) policies SD1, H1 and ENV1 development within the Borough is directed to sites within existing settlement development boundaries. The application site is identified within the defined settlement boundary of Colchester and is identified in the Site Allocation Plan as predominately residential use. Given this, there is not an objection, in principle, to the proposed redevelopment of this site for housing.

Character and Appearance

- 16.3 CS Policy ENV1 seeks to conserve and enhance Colchester's natural and historic environment. CS Policy UR2 seeks to promote and secure high quality design. Policies DP1 and D12 set out design criteria that new development must meet. These require new development to be of a high quality and respect the character of the site and its context.
- 16.4 The Chapman's Farm site is comprised of various temporary and permanent farm buildings along with a detached farm house. The current agricultural buildings at the site consist of preformed steel silos, an asbestos clad portal framed building, a 'portacabin' site office along with various low rise brick built or timber clad. The buildings are not considered to be of any particular architectural interest. To the east of the site is a modern housing development designed in a traditional neo-vernacular style. To the south of the site, is Eagle Lodge, which appears to date from the nineteenth century, and a group of modern houses.

- 16.5 The application is submitted in outline form, with the exception of access from Nayland Road. An illustrative layout scheme has however been submitted in support of this application. The Design and Access Statement explains that the proposed development will comprise a mixture of 2, 3 and 4 bedroom detached and semi-detached houses and that the eaves and ridge heights will be similar to those of the two storey dwellings in Walnut Drive or Eagle Lodge. Specific detail on appearance and architectural detailing is not required as a part of this application and this will be agreed through the reserved matters applications. There is however no reason to suppose that the proposed development will not be designed so that it is context with its surroundings in terms of its appearance, size, scale and mass. Moreover the existing farm buildings are generally of a poor quality and the proposal to redevelop this site presents an opportunity to enhance the quality of the local environment.
- 16.6 The illustrative layout provides a degree of assistance in assessing the potential form of the development and its relationship with the surrounding area. Whilst it is acknowledged that the illustrative layout has a number of inherent shortcomings - for example houses presenting their rear gardens to the street (both existing and proposed), potential overlooking of proposed rear gardens and absence of linkages to adjacent sites - it is considered that such issues can be addressed by the submission of an alternative layout at the detailed planning stage. The concerns expressed by local residents about over development are acknowledged. Future reserved matters applications will need to demonstrate that 27 units can be satisfactorily accommodated on this site (in terms of the Council's planning and amenity standards); if this is not possible, the number of units will either need to be reduced (hence the description states up to 27 units) and/or the type (size) of the units will need to be changed.
- 16.7 The redevelopment of Chapman's Farm for housing is not considered to have a detrimental impact on the character and appearance of this site and/or its immediate surroundings. The application is thus, in this respect, considered to accord with local planning policies and national policy guidance.

Residential Amenity

- 16.8 DP1 states that all development must be designed to a high standard and avoid unacceptable impacts on amenity. Part III of this policy seeks to protect existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight. The adopted Essex Design Guide also provides guidance on the protection of residential private amenity.
- 16.9 The concerns expressed by local residents regarding the potential impact that the development will have on properties and the 'absence' of detail to enable them to make a proper assessment of the potential impact of this development are appreciated. The 'lack' of design detail is however inevitable in the context of an outline application of this type. It is accepted that some residents could suffer from a loss of an open view and that the aspect from other residential properties will change. The loss of a view does not itself constitute a reason for refusal; as Members will be aware no-one has the right to an uninterrupted view. In similar vein, any fall in property values occasioned by the development would not constitute a material planning matter. The potential impact that the proposed housing will have on the private amenity of nearby residents will need to be carefully considered at the reserved

matters application stage; buildings and planting will have to be laid out such that there would be no inordinate sense of overbearing or undue loss of light or privacy.

