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### Item No: 7.3

**Application:** 192249

**Applicant:** Firth

**Agent:** Mr Edward Gittins

**Proposal:** Full Application for 15 No. dwellings, associated garages and formation of a new access to Brook Road, Great Tey

**Location:** Land At, Brook Road, Great Tey, Colchester

**Ward:** Rural North

**Officer:** Sue Jackson

**Recommendation:** Approval subject to a legal agreement

## **1.0 Reason for Referral to the Planning Committee**

- 1.1 This application is referred to the Planning Committee because it constitutes a departure from the adopted Local Plan as the application site lies outside the current adopted settlement boundary of Great Tey. In addition, the proposal represents major development, where objections have been received and the recommendation is for approval. A section 106 legal agreement is also required.

## **2.0 Synopsis**

- 2.1 The application seeks full planning permission for the erection of 15 dwellings, (including 4 affordable units), and vehicular access from Brook Road.
- 2.2 The key issues for consideration are the principle of development; traffic and highway implications; landscape, amenity, heritage impact and design and layout. Impact on neighbouring amenity and the surrounding area will also be discussed.
- 2.3 The Emerging Local Plan includes this site as an allocation and proposes it for residential development of 10 dwellings.
- 2.4 The planning merits of the case are assessed leading to the conclusion that the proposal is acceptable and that a conditional approval is recommended, subject to the prior completion of a S106 agreement.

## **3.0 Site Description and Context**

- 3.1 The site is a rectangular field of 0.65 hectares with a road frontage of approx. 160 metres to Brook Road and an average site depth of 40 metres. The site is generally flat with a slight gradient sloping south eastwards towards the valley of the Tey Brook. There are existing hedgerows to all boundaries.
- 3.2 A Public Right of Way (PROW) extends along the north boundary separating the site from the moated grounds of a dwelling known as 'The Rectory'. There is agricultural land to the east and south. There is residential development on the opposite side of Brook Road which extends the full length of the site frontage. These dwellings form the southern edge of the settlement boundary.
- 3.3 Rectory Cottages located to the north of the site, on the opposite side of the road, are listed grade II listed and further to the north lies the church of St Barnabas, which is a grade 1 listed building. The edge of the conservation area runs parallel to the north boundary of the site and extends southwards for approx. 50 metres on the opposite side of Brook Road. The grounds of The Rectory are a designated archaeological site with a former medieval moated enclosure.
- 3.4 Great Tey is a sustainable settlement which has a village hall, primary school, recreation ground, Public House and church all within easy walking distance of the site. In terms of public transport, there are bus stops close to the site.

## **4.0 Description of the Proposal**

- 4.1 The application seeks Full Permission for a 15 dwellings including 4 affordable units.
- 4.2 Fifteen dwellings are proposed comprising 3 2-bed units, 9 3-bed units and 3 4-bed units. The units include detached and semi-detached houses plus two bungalows. The affordable units comprise a 3-bed bungalow and one 2-bed, 3bed and 4-bed unit.
- 4.3 Vehicular access is proposed from Brook Road towards southern end of the site. The proposal includes a landscaped greensward a maximum of 10 metres wide behind the frontage hedge. There is also a landscape buffer 10 metres wide south of The Rectory and the PROW.
- 4.4 A pedestrian path within the site follows the edge of the greensward and extends from the north to south boundary.
- 4.5 In addition to the application drawings the application includes the following documents ;

Planning statement incorporating Design and Access Statement, Statement of Community Involvement and Affordable Housing Statement;  
Colchester Archaeological Trust Report  
Flood Risk Assessment and Surface Water Report  
Phase 1 Geo-Environmental Desk Study Report  
Tree Report  
Tree Quality Assessment  
Preliminary Ecological Appraisal (including protected species scoping assessment)

## **5.0 Land Use Allocation**

- 5.1 Unallocated in the adopted Local Plan. Allocated for residential development in policy SS8 of the Emerging Local Plan.

## **6.0 Relevant Planning History**

- 6.1 None

## **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 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations  
SD2 - Delivering Facilities and Infrastructure  
H1 - Housing Delivery  
H2 - Housing Density  
H3 - Housing Diversity  
H4 - Affordable Housing  
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  
ENV2 - Rural Communities

- 7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

DP1 Design and Amenity  
DP2 Health Assessments  
DP3 Planning Obligations and the Community Infrastructure Lev  
DP12 Dwelling Standards  
DP14 Historic Environment Assets  
DP16 Private Amenity Space and Open Space Provision for New Residential Development  
DP17 Accessibility and Access  
DP19 Parking Standards  
DP20 Flood Risk and Management of Surface Water Drainage  
DP21 Nature Conservation and Protected Lanes

- 7.4 Submission Colchester Borough Local Plan 2017-2033:  
The Council is developing a new Local Plan that has been submitted to the Planning Inspectorate (October 2017). An Inspector has been appointed and the formal examination commenced in January 2018. The examination is ongoing.

Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to:

1. The stage of preparation of the emerging plan;
2. The extent to which there are unresolved objections to relevant policies in the emerging plan; and
3. The degree of consistency of relevant policies to the policies in the Framework.

The Emerging Local Plan is at an advanced stage and is, therefore, considered to carry some weight in the consideration of the application, in particular policy SS8 which identifies the application site for residential development.

- 7.5 The Great Tey Neighbourhood Plan is in the preliminary stage of preparation. In September this year the Great Tey Neighbourhood Plan Group publicised a call for sites with a submission date of 30 September 2019.
- 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  
Backland and Infill  
Affordable Housing  
Community Facilities  
Open Space, Sport and Recreation  
Sustainable Construction  
Cycling Delivery Strategy  
Sustainable Drainage Systems Design Guide  
Street Services Delivery Strategy  
Planning for Broadband 2016  
Managing Archaeology in Development.  
ECC's Development & Public Rights of Way  
Planning Out Crime  
Air Quality Management Guidance Note, Areas & Order

## **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 Natural England

In the context of your duty as competent authority under the provisions of the Habitats Regulations, it is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure with other plans and projects.

The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Colchester Borough Council, working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions. We therefore advise that you consider, in line with our recent advice, whether this proposal falls within of development would fall below that at which Natural England would offer bespoke advice on this issue. However, in such cases we advise that you must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning

documentation; you should not grant permission until such time as the HRA has been undertaken and the conclusions confirmed.

