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Item No: 7.2

Application: 220595
Applicant: William Developments Ltd
Agent: Malcolm Inkster
Proposal: Outline application for erection of 30 houses with a new access onto School Road, Langham. All matters reserved.
Location: School Road, Langham, Colchester
Ward: Rural North
Officer: Hayleigh Parker Haines

Recommendation: Approval subject to conditions and the completion of an appropriate S.106 agreement delegated to Officers

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee, as the development proposed would constitute a major application; requiring a S106 agreement. Furthermore, a number of objections have been received raising material planning considerations.

2.0 Synopsis

- 2.1 The key issues for consideration are: the principle of development as an allocated site within the newly adopted Local Plan and the wastewater drainage for the site, given Anglian Water's lack of foul water treatment capacity. Other material planning matters and representations are also considered. The application is subsequently recommended for approval subject to conditions and a section 106 legal agreement to secure planning obligations.

3.0 Site Description and Context

- 3.1 The application site sits to the southern side of School Road, to the west of 'Power Plus'. The site is allocated for residential development in the recently Adopted Local Plan, Section 2, Policy SS9. The site is currently in agricultural use. There is a public right of way that runs along the southern boundary of the site, with the existing employment site, as named above, to the east, to the north of the site are residential properties with the community centre to the west.

4.0 Description of the Proposal

- 4.1 The application comprises an outline planning permission with all matters reserved, comprising 30 dwellings with a new access onto School Road. The outline application procedure allows for applicants to identify specific matters for consideration which include the principle of the development, layout, access, scale, appearance and landscaping. The applicant has identified that this application is to consider the principle of the development. The considerations of appearance together with access, layout, scale and landscaping will form the subsequent reserved matters application should outline planning permission be granted for this proposal. Nevertheless, all material planning considerations are relevant, where applicable, to this application.

- 4.2 Indicative drawings have been provided detailing an illustrative layout for the units with the land to the west, directly adjacent to the Community Centre outlined in blue, allocated as public space as per the allocation requirements within Policy SS9. The indicative masterplan and supporting statement advises that the dwellings on site would comprise the following unit mix:

Bedrooms	No. of Units	Affordable Housing
5	3	0
4	12	2
3	9	3
2	6	4

5.0 Land Use Allocation

- 5.1 The land is currently Agricultural and is an allocated site within the recently adopted local plan at Policy SS9.

6.0 Relevant Planning History

- 6.1 There is no relevant planning history pertaining to the site. However, it is worth noting that the site to the east of the employment site (another allocation within Policy SS9) which benefits from planning permission for the construction of 46 dwellings under the terms of application 191830.

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.

7.2 Local Plan 2017-2033 Section 1

The shared Section 1 of the Colchester Local Plan covers strategic matters with cross-boundary impacts in North Essex. This includes a strategic vision and policy for Colchester. The Section 1 Local Plan was adopted on 1 February 2021 and is afforded full weight. The following policies are considered to be relevant in this case:

- SP1 Presumption in Favour of Sustainable Development
- SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
- SP4 Meeting Housing Needs
- SP6 Infrastructure & Connectivity
- SP7 Place Shaping Principles

7.3 The recently adopted Local Plan 2017-2033 Section 2, contains local strategic policies and policies that apply to new development. Particular to this application, the following policies are most relevant:

- SG1 Colchester's Spatial Strategy
- SG2 Housing Delivery
- SG7 Infrastructure Delivery and Impact Mitigation
- ENV1 Environment
- ENV3 Green Infrastructure
- ENV5 Pollution and Contaminated Land
- CC1 Climate Change
- PP1 Generic Infrastructure and Mitigation Requirements
- DM2 Community Facilities
- DM3 Education Provision
- DM4 Sports Provision
- DM8 Affordable Housing
- DM9 Development Density
- DM10 Housing Diversity
- DM12 Housing Standards
- DM15 Design and Amenity
- DM16 Historic Environment
- DM18 Provision of Open Space and Recreation Facilities
- DM19 Private Amenity Space
- DM20 Promoting Sustainable Transport and Changing Travel Behaviour
- DM21 Sustainable Access to development
- DM22 Parking
- DM23 Flood Risk and Water Management
- DM24 Sustainable Urban Drainage Systems
- DM25 Renewable Energy, Water Waste and Recycling

7.4 Some "allocated sites" also have specific policies applicable to them. The policies set out below should also be taken into account in the decision making process:

- SS9 Langham

7.5 The site does not fall within a Neighbourhood Plan Area.

7.6 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):

The Essex Design Guide
External Materials in New Developments
EPOA Vehicle Parking Standards
Affordable Housing
Community Facilities
Open Space, Sport and Recreation
Sustainable Construction
Cycling Delivery Strategy
Sustainable Drainage Systems Design Guide
Planning for Broadband 2016
Managing Archaeology in Development.
Developing a Landscape for the Future
ECC's Development & Public Rights of Way
Planning Out Crime

8.0 Consultations

- 8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.
- 8.2 The Arboricultural Officer has raised no objection to the proposal, subject to an appropriate canopy cover assessment. The proposal as shown in the tree report will have a minimal impact on trees to be retained. *A condition has been recommended to ensure policy compliant tree canopy cover is achieved on site as part of the reserved matters*
- 8.3 The Archaeological Officer has raised no objection to the proposal. The site is in an area of relatively high archaeological potential. Therefore, should the application be approved a pre-commencement condition is recommended to secure a written scheme of investigation.
- 8.4 The Contaminated Land Officer has raised no objection to the proposal, advising that based on the evidence provision, it would appear that the site could be made suitable for the proposed use, subject to the inclusion of five conditions, should the application be approved
- 8.5 The Urban Design Officer has raised no objection to the principle of development but does highlight a number of design considerations to be taken into account should this outline application be approved. *These will be discussed within the below report*

- 8.6 The Historic Buildings Officer has raised no objection to the proposal but recommends that as much of the hedge boundary be retained as possible to retain the rural character of this part of the road and this would also ensure that the historic layout of the village remains more legible.
- 8.7 The Landscape Officer has raised no objection in principle to the proposed development.
- 8.8 Essex County Council SUDs team have raised no objection to the proposal, subject to the inclusion of four conditions should the application be approved
- 8.9 The Highway Authority have raised no objection to the proposal subject to the inclusion of a number of conditions should the application be approved.
- 8.10 Anglian Water have raised no objection to the proposal. However, it is advised that the foul drainage from this development is in the catchment of Langham (Essex) Water Recycling Centre (WRC) which currently does not have capacity to treat the flows from the development site. Anglian Water has been working with the Environment Agency to find a solution to the issues of flow compliance at Langham WRC and the associated effects arising from new development and future growth identified in the emerging Local Plan. Upgrades to Langham WRC are expected to be complete by 2025 at the latest. Alongside this AW have also completed work on removing surface water from the foul only network to ensure surface water flows are reduced during storm events.
- 8.11 The Area of Natural Beauty Planning Officer has no comment to make on principle of the site being developed. Primary concern is the potential for unresolved water and sewage treatment issues and the impact on the river Stour which runs through AONB
- 8.12 Essex County Council Place Services have placed a holding objection due to potential presence of protected species within the hedgerow to the front of the site. *This will be discussed within the below report.*

9.0 Parish Council Response

- 9.1 The Parish Council have objected to the proposal for the following reasons:
- I. Capacity at the Langham Water Recycling Centre. LPC believe that this should be a key item in reserved matters should the LPA be minded to approve this application.
 - II. Capacity in the Local Sewerage Network. Residents reported issues relating to the overflow of the AW foul network. LPC believe that this should be a key item in reserved matters should the LPA be minded to approve this application.
 - III. SuDs and the suitability of the local ditch network.
 - IV. Safety Issues with an open ditch. Pedestrian footfall on School Road will significantly increase due to the two new sites on School Road. Up to 300 new

residents including children will at some point have a need to use the footway along School Road which connects the village shop, Community Centre and pub to the two new sites.