- 16.10 It is acknowledged that in redeveloping this site there is the potential for noise and disturbance during the construction process. A planning condition has therefore been recommended requiring the submission of a Construction Management Plan (CMP). The CMP contains good practice measures to limit the disturbance and inconvenience that may arise when building works are undertaken. With regard to potential for noise and disturbance following the completion of the development, it is considered that this would be no greater than would normally be expected in a residential area and is likely to be considerably less than that generated by a farmstead operating at normal capacity.
- 16.11 For the reasons given above, it is considered that the proposed development would not have a significant adverse effect on the living conditions of the neighbouring residential properties. In view of this, the proposed development is not considered to conflict with DP1 or Paragraph 17 of the Framework insofar as they seek to secure a good standard of amenity for all occupants of land and buildings

Landscape and Trees

- 16.12 CS policy ENV1 states that the Borough Council will conserve and enhance Colchester's natural and historic environment, countryside and coastline. Central Government guidance on conserving the natural environment is set out in section 11 of the Framework.
- 16.13 A Tree Survey and Report has been undertaken as a part of the current application submission. The survey identifies nine individual trees and three groups of trees. With the exception of a single lime tree (T2), which is located adjacent to but outside the application site boundary, all of the trees are classified as class C (trees that should not constrain development) or Class U (unsuitable for retention). The submitted application proposes the removal of the Category C and U trees. The Council's Tree Officer has confirmed that he is in agreement with the conclusions of the submitted Tree Report and has no objection to the removal of the identified trees.
- 16.14 Landscaping is a reserved matter and, as such, a detailed landscaping scheme has not been submitted as a part of this application. The submitted illustrative layout does however show the removal and replanting of the hedgerow to Nayland Road. The removal of the hedge is a requirement for a visibility splay of the improved access. The Landscape Officer has confirmed that he does not have an objection to this planning application.
- 16.15 It is considered that the application site does not contain any landscape features of significant interest and the redevelopment of this site provides the potential for landscape enhancement. The proposal is therefore considered to accord with adopted local plan policies and national policy guidance.

Open Space

- 16.16 CS Policy PR1 states that the Council aims to provide a network of open spaces, sports facilities and recreational opportunities that meet local community needs. DP16 sets out requirements in respect of private amenity space (gardens sizes) and states that all new residential development will be expected to provide new public areas of accessible strategic or local open space.
- 16.17 The Provision of Open Space, Sport and Recreational Facilities SPD was adopted in 2006 and sets out the approach to assessing the quantity of open space to be provided as part of new developments.
- 16.18 The provision of private amenity space is a fundamental component of good design; however as an outline application the precise configuration of the required private gardens will need to be determined through the submission of reserved matters application.
- 16.19 With regard to the provision of public open space, DP 16 requires all new residential development to provide new public areas of accessible open space and as a guideline this should equate to at least 10% of the gross site area. The Illustrative layout shows an area of public open space and to ensure that this is secured, it is recommended that a condition is attached requiring a minimum of 10% of the site area is provided as public open space. A contribution for the Provision of Open Space, Sport and Recreational Facilities has been requested by the Development Team. This contribution is to mitigate the impact of the development in local and strategic facilities. Should the developer ultimately decide to provide a Locally Equipped Play Area on-site and maintain the open space and play equipment through a management company, then the requirement to provide a financial contribution for local recreational facilities will not be required.

Ecology and Biodiversity

- 16.20 CS policy ENV1 and policy DP21 seek to conserve or enhance biodiversity of the Borough. Policy DP 21 places stringent requirements on supporting ecological information being provided to demonstrate the degree of impact or harm (especially in relation to designated sites or species), the associated mitigation measures and measures to enhance biodiversity.
- 16.21 The Framework states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity. Government Circular 06/2005 „Biodiversity and Geological Conservation – Statutory obligations and their impact within the planning system” states in paragraph 99: “It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.”

