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Item No: 7.3

Application: 210983

Applicant: Oliva Homes Ltd

Agent: Barry Whymark

Proposal: Erection of 2 No detached single storey dwellings with attached garages, existing dwelling and garage to be demolished and alterations to existing vehicular access

Location: 172 Mill Road, Colchester, CO4 5LP

Ward: Mile End

Officer: Chris Harden

Recommendation: Approval subject to the receipt of a RAMs payment..

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it has been called in by Councillor Goss who states “Reason for Call In: Overdevelopment of the existing site. Not in keeping with the surrounding area. Concern over changes to access to the site.”

2.0 Synopsis

- 2.1 The key issues for consideration are the layout and design, and impact upon neighbouring residential amenity, highway safety and vegetation.
- 2.2 The application is subsequently recommended for approval. To summarise, it is considered the site can adequately accommodate the proposed dwellings without appearing cramped or being out of keeping with the character of the street scene. It is not considered the proposal represents overdevelopment as this is a substantially sized site. The design, scale and form of the single storey dwellings is acceptable and relates satisfactorily to the character of other dwellings in the vicinity, with modest gable widths and appropriate fenestration. There is also space for frontage landscaping on the frontage of both plots. There are no objections on the grounds of highway safety, with adequate visibility splays in either direction and provision for adequate parking on the site. There is adequate amenity space for each new dwelling. It is not considered there would be a significant impact on neighbouring residential amenity from the proposed bungalows, in terms of overbearing or loss of light or in respect of noise and disturbance. No vegetation of significance would be affected.

3.0 Site Description and Context

- 3.1 The site lies in the settlement limits and currently consists of a detached bungalow. The surroundings consist of a mixture of property styles. The bungalows to the North are quite uniformly arranged. There are also two storey dwellings in the vicinity, including those on the opposite side of the road.

4.0 Description of the Proposal

- 4.1 The proposal is for the erection of 2 No. 3 bedroom detached single storey dwellings with attached garages with existing dwelling and garage to be demolished and alterations to existing vehicular access. The access would be provided centrally within the site frontage.

5.0 Land Use Allocation

- 5.1 Within Settlement Boundary.

6.0 Relevant Planning History

- 6.1 200950 Erection of 3no. detached single storey dwellings, existing dwelling and garage to be demolished and alterations to existing vehicular access. Refused. Dismissed on appeal.

Refusal (main elements): *“The proposed three uniform, elongated dwellings positioned tightly together would result in a cramped appearance compared to the prevailing character of the area and represents an overdevelopment of the site to the detriment of the character of the street scene and visual amenity of the area. The proposal would also result in a hard surface dominated frontage area with limited potential for any landscaping to the further detriment of the character of an area.”*

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

H1 - Housing Delivery

H2 - Housing Density

H3 - Housing Diversity

H4 - Affordable Housing

UR2 - Built Design and Character

- 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

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 Some “allocated sites” also have specific policies applicable to them. The adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

N/A

- 7.5 The Neighbourhood Plan for Myland & Braiswick is also relevant. This forms part of the Development Plan in this area of the Borough.
- 7.6 Submission Colchester Borough Local Plan 2017-2033:

Adopted Local Plan and Emerging Local Plan Status – March 2021

Overview

The Section 1 Local Plan was adopted on 1 February 2021 and is afforded full weight. The Section 2 Emerging Local Plan remains to complete examination, with Section 2 Hearings concluding in April with the Inspector’s report awaited. Section 2 policies must be assessed on a case by case basis in accordance with NPPF paragraph 48 to determine the weight which can be attributed to each policy.

Core Strategy Policy SD1 is fully superseded by policies SP5 and SP6 of the Section 1 Local Plan. Policies SD1, H1 and CE1 are partially superseded by policies SP3, SP4 and SP5 in relation to the overall housing and employment requirement figures. The remaining elements of policies SD1, H1 and CE1 are relevant for decision making purposes.

The Council can demonstrate a five year housing land supply.