- V. Any work on this site should be dependent on flooding and safety issues being addressed and should also be considered as Reserved Matters should the LPA have a mind to approve the outline planning permission
- VI. Site Access Point: Potential safety issues with the line of sight in School Road for vehicles leaving the site. Particularly relevant looking in a westerly direction when leaving the site as there is a bend in the road which limits the distance where oncoming traffic can be observed. When leaving the site after dusk vehicles headlights could be shining directly on the premises opposite the site, which is causing some concern to residents who live in these properties. If the LPA have a mind to approve this application, we would like the final site layout to be reviewed under Reserved Matters to investigate these two points.
- VII. Transport Statement: It would seem that no traffic measurement has been carried out on the existing traffic levels in School Road, which relate to this application, and how two new sites in School Road would impact the future traffic levels. Although the LPA treats all planning applications independently this surely cannot be applied when you have two large developments adjacent to each other. (Planning Apps: 191830 and 220595). There could be around 200 more vehicles in School Road as a result of these two developments and a broad statement as shown in paragraph 7.6 of the ITL document conclusions is extremely questionable and is not supported by combined figures. The statement says, “the weekly peak hour traffic is not expected to have a significant effect on the operation of the local road network”. That might be true if there were only one new development but even that is questionable. Again, we feel that this another potential Reserved Matter if the LPA have a mind to approve this outline planning application.
- VIII. We should also point out that paragraph 4.6 (table 2) of the ITL document which lists the available Bus services in Langham is incorrect. There is no 93 or 93A bus service from Ipswich to Colchester that has a stop in Langham.
- IX. Overhead Power Cables: On the site masterplan there is a statement to relocate power cables underground which is an essential requirement. The Parish Council would like to ensure that this also applies to the existing section of overhead cable that spans the area of land referred to in the ELP SS9 as the Recreation Ground extension adjoining the west end of the site

10.0 Representations from Notified Parties

- 10.1 The application resulted in a number of notifications to interested third parties including neighboring properties. The full text of all of the representations received is available to view on the Council's website. However, a summary of the material considerations is given below.

Objecting Comment	Officer Response
Access and safety concerns being in close proximity to the School and with it being on a slight bend	Comments noted and discussed below
Access opposite residential dwelling – headlights inconvenient for residents	Comments noted and discussed below
Sewerage capacity	Comments noted and discussed below
30 houses on top of 46 already approved out of proportion to the size of the village – hardly a housing shortage in immediate area	Comments noted and discussed below. However, the site is allocated for housing in the recently adopted local plan (Policy SS9)
Highway and pedestrian safety – School Rd/St Margaret's Cross/Wick Rd junction	Comments noted and discussed below
Mains Electricity – outdated infrastructure with flickers of low power and power cuts – additional homes will worsen situation	Comments noted
Infrastructure will not be able to cope	Comments noted and discussed below
Development out of character with housing in village	Comments noted and discussed below
Increase in Traffic	Comments noted and discussed below
Overlooking of properties opposite the site	Comments noted and discussed below
Loss of privacy to properties opposite the site	Comments noted and discussed below
Loss of outlook to properties opposite the site	Comments noted and discussed below
Impact of noise and odour from additional vehicles on neighbouring properties opposite the site	Comments noted and discussed below

2.5 storey dwellings not in keeping	Comments noted and discussed below
Traffic report incorrect – busiest times on School Rd are 2.30 – 3.30 – Highway safety concerns	Comments noted and discussed below
The grass area to the west is of no use, this should run along School Road to set the proposed properties back moving noise and light pollution away from existing properties	Comments noted
Indicative plans do not demonstrate that 30 houses could be satisfactorily accommodated on this site	Comments noted and discussed below
Layout issues	Comments noted and discussed below
Electricity substation location and design concerns	Comments noted and discussed below
No post office as stated in supporting docs	Comments noted
Impact on Stour Valley project area	Comments noted and discussed below
Pond worrisome – should be removed and trees planted	Comments noted and discussed below
Loss of trees and vegetation to front boundary increases the oppressive impact of development on local area	Comments noted and discussed below

General Comments	Officer Response
Sewage Capacity issues – should permission be granted a condition should be included to ensure sites on which development has commenced are capable of being built out prior to the commencement of development on this site	Comments noted and discussed below. However, a condition of this nature would not meet the six tests and would therefore not be condition precedent.

11.0 Parking Provision

- 11.1 This application is outline in nature with the internal layout subject to future consideration. However, based on the indicative masterplan provided as part of this application, it is

considered there is sufficient space on site for all dwellings to have policy compliant, off street parking. This matter will be discussed in further detail below

12.0 Accessibility

12.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. The proposal does not give rise to any concerns regarding discrimination or accessibility at outline stage. Detailed proposals will be established at reserved matters stage and will need to be considered under the Equality Act.

13.0 Open Space Provisions

13.1 As the application is outline in nature, the layout will be determined at reserved matters stage. It should be noted as part of the allocation that the land directly to the east as part of any application should be utilised for open space provision. This is over 10% of the site area and therefore is policy compliant.

14.0 Air Quality

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

15.0 Planning Obligations

15.1 As a “Major” application, there was a requirement for this proposal to be considered by the Development Team. It was considered that Planning Obligations should be sought. The Obligations that would be agreed as part of any planning permission would be:

- **Education:** Contributions sought towards Secondary School Transport using standard methodology
- **Communities:** Currently under negotiation in collaboration with the Parish Council as part of the S106, which will be pursued subject to CiL compliance.
- **Parks and Recreation:** Currently under negotiation in collaboration with the Parish Council as part of the S106, which will be pursued subject to CiL compliance.
- **Archaeology:** Contribution toward the display and interpretation of any archaeological finds - £348 is required to update the Historic Environment Record if no remains are found
- **Affordable Housing:** 30% (to include 2 No. wheelchair accessible units)
- **RAMS:** £137.71 per dwelling – Contribution to also be collected via S106 agreement

Please note as this application is outline in nature, these figures are subject to the final mix of dwellings to be provided on site and are dependent on the total number of bedrooms to be provided.

16.0 Report

16.1 Principle of Development

The Land the subject of this application is a residential allocation within the recently adopted Local Plan, under Section 2, Policy SS9. Policy SS9 states:

School Road

Development will be supported which provides:

- (i) 70 new dwellings of a mix and type of housing for which there is a demonstrated need, including smaller family homes and sheltered housing;*
- (ii) One site to the east of the Powerplus site to accommodate 40 dwellings plus a car park for the school;*
- (iii) One site to the west of the Powerplus site to accommodate 30 dwellings plus an extension to the adjacent recreation ground;***
- (iv) A landscape Appraisal which will then inform appropriate design and suitable screening/landscaping to minimise any negative impact on the surrounding landscape, including visual screening around the School Road employment site and;***
- (v) A design and layout which protects and enhances the listed buildings including their setting including suitable screening/landscaping***

Reviewing the proposal against Policy SS9 in order of relevant criterion

- (iii) One site to the west of the Powerplus site to accommodate 30 dwellings plus an extension to the adjacent recreation ground*

The outline application submitted provides 30 dwellings in accordance with the above criterion. The land to the west of the proposed dwellings (east of the community Centre) is included within the blue line boundary of this application (as shown below). Discussions are ongoing between the Parish Council and the Applicant in relation to the most appropriate way to achieve the extension to the recreation ground and this will form part of the S106 negotiations.