- 16.22 The application is supported by a Preliminary Ecological Appraisal (PEA). The purpose of the appraisal is to determine whether or not there are any implications relating to legally protected species or otherwise significant wildlife arising from the proposed development of the site. The report notes that existing trees, hedgerows and some of the buildings provide a potentially suitable habitat for nesting birds. In respect of birds the report goes on to state that the biological data search revealed no records for birds within one kilometre of the site but notes that this is down to a lack of recording rather than a genuine absence of birds. The PEA identifies a number of potentially suitable bat roost features and recommends that further survey work is undertaken to establish whether bats are present on site. With regard to other protected species the report notes that the site and/or its surrounds do not provide an appropriate habitat for reptiles or dormice, that the lack of nearby ponds means that Great Crested Newts are not likely to utilise the site and that no field signs of Badgers were found.
- 16.23 An objection has been raised by a local resident (which was also highlighted by MCC) in respect of the conclusions of the PEA, particularly in relation to presence of birds Species of Principal Importance in England (SPIE). The local residents notes that Skylarks and Yellowhammers are found on the adjacent fields and hedgerows and that House Sparrows and Starlings (listed as SPIE as well as Red Listed) and Fieldfare and Redwings (Red Listed) have been seen in local gardens.
- 16.24 In the light of the above objection, further clarification has been sought from the applicant's ecological consultant. The consultant has advised that significance in species, within the planning system, is indicated in two main ways: species with legal protection under European or UK legislation; and Species of Principal Importance in England (SPIE). Other reasons for considering a species to be significant can also include inclusion in another published document (such as the Birds of Conservation Concern Red List or other Red Data lists). Under European and UK legislation, individual birds and their nests receive protection. In addition to this it is also important to consider impacts in relation to populations, either local or national. The consultant has explained Redwing and Fieldfare referred to in the objection letter are only ever recorded as passage and wintering species in Essex; their Red List status is based upon the very few pairs that breed in Scotland. The consultant notes that several of other bird species are mentioned as occurring outside of the application site; the sighting of birds outside the application site is not considered to have a direct bearing on the assessment of impacts for the Chapman's Farm site. The consultant goes on to state that, of the species mentioned, House Sparrow, Starling and Song Thrush are the only ones that could be of real relevance to the ecological assessment and these are referred to in the original report. It is considered that whilst these birds are present, the site in question is not likely to be of significant importance to them. All three species remain relatively widespread in suitable habitat in Essex (despite the very real declines that they have experienced) and it would take exceptional populations to be present for any different conclusion to be reached. Given the above, and in the light of the government guidance which states that ecological survey work should only be required where there is a reasonable likelihood of the species being present and affected by the development, it is not considered reasonable for the applicant to undertake further bird surveys at this site. That said, the importance of birds is not to be understated and a condition is recommended in respect of ecological mitigation and enhancement.
- 16.25 As noted above, the PEA refer to the site containing potentially suitable bat roost features and recommended that further survey work is undertaken to establish

whether bats are present or not. Additional survey work has been undertaken and these surveys indicate the presence of a small summer roost of Common Pipistrelle (*Pipistrellus pipistrellus*) in the Granary. The consultant report states that, being a small, non-maternity roost of a common and widespread species, the bat roost in the Granary at Chapmans Farm is of relatively low conservation significance and, as such, there should not be an objection to its loss (although a Licence will be required for this work). In order to compensate for the loss of the roost, the report recommends that that new roosting opportunities are provided as a part of the redevelopment of the site (for example, by the installation of 'bat tubes' within external walls) along with the post monitoring of their use. A condition to this effect has been recommended.

- 16.26 For the reasons given above, it is considered that the proposed redevelopment of this site will not have a significantly adverse effect on features and/or species of ecological importance and that any impact can be suitably mitigated through ecological enhancement measures. The application is therefore considered to accord with the aforementioned local plan policies and national policy guidance.