All other Policies in the Core Strategy, Site Allocations and Development Management Policies and all other adopted policy which comprises the Development Plan remain relevant for decision making purposes.

Emerging Section 2 Local Plan

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 submitted in October 2017 is at an advanced stage, with Section 1 now adopted and Section 2 progressing to examination hearing sessions in April. Section 1 of the plan is therefore considered to carry full weight.

Section 2 will be afforded weight due to its advanced stage. However, as it is yet to complete the examination process, the exact level of weight to be afforded will be considered on a site-by-site basis reflecting the considerations set out in paragraph 48 of the NPPF. Proposals will also be considered in relation to the adopted Local Plan and the NPPF as a whole.

Appendix 1 contains additional Local Plan background information.

7.7 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
Sustainable Construction
Cycling Delivery Strategy
Sustainable Drainage Systems Design Guide
Managing Archaeology in Development.

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 Environmental Protection recommend the following condition:

ZPD - 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: No working

8.3 Highways Authority states:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions: (full conditions in conditions section).

- (i) Vehicular access.
- (ii) Close existing access
- (iii) No unbound materials
- (iv) Parking area retained
- (v) Bicycle storage
- (vi) Construction Management Plan
- (vii) Informative 1.

8.4 Colchester Cycling Campaign state:

Reason for comment: Object to the proposal

Comment: Cycle parking in the rear garden of the properties is not convenient, especially when compared with the garage that has direct access to the street. Spaces should be secure and provided at one space per bedroom (Table 11-1 LTN 1/20).

8.5 Archaeologist states: No material harm will be caused to the significance of below-ground archaeological remains by the proposed development. There will be no requirement for any archaeological investigation.

9.0 Parish Council Response

9.1 Myland Community Council state: Reason for comment: Object to the proposal. Comment: MCC note the reduction from 3 to 2 dwellings for this site but feel this is still over-development.

The objections we raised to the previous application are still valid:

- 1) Concern regarding parking for construction vehicles due to markings for the nearby zebra crossing and
- 2) Addition to the traffic already using Mill 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.

10.2 1 letter of objection has been received which makes the following points:

- This should be rejected for the same reasons as the previous application.
- Still over development of a small site where surrounding properties are bungalows.
- Site on a main road next to a pelican crossing.
- Construction vehicles needed to demolish the property will cause major disruption to busy road and raise safety concerns from the pelican crossing and bus stop

Officer comment: The proposed plots are very similar in size to those adjacent and amenity/parking space is provided in accordance with adopted standards.

10.3 Cllr Goss in addition to the above Call-In states "Reason for comment: Object to the proposal Comment: Having spoken to neighbouring properties I am very concerned this is over development of the site, which will impact properties 170 and 174 Mill Road as well as the properties that back onto the site in Remus Close.

There are also concerns about change to the existing access for the property which again cause concern to the neighbouring properties.

This site is over developed as well as consideration given this is an attempt at "backland" development. Overall the scheme should be refused."

11.0 Parking Provision

11.1 2 spaces per dwelling plus turning area.

12.0 Accessibility

12.1 With regards to the Equalities Act, the proposal has the potential to comply with the provisions of Policy DP17 (Accessibility and Access) which seeks to enhance accessibility for sustainable modes of transport and access for pedestrians (including the disabled), cyclists, public transport and network linkages. The proposed bungalows are highly accessible by their nature.

13.0 Open Space Provisions

13.1 N/A

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 This application is not classed as a "Major" application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (s.106) of the Town and Country Planning Act 1990. However a unilateral undertaking has been submitted to provide contributions for community facilities/sport & recreation as per our adopted SPD.

16.0 Report

Principle

- 16.1 As the site lies within the settlement limits the proposal should be judged on its planning merits in accordance with the hierarchical settlement elements of policies SD1 and H1 of the adopted Local Plan and Policy SP1 of the Emerging Local Plan which aim to direct such development to the most sustainable locations.
- 16.2 Settlement policies and the NPPF indicate a presumption in favour of sustainable development (which includes this site) and accordingly the proposal should be judged on its planning merits.
- 16.3 The Council is able to demonstrate a five year housing land supply and as such paragraph 11(d) of the NPPF is not engaged.