### 8.3 Essex Police

The published documents have been studied and, unfortunately, do not provide sufficient detail to allow an informed decision pursuant to the National Planning Policy Framework, Sec 12, paragraph 127 (f) and Colchester's Planning Policy DP1: Design and Amenity, however the proposed site plan does show the dwellings seem to be positioned well for good natural surveillance. To ensure this development is a safe, secure place to live, e.g. uniform lighting without dark areas, effective physical security on each property, garden gates sited as near as possible to the front of the property and to comply with Colchester's Planning Policy DP1: Design and Amenity (Revised July 2014), (iv) Create a safe and secure environment, I would recommend the applicant incorporate Crime Prevention through Environmental Design and apply for nationally acknowledged and police recommended Secure By Design accreditation.

Essex Police is able to support the applicant to achieve appropriate consideration of the Secure By Design requirements and is invited to contact Essex Police via [designingoutcrime@essex.police.uk](mailto:designingoutcrime@essex.police.uk). Essex Police, in supporting the ethos of the NPPF, provide a free, impartial advice service to any applicant who request this service.

### 8.4 Highway Authority

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all purpose access) will be subject to the Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway by the ECC.

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the mitigation set out in the recommended conditions

### 8.5 Urban Design

I understand proposals have been positively informed by pre-application dialogue. My only comment would be to require a pedestrian link to the south to in effect (via grass verges and footpaths) provide a continuous safe link to Great Tey Business Centre and any possible future residential development to the south / south-west.

Although this future-proofs the potential for a footpath on the verge to the Business Park, if possible this path should be provided as part of this application plus a related informal crossing to Brook Road, i.e. working in partnership with the Business Park and/or Highways. This requirement ties in with various emerging local plan policies promoting sustainable and inclusive accessibility.

The wider route is illustrated below which may (/not) require the loss/reduction of a unit or revised positioning of homes at the southern end of the site.

*Officer comment : the path has been extended .*

#### 8.6 Environmental Protection

No objection subject to conditions

#### 8.7 Landscape Officer

To accord with the Council's Landscape strategy for development sites the landscape element of the proposal needs to be cross-checked against the Council's standard generic requirements under Landscape Guidance Note LIS/A (this is available on this CBC landscape webpage under Landscape Consultancy by clicking the 'read our guidance' link); and where applicable amended accordingly to fully comply with them. It is recommended the clause(s) of LIS/A noted in the Appendix to this document be cross-checked against the current submission.

Where units back or side onto the southern or eastern boundary hedges then a 1.8m high, dark stain, hit and miss boundary fence should be proposed (rather than the currently proposed post & rail), with this fence set in 1m from the hedgeline. This in order to help avoid any damage to the hedge and to attain the privacy screen required in order to help protect public amenity for users of the PRow and highway.

The existing gap in the existing field boundary hedge, to the SE corner of the site, needs to be acknowledged and clearly illustrated within the Landscape Proposals drawing. The gap needs to be proposed to be gapped-up with native hedging complementary in makeup to the existing field boundary hedge mix, this in order to help protect public amenity for users of the highway and to allow the development to complement and enhance local landscape character.

*Officer comment: the revised landscape drawings include these revisions.*

#### 8.8 Archaeologist

This development affects an area of archaeological interest, to the south of the remains of a medieval moated enclosure is recorded immediately to the north of the proposed development area (HER Monument no. MCC7008). There is high potential for encountering below-ground archaeological remains at this location, which has not been the subject of previous systematic archaeological investigation. Groundworks relating to the application would cause ground disturbance that has potential to damage any archaeological deposits that exist. There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 199), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

## 8.7 Lead Local Flood Authority ECC SUDS

Thank you for your email received on 27/09/2019 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application. As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

Non-statutory technical standards for sustainable drainage systems

- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we wish to issue a do not object to the granting of planning permission subject to conditions.

## 8.8 Contaminated Land Officer

No objection subject to conditions

## 9.0 **Parish Council Response**

9.1 The Parish Council have stated that "We have no objections to this planning application subject to the following conditions:-

1. No vehicular parking by contractors on Brook Road at any time during the construction period.
2. Any offloading of construction materials to be restricted to times between 9.30am and 2.30pm.
3. Vehicular washing facilities to be used.
4. Brook Road to be kept clear of site debris.
5. A construction phase plan to be submitted to the parish council.
6. We do not wish to see a high level gable window in Plots 5 and 6 if it overlooks existing residents in Brook Road.

## 10.0 **Representations from Notified Parties**

10.1 The application resulted in a number of notifications to interested third parties including neighbouring 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. Three objections have been received:



- I am in the process of buying a property opposite the site cottages. I do not want to live in a built up area where parking down the road will be a nightmare and roadworks will cause disruption Increase in dwellings from 10 to 15. The public consultation was undertaken based on the reduced number of 10 dwellings. 15 dwellings is overbearing for this small parcel of land
- The applicant mentions “significant set back from Brook Road”. This simply cannot be the case considering the size and location of the parcel of land and existing tree lines. There are other parcels of land, further up Brook Road closer to the A120, where significant set back would be achievable and where proposed development would not have such a negative impact on existing Brook Road residents
- Why is the proposed entrance is located opposite existing residents?, rather than further up Brook Road towards the A120 opposite Warrens Farm where it would have less impact.
- Brook Road already has to support considerable traffic and large farm vehicles, buses, lorries, coaches using the depot at Warrens Farm etc. the junction on to the A120 is already extremely congested. It can be quite dangerous at peak times and take a long time to exit the village safely.
- Adverse effect on the residential amenity it will be visible from every front window of existing residential properties property (dwellings, garages, people and vehicles).
- We currently enjoy beautiful views across the field.
- The applicant intends to significantly reduce the hedgerow fronting on to Brook Road and, in places, cut trees back all together. This means that any hint of privacy that may have been retained by leaving the hedgerow untouched, will also be diminished.
- The development is not appropriate nor sensitive to its location opposite a dedicated conservation area and will have a detrimental effect on the character and appearance of this historic neighbourhood.
- Light pollution and privacy impact. The site entrance is directly opposite my property; headlights from vehicles leaving the site will project directly into my living space.
- Pedestrian safety is also of concern. The current footpath does not connect to the existing footpath at the church.
- Adequacy of parking and turning space
- Plans do not show the location of the oil tanks required for all the properties and how they will be accessed by oil tanker deliveries and how tankers will turn on the site.