Transport and Accessibility

- 16.27 CS policy TA1 seeks to improve accessibility and change travel behaviour as part of a comprehensive transport strategy. Policy TA2 promotes walking and cycling as an integral part of sustainable means of transport. Policy TA4 seeks to manage the demand for car. Policy DP17 states that all developments should seek to enhance accessibility for sustainable modes of transport by giving priority to pedestrians, cycling and public transport access. Paragraphs 29 to 41 of the Framework provide guidance on transportation matters, including that application should only be refused on highway grounds if the impact (on safety or capacity) is severe.
- 16.28 The site has the benefit of an existing long term access onto the A134 and it is proposed to improve this access as a part of the redevelopment of this site.
- 16.29 The application is accompanied by a Transport Assessment (TA) and this report states that with the improvement of the access junction the proposed development will not have a detrimental impact on highway safety or capacity. The Highway Authority has confirmed that they are in agreement with the conclusions of this report. The TA states that the submitted highway proposals have been drawn-up considering the current road layout and traffic levels. However, the TA goes on to note that, as a part of the NGAUE development, the A134 is to be diverted and section of the Nayland Road that currently serves Chapman's Farm is to be closed to through traffic. The TA explains that future traffic flows on this section of the Nayland Road will be greatly reduced and, as a consequence of this, the access road as proposed will be over engineered. Mersea Homes (the lead developers of the NGAUE development) have started work on constructing the new (diverted) section of the A134 and have advised that this work is scheduled for completion by March 2016. Given that a timeframe is known for the completion for the diverted section of the A134, a condition has been recommended that requires an alternative access design to be submitted that takes account of the wider remodelling of the local road network.

- 16.30 The submitted illustrative layout plan shows an insular development (i.e. one that does not take the opportunity to connect to the adjacent sites). The layout of the residential estate to the east (Walnut Drive) was designed with the potential for creating an access to residential development on Chapman's Farm in mind. There is also the opportunity to link this site to the proposed residential (NGAUE) development to the north. Conditions have been proposed that secure the connectivity between these adjacent sites.
- 16.31 The concerns expressed by existing residents regarding noise and disturbance are noted. It is accepted that Walnut Drive is currently a quiet cul-de-sac with no through traffic. It is however clear from the road layout that the intention was always to create a connection between this site and the adjacent Chapman's Farm site (when the latter came forward for development). As Members will be aware, the successful integration of new development with their surrounding is an important design objective. The proposal to create linkages to adjacent sites also accords with the principle that development should promote safe local routes by making places that connect appropriately with one another. It is not considered that the creation of a pedestrian / cycle link between Walnut Drive and the Chapman's Farm site will result in excessive noise and disturbance for existing residents,
- 16.32 The Framework and local planning policies make clear that travel plans are an important tool in the delivery of sustainable transport objectives and that they should be submitted alongside planning applications that are likely to have significant transport implications. A condition has been recommended in respect of travel plans.
- 16.33 The redevelopment of the Chapman's Farm is not considered to create a severe impact on the local highway either in terms of highway safety or capacity and accords with planning policies which seek to improve accessibility and changes in travel behaviour.

Parking

- 16.34 Policy TA5 of the Core Strategy refers to parking and states that development proposals should manage parking to accord with the accessibility of the location and to ensure people friendly street environments. Policy DP19 states that the Council will refer developers to the Essex Planning Officers Association (EPOA) Vehicle Parking Standards which was adopted by Colchester Borough Council as a Supplementary Planning Document (SPD) in November 2009
- 16.35 Parking is a fundamental component of the design of a development and achieving the correct parking response is integral to the character and functionality of streets. However, this is an outline application and the parking arrangements for this development will need to be determined by the submission of Reserved Matters applications.

Flood risk

- 16.36 CS policy ENV1 sets out the strategic policy approach to safeguard people and property from the risk of flooding. ENV1 seeks to direct new development towards sites with the lowest risk from flooding and promotes the use of flood mitigation measures (SUDS) to help manage risk.. Policy DP20 supports development proposals that include flood mitigation/ attenuation measures as well as flood resilience measures. This policy also promotes the use of appropriate sustainable drainage particularly on greenfield sites.
- 16.37 The Framework considers flood risk using a sequential characterisation of risk, based on the Environment Agency Flood Maps. The Framework requires a detailed flood risk assessment to be produced for all development located within a flood zone and/or that are greater than 1 hectare in area. The application site is situated outside an identified flood zone and the site is under 1hec in size. Given this there is no requirement for Flood Risk Assessment to be submitted in support of this application.
- 16.38 The concerns raised by local residents are noted. It is however considered that with a suitable sustainable drainage scheme there is no reason why development on the site should exacerbate existing off-site surface water drainage problems.