Layout, Design and Impact on the Surrounding Area

- 16.4 It is considered that the proposal represents an acceptable layout that is in keeping with the character of the area and does not represent an overdevelopment of the site. The positioning of the two dwellings is similar to other bungalows along this side of the road, many of which are positioned in closely related pairs. The previous refusal and associated appeal sought 3 dwellings with their gable ends facing the road which looked too cramped and contrived. This latest application shows two modestly sized, single storey dwellings that relate far more satisfactorily to the character of the street scene. There is a visual break between them and also on either side of the boundary and whilst these visual breaks are quite small they are adequate to ensure there would be a satisfactory resultant street scene. The plot is an infill of a built frontage rather than a backland development.
- 16.5 The reduced number of dwellings also allows for more space for landscaping at the front of the property. Given that the current frontage is dominated by a boarded fence and parking space, the scheme would actually represent an enhancement to its surroundings.
- 16.6 The design, form and scale of the dwellings is also considered acceptable. The dwellings are relatively modest in scale, being single storey and have narrow gables and appropriate fenestration. They would therefore relate satisfactorily to the character of their surroundings. The proposal is therefore considered to have addressed the concerns raised at the time of the previous refusal.
- 16.7 Overall, in terms of layout, design and impact on surroundings the proposal would therefore comply with Policy UR2 of the Local Plan Core Strategy which provides that the Borough Council will secure high quality and inclusive design in all developments to make better places for both residents and visitors.
- 16.8 The proposal is considered to comply with Policy DP1 of the Local Plan Development Policies document adopted 2010 (with selected Policies revised July 2014) which provides that all development must be designed to a high standard and respect the character of the site, its context and surroundings including in terms of layout.
- 16.9 The proposal is considered to comply with the provisions of the Backland and Infill SPD and is in general accordance with the Essex Design Guide.

Impact on Neighbour Amenities:

- 16.10 It is not considered there would be any particular impact upon neighbouring residential amenity from the proposal. The proposed dwellings are single storey. Accordingly the proposed development would not appear overbearing on the outlook of neighbours. The Council policy sets out that a 45 degree angle of outlook from the mid-point of the nearest neighbouring windows should be preserved and it is considered that this proposal satisfies this requirement.

- 16.11 Similarly, there are no concerns regarding loss of light. The combined plan and elevation tests are not breached and the proposal therefore satisfies the Council's standards for assessing this issue as set out in the Essex Design Guide. The dwellings do not project beyond the rear elevations of the neighbouring dwellings to any significant degree.
- 16.12 Additionally, as the dwellings are single storey, the proposal does not include any new windows at first floor level that would offer an unsatisfactory angle of overlooking that harmed the privacy of the neighbouring properties, including their protected sitting out areas as identified in the above SPD. The proposed dwellings are also far enough from the rear boundary to avoiding cause any issues when looking rearwards.
- 16.13 It is not considered that a refusal can be justified on noise and disturbance grounds from vehicle movements with this intensity of use plus the fact that the access and parking area is at the front of the site and does not impact upon the rear gardens of neighbouring properties.
- 16.14 The objections received regarding construction works are noted and appropriate conditions can be applied to minimise disruption including a construction management plan and hours of working. Environmental Protection have made no objections.
- 16.15 The proposal would thus comply with Policy UR2 (better places for residents and visitors expected) and DP1 which provides that all development should avoid unacceptable impacts upon amenity, including the protection of residential amenity with regard to noise and disturbance and overlooking.