## 11.0 Parking Provision

The adopted Vehicle Parking Standards for Class C3 dwelling houses is as follows:

Use	Vehicle	Cycle	PTW	Disabled
	Minimum	Minimum	Minimum	Minimum
1 bedroom	1 space per dwelling*	1 secure covered space per dwelling. None if garage or secure area is provided within curtilage of dwelling	N/A	N/A if parking is in curtilage of dwelling, otherwise as Visitor/ unallocated
2+ bedroom	2 spaces per dwelling*			

Visitor/ unallocated	0.25 spaces per dwelling (unallocated) (rounded up to nearest whole number)	If no garage or secure area is provided within curtilage of dwelling then 1 covered and secure space per dwelling in a communal area for residents plus 1 space per 8 dwellings for visitors	1 space, + 1 per 20 car spaces (for 1 <sup>st</sup> 100 car spaces), then 1 space per 30 car spaces (over 100 car spaces)	<b>200 vehicle bays or less</b> = 3 bays or 6% of total capacity, whichever is greater, <b>Over 200 vehicle bays</b> = 4 bays plus 4% of total capacity
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The dwellings each have a garage and parking space or two parking spaces; in addition eleven of the dwellings have driveways sufficient for two cars to park. Four visitor spaces are indicated. The parking provision therefore satisfies the adopted parking standards.

## **12.0 Accessibility**

12.1 Please refer to Design & Access Statement regarding duties under the Equalities Act.

## **13.0 Open Space Provisions**

13.1 The development includes two informal landscaped amenity areas.

## **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:

- Affordable Housing 4 units; a 2 bedroom house, a 3 bedroom house, a 4 bedroom house and a 3 bedroom bungalow being constructed to Building Regulations standard Part M4 Cat 3 2 a
- Highway Authority requests Residential Travel Information Packs for sustainable transport for the occupants of each dwelling, 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. (this will be secured by condition)
- Open Space Sport & Recreation a contribution of £81,260,89.00 which will be used to fund improvements to the children's play park and sports facilities including gym equipment at Great Tey Recreation Ground
- Communities a contribution of £25,058.00 - which will be used to fund improvements to Great Tey School Community Pool (a Community Use Agreement may be required to ensure the swimming pool is available for community use not just school use)
- Archaeology a contribution of £3,153.00 (£2,400 for an interpretation panel, £753 for enhancement of Colchester HER)

15.2 In addition, a RAMS contribution of £122.30 per unit will a be required.

## **16.0 Environmental and Carbon Implications**

16.1 The Council has declared a Climate Emergency and has committed to being carbon neutral by 2030. The purpose of the planning system is to contribute to the achievement of sustainable development as defined in the National Planning Policy Framework. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to

be pursued in mutually supportive ways. These are economic, social and environmental objectives.

- 16.2 This report has taken into account the Climate Emergency and the sustainable development objectives set out in the NPPF. It is considered the report demonstrates that the development of this site can contribute to achieving sustainable development.

## **17.0 Report**

- 17.1 The main issues in this case are:

### The Principle of Development

- 17.2 The site for the proposed 15 dwellings is not within the development boundary of the current Local Plan however is allocated for residential development within the Emerging Local Plan (ELP) under Policy SS8.
- 17.3 The planning policy approach to the proposal reflects the Council's current position in the plan-making process where both an adopted and an emerging Local Plan are relevant. The relationship of the proposal to each of those plans and the compliance of relevant adopted and emerging policies with the 2019 National Planning Policy Framework (the Framework) are accordingly key policy considerations in assessing conformity with the Development Plan and the 'planning balance'.
- 17.4 It is considered that the fundamental principles of both the Adopted and Emerging Local Plan are compliant with the new Framework. Consideration has to be given to whether there are any relevant non-compliant elements of Colchester Borough Council policy with the Framework that justify a reduction in the weight to be given to the policy in assessing the planning balance in this case. For the Emerging Local Plan the following analysis reflects the Framework criteria on the weight to be given to policies, which depends on the stage of preparation of the plan; the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies to the Framework (see paragraphs 48 – 50 of the Framework 2019).
- 17.5 In the Adopted Plan, Policy SD1 is consistent with the Framework's approach to decision-taking which entails approving proposals that accord with the Local Plan unless material considerations indicate otherwise, and which involves the Local Planning Authority working proactively with applicants. The housing and jobs target provided in the policy, however, no longer remain current. Whilst the supply figure itself may be out of date the principle of the overarching spatial strategy and the settlement hierarchy are not and as such weight should still be afforded. The settlement hierarchy defined by Policy SD1 designates Great Tey as a rural community which is the lowest order of settlements considered suitable for planned growth. The approach of SD1 is consistent with the continued thrust of the Framework seeking to achieve sustainable development as set out in paragraphs 7 and 8. It also accords with Paragraph 23 which indicates that: "Strategic Policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate to address objectively assessed

needs over the plan period, in line with the presumption in favour of sustainable development. This should include planning for and allocating sufficient sites to deliver the strategic priorities of the area". It is considered that Policy SD1 seeks to achieve these requirements and therefore fundamentally accords with the Framework.

- 17.6 The allocations made in Policy H1 accord with the requirement in Paragraph 59 of the Framework, which directs local authorities to allocate a sufficient amount and variety of land for housing. Weight can be given to Policy H1 with the exception of the housing target figure which has been superseded by later figures. Whilst the supply figure itself may be out of date, the principle of the overarching spatial strategy and the settlement hierarchy are not, and as such weight should still be afforded to the allocations made in the policy.
- 17.7 The requirements of policy ENV1 for the conservation and enhancement of Colchester's natural and historic environment is in accordance with paragraph 170 of the Framework which clearly recognises the intrinsic character and beauty of the countryside and demonstrates that planning policies should contribute to and enhance the natural local environment via protection, maintenance, and preventing unacceptable risk.
- 17.8 Based on the protection afforded to land outside Settlement Boundaries and outside of the most sustainable locations in SD1 and ENV1, the proposal is not considered to be compliant with these policies. While Policy ENV2 on rural communities covers rural exception sites, it is of limited relevance to this specific proposal which is not based on the rural exception principle.
- 17.9 The Framework also advocates consideration of other factors including emerging local plans which can be afforded weight when they reach an advanced stage of preparation. In this respect Paragraph 48 states that authorities may give weight to emerging plans according to the stage of preparation, the extent to which there are unresolved objections to relevant policies (and the significance of these objections - the less significant the greater the weight that can be given) and the degree of consistency of the relevant policies to the Framework (the closer the policies are to policies in the Framework, the greater the weight that may be given). Testing these criteria will inform the judgement about the weight which should be afforded to the emerging Local Plan and Neighbourhood Plan in this case.
- 17.10 In terms of Paragraph 48(a) of the NPPF the Emerging Local Plan (ELP) is considered to be at an advanced stage having been submitted in 2017 with examination having commenced in January 2018. Following additional work requested by the Inspector the Examination will be scheduled to recommence on 14<sup>th</sup> January 2020.