Contamination

- 16.39 Development Plan Policy DP1 requires all development to avoid unacceptable environmental impacts; part (vi) requires the appropriate remediation of contaminated land. The support text to this policy notes that Colchester's approach to dealing with the development of land that could be contaminated is set out in 'Land Affected by Contamination: Technical Guidance for Applicants and Developers, 2nd Edition'
- 16.40 Environmental Control has not raised an objection, subject to the attachment of the standard conditions.

16.0 Conclusion

- 16.1 The proposed development is in conformity with the adopted local plan and no material planning considerations are identified that are not capable of appropriate mitigation through the use of planning conditions and contributions under s.106 of the Act. Approval is consequently recommended.

17.0 Recommendation

- 17.1 APPROVE subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990 within 6 months from the date of the Committee meeting. In the event that the legal agreement is not signed within 6 months, to delegate authority to the Head of Commercial Services to refuse the application, or otherwise to be authorised to complete the agreement to provide the following:

- *Affordable Housing (20%)*
- *Open Space, Recreation and Sports Contribution - £171,130*
- *Community Facilities Contributions - £41,000*

17.2 On completion of the legal agreement, the Head of Service be authorised to grant planning permission subject to the following conditions:

18.0 Conditions

1 - *Time Limit for Outline Permissions Part 1 of 3

No development shall be commenced until plans and particulars of the reserved matters referred to in the below conditions relating to the appearance, landscaping, layout (which shall indicate footpath / cycle connections to adjacent sites) and scale have been submitted to and agreed, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

2 - Time Limit for Outline Permissions Part 2 of 3

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

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

3 - Time Limit for Outline Permissions Part 2 of 3

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

4 - Non-Standard Condition/Reason

The development hereby permitted authorises the erection of a maximum of 27 dwellings.

Reason: For the avoidance of doubt as to the scope of this permission.

5 - Non-Standard Condition/Reason

The permission hereby permitted expressly excludes the residential development layout as shown on drawing no. 773/01/a by Tim Snow Architects received on 19 March 2015.

Reason: The residential layout does not provide a high quality design solution that will successfully integrate new development with its surrounding context.

Drainage

6 - Non-Standard Condition/Reason

No development shall commence until drainage plans for the disposal of foul sewage have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until all the works necessary have been implemented in accordance with the approved details.

Reason: In order to avoid unnecessary environmental, amenity and public health problems that could otherwise arise.

7 -Non-Standard Condition/Reason

No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off rates in the 1 in 1 year, 1 in 30 year and 1 in 100 year rainfall events including climate change will not exceed the run-off from the undeveloped site following the corresponding rainfall event. No dwelling shall be occupied until all the works necessary in respect of that phase have been implemented in accordance with the approved details.

Reason: To prevent environmental and amenity problems arising from flooding.

8 - Non-Standard Condition/Reason

No hard standing areas shall be constructed until the works have been carried out in accordance with the surface water drainage scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

Trees and Landscaping

9 - Tree and Natural Feature Protection: Protected Areas

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

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

10 - Tree and Hedgerow Protection: General

All existing trees and hedgerows shall be retained throughout the development construction phases, unless shown to be removed on the approved drawing and all trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site in accordance with the Local Planning Authorities guidance notes and the relevant British Standard. All existing trees and hedgerows shall then be monitored and recorded for at least five years following contractual practical completion of the development. In the event that any trees and/or hedgerows die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed, in writing, with the Local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998. All existing trees and hedgerows shall be retained throughout the development construction phases, unless shown to be removed on the approved drawing and all trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site in accordance with the Local Planning Authorities guidance notes and the relevant British Standard. All existing trees and hedgerows shall then be monitored and recorded for at least five years following contractual practical completion of the development. In the event that any trees and/or hedgerows die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed, in

writing, with the Local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998.