- (iv) A landscape Appraisal which will then inform appropriate design and suitable screening/landscaping to minimise any negative impact on the surrounding landscape, including visual screening around the School Road employment site and;*

The current application is outline in nature with all matters reserved and therefore would be a matter for a subsequent reserved matters application. However, from the landscape appraisal submitted there are no objections in principle, and it is considered achievable on site. It is recommended that as part of the reserved matters application, some units should face onto the links to the public open space to the west to improve public amenity and to result in these aspects being a more inclusive part of design. Furthermore, it is considered that given the isolated and enclosed nature of this public open space, some units from the indicative layout could be repositioned and any planting should allow for some passive surveillance of this space.

(v) A design and layout which protects and enhances the listed buildings including their setting including suitable screening/landscaping

As with the above, this is a matter which would be subject to a subsequent reserved matters application. It is considered that a number of design features should be taken into consideration at this stage, and this is discussed further in the report below.

Paragraph 14.180 of the supporting policy text for Policy SS9 advises that the 2016 Water Cycle Study identified a lack of head room capacity at the Langham Water Recycling Centre (WRC). With regards to wastewater, the report also identified the need for upgrades at the Langham Water Recycling Centre (WRC) to enable it to accept all wastewater flows from the proposed development. Discussions are underway between the Local Planning Authority, the Environment Agency and Anglian Water to resolve the above issues, a condition has been recommended to ensure that development does not commence until the Langham Water Recycling Centre has capacity taking into account the increased pressure from the neighboring allocated site and the development proposed under this current application

Taking into account the above assessment, it is considered that the proposed scheme is acceptable in principle.

16.2 5 Year Housing Land Supply

Section 1 of the Local Plan includes strategic policies covering housing and employment, as well as infrastructure, place shaping and the allocation of a Garden Community. Policy SP4 sets out the annual housing requirement, which for Colchester is 920 units. This equates to a minimum housing requirement across the plan period to 2033 of 18,400 new homes.

Although the Garden Community is allocated in Section 1, all other site allocations are made within Section 2 of the Plan which is still to complete examination. Within Section 2 the Council has allocated adequate sites to deliver against the requirements set out in the strategic policy within the adopted Section 1. All allocated sites are considered to be deliverable and developable.

In addition and in accordance with the NPPF, the Council maintains a sufficient supply of deliverable sites to provide for at least five years' worth of housing, plus an appropriate buffer and will work proactively with applicants to bring forward sites that accord with the overall spatial strategy. The Council has consistently delivered against its requirements which has been demonstrated through the Housing Delivery Test. It is therefore appropriate to add a 5% buffer to the 5-year requirement. This results in a 5-year target of 4,830 dwellings (5 x 920 + 5%).

The Council's latest published Housing Land Supply Annual Position Statement (August 2021) demonstrates a housing supply of 5,597 dwellings which equates to 5.79 years based on an annual target of 920 dwellings (966 dwellings with 5% buffer applied) which was calculated using the Standard Methodology. This relates to the monitoring period covering 2021/2022 through to 2025/2026.

8 Five Year Supply Calculation

8.1 The table below illustrates the 5-year supply calculation for the district during the period between 2021/2022 through to 2025/2026.

Housing Need OAHN	
Annualised objectively assessed housing need (OAHN)	920
5 year housing requirement (5x920)	4600
5 year housing requirement and 5% buffer	4830
Supply	
Permissioned sites, existing and selected emerging allocations and windfall allowance	5597
Total number of years' worth of housing supply including emerging allocations	
Supply against SM with permissioned sites, existing allocations, windfall and selected emerging allocations	5.79

8.2 The calculation above demonstrates that the Council has a sufficient supply of deliverable housing to meet the 5-year requirement. A total of 5.75 years is deliverable within this period.

The LPA's 5YHLS has been tested at appeal and found to be robust, the most recent cases being on Land at Maldon Road, Tiptree (Appeal Ref: APP/A1530/W/20/3248038) and Land at Braiswick (Appeal Ref: APP/A1530/W/20/324575).

In accordance with paragraph 73 of the NPPF, the adoption of the strategic housing policy in Section 1 of the Local Plan the adopted housing requirement is the basis for determining the 5YHLS, rather than the application of the standard methodology.

Given the above, it is therefore considered that the Council can demonstrate a five year housing land supply.

16.3 Design, Layout, Scale and impact on the Character and Appearance of the surrounding area

The National Planning Policy Framework (2021) sets out government's planning policies for England and how these are expected to be applied. The framework sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, going on to state that 'good design is a key aspect of sustainable development'. The framework also states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. The framework is supported by a collection of planning practice guidance which includes a National Design Guide. This document seeks to deliver places that are beautiful, enduring and successful by setting out the characteristics of well-designed places and outlining what good design means in practice.

At a local level these policies are carried through and adopted as part of the Colchester Borough Council Local Plan 2017-2033. Relevant policies include ENV1 and DM15, which seek to secure high quality and inclusive design in all developments and avoid unacceptable impacts on amenity. These policies are supported by more detailed guidance provided supplementary planning documents such as the Essex Design Guide.

In terms of housing density and diversity, Policy DM10 requires a range of housing types and tenures across the Borough in order to create inclusive and sustainable communities. Policy DM9 makes specific reference to the setting of important heritage assets; access and local road network; scope to enhance walking and cycling access to local amenities and public transport; and existing landscaping, trees, and hedgerow.

Given the outline nature of the proposal the assessment of the application on design grounds is limited. Ultimately, design considerations are limited to whether the quantum of development proposed is appropriate in the context of the site and whether the application demonstrates that the site is capable of successfully accommodating the quantum of development proposed in an appropriate manner.

The site is located on the western rural edge of the existing settlement and consists of open countryside. As a result, the site has a prevailing rural character and the use of a rural system of spatial organisation should be adopted to provide a scheme that is dominated by landscape features. The proposed site is allocated within Policy SS9 as advised above, and within the policy context, paragraph 14.179 advises that this represent a logical extension to the village as it lies between existing housing and employment sites and is well located for the school and community centre/shop. It is also advised that the Parish Council favour frontage development however there is potential on these sites for an estate or green approach in terms of layout.

Furthermore, the site measures approximately 2.1 hectares, this would result at an average density of approximately 15 dwellings per hectare, which is considered to be consistent with the site's rural, edge of village context and would allow for the adoption of an appropriate spatial strategy and development typology.

Taking into account the above and that the proposal provides 30 dwellings as advised within policy SS9, it is considered that the site is capable of accommodating the proposed quantum of development in a sympathetic manner without contradicting the sites context and existing character.

Given the quantum of development proposed and the site area, it is considered that an acceptable and policy compliant standard of design could be achieved at a reserved matters stage. However, it is not considered that the indicative drawings submitted achieve an appropriate standard of design and therefore, in the interests of being proactive, it is considered relevant to advise that the following recommendations to enhance the design of the scheme, should be taken into consideration upon the reserved matters application submission:

- Given the site's rural location and the density proposed the proposed development should adopt a rural system of spatial organisation. Typologies such as Arcadia or Boulevard would be appropriate. The resulting layout should be landscape led and landscape dominated, with the landscape containing the built environment (see Essex Design Guide).
- Given that the site bounds the settlement on two sides, with public open space and open countryside on the other two sides, it would be expected that the site would provide a degree of transition between these two contrasting settings. This might be reflected in densities or typologies adopted across different areas of the site.
- The proposed location of the access requires the removal of the only tree along the northern boundary of the site. This appears to be an illogical approach, given policy requirements relating to the conservation of natural habitat, tree canopy cover and biodiversity net gain.
- Pedestrian connections to the existing PROW network and adjacent extended recreation ground are welcomed. The latter are currently of inappropriate form, consisting of alleyways.
- The ratio of grey infrastructure within the site is excessive considering the densities proposed, primarily due to the low ratio of roads fronted by dwellings.
- It is not considered acceptable to use parking treatments and rear boundary treatments to enclose areas of POS.
- Given the site's context, the scheme already has a number of sensitive boundaries/edges to deal with and as such the creation of numerous further sensitive edges (to areas of POS) within the site is not advisable.
- Parking provision is overly prominent within the scheme, partially as a result of positioning and partially due to over provision.
- The site lacks legibility (evidenced by the fact the main access road and longest road within the proposal is only fronted by three units)
- Areas of public realm lack any genuine sense of enclosure.
- Fronting on to School Road is welcomed, as is the open aspect to the site's southern boundary.