- 17.11 The ELP, amongst other matters, seeks to allocate additional land to meet the housing targets up to 2033 of 920 homes per year on sites which are in accordance with the revised Spatial Strategy (SG1). Great Tey is identified as a Sustainable Settlement as the third tier in the settlement hierarchy, as these existing settlements are considered to have the potential to accommodate further proportionate growth. The ELP proposes two sites for residential development in Great Tey; Policy SS8 refers.

*“Policy SS8: Great Tey*

*Land on Brook Road*

*In addition to the infrastructure and mitigation requirements identified in policy PP1, development will be supported on land within the area identified on the policies map which provides:*

- (i) 10 new dwellings, which shall include single storey units;*
- (ii) Suitable design and screening/landscaping to minimise any negative impact on the adjacent Conservation Area and listed building (Rectory Cottage) including its setting.*

*Land off Greenfield Drive*

*In addition to the infrastructure and mitigation requirements identified in policy PP1, development will be supported on land within the area identified on the policies map which provides:*

- (i) 30 new dwellings with access off Greenfield Drive (Harvesters’ Way and/or Farmfield Road);and*
- (ii) A minimum of 1ha of public open space adjacent to existing public open space.”*

- 17.12 The Spatial Strategy (Policy SG1) and Great Tey allocation (SS8) are aligned with the Framework which reinforces the plan-led system (paragraph 15) and sets out at paragraph 16 how plans should be prepared. The policies will contribute to the delivery of sustainable development. Paragraphs 18 and 28 of the Framework outline that Local Plans should include non-strategic policies which provide more detail for specific areas and types of development. Paragraph 59 reiterates the Government objective of increasing the supply of homes.

- 17.13 The key policies in the emerging Local Plan relevant to this scheme are considered to be highly consistent with the Framework and should therefore be afforded considerable weight in respect of paragraph 48 c) of the NPPF.

- 17.14 The final issue to be taken into account when considering the weight to be afforded to the emerging Local Plan is the level of unresolved objection to the relevant policies. Accordingly, further consideration of the issues raised in representations to Policy SS8 is necessary to guide the judgement of the weight which should be given to the emerging policy in this case. There were a total of 51 respondents plus a 69 signature representation received in respect of Policy SS8.
- 17.15 However, Members should note policy SS8 relates to 2 sites as detailed above. Whilst the majority of site specific comments relate to the Greenfield Road site. There are several which specifically object to the proposed Brook Road Allocation and significantly more which object to the proportion of growth identified or the principle of any development in Great Tey.
- 17.16 The key issues raised by the objections to Policy SS8 are summarised below except those which clearly relate just to Greenfield Road.
- The capacity of the community infrastructure to accommodate the planned growth specifically including health care and secondary school education
  - Inadequate local infrastructure with concerns specifically expressed about, utilities including water and electricity supply;
  - Capacity of the local and strategic road network to support the planned growth with specific mention of the A120
  - Inadequate public transport and the capacity of the railway station at Marks Tey to accommodate additional growth;
  - Unacceptable impact on the environment and local wildlife
  - Impact on the heritage assets including the Roman River Source, Conservation Area and listed buildings;
  - The Implications of the planned Garden Community to the West of Colchester.
- 17.16 Historic England made comments in respect if the need to ensure historic assets are safeguarded with design and layout respecting this matter as appropriate.
- Notably the Great Tey Parish Council indicated support in principle subject to ongoing involvement and wishing to see this development have consideration to investigate traffic calming measures, for example priority traffic flow (as in Chappel); ensure that there is a continuous footpath/footway on the west side of Brook Road; a mix of housing to include low cost and "affordable" housing; and suitable access with off road parking, so that there is no additional parking on the east side of Brook Road. Furthermore support was also expressed from Highways England stating that development of the scale proposed is unlikely to impact on the strategic highways network.

- 17.17 Several representations indicate support for the Brook Road allocation with comments referencing; more young children to go to the primary school (numbers at moment are going down); affordable housing for young people needing houses; a greater number of houses, will mean there can be differing styles and prices, with more lower cost ones; and safeguarding the village the school and the pub, which could die as a viable village. Comment has been made in relation to the level of development currently sought also being acceptable for the site.
- While some of the objections could be addressed and therefore resolved, through mitigating measures and /or planning obligations, others are more about the principle of development and capacity of the infrastructure to accommodate the growth planned in Great Tey through the ELP.
- 17.18 It is also relevant to consider whether the concerns raised by these objections, relating to the principle and level of development based on the capacity of the infrastructure to accommodate the proposed development, can be addressed by provisions of the application and mitigation which may be secured as part of any permission
- 17.19 The response of the Infrastructure providers to the planning application and the Local Plan is the best measure of the extent to which there is capacity for the planned growth. This also provides the context for considering whether any objections to the Local Plan proposals remain unresolved, since those relating to the principle of development, are intrinsically linked to the capacity of the infrastructure to accommodate the planned growth. These are referred to below in more detail under the relevant headings concluding that responses from the relevant infrastructure providers support the planning application subject to securing contributions or the use of conditions where appropriate. It is therefore considered that the objections to the Local Plan are largely resolved through appropriate mitigation and conditions and in that respect in the context of paragraph 48 b) of the NPPF weight can be given to the ELP
- 17.20 The Council's specialists have been involved in negotiations in respect of the layout and have no objection to the proposal. In terms of Highway-related matters the Highways Authority have considered the application and recommend that the proposal is acceptable subject a number of conditions.
- 17.21 In conclusion, the proposed residential development of this site is allocated in the emerging Local Plan which can be afforded sufficient weight to lend support in the determination of this application due to its advanced stage, consistency with the NPPF and the ability of the objections to the Local Plan to be resolved through mitigation and / or conditions.. The Planning Policy team have confirmed that they support the general principle of development. They were also engaged in negotiating the scale, form, layout and number of units as part of a preliminary enquiry.