Reason: To safeguard the continuity of amenity afforded by existing trees and hedgerows.

11 - Non-Standard Condition/Reason

No burning or storage of materials shall take place where damage could be caused to any tree, shrub or other natural feature to be retained on the site or on adjoining land (see BS 5837).

Reason: To protect the health of trees, shrubs and other natural features to be retained in the interest of amenity.

12 - Non-Standard Condition/Reason

The public open space shall be a minimum of 10% of the gross application site area (0.95 hectares) and shall be provided as a single space unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt as to the scope of this permission.

13 - Non-Standard Condition/Reason

No works shall take place until full details of all landscape works have been submitted to and agreed, in writing, by the Local Planning Authority and the works shall be carried out prior to the occupation of any part of the development unless an alternative implementation programme is subsequently agreed, in writing, by the Local Planning Authority. The submitted landscape details shall include:

- PROPOSED FINISHED LEVELS OR CONTOURS;
- MEANS OF ENCLOSURE;
- CAR PARKING LAYOUTS;
- OTHER VEHICLE AND PEDESTRIAN ACCESS AND CIRCULATION AREAS;
- HARD SURFACING MATERIALS;
- MINOR ARTEFACTS AND STRUCTURES (E.G. FURNITURE,, REFUSE OR OTHER STORAGE UNITS, SIGNS, LIGHTING ETC.);
- PROPOSED AND EXISTING FUNCTIONAL SERVICES ABOVE AND BELOW GROUND (E.G. DRAINAGE POWER, COMMUNICATIONS CABLES, PIPELINES ETC. INDICATING LINES, MANHOLES, SUPPORTS ETC.);
- PLANTING PLANS;
- WRITTEN SPECIFICATIONS (INCLUDING CULTIVATION AND OTHER OPERATIONS ASSOCIATED WITH PLANT AND GRASS ESTABLISHMENT);
- SCHEDULES OF PLANTS, NOTING SPECIES, PLANT SIZES AND PROPOSED NUMBERS/DENSITIES WHERE APPROPRIATE; AND
- IMPLEMENTATION TIMETABLES AND MONITORING PROGRAMS.
- Reason: To ensure that there is a suitable landscape proposal to be implemented at the site for the enjoyment of future users and also to satisfactorily integrate the development within its surrounding context in the interest of visual amenity.

14 - Landscape Management Plan

Prior to the first occupation of the development, a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas other than small, privately owned, domestic gardens shall be submitted to and agreed, in writing, by the Local Planning Authority. The landscape management plan shall thereafter be carried out as approved at all times.

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

Nature Conservation

15 - Non-Standard Condition/Reason

Prior to the commencement of the development hereby permitted, details of the provision, siting, surface treatment of all children's playspace together with details of the equipment to be provided and a timetable for the provision of the facility shall have previously been submitted to and agreed, in writing, by the Local Planning Authority. The approved details shall be provided in their entirety and be made available for use in accordance with the agreed timetable and thereafter retained for public use.

Reason: In order to ensure that there is satisfactory play space provision within the development.

16 - Non-Standard Condition/Reason

All works (including demolition) shall be carried out in accordance with the mitigation works as set out in the Bat Survey dated July 2015 prepared by Essex Ecology Services Ltd. If any works of demolition take place after July 2017 a new bat survey and mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any works of development or enabling works (such as demolition) do not have an impact on bats.

Highways, Transportation and Travel Plans

17 - Non-Standard Condition/Reason

No works shall commence on site until details of bat roosting and bird nesting opportunities (in particular for species such as house sparrow, starling, swift, swallow and house martin) to be provided within buildings and elsewhere on-site shall be submitted to, and approved in writing by the local planning authority. The details shall show the number and specification of the bird nesting and bat roosting features and where they shall be located, a timetable for implementation and post monitoring details. The details shall be carried out in accordance with the approved details and timetable and thereafter retained.

Reason: To ensure that there is appropriate mitigation for any ecological interest on the site and to ensure that long term management of the proposed mitigation works.