More general advice to be taken into consideration as part of a detailed reserved matters application is also provided below:

- Residential areas should include areas of informal/incidental green/open space. This should include both green and blue infrastructure, which should consist of a network of integrated features.
- The updated NNPF specifically acknowledges the important contribution that trees make to the character and quality of urban environments and that trees can also help mitigate and adapt to climate change. The framework requires that new streets are tree-lined and that opportunities are taken to incorporate trees elsewhere in developments. It is important to ensure that the right trees are planted in the right places and that appropriate measures are in place to secure the long-term maintenance of newly planted trees and that existing trees are retained wherever possible.

- Built form should establish a site wide positive and coherent identity that residents and local communities can identify with. This identity should respond to the sites context and reinforce/enhance the local vernacular. This can be achieved through a historic/traditional approach or through the adoption of a contemporary design solution; both options are valid, but whichever approach is adopted, the detailing must be of a high quality.
- The layout of the development and positioning of elements of landscape/built form should create a series of distinct spaces and take the opportunity to create character areas within the development. Character areas can be established through the hierarchy of streets, the grain of the development, the spatial enclosure of the street, the definition (boundary treatment) between the public and private domain as well as through landscaping, materials, and the design of the buildings. Distinct and legible character areas within the site should contribute to an overall distinct sense of place for the wider site.
- Areas of public open space should be fronted by units in order to ensure good levels of activity and natural surveillance. Similarly, units should front boundaries with existing adjacent roads and countryside edges to avoid domination of the streetscape and wider landscape views by rear boundary treatments.
- A variety of parking treatments should be adopted across the site. The National Design Guide requires car parking to be well-designed, landscaped and sensitively integrated into the built form so that it does not dominate the development or the street scene. The Guidance states that car parking should incorporate green infrastructure, including trees, to soften the visual impact of cars, help improve air quality and contribute to biodiversity and that they should be secure and overlooked.
- A clear road hierarchy should be established and reinforced by adopting a varied surface material for shared surfaces and utilising a variety of frontage treatments for plots.
- Back to back distances should comply with the Essex Design Guide (15-25m dependent on relationship between units).
- Focal/nodal buildings should be included to enhance legibility within the site.
- Brick walls should be used to enclose boundaries that address public/semi-public realm, this includes parking courts.
- Consideration should be given to the proposals carbon footprint, for both the long and short term. This should include consideration of energy consumption and energy generation (i.e. construction methods, materials, building orientation and openings, utilities, renewables, etc).

The scheme has been accompanied by a Landscape Appraisal and in turn this has been assessed by the Council's in-house Landscape Advisor. The landscape content/aspect of the proposal submitted principally under daring 200.P10 lodged on 24/03/2022 and the Landscape statement dated April 2020, reviewed 2022 were considered to be acceptable and it is therefore held that at reserved matters stage it is possible to provide a layout that is sensitive to landscape interests.

16.4 Impact on Neighbouring Amenity and Living Conditions

Recently Adopted, Section 2 of the Local Plan Policy DM15 requires all development to be designed to a high standard that protects existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, and daylight and sunlight.

This is a matter that will be dealt with via the reserved matters as the layout is only for indicative purposes. There is nothing to suggest that a scheme of this density cannot be achieved in a matter that is not compliant with the Essex Design Guide in terms of overlooking and back to back distances.

It is accepted that the scheme will intensify the use of site with a new access point which will in turn cause an increase in noise and disturbance to existing dwellings opposite the site. This has been carefully considered but it is not held to be a matter that warrants refusal of a scheme of this scale.

16.5 Amenity Space and Landscaping

This is a matter that will be dealt with via the reserved matters as the layout is only for indicative purposes. It is clear from the layout that all dwellings can be provided with gardens in line with the minimum requirements as set out in the Local Plan Policy DM19 (One or two bedroom houses – a minimum of 50m², three bedroom houses – a minimum of 60m², Four bedroom houses – a minimum of 100m²).

16.6 Parking, Access and Highway Safety

This application is outline in nature with the internal layout subject to future consideration. However, based on the indicative masterplan provided as part of this application, it is considered there is sufficient space on site for all dwellings to have policy compliant, off street parking, to ensure that sufficient parking is provided on site a number of conditions have been recommended.

It is noted that a number of neighbouring residents have raised concerns in relation to the location of the access on the indicative layout plan, due to vehicles entering and exiting the site and the impact on neighbouring amenity to the properties opposite the site. However, access is a matter which is reserved and will be discussed in more detail and subject to a formal detailed assessment under the reserved matters application.

Essex County Council have raised no objections to the proposal in relation to the access and highway safety, subject to a number of conditions which have been included.