Highway Matters:

- 16.16 The Highway Authority have raised no objection to the scheme subject to conditions which can be applied. Revised plans have been submitted showing the garages increased from 6m in length to 7m internally. The proposal now complies with Policy DP19, with space for at least 2 car parking spaces for each dwelling plus a turning area which can also be utilised as a visitor space if required.
- 16.17 The width of the access serving the plot is wide enough for one extra domestic dwelling and offers appropriate visibility splays in either direction. The neighbour's concerns have been noted. However, given the lack of objection by the Highway Authority and that this is only an increase of one dwelling it is not considered the proposal could be refused on the grounds of this minor intensification in this location.
- 16.18 The Essex Design Guide provides that " The overarching aim is to ensure that in new residential and mixed-use environments, the circulation and movement of people is pleasant, convenient, safe, responds to local context and combines with good place-making. Motorised vehicle movement must efficiently service development without predominating..." It is not considered the proposal

contravenes these aims of the Essex Design Guide. It would also not cause a severe impact upon the Highway network, as referred to in the NPPF.

16.19 A Construction Management Plan condition can be applied.

Wildlife issues:

16.20 As the site is not overgrown and no older or timber framed buildings would be demolished it is not considered that a phase 1 Ecological survey is required as the site is already garden land. Accordingly it is not considered the scheme is contrary to policy DP21 which aims to protect and enhance biodiversity.

16.21 A RAMs wildlife payment will need to be made as a new dwelling would be created in a Zone of Influence for coastal sites subject to national designations as required by the Habitat Regulations to mitigate any adverse impacts. An appropriate Habitat Regulation assessment has been made.

Unilateral Undertaking:

16.22 A Unilateral Undertaking will be required to be completed in order to secure the required SPD contributions for community facilities and sport & recreation facilities and this has been completed.

Garden space:

16.23 Adequate amenity space for the new dwellings has been shown to be provided in accordance with Policy DP16. Indeed, garden space compares favourably with neighbouring properties. Policy DP16 provides that for 3 bedroom dwellings a minimum of 60m² should be provided and in this case the dwellings are provided with over 100m² each which further emphasises that this is not an overdevelopment of the site.

Environmental and Carbon Implications

16.24 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. The consideration of this application has taken into account the Climate Emergency and the sustainable development objectives set out in the NPPF. It is considered that, on balance, the application can contribute to achieving sustainable development. The site is considered to be in a sustainable location and would minimise carbon emissions from trips generated to access services.

Other

- 16.25 Finally, in terms of other planning considerations, the proposed development does not raise any concerns. There are no archaeological issues (Policy DP14). No vegetation of significance would be affected.
- 16.26 It is not considered the proposal is contrary to the Myland and Braiswick Neighbourhood plan as the proposal is considered to represent a high quality design in accordance with Policies HOU1 and DPR1.

17.0 Conclusion

- 17.1 In conclusion, it is considered the site can adequately accommodate the proposed dwellings without appearing cramped or being out of keeping with the character of the street scene. It is therefore not considered the proposal represents an overdevelopment. The design, scale and form of the single storey dwellings is acceptable and relates satisfactorily to the character of other dwellings in the vicinity, with modest gable widths and appropriate fenestration. There is also space for frontage landscaping in front of both plots. There are no objections on the grounds of highway safety, with adequate visibility splays in either direction and room for adequate parking on the site. There is adequate amenity space for each new dwelling which exceeds Local Plan requirements. It is not considered there would be a significant impact on neighbouring residential amenity from the dwellings in terms of overbearing or loss of light or in respect of noise and disturbance. No vegetation of significance would be affected.

18.0 Recommendation to the Committee

- 18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the receipt of a RAMs wildlife mitigation payment and 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. ZAM – Development In accordance with Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers: 19/190-01 Rec'd 20.4.21, 05A & 06a Rec'd 15.7.21.

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

3. ZBB- Materials As Stated in the Application

The external facing and roofing materials to be used shall be those specified on the submitted application form, schedule and drawings.

Reason: To ensure that materials are of an acceptable quality appropriate to the area.

4. Z00- Vehicular Access

Prior to the first occupation of the proposed dwellings, the proposed vehicular access shall be constructed where shown on the submitted plans to a width of 5.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason: To ensure that all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway, in the interests of highway safety.

5. Z00 – Close Access

The existing access shown on the submitted plan shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the reinstatement to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority, immediately the proposed new access is brought into use.