- 17.22 Although the number of units is for a higher number than the allocation, this has been considered against the requirements of the allocation policy to ensure suitable design and screen / landscaping to minimise the impact on the adjacent Conservation area and listed building as well as the other policies to ensure the site is suitable for the level of development proposed. The consultation responses from the statutory infrastructure providers has not indicated that the additional 5 dwellings will cause any capacity concerns. As the number is higher than anticipated in the ELP it is important that the design, layout and impacts on amenity are also adequately considered and that no unacceptable impacts are apparent. These are addressed in further detail below. The scheme is therefore considered to be inline with the expectation of the NPPF to make effective use of Land.
- 17.23 The proposal also needs to deliver affordable housing in accordance with the ELP at 30% which equates to 4.5 dwellings. In accordance with the SPD this results in a need for 4 affordable dwellings. The application includes 4 dwellings of a mix and type, which is agreed and supported by the Affordable Housing Officer.

#### Design and Layout

- 17.24 In considering the design and layout of the proposal, Core Strategy policy UR2 and Development Plan policy DP1 are relevant. These policies seek to secure high quality and inclusive design in all developments, respecting and enhancing the characteristics of the site, its context and surroundings.
- 17.25 A linear development is proposed with the properties set back behind a greensward. Units at either end are set forward and at right angles to the road to bookend the development and provide a sense of enclosure and interest. The linear form of development reflects the existing development on the opposite side of the road.
- 17.26 The site includes a footpath link to and from the site to the north and south. The scheme also includes a small woodland extension to the north and a linear open space to the west which will, these along with the landscaping proposed, contribute positively to the character of the development.
- 17.27 A single access point is proposed from Brook Road which turns within the site to run parallel to the road. Garages and parking spaces are generally set behind the dwellings. Visitor parking spaces are indicated in the form of a layby along the internal road. A footpath adjacent to the internal road extends along the frontage of the site.
- 17.28 The proposed units are of traditional design; including the use of traditional materials. Pitched roofs will have either artificial slate or plain tiles and the elevations will be faced in brick, render or boarding. The Design and Access Statement indicates precedents for detailing and scale of the proposed dwellings are taken from the range of modern and established single and 2 storey dwellings along Brook Road; details include stone cills and lintels, reveals, roof joinery details of white painted timber fascia, bargeboards and

exposed rafters. Further refinements to the designs have been negotiated including hipped roofs and chimneys to add variation to the roof scape, and amendments to the materials to introduce a second roof material.

- 17.29 Private amenity space is provided to all the dwellings in accordance with adopted standards.
- 17.30 The layout and design of the proposed dwellings is considered acceptable. Efforts have been made by the site promoter to incorporate advice given at pre-application stage and from the public consultations on the site.

#### Scale, Height and Massing

- 17.31 The units are either two storey or single storey and are of a domestic scale and massing reflecting the scale, height and massing of properties opposite the site.

#### Impacts on Neighbouring Properties

- 17.32 Development Plan policy DP1 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.
- 17.33 The application site backs onto farmland; there is also farmland to the south boundary. To the north the nearest dwelling is The Rectory which is some 30 metres from the site and surrounded by trees. New planting on the north boundary is proposed providing further screening to this property from the development.
- 17.34 The new dwellings will face existing properties on the opposite side on Brook Road. The new properties are a maximum of two storeys high and will be set back from the site frontage behind a greensward and boundary hedge. Two of the proposed dwellings at either end of the site will be at right angles to the road with a distance of approximately 20 metres from their side wall to the front wall of the properties opposite; dwellings which face those opposite will have a distance of approximately 70 metres.
- 17.35 It is considered the dwellings will not have an adverse impact on neighbouring properties due to loss of privacy or overlooking.
- 17.36 To satisfy highway requirements a single point of access is proposed. The access is located to ensure that highway safety is not compromised and satisfactory sight splays can be achieved. It is accepted the use of the access will result in the loss of some amenity to the residents opposite the access point.

- 17.37 Noise and disturbance is considered to be minimal given the residential nature of the proposed development. The construction phase is likely to cause noise and disturbance and the Council's Environmental Protection team have recommended conditions to limit the hours of work and establish a construction method statement. This is considered to ensure that the amenity of local residents is protected as far as reasonable.
- 17.38 The proposal is considered to meet the requirements of Policy DP1 in terms of impacts on public and residential amenity subject to necessary conditions.

#### Highway Safety and Parking Provisions (including Cycling)

- 17.39 Core Strategy policy TA4 seeks to make the best use of the existing highway network and manage demand for road traffic. The policy makes it clear that new development will need to contribute towards transport infrastructure improvements to support the development itself and to enhance the broader network to mitigate impacts on existing communities. Development Plan policy DP17 requires all development to maintain the right and safe passage of all highways users. Development Plan policy DP19 relates to parking standards in association with the Vehicle Parking Standards SPD.
- 17.40 In terms of sustainability, the site is well-located in relation to services and facilities for a village edge/rural location and has been identified in the Emerging Local Plan as a suitable location for limited new residential development. The Framework states, at paragraph 78, that housing should be located 'where it will enhance or maintain the vitality of rural communities'; additional housing in this location is considered to support existing services and facilities within the village.
- 17.41 The site will be served by a single vehicular access point to the south of the site frontage and includes a pedestrian path behind the frontage hedge. The access will have sight splays of 2.4 x 90m and a junction 6 metres wide this narrows after 6 metres to a 4.8 shared surface with a turning head. Parking is proposed to meet adopted standards.
- 17.42 The Highway Authority has raised no objection on highway grounds subject to conditions and the proposal is considered acceptable in highway terms.

#### Flood Risk and Drainage:

- 17.43 Core Strategy Policy SD1 and Development Plan Policy DP20 require proposals to promote sustainability by minimising and/or mitigating pressure on (inter alia) areas at risk of flooding. Policy DP20 also requires all development proposals to incorporate measures for the conservation and sustainable use of water, including the appropriate use of SUDs for managing surface water runoff.