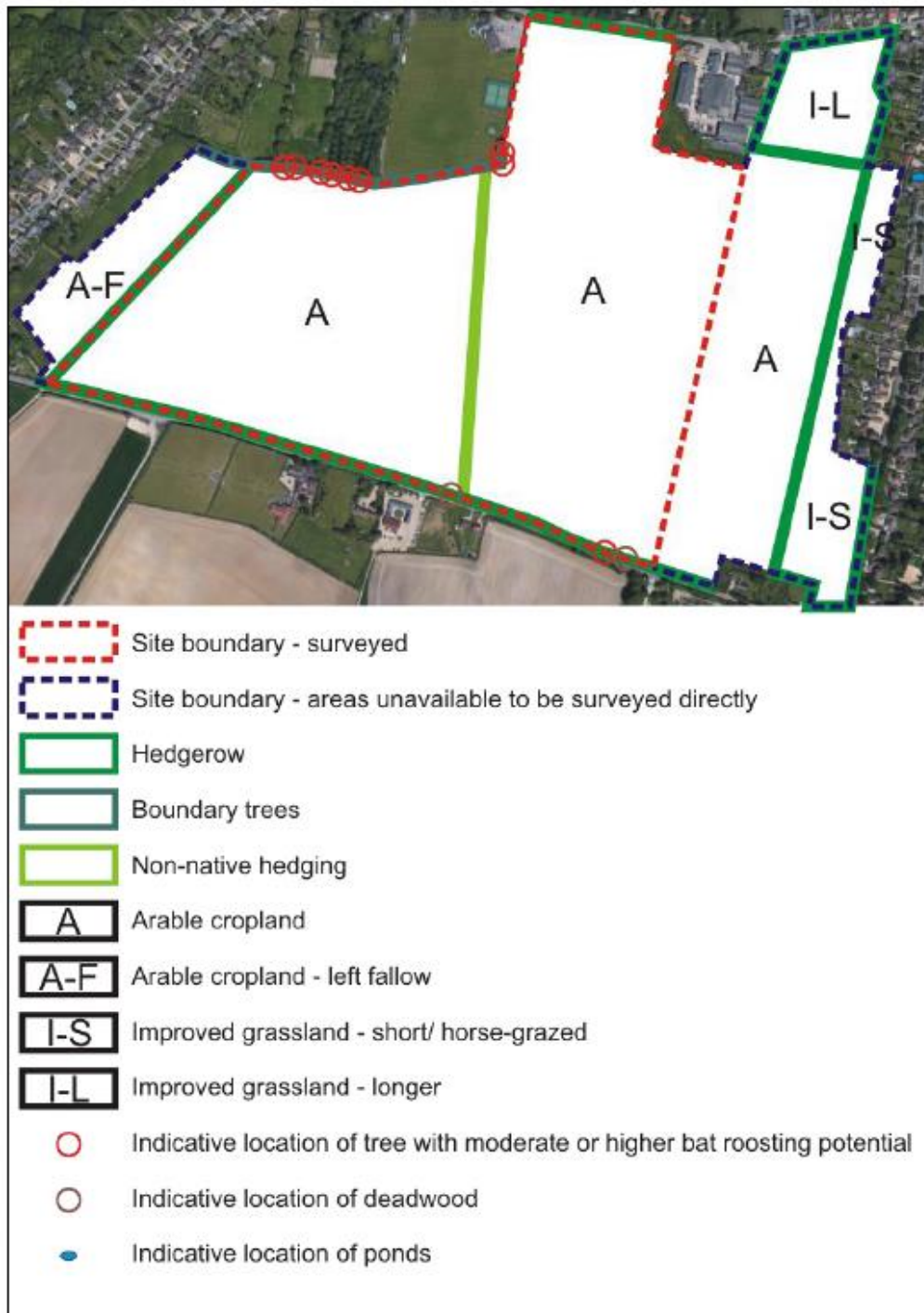
16.7 Ecology

Section 40 of the Natural Environment and rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity and a core principle of the NPPF is that planning should

contribute to conserving and enhancing the natural environment. Adopted Section two of the Local Plan policy ENV1 seeks to conserve or enhance biodiversity and geodiversity in the Borough. New developments are required to be supported by ecological surveys where appropriate, minimise the fragmentation of habitats, and maximise opportunities for the restoration, enhancement and connection of natural habitats.

A Preliminary Ecological Appraisal was prepared by Skilled Ecology Consultancy Ltd in August 2019. The Assessment relates to three separate plots, the relevant plot to this application is referred to within the appraisal as 'Plot C' as shown below:

Figure 3 – Map of Plot C. 27th March 2019.



The report advises that Plot C was dominated by arable fields low in ecological value with boundary hedgerows high in ecological value with potential for badgers, bats, birds, reptiles and

notable invertebrates, and development of the central area of the plot would represent an opportunity for ecological enhancement within development designs.

Bats

Plot C was deemed low in ecological value for foraging and commuting bats indicating the likely presence of small sized local bat populations. Additionally, boundary trees on site supported very few potential bat roosting features. The retention of boundary habitats would protect the features of highest ecological value for bats. Further bat surveys will be required.

Badgers and Hedgehogs

Signs or evidence of other protected or priority mammals were not observed. However, it is possible that hedgehogs may use habitats adjacent to the proposed plots, though significant use of the site was unlikely. Additionally, it is noted that the likely planned construction zone may be suitable for low numbers of brown hare. The potential loss of brown hare habitat could be compensated for through the provision of public open green space within proposed development schemes

Reptiles

Habitats were largely unsuitable for reptiles. Consequently, the risk of presence or impact to reptiles was very low. Further reptile surveys or mitigation were considered unnecessary for plots B & C. However, impact avoidance precautionary measures primarily including retention of boundary habitats and should be followed.

Invertebrates

It is recommended that invertebrate surveys are undertaken around the location of the stag beetle record on the northern boundary of Plot C. Surveys should be undertaken by a suitably qualified and experienced ecologist, following relevant guidelines

Hedgerow

It is recommended that assessments of hedgerows are undertaken to determine if the hedgerow is Important under the Hedgerow Regulations (1997). Hedgerows to the north and south of Plot C, to the north and east of land to the east of Plot C should be surveyed. Surveyor should be suitably qualified and experienced, following relevant guidelines.

Breeding Birds

It is recommended that three breeding bird surveys take place between March and the end of May to determine presence of skylark and other birds breeding

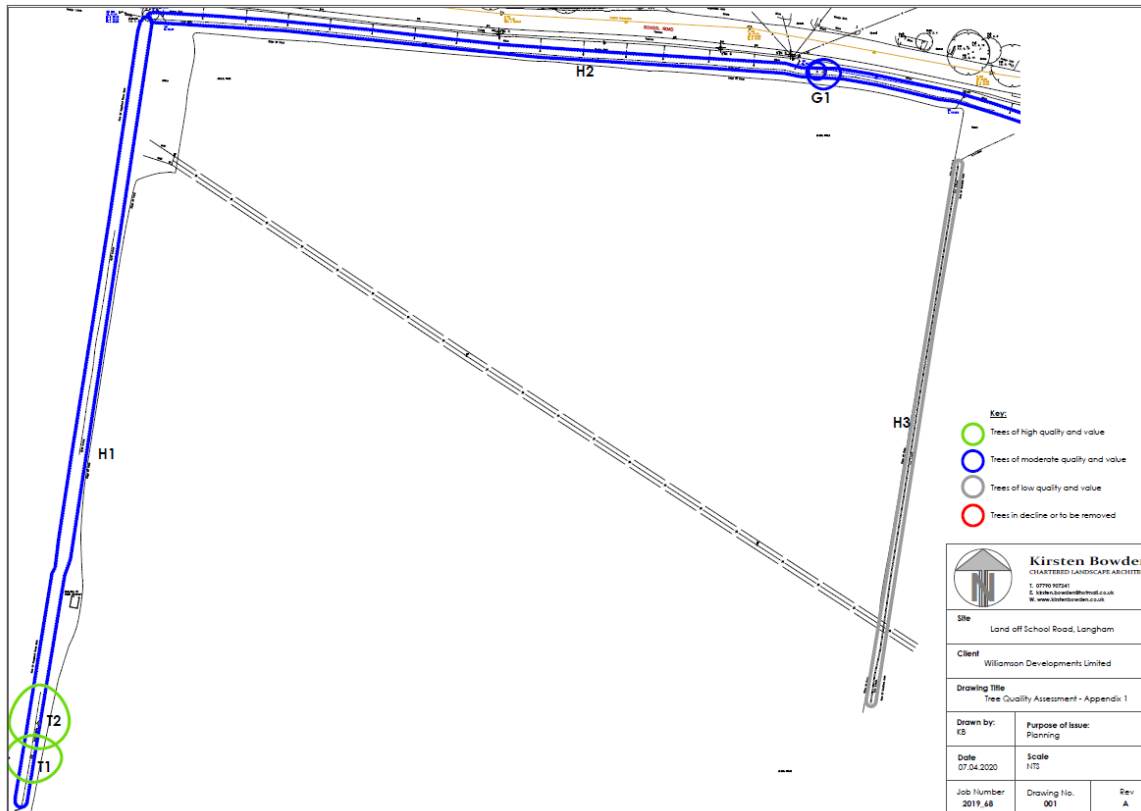
Place Services have placed a holding objection in relation to the application due to insufficient ecological information having been provided in relation to bats, reptile, badgers, skylark and

priority habitats (hedgerow). Whilst this feedback is afforded weight, as advised above the ecology report, whilst not fully covering all the matters to an acceptable degree, indicates that there is clearly potential for the development to come forward, whilst also mitigating any due harm. As the application is outline in nature, and due to it being an allocated site, it is considered reasonable to impose a condition requiring details to be submitted explicitly in relation to • Bat Activity Survey (foraging and commuting bats) • Reptile Presence and Absence Survey • Badger Survey • Breeding bird survey (specifically for skylark) • Stag beetle survey, prior to the submission of a reserved matters application. A biodiversity mitigation strategy can then be secured by condition. Therefore, there are no objections on ecological grounds.