Reason: To ensure the removal of and to preclude the creation of un-necessary points of traffic conflict in the highway and to prevent indiscriminate access and parking on the highway, in the interests of highway safety.

6.Z00- No Unbound Materials

No unbound materials shall be used in the surface treatment of the proposed vehicular access throughout.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

7. Z00- Parking/Turning Area

The development shall not be occupied until such time as the car parking and turning area, has been provided in accord with the details shown in Drawing Numbered 19/190 – 05A. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking 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, in the interests of highway safety.

8. Z00- Cycle storage.

Notwithstanding the submitted details, 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 LTN 120.

9. ZPA 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 and to ensure that amenities of existing residents are protected as far as reasonable and in the interest of highway safety. (see informatives).

10. Non Standard Condition - Construction and Demolition

No demolition or construction work shall take place outside of the following times;

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working.

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.

11. Non Standard Condition - Refuse and Recycling

Prior to the first occupation of the development hereby permitted, refuse and recycling storage facilities shall be provided in accordance with a scheme which shall have been previously submitted to and agreed, in writing, by the Local Planning Authority. Such facilities shall thereafter be retained to the satisfaction of the Local Planning Authority at all times.

Reason: The application contains insufficient information to ensure that adequate facilities are provided for refuse and recycling storage and collection.

12. ZFI- Tree or shrub planting

The development hereby permitted shall not be occupied until details of tree and/or shrub planting and an implementation timetable have been submitted to and approved, in writing, by the Local Planning Authority. This planting shall be maintained for at least five years following contractual practical completion of the approved development. In the event that trees and/or plants die, are removed, destroyed, or in the opinion of the Local Planning Authority fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the Local Planning Authority.

Reason: To ensure an appropriate visual amenity in the local area.

19.0 Informatives

19.1 The following informatives are also recommended:

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

2. All 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 or by post to:
SMO1 – Development Management
Essex Highways Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester,
Essex
CO7 7LT

3. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:
SMO1 – Essex Highways
Colchester Highways Depot,

653 The Crescent,
Colchester
CO4 9YQ

4.PLEASE NOTE: This application is the subject of a Unilateral Undertaking legal agreement and this decision should only be read in conjunction with this agreement.

5.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 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.

APPENDIX 1 – Policies Superseded from the Core Strategy Focused Review 2014 by the Shared Strategic Section 1 Local Plan

General Local Plan Status

The Colchester emerging Local Plan (eLP) was submitted to the Planning Inspectorate in October 2017. The Plan is in two parts with Section 1 being a shared Strategic Plan for the North Essex Authorities (Colchester, Braintree, and Tendring). Following Examination in Public (EiP) the Section 1 Local Plan was found sound and Colchester Borough Council adopted the Section 1 Local Plan on 1 February 2021 in accordance with Section 23(2)(b) of the Planning and Compulsory Purchase Act 2004.

Policy SP2 should be referred to when applying the Habitats Regulations requirements to secure RAMs contributions where appropriate. This does not update the approach that the Council have been implementing but the Policy context has updated status with the adoption of Section 1 which includes a specific policy covering this issue.

A few policies in the Core Strategy are superseded in part by the adopted Section 1 Local Plan, and SD2 in full only. This is outlined below in detail and a summary table for all Section1 Policies.

Policy SD2 – Full

The Borough Council will work with partners to ensure that facilities and infrastructure are provided to support sustainable communities in Colchester. New facilities and infrastructure must be located and designed so that they are accessible and compatible with the character and needs of the local community.

New development will be required to provide the necessary community facilities, open space, transport infrastructure and other requirements to meet the community needs arising from the proposal. Development will also be expected to contribute, as appropriate, to strategic projects that support sustainable development and the wider community.

The Council will seek to ensure that new development makes a reasonable contribution to the provision of related facilities and infrastructure. This will either be through a planning obligation (usually contained within a Section 106 agreement) and/or, if applicable, through a Community Infrastructure Levy (CIL) payment, following adoption of a CIL charging schedule.