- 17.44 The Flood Risk Assessment and Surface Water Report concludes that the site is located within the Flood Zone 1, which means that there is a low probability of flooding (less than 0.1%), therefore all uses of land are appropriate in this zone. The assessment has investigated the possibility of groundwater flooding. It is considered that there will be a low risk of groundwater flooding across the site which will be mitigated further by having floor levels 150mm higher than ground levels and a Water Exclusion Strategy to protect foundations. There is a very low surface water and sewer flood risk across the site. An assessment of the practical use of sustainable drainage techniques has been carried out. As soil types will not support the effective use of infiltration devices, it is proposed that surface water is attenuated through the use of permeable paving prior to discharge into the adjacent ditch.
- 17.45 The Flood Risk Assessment has demonstrated in accordance with the Framework that the development is not at risk of flooding from external sources, will not increase flood risk associated with the development and its environment and is therefore appropriate. Essex County Council, as Lead Local Flood Authority, have agreed to the Surface Water Drainage Scheme concept and have recommended conditions to secure detailed proposals

#### Natural Environment & Biodiversity (Trees, Landscape Impact, Ecology)

- 17.46 Section 40 of the Natural Environment and rural Communities (NERC) 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 Framework is that planning should contribute to conserving and enhancing the natural environment. Core Strategy Policy ENV1 seeks to conserve and enhance Colchester's natural and historic environment, countryside and coastline, with Development Plan Policy DP1 requiring development proposals to demonstrate that they, and any ancillary activities associated with them, will respect and enhance the character of the site, context and surroundings in terms of (inter alia) its landscape setting Development Plan policy DP21 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. Landscape and Trees
- 17.47 The hedges and one group of trees on the site have been surveyed and categorised according to BS5837: 2012, there are no trees in category A or C; trees and the hedges all fall into category B. The Tree Reports identify that the hedgerows have all been allowed to get overly tall and they lack depth, which means that their wildlife value is reduced to a degree. It is recommended that they are reduced in height by 50%. The report refers to a group of trees growing outside the site and confirms these trees would not be affected by the proposals.

- 17.48 The hedgerows are all along the site boundaries and will all remain at a reduced height, except where removal of sections to provide the vehicular and pedestrian accesses is required and where pruning is required to provide the visibility splay. A number of the garages and garden walls of the proposed houses fall with the Root Protection Area of the hedgerows and a condition is recommended to secure appropriate construction methods.
- 17.49 The hedges and group of trees on the site have amenity value locally as they are seen directly from the village edge, but they also have a wider reaching importance as they contribute to the rural landscape setting and local landscape structure of the area. A comprehensive landscape scheme is proposed which includes new planting within the existing hedgerow and tree planting within the proposed greensward and landscape buffer. It is considered the retained vegetation will still enhance the rural setting, therefore continuing to contribute to the local amenity.
- 17.50 An Ecological Impact Assessment (EclA) has been submitted with the application. It concludes the hedgerows/treelines are the features of highest ecological value on the site. Signs or evidence of protected, priority or rare species were not found. Habitats present were unlikely to support a significant population of such species. Further ecological surveys were considered unnecessary. However, to minimise any residual risk of impact to bats, birds, amphibians, and hedgehogs, precautionary measures should be followed. Biodiversity enhancements are included in the report in accordance with national planning policy.
- 17.51 The following precautionary measures are recommended
- Bats. External lighting be minimised and should be LED with glass glazing, external lighting should be aimed, external security lighting should be set on short timers, trees required for removal should be replaced on a one-for-one basis.
  - Amphibians or hedgehogs. The site should remain cultivated until construction commences, before construction commences the site should be fenced with a low temporary wildlife fencing it is recommended that boundary fencing should be post and rail fencing open at the bottom or any close-board fencing should have gaps cut in the base for access.
  - Birds. Clearance or reduction of shrubs and trees should commence outside of the main bird breeding season (March until the end of August).
  - Habitats. To compensate for the loss of hedgerow/treeline length, it is recommended that a new mixed, native species hedgerow be planted to be at least equal in length to that which is lost.
  - Enhancements. The addition of bat boxes and bird boxes on new buildings or retained trees. New soft landscaping will be native and wildlife attracting. Including the use of a wildflower seed mix for any proposed lawn areas.

- 17.52 These measures will be secured by condition and it is considered the proposed development will have only a minimal risk of significant harm or impact to protected, priority or rare species or habitats. With the biodiversity enhancements followed as described, the development would be improved for biodiversity in accordance with national planning policies.
- 17.53 The impact of the proposal upon European designated sites under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) also has to be considered. The whole of Colchester Borough is within the zone of influence (Zoi) of relevant sites as identified and set out in the draft Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS) and the proposal is thus subject to Appropriate Assessment (AA) under the Habitats Regulations. An AA has been carried out and concludes that the proposal, being for 15 dwellings, is likely to have a significant effect upon the interest features of Habitat sites [Colne Estuary SPA and Ramsar site, Blackwater Estuary SPA and Ramsar site, Dengie SPA and Ramsar site, Stour and Orwell Estuaries SPA and Ramsar site (south shore) and Essex Estuaries SAC] through increased recreational pressure, when considered either alone or in-combination with other plans and projects.
- 17.54 As the development is for 15 dwellings on-site mitigation is not required, off-site mitigation is required in the form of a monetary contribution which will be secured in the section 106 agreement.
- 17.55 On the basis of the above, the proposal is considered to be capable of satisfactorily mitigating the impact of the development upon ecology.

#### Heritage Matters

- 17.56 There is a statutory requirement for planning applications to be determined in accordance with development plan policies unless material consideration indicate otherwise. In terms of built heritage, Core Strategy Policy ENV1 and Development Plan Policy DP14 are the most relevant. Both policies seek to protect the heritage assets. Development Plan Policy DP14 makes it clear that development will not be permitted that will adversely affect a listed building, conservation area, historic park or garden, or important archaeological remains. However, as this policy does not contain a 'balancing mechanism' to allow the public benefits identified to be weighed in the 'planning balance' against the wider indirect harm identified to setting, it is partially out of date with the Framework which requires in cases of less than substantial harm, for the public benefits to be weighed against the public benefits requires and consequently DP14 must be afforded lesser weight.
- 17.57 The National Planning Policy Framework (the Framework) is also a material planning consideration. A Core Principle of the Framework is to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

- 17.58 Paragraph 189 of the Framework requires the applicant to describe the significance of any heritage asset that may be affected by a proposed development, including any contribution made to their setting. In determining planning applications, paragraph 192 of the Framework includes a requirement for local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets. Furthermore, paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 194 makes it clear that any harm to, or loss, of the significance of a designated heritage asset should require clear and convincing justification. Levels of harm are described as substantial harm (or total loss of significance of) or less than substantial harm.
- 17.59 Paragraph 196 of the Framework states that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use".
- 17.60 The main heritage issue raised by this application is the effect that the proposed development would have on the setting of nearby listed buildings, Rectory Cottages located to the north of the application site and the conservation area which abuts the north and part west boundary of the site.
- 17.61 The specialist officer has been involved in discussions at pre-application stage and suggested amendments to the layout including screening to be provided by new landscaped areas. These amendments have been included as part of the application proposal. It is considered the proposal, would not materially adversely affect the setting of the listed building or adversely affect the character and appearance of the conservation area, it will result in less than substantial harm to heritage assets as a result of the inevitable urbanising effect of new residential development upon their wider rural setting. It is considered in this instance to be acceptable as the public benefits associated with the delivery of the development are considered to demonstrably outweigh the very limited harm identified.
- 17.62 In terms of archaeology this development affects an area of archaeological interest, to the south of the remains of a medieval moated enclosure is recorded immediately to the north of the proposed development area (HER Monument no. MCC7008). However the archaeology specialist concludes there are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets and has no objection subject to a condition and financial contribution.