16.8 Biodiversity Net Gain and Tree Canopy Cover

In terms of Biodiversity Net Gain (BNG), due to the nature of the application, limited information has been provided in relation to a detailed BNG Strategy and the extent of achievable BNG is not yet known. However, the applicant intends to achieve a minimum 10% Net Gain, in line with the Section 2 Local Plan, with this being achieved through on-site habitat enhancements and/or off-site offsetting, to be determined at Reserve Matters. The current proposals plan indicates that the greater part of the site will be used to provide housing, residential gardens and landscaping. The Biodiversity Net Gain metric does not value such features highly, as they cannot be managed for their ecology post-development. Other proposed features comprise public open space, potentially to be a wildlife habitat/park depending on the outcome and wishes of the Parish. However, given that the site does not currently benefit from any overriding specialist habitats, it is anticipated that the appropriate management of these features for biodiversity could achieve a measurable Net Gain in terms of area habitats.

Similarly, in terms of Canopy Cover (CC), the AIA indicates that there are only two trees (G1 – Holly and Oak) on site to be removed with part of H2 (hedgerow) removed to accommodate the access in its indicative position. Given that the application is outline in nature with all matters reserved alongside the density of development, it is considered that 10% increase in canopy cover can be achieved on site, through appropriate landscaping, which again has been secured via a condition.



16.9 RAMS/Habitat Regulations

A further requirement is that development proposals must not have an adverse effect on the integrity of habitat sites. Adopted, Section 2, Plan Policy ENV1 states that development proposals that have adverse effects on the integrity of habitats sites will not be supported. A Recreational disturbance Avoidance and Mitigation Strategy (RAMS) has been completed as part of the plan in compliance with the Habitats Directive and Habitats Regulations. Further to Section 1 Policy SP2, contributions are required from qualifying residential development, within the Zones of Influence as defined in the adopted RAMS, towards mitigation measures identified in the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The proposed development has been considered in line with Natural England guidance, which concludes that the whole of Colchester Borough is within the zone of influence for the East Coast RAMS and that, unless a financial contribution is secured (to fund avoidance and mitigation measures in line with the RAMS), the proposed development is likely to have a significant effect upon habitat sites through increased recreational pressure, when considered in-combination with other plans and projects. A contribution will be included as part of the s106 requirements (see Section 15 of this report) and the proposed development is therefore considered to be in accordance with recently adopted policy ENV1 and acceptable in respect of its impact upon habitat sites.

16.10 Flood Risk

Policy DM23 of the recently adopted Section Two of the local plan seeks to direct development away from land at risk of flooding. It is advised that site proposed for allocation in the Local Plan have been considered sequentially with respect to flood risk. Policy DM25 also requires all development proposals to incorporate measures for the conservation and sustainable use of water. Policies CC1 and DM23 state that development will be directed to locations with the least impact on flooding or water resources. Major development proposals required to reduce post development runoff rate back to the greenfield 1 in 1 year rate, with an allowance for climate change. On brownfield sites where this is not achievable, then a minimum betterment of 50% should be demonstrated for all flood events. In addition, Policy DM24 requires all new residential development to incorporate Sustainable Drainage Systems (SuDS) appropriate to the nature of the site.

The NPPF also establishes policy relating to flood risk management. The main focus of the policy is to direct development towards area of the lowest possible flood risk without increasing the risk elsewhere. The NPPF advises that the sequential test should be used to steer new development to areas with the lowest risk of flooding. This a requirement for developments located in either Flood Zone 2 or 3.

The application site is located in Flood Zone 1, which is land that is considered to be at low risk of flooding and does not need to undergo the sequential test. All sources of flood risk are assessed in the accompanying Flood Risk Assessment and Drainage Strategy document prepared by Ingent Consulting Engineers.

As detailed in the Drainage Strategy specifically, the redevelopment of the site will not alter is surface water drainage outfall location. Flows from the site will discharge to the ditch running along the norther border which drains east into a 300mm diameter pipe. This is proposed as infiltration is not possible at the site as the soil is predominately clay with pockets of sand. Essex County Council as the Local Lead Flood Authority have raised no objections in relation to the proposed drainage scheme, subject to a number of conditions which have been included.

In terms of Foul Water, Anglian Water sewers records show that there is a potential connection point to the north of the site (MH4700).

It is pertinent to note that the foul drainage from this development is in the catchment of Langham (Essex) Water Recycling Centre (WRC) which currently does not have capacity to treat the flows from the development site. Anglian Water have been working with the Environment Agency to find a solution to the issues of flow compliance at Langham WRC and the associated effects arising from new development and future growth identified in the emerging Local Plan, with the required upgrades to Langham WRC expected to be complete by 2025 at the latest. A condition has been recommended in order to address the capacity issues which does not allow for any works pertaining to the construction of dwellings to be completed at the site until a scheme has been provided to the LPA for wastewater drainage.

16.11 Land Contamination

Development Plan policy DP1 requires new development to undertake appropriate remediation of contaminated land. Emerging Plan Policy ENV5 supports proposals that will not result in an unacceptable risk to public health or safety, the environment, general amenity or existing uses due to land pollution.

A Phase 1 Geo-environmental Desk Study has been prepared by 'Geosphere Environmental' and accompanies this planning submission. Policy ENV5 confirms that development will need to undertake appropriate remediation of contaminated land. Paragraph 178 of the NPPF, also states that a site should ensure it is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination.

The report concludes the site is likely to be suitable for the proposed residential end use subject to the following: An investigation should be undertaken to determine the concentrations of potential contaminants of concern in surface soils associated with the former use of the site as an orchard; and, a discovery strategy should be put in place to manage the discovery of potential contamination during future works. The inhouse Contaminated Land officer agrees with these findings and subject to appropriate conditions raises no objection to the scheme at this stage.

16.12 Other Matters

In relation to new schemes, given the density it is common practice to remove permitted development rights. However, given the nature of this application and that the layout of the site is unknown, it is not considered to be reasonable to remove permitted development rights at this stage. Should this be required once the layout of the proposal is known, this can be dealt with at reserved matters stage.

16.13 Planning Balance

In terms of the planning balance and the **environmental role** of sustainability it is accepted that the scheme will have a minor to moderate adverse impact on landscape interests. It is also accepted that there will be a potential very minor impact on neighbouring amenity and an intensification on the highway network. It is however held that this scheme has the potential to be a well-designed development befitting the rural area, that would provide a biodiversity net gain and additional canopy cover.

In terms of the **economic role**, this scheme will be beneficial as the proposed dwellings would result in new residents who will use local and Borough wide services and facilities. The scheme will also generate new Council Tax receipts.

In terms of the **social role** this scheme provides very convincing benefits, namely the provision of market housing and the provision of affordable housing in a comprehensive manner, whilst also providing an extension to the recreational grounds.

It is officers' opinion that the planning balance tips convincingly in favour of an approval.

17.0 Conclusion

17.1 To summarise, the proposal to provide 30 residential dwellings, as per the allocation requirements within SS9 is acceptable in principle. The final details of the scheme will have to be the subject of a submission of detail within the appropriate reserved matters and these will have to demonstrate that the design, layout, access, appearance and landscaping element of the proposed development are acceptable.

18.0 Recommendation to the Committee

18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission 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, to be delegated to Officers. In the event that the legal agreement is not signed within 6 months, to delegate authority to the Head of Service to refuse the application, or otherwise to be authorised to complete the agreement. The Permission will also be subject to the following conditions:

1. **Time Limit for Outline**
No development shall be commenced until plans and particulars of "the reserved matters" referred to in the below conditions relating to the access, appearance, landscaping, layout 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**
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**
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. **Development to Accord with Plans**
The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers: 2140181-PUR-00-XX-DR-A-100 and 2140181-PUR-00-XX-DR-A-1001

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

5. **Further Information Required**

No development shall commence and no submission of reserved matters shall be submitted until the following have been submitted to and approved in writing by the Local Planning Authority:

- A Tree Canopy Cover Assessment to evidence that a minimum increase of 10% in canopy cover of the site can be achieved
- A Biodiversity Net Gain Assessment to evidence that a minimum increase of 10% can be achieved
- Bat Activity Survey (foraging and commuting bats) & mitigation strategy

- Breeding Bird Survey and mitigation strategy
- Reptile Presence and Absence Survey together with a mitigation strategy
- Badger Survey and mitigation strategy
- Stag Beetle Survey and mitigation strategy

Reason: To safeguard and enhance the natural environment and green infrastructure networks, in accordance with policies ENV1 and ENV3

6.