A CIL charging schedule would set a specified charge for each square metre of gross internal floorspace, related to the use class of the development. CIL payments will contribute to the provision of infrastructure to support development. Planning obligations and s278 agreements will continue to be used to make individual applications acceptable. The Council will publish a list of infrastructure to be funded through CIL to ensure developers do not pay twice for the same item of

infrastructure. The viability of developments will be considered when determining the extent and priority of development contributions.

Is replaced by SP6.

Policy SD2 is no longer relevant.

Policy SD1 – In Part

Colchester Borough Council will promote sustainable development and regeneration to deliver at least 14,200 jobs between 2001 and 2021 and at least 19,000 homes between 2001 and 2023.

When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that applications can be approved wherever possible and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay unless material considerations indicate otherwise.

Is replaced by SP1.

All other parts of SD1 remain relevant.

Policy H1 – In Part

The Borough Council will plan, monitor and manage the delivery of at least 19,000 new homes in Colchester Borough between 2001 and 2023.

Is replaced by SP3 and SP4.

All other parts of H1 remain relevant.

Policy CE1- In part

The Borough Council will encourage economic development and will plan for the delivery of at least 14,200 jobs in Colchester between 2001 and 2021

Is replaced by SP5.

All over parts of CE1 remain relevant.

Section 1 Adopted Policy	Context of Section 1 Policy	Relevant Core Strategy Policy status
Policy SP 1 Presumption in Favour of Sustainable Development	Restates national Policy	Replaces SD1 - in part. Following text of SD1 is

		<p>replaced by SP1.</p> <p><i>Colchester Borough Council will promote sustainable development and regeneration to deliver at least 14,200 jobs between 2001 and 2021 and at least 19,000 homes between 2001 and 2023.</i></p> <p><i>When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that applications can be approved wherever possible and to secure development that improves the economic, social and environmental conditions in the area.</i></p> <p><i>Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay unless material considerations indicate otherwise.</i></p>
Policy SP 2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)	Statutory requirement under the Habitats Regs- Policy provides a new authorisation for contributions	New policy relevant to confirm approach implementing the Habitats Regulations. Full status for decisions post 1.02.2021
Policy SP 3 Spatial Strategy for North Essex	Strategic – relies on Section 2 eLP for Spatial hierarchy and Colchester strategy	High level N/A
Policy SP 4 Meeting	Sets the housing supply	Replaces H1 - in part.

Housing Needs	figure for the Plan period at 920 per year. Section to allocate sites and determine the spatial distribution	<p>Following text of H1 replaced by SP4.</p> <p><i>The Borough Council will plan, monitor and manage the delivery of at least 19,000 new homes in Colchester Borough between 2001 and 2023.</i></p> <p>All other parts of H1 remain relevant</p>
Policy SP 5 Employment	Strategic target – relies on Section 2 eLP to allocated sites	<p>Replaces CE1 – in part.</p> <p>Following text from CE1 replaced by SP5.</p> <p><i>The Borough Council will encourage economic development and will plan for the delivery of at least 14,200 jobs in Colchester between 2001 and 2021.</i></p> <p>All other parts of CE1 remain relevant.</p>
Policy SP 6 Infrastructure & Connectivity	<p>Strategic and restates national policy</p> <p>Section 2 covers matters specifically</p>	<p>High level/Garden Community – Section A</p> <p>Sections B, C, D and E of policy apply to all allocations and development proposals in the North Essex Authorities area.</p> <p>These sections replace SD2.</p>
Policy SP 7 Place Shaping Principles	Strategic / restates national policy and eLP Section 2 covers matters specifically	High level N/A
Policy SP 8 Development & Delivery of a New Garden Community in North Essex	New- specific to the Garden Community	Garden Community N/A
Policy SP 9 Tendring/Colchester Borders Garden Community	New- specific to the Garden Community	Garden Community N/A

Note Management Policies and all other adopted policy which comprises the Development Plan remain relevant for decision making purposes. - All other Policies in the Core Strategy, Site Allocations and Development