## Other Matters

### Contamination

- 17.63 Development Plan policy DP1 requires new development to undertake appropriate remediation of contaminated land. A Geoenvironmental Assessment (GA) has been submitted in support of the application. The Council's Contaminated Land Officer has considered the submission and concluded that no potential sources of contaminative risk have been identified subject to conditions.

## **18.0 Conclusion and the Planning Balance**

- 18.1 National policy requires planning to be genuinely plan-led. The proposal is considered to accord with the emerging Local but is contrary to the adopted Local Plan as the site is outside the settlement boundary of Great Tey. The National Planning Policy Framework (the Framework) makes it plain that the purpose of the planning system is to contribute to the achievement of sustainable development and identifies three dimensions to sustainable development: economic, social and environmental. In respect of the first of these, the current proposal would provide economic benefits, for example in respect of employment during the construction phase, as well as support for existing and future businesses, services, and facilities by introducing additional residents that would make use of them and provide future spend in the local economy.
- 18.2 The social role of sustainable development is described as supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations and by creating a high-quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being. The proposal is considered to meet these objectives as it would achieve 15 dwellings required to support growth in Great Tey (as set out in the Colchester Borough Council Objective Assessment of Housing Need) and is located within walking distance of a number of key local services and facilities required for day-to-day living. The provision of 4 affordable units is also advantageous.
- 18.3 In respect of the third dimension (environmental), the proposal will provide housing in a sustainable location so that future residents would not be completely reliant on private car, being able to walk or use public transport to access some necessary services and facilities, thereby minimising environmental impacts; soft landscaping and ecological enhancements can also be secured as part of the development. There is also sufficient evidence to be confident that overall the development would not cause significant harm to the amenity of nearby residents, create noise pollution or have a severe impact upon the highway network. Whilst the proposed development would have an impact on the existing character of the site by introducing built development where there is none currently which weigh against the proposal, the positive economic and social effects, as well as



the sustainability of the proposal would weigh in favour of this scheme and are judged to outweigh the any shortcomings identified given the weight afforded to the supply of new homes in the Framework.

- 18.4 In conclusion, it is considered that the public benefits of the scheme outweigh any adverse impacts identified and the proposal is considered to be acceptable on this basis.

## **19.0 Recommendation to Committee**

- 19.1 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. 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.

- 19.2 The legal agreement will secure the following;

- Affordable Housing 4 units Plot 1, Plot 2 and Plot 3 being constructed to Building Regs standard Part M4 Cat 3 2 a (all Affordable Rent) and Plot 4 (Shared Ownership)
- Open Space Sport & Recreation contribution of £81,260,89.00- to be used for improvements to the children's play park and sports facilities including gym equipment at Great Tey Recreation Ground
- Communities Services contribution of £25,058.00 - to be used to fund improvements to Great Tey School Community Pool (a Community Use Agreement may be required to ensure the swimming pool is available for community use not just school use)
- Archaeology contribution of £3,153.00 (£2,400 for an interpretation panel, £753 for enhancement of Colchester HER)
- Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) contribution of £122.30 per unit.

- 19.3 Upon completion of the above agreement, to grant planning permission subject to the following conditions:

### **1. ZAA - Time Limit for Full Permissions**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

### **2. Z1A – Street Name Signs**

Prior to the first occupation of any of the dwellings hereby approved street name signs shall have been installed at the junction of the new highway with the existing road network.

Reason: To ensure that visitors to the development can orientate themselves in the interests of highway safety.

### **3. Provision of Vehicular Access and Visibility Splays**

The proposed vehicular access and visibility splays shall be provided in complete accord with the details shown in Drawing Numbered 3234:001 Rev P.

Reason: To ensure that all vehicles using the private drive access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

### **4. Surface Treatment of Vehicular Access**

No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

### **5. Recycling/bin/refuse Collection Point**

Prior to first occupation of the proposed development, a (communal) recycling/bin/refuse collection point shall be provided within 15m of the highway boundary or adjacent to the highway boundary and additionally clear of all visibility splays at accesses and retained thereafter.

Reason: To minimise the length of time a refuse vehicle is required to wait within and cause obstruction of the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

### **6. Location of New or Proposed Boundary Hedge**

Any new or proposed boundary hedge shall be planted a minimum of 1m back from the highway boundary and 1m behind any visibility splays which shall be maintained clear of the limits of the highway or visibility splays thereafter.

Reason: To ensure that the future outward growth of the hedge does not encroach upon the highway or interfere with the passage of users of the highway and to preserve the integrity of the highway, in the interests of highway safety in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

### **7. Highway Details to be Submitted Prior to Commencement**

Prior to the commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety and in accordance with Policy DM 1 and 6 of the Highway Authority's Development Management Policies February 2011.

## **8. Internal Road and Footway Provided Prior to Occupation**

Prior to the occupation of any of the proposed development the internal road and footway layout shall be provided in accord with Drawing Numbered 3034:001 Rev P.

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

## **9. Provide Off-Street Parking**

All off street car parking shall be provided in precise accord with the details contained within the current Parking Standards being provided within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

## **10. Cycle Storage**

Prior to the occupation of the proposed development, details of the provision for the storage of bicycles sufficient for all occupants of that development, of a design that shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To promote the use of sustainable means of transport in accordance with Policy DM 1 and 9 of the Highway Authority's Development Management Policies February 2011.

## **11. Residential Travel Information Packs**

Prior to first occupation of the proposed development, 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, 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 reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies February 2011.

## **12. Construction Management Plan Highways**

No development shall take place, including any ground works or works of demolition, until a Construction Management Plan (CMP) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors

- ii. loading and unloading of plant and materials
  - iii. storage of plant and materials used in constructing the development
  - iv. wheel and under body washing facilities
- Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

### **13. Limits to Hours of Work**

No demolition or construction work shall take outside of the following times;  
Weekdays: 08:00 – 18:00

Saturdays: 08:00 – 13:00

Sundays and Bank Holidays: not at all

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

### **14. 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.
- Notification of the Parish Council of a construction phase plan

Reason: In order to ensure that the construction takes place in a suitable manner and to ensure that amenities of existing residents are protected as far as reasonable.