Scheme of Archaeological Investigation

No works shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation that has been submitted to and approved, in writing, by the Local Planning Authority. The Scheme shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording
- b. The programme for post investigation assessment
- c. Provision to be made for analysis of the site investigation and recording
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e. Provision to be made for archive deposition of the analysis and records of the site investigation
- f. Nomination of a competent person or persons/organisation to undertake the works

The site investigation shall thereafter be completed prior to development, or in such other phased arrangement, as agreed, in writing, by the Local Planning Authority. The development shall not be occupied or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Adopted Policy DM16 and the Colchester Borough Adopted Guidance titled Managing Archaeology in Development (2015).

7.

Contaminated Land

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 all relevant, current, best practice guidance, including 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

8.

Contaminated Land

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

9.

Contaminated Land

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

10.

Contaminated Land

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 7, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 8, 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 9.

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

11.

Construction Method Statement

No works shall take place, including any demolition, until a Construction Method Statement has been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide details for:

the parking of vehicles of site operatives and visitors;
hours of deliveries and hours of work;
loading and unloading of plant and materials;
storage of plant and materials used in constructing the development;
the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
wheel washing facilities;
measures to control the emission of dust and dirt during construction;
and
a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In order to ensure that the construction takes place in a suitable manner, that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that amenities of existing residents are protected as far as reasonable.

12.

Loading, Unloading and Turning Areas

Prior to commencement of the proposed development, vehicular turning facilities for service and delivery vehicles of at least size 3 dimensions and of a design which shall be approved in writing by the Local Planning Authority, shall be provided within the site which shall be retained and maintained free from obstruction thereafter.

Reason: To ensure that appropriate loading, unloading and manoeuvring facilities are available that allow vehicles using the site access to enter and leave the highway in a forward gear, in the interest of highway safety.

13.

Ecological Survey

Prior to the commencement of the development including any demolition or clearance works, a scheme detailing ecological mitigation measures to protect and relocate where necessary any protected species that may be present on the site and other measures as detailed in the 'preliminary ecological appraisal carried out by Skilled Ecology Consultancy Ltd submitted as part of the application, and any subsequent mitigation measures identified within the additional surveys provided to discharge Condition 5, shall be submitted to and approved in writing by the Local Planning. The development shall thereafter be carried out in accordance with such agreed details.

Reason: To allow proper consideration of the impact of the development on the contribution of nature conservation interests to the amenity of the area

14.

Surface Water Drainage

The layout details referred to in condition 1 shall provide full details and specifications of 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 scheme should include but not be limited to:

Verification of the suitability of infiltration of surface water for the development.

This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753. Limiting discharge rates to 3.95l/s for all storm events up to and including the 1 in 100 year plus 40% allowance for climate change storm event subject to agreement with the relevant third party/ All relevant permissions to discharge from the site into any outfall should be demonstrated.

Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.

Demonstrate that all storage features can EITHER half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event, OR are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 30 year event plus climate change.

Final modelling and calculations for all areas of the drainage system. The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.

Detailed engineering drawings of each component of the drainage scheme.

A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.

An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

Depth of sub-base material to permeable paving must be amended on the detail drawing to comply with the depth of 450mm included in the calculations

The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

Reason: To minimise the risk of flooding, ensure the effective operation of SuDS features over the lifetime of development, and to provide mitigation of any environmental harm which may be caused to the local water environment.

15.

Surface Water Drainage

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

Reason: To minimise the risk of flooding; Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

16.

Surface Water Drainage – Additional Information

Pursuant to Condition 15 above, no development shall commence until details of who shall be responsible for the maintenance of the surface water drainage system in perpetuity, have been submitted to and approved in writing by the Local Planning Authority. The management of the surface water drainage system shall accord with the approved details thereafter.

Reason: To minimise the risk of flooding.

17.

Foul Sewage Drainage

No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby approved, or approved as part of the reserved

matters referred to in condition 1 of this permission, shall be occupied until the foul water strategy has been carried out in complete accordance with the approved details. The strategy as approved will be retained as such thereafter

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

18.

Waste Water Draining – Anglian Water Capacity

No development pertaining to the construction of the dwellings hereby approved, shall commence until a detailed wastewater strategy has been submitted to and approved in writing by the local planning authority. No dwelling hereby approved, or approved as part of the reserved matters referred to in condition 1 of this permission, shall be occupied until the wastewater strategy has been carried out in complete accordance with the approved details. The Strategy as approved will be retained as such thereafter.

Reason: In order to prevent damage to the environment and harm to the amenity of residential occupiers in the locality

19.

Access

Prior to the first occupation of the development, the proposed estate road, at its bellmouth junction with School Road shall be provided with 10m. radius kerbs returned to an access road carriageway width of 5.5m. and flanking footways 2m. in width returned around the radius kerbs. The new road junction shall be constructed at least to binder course prior to the commencement of any other development including the delivery of materials

Reason: To ensure that all vehicular traffic using the junction may do so in a controlled manner, that roads and footways are constructed to an appropriate standard and provide adequate segregated pedestrian access; in the interests of highway safety.

20.

Bus Stop

Prior to the first occupation of any of the proposed dwellings the applicant/developer shall provide a new east bound bus stop in the vicinity of the vehicular access to Langham Oaks School OR Spencer's Piece (subject to survey), the precise location to be agreed with the Highway Authority, including a hardened passenger waiting area, level entry kerbing, new post and flag, timetables, any adjustments in levels, surfacing, pedestrian crossing points and any accommodation works to the footway and carriageway channel being provided entirely

at the applicant/Developer's expense to the specifications of the Highway Authority.

Reason: To make adequate provision for the additional bus passenger traffic generated as a result of the proposed development

21.

Footpath

Prior to the occupation of any of the proposed dwellings the existing footway from "Oak View" across the frontage of the recreation fields and community centre and the entire sites frontage to School Road shall be extended to a minimum of 2.0m in width or the extent of available highway. Continuing eastwards, the applicant shall provide a new footway also at 2.0m or to the extent of available highway past School Farm and connecting to the new footway at the new residential development at St Margaret's Cross being provided entirely at the Applicant/Developer's expense including new kerbing, surfacing, drainage, any adjustments in levels and any accommodation works to the footway and carriageway and making an appropriate connection in both directions to the existing footway to the specifications of the Highway Authority.

Reason: To make adequate provision for the additional pedestrian traffic generated within the highway as a result of the proposed development

22.

Validation Certificate – Contaminated Land

Prior to the first occupation of the development, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 9.

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.

Parking Laid out Prior to Commencement

The layout details referred to in condition 1 shall ensure that car parking will be provided in accordance with current Parking Standards together with a workable, convenient and efficient turning areas for each dwelling. This should also include sufficient provision for the storage of bicycles sufficient for all occupants and visitors to that development. The approved facility shall be secure, convenient, covered and provided prior to the first occupation. These facilities shall be retained in this form at all times and shall not be used

for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur and that suitable parking layout is agreed with satisfactory parking and cycling storage provision at the site, in the interests of highway safety

24. **Landscaping**

The landscaping details referred to in Condition 1 above shall be in full compliance with the Councils Landscape Guidance Note LIS/C and include:

Updated Landscape Statement to include Type 2 photomontaged visualisations with year 1 & 15 mitigation planting from viewpoints 1 & 3 and update findings as required.