18 - Non-Standard Condition/Reason

Notwithstanding the details shown on drawing no. 773/01/a, no works shall commence on site until an alternative design for the access junction onto Nayland Road which co-ordinates with the proposals for the diversion of the A134 have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed amended details.

Reason: To secure a more appropriate design of junction in the interest of highway safety and the efficient operation of the highway network.

19 - Non-Standard Condition/Reason

No development shall commence until a scheme (including an implementation timetable) for the following Footway and Cycle Links have been submitted to and agreed in writing by the Local Planning Authority:

- i. A Footway/Cycle Link between the application site and Walnut Drive; and
- ii. A Footway / cycle link between the application site and the land to the north of the site.

The development shall be carried out in accordance with the approved details and timetable and thereafter retained unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the highway safety and in order to promote walking and cycling and limit reliance on the private car.

20 - Non-Standard Condition/Reason

On the first occupation of each dwelling, the residents shall be provided with Travel Packs, the contents of which shall previously have been agreed in writing by the Local Planning Authority, in consultation with Essex County Council.

Reason: To ensure that a development takes place which exploits opportunities for the use of sustainable transport modes for the movement of goods and people.

Contaminated Land

21 - Contaminated Land Part 1 of 4 (Site Characterisation)

No works shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval, in writing, of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,

archaeological sites and ancient monuments;

- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and the Essex Contaminated Land Consortium's "Land Affected by Contamination: Technical Guidance for Applicants and Developers".

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

22 - Contaminated Land Part 2 of 4 (Submission of Remediation Scheme)

No works shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared and then submitted to and agreed, in writing, by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

23 - Contaminated Land Pt. 3 of 4 (Implementation of Approved Remediation)

No works shall take place other than that required to carry out remediation, the approved remediation scheme must be carried out in accordance with the details approved. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification/validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

24 - Contaminated Land Part 4 of 4 (Reporting of Unexpected Contamination)

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 21, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition INSERT 22, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 23.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

Construction Management, Noise and Lighting

25 - Non-Standard Condition/Reason

No development shall take place on any part of the development unless and until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include and specify provision to be made for the following:

- i. overall strategy for managing environmental impacts which arise during construction;
- ii. measures to control the emission of dust and dirt during construction;
- iii. control of noise emanating from the site during the construction period;
- iv. hours of construction work for the development;
- v. publicity of a contact number where complaints can be lodged with a responsible member of the construction team and a published protocol for response;
- vi location, scale and appearance of contractors' compounds, materials storage and other storage arrangements, for cranes and plant, equipment and related temporary infrastructure;
- vi. designation, layout and design of construction access and egress points;
- vii. directional signage (on and off site);
- viii.provision for all site operatives, visitors and construction vehicles loading and unloading plant and materials
- ix. Provision for all site operatives, visitors and construction vehicles for parking and turning within the site during the construction period;
- x. Details of measures to prevent mud and other such material migrating onto the highway from construction vehicle and
- xi. enclosure of the development site and the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.

The approved Construction Management Plan shall be adhered to throughout the construction periods and the approved measures shall be retained for the duration of the construction works.

Reason: In the interests of protecting the amenities of local residents.

26 - *Light Pollution for Minor Development

Any lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for ZONE EZ2 RURAL, SMALL VILLAGE OR DARK URBAN AREAS.

Reason: In order to safeguard the amenity of the surrounding area by preventing the undesirable, disruptive and disturbing effects of light pollution.

19.0 Informatives

(1) **ZT0 – Advisory Note on Construction & Demolition**

The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

(3) **ZTA - Informative on Conditions Stating Prior to Commencement/Occupation**

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission. Please pay particular attention to these requirements.

(4) Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. The site layout should therefore take this into account and accommodate the assets within either prospectively adoptable highway or public open space. If this is not practical then the sewers will need to be diverted at the developers' cost under section 185 of the Water Industry Act 1991. It should be noted that the diversion works should normally be completed before commencement of development.

20.0 Positivity Statement

20.1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.