### **15. Electric Vehicle Charging points**

The development hereby approved shall be provided with at least 1 No. electric vehicle (EV) charging point per dwelling with dedicated parking and at a rate of at least 10% provision for unallocated parking spaces. The EV charging points shall be installed prior to the first occupation of their respective dwellings.

Reason: In the interests of sustainability and air quality by encouraging the use of ultra-low emission vehicles.

### **16. Ecological Mitigation and Management Plan (EMMP)**

No works shall take place until an Ecological Mitigation and Management Plan (EMMP) has been submitted to and approved in writing by the Local Planning Authority. The EMMP shall follow the recommendations set out in the Preliminary Ecological Appraisal Including protected Species Scoping Assessment dated June 2018 updated August 2019. The development shall then be carried out and maintained in accordance with the approved EMMP. Reason: In order to mitigate the impact of the development upon ecology and biodiversity and in the interest of ecological enhancement.

### **17. Architectural Detailing**

Notwithstanding the details submitted, no works shall commence (above ground floor slab level) until additional drawings (at scales between 1:20 and 1:1) that show details of the architectural detailing of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Details shall include window detailing, including details of the depth of reveal; decorative brickwork, pence boards, cills, lintels, exposed eaves, decorative timberwork, chimneys, eaves, verge, ridge, and guttering details. The development shall then be implemented in accordance with the approved drawings.

Reason: Insufficient detail has been submitted to ensure that the proposed works are of high quality design in the interests of visual amenity.

### **18. Archaeological Work**

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 Adopted Development Policy DP14 (2010, Revised 2014) and the Colchester Borough Adopted Guidance titled Managing Archaeology in Development (2015).

NB CBC Archaeologist will on request of the applicant, provide a brief for each stage of the archaeological investigation. In this case, a trial-trenched archaeological evaluation will be required to establish the archaeological potential of the site. Decisions on the need for any further investigation (excavation before any groundworks commence and/or monitoring during groundworks) will be made on the basis of the results of the evaluation. Pre-determination archaeological evaluation is not required for this proposal. However, I would recommend that the applicant undertakes the trial-trenching at the earliest opportunity to assess the archaeological potential at this location, in order to quantify the risk in terms of cost and time for any further archaeological investigation that might be required.

### **19. Surface Water Drainage**

No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and certified as technically acceptable in writing by the SUDs approval body or other suitably qualified person(s) . The certificate shall thereafter be submitted by the developer to the Local Planning Authority as part of the developer's application to discharge the condition. No development shall commence until the detailed scheme has been approved in writing by the Local Planning Authority. The approved scheme shall subsequently be implemented prior to occupation and 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 0.6l/s for all storm events up to an including the 1 in 100 year rate plus 40% allowance for climate change.
- Final modelling and calculations for all areas of the drainage system.
- 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.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason:

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment

- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

## **20. Minimise the Risk of Offsite Flooding**

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: The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

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.

## **21. Maintenance Plan for Surface Water Drainage**

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

## **22. Suds Maintenance Logs**

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

Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

### **23. Reporting of Unexpected Contamination**

In the event that historic land contamination is found at any time when carrying out works in relation to the development, it must be reported in writing immediately to the Local Planning Authority and all development shall cease immediately. Development shall not re-commence until such times as an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority, and where remediation is necessary, a remediation scheme has been submitted to and approved in writing by the Local Planning Authority. Development shall only re-commence thereafter following completion of measures identified in the approved remediation scheme, and the submission to and approval in writing of a verification report. 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.

### **24. Public Open Space & Communal Storage Areas Management Company**

Prior to the first occupation of the development hereby permitted, details of the management company responsible for the maintenance of the public open space, greensward, amenity areas and other public areas and provide for the long term maintenance of such areas, shall be submitted to, and agreed in writing by, the Local Planning Authority. Such detail shall include the constitution of the company which shall follow best practice including the code of conduct of the Royal Institution of Chartered Surveyors (RICS) and shall be accredited by the Association of Residential Managing Agents (ARMA).

Reason: The application contains insufficient information to ensure that the public open space and any communal storage areas will be appropriately maintained to a satisfactory condition and there is a potential adverse impact on the quality of the environment for residents and the wider community.

### **25. ZDM - Retaining Garage for Parking**

The garage accommodation forming part of the development shall be retained for parking motor vehicles at all times and shall not be adapted to be used for any other purpose, including other uses ancillary to the residential use, unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: To retain adequate on-site parking provision in the interest of highway safety.



## **26. Full Landscape Proposals**

No works shall take place until full details of all landscape works, including the greensward and amenity area to the north of the site 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, PLAY EQUIPMENT, 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.);
- RETAINED HISTORIC LANDSCAPE FEATURES;
- PROPOSALS FOR RESTORATION;
- 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.

## **27. ZFE - 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.

### **28.ZFQ - 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

### **29.ZFR - Tree and Natural Feature Protection: Entire Site**

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.

### **30.Tree Hedge Protection**

The development shall be implemented in accordance with the recommendations of the Tree Survey Report (Arboricultural Report including Arboricultural Assessment Report) dated September 2019 .

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

### **31.Provision of Pedestrian Path**

Prior to the first occupation of the development, the pedestrian path indicated on drawing no 3234:001 rev r, shall be provided to the satisfaction of the Local Planning Authority. The path shall thereafter be retained for public use.

Reason: In the interest of public amenity.

## **20.0 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. 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 and be investigated by our enforcement team. Please pay particular

attention to these requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via [www.colchester.gov.uk/planning](http://www.colchester.gov.uk/planning) or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.

### **3. ZTB - Informative on Any Application With a Site Notice**

PLEASE NOTE that a site notice was erected in a publicly visible location at the site. Colchester Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.

### **4. ZTG - Informative on Section 106 Agreements**

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.

### **5. Highway Informative 1:**

The public's rights and ease of passage over Public Footpath No.19 (Great Tey) shall be maintained free and unobstructed at all times.

### **6. Highway Informative2:**

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO1 – Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester  
CO4 9YQ

### **7. Informative on Archaeology:**

PLEASE NOTE The submitted scheme of archaeological investigation should be in accordance with an agreed brief. This can be procured beforehand by the developer from Colchester Borough Council. Please see the Council's website for further information:

<http://www.colchester.gov.uk>

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

### **8. Essex County Council Informatives**

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to [suds@essex.gov.uk](mailto:suds@essex.gov.uk).
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.