Finished levels or contours, where notable changes are proposed

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

25. **Reserved Matters Requirements**

Any subsequent reserved matters proposals shall be in accordance with the following documents hereby approved:

- Transport Statement dated February 2022 by Intermodal Transport
- Tree Survey Report - Rev B dated April 2020 reviewed 2022 by Kirsten Bowden

Reason: To ensure that the detailed proposals follow the principles that formed the basis on which the application was submitted, considered, and approved by the Local Planning Authority having had regard to the context of the site and surrounding area.

26. **Travel Information and Marketing**

The Developer shall be responsible for the provision, implementation and distribution of Residential Travel Information Packs for sustainable transport for the occupants of each dwelling which shall be approved by Local Planning Authority, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

Reason: In the interests of promoting sustainable development and transport.

27. **Open Space Provision**

At least 10% of the site area shall be laid out for use as amenity open space in accordance with a scheme submitted to and agreed, in writing, by the Local Planning Authority before the work commences and made available for use within 12 months of the occupation of the first dwelling to which they relate and thereafter retained for public use.

Reason: In order to ensure that the development provides an adequate provision of open space(s) that are usable for public enjoyment after the development is completed.

28. **Parking Space – Size Requirement**

Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety.

29. **Highways Requirements**

The Access and layout details referred to in Condition 1 should ensure the following:

- i) No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary or any carriageway.
- ii) All carriageways should be provided at 5.5m between kerbed footways or 6.0m where vehicular access is taken but without kerbing.
- iii) All footways should be provided at no less than 2.0m in width
- iv) Any garage provided with its vehicular door facing the carriageway shall be sited a minimum of 6m from the highway boundary
- v) Each internal estate road junction shall be provided with a clear to ground level visibility splay with dimensions of 25m by 2.4m by 25m on both sides. Such visibility splays shall be provided before the road is first used by vehicular traffic and shall be retained and maintained free from obstruction clear to ground thereafter
- vi) details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage)
- vii) vehicular visibility splays of 90m by 2.4m by 90m as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be retained and maintained free from obstruction clear to ground thereafter or a 3.0m wide parallel band visibility splay across the

entire sites frontage to School Road which shall be formed as a walkable grassed verge and retained and maintained free from obstruction clear to ground thereafter.

Reason: To avoid the displacement of loose material onto the highway, that roads and footways are constructed to an acceptable standard, to ensure vehicles are left standing clear of the highway whilst the garage door is opened and closed and to ensure that a reasonable degree of intervisibility between drivers of vehicles at and approaching the road junction

Informatives

1. PLEASE NOTE: This application is the subject of a Section 106 legal agreement and this decision should only be read in conjunction with this agreement.
2. PLEASE NOTE: No works affecting the highway should be carried out without prior arrangement with, and to the requirements and satisfaction of, the Highways Authority. The applicant is advised to contact Essex County Council on 08456037631, or via email at development.management@essexhighways.org or by post to Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ with regard to the necessary application and requirements.
3. PLEASE NOTE: It is likely that a protected species may be present at the site, which are fully protected by the Wildlife and Countryside Act (1981). Further advice on surveys and compliance with the legislation can be obtained from Natural England, Eastbrook, Shaftesbury Road, Cambridge CB2 8DR, Tel. 0300 060 3787.

4. Highways Informatives

There should be no vehicular access over any radius kerbs.

The new carriageways should be provided with a centreline bend radius of 13.6m together with adequate forward visibility.

Any trees provided within the adoptable highway will attract a commuted sum of no less than £750 per tree.

Refuse freighters are unlikely to manoeuvre over Private Drives.

Communal refuse and recycling storage areas should be provided within 15m of any carriageway where a collection vehicle can manoeuvre.

5. Landscape Informatives

Detailed landscape proposals, if/when submitted in order to discharge landscape conditions should first be cross-checked against the Council's Landscape Guidance Note LIS/C (this available on this CBC landscape webpage: <https://www.colchester.gov.uk/info/cbc-article/?catid=which-application-form&id=KA-01169> under Landscape Consultancy by clicking the 'read our guidance' link').

6. Archaeology Informative

In this case, archaeological trial trenching evaluation will be required in the first instance, prior to development commencing. Depending on the results of the trial trenching, further archaeological work, or preservation in situ of remains, may be required. The Archaeological Officer will, on request of the applicant, provide a brief for each stage of the archaeological investigation

7. Tree Informative

It should be noted that any technical interpretation of these detailed requirements by the applicant or their agent should be sought externally from/through the relevant professional (i.e. Arboricultural consultant – details of local practices available through Arboricultural Officer on 01206 282469 (am only).

In the interest of efficiency any clarification of technical requirement should initially be discussed between the relevant professionals (to whom copies of all relevant landscape consultations must be forwarded for reference), i.e. the Applicant's Arboricultural Consultant and the Council's Arboricultural Officer. Please refer to the planning application number in any correspondence

8. Design Informatives

In the interests of being proactive, it is considered relevant to advise that the following recommendations to enhance the design of the scheme, should be taken into consideration upon the reserved matters application submission:

- The proposed development should adopt a rural system of spatial organisation. Typologies such as Arcadia or Boulevard would be appropriate. The resulting layout should be landscape led and landscape dominated, with the landscape containing the built environment (see Essex Design Guide).
- Given that the site bounds the settlement on two sides, with public open space and open countryside on the other two sides, it would be expected that the site would provide a degree of transition between these two contrasting settings. This might be reflected in densities or typologies adopted across different areas of the site.
- Consideration should be given to the location of the access; this currently requires the removal of the only tree along the northern boundary of the site.

- Pedestrian connections to the existing PROW network and adjacent extended recreation ground are welcomed.
- The ratio of grey infrastructure within the site is excessive considering the densities proposed, primarily due to the low ratio of roads fronted by dwellings.
- It is not considered acceptable to use parking treatments and rear boundary treatments to enclose areas of POS.
- Given the sites context, the creation of numerous further sensitive edges (to areas of POS) within the site is not advisable.
- Parking provision is overly prominent within the scheme, partially as a result of positioning and partially due to over provision.
- The site lacks legibility (evidenced by the fact the main access road and longest road within the proposal is only fronted by three units)
- Areas of public realm lack any genuine sense of enclosure.
- Fronting on to School Road is welcomed, as is the open aspect to the sites southern boundary.
- Residential areas should include areas of informal/incidental green/open space. This should include both green and blue infrastructure, which should consist of a network of integrated features.
- The framework requires that new streets are tree-lined and that opportunities are taken to incorporate trees elsewhere in developments. It is important to ensure that the right trees are planted in the right places and that appropriate measures are in place to secure the long-term maintenance of newly planted trees and that existing trees are retained wherever possible.
- Built form should establish a site wide positive and coherent identity that residents and local communities can identify with. This identity should respond to the sites context and reinforce/enhance the local vernacular. The detailing must be of a high quality.
- The layout of the development and positioning of elements of landscape/built form should create a series of distinct spaces and take the opportunity to create character areas within the development.
- Areas of public open space should be fronted by units in order to ensure good levels of activity and natural surveillance. Similarly, units should front boundaries with existing adjacent roads and countryside edges to avoid domination of the streetscape and wider landscape views by rear boundary treatments.
- A variety of parking treatments should be adopted across the site. The National Design Guide requires car parking to be well-designed, landscaped and sensitively integrated into the built form so that it does not dominate the development or the street scene.
- A clear road hierarchy should be established and reinforced by adopting a varied surface material for shared surfaces and utilising a variety of frontage treatments for plots.
- Back to back distances should comply with the Essex Design Guide (15-25m dependent on relationship between units).
- Focal/nodal buildings should be included to enhance legibility within the site.
- Brick walls should be used to enclose boundaries that address public/semi-public realm, this includes parking courts.
- Consideration should be given to the proposals carbon footprint, for both the long and

short term. This should include consideration of energy consumption and energy generation (i.e. construction methods, materials, building orientation and openings, utilities, renewables, etc).