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Item No: 7.2

Application: 201686

Applicant: Mr And Mrs S Penrose

Agent: Mr Andrew Black, Andrew Black Consulting

Proposal: Outline application for up to 18 dwellings with access to be determined and all other matters reserved.

Location: Land south of West Bergholt Cricket Club, Colchester Road, West Bergholt, Colchester

Ward: Lexden & Braiswick

Officer: Annabel Cooper

Recommendation: Approval subject to legal agreement

1.1 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee as it is a major application and will require a S106 agreement to secure planning obligations/contributions.

2.0 Synopsis

- 2.1 The key issues for consideration are the principle, landscape, highway and ecology impacts.
- 2.2 The relevant policy context includes the adopted Local Plan, the emerging Local Plan and the West Bergholt Neighbourhood Plan. West Bergholt is identified as a Settlement and Key Development Area within the Settlement Hierarchy of the adopted Local Plan. The emerging Local Plan 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). West Bergholt is identified as a Sustainable Settlement and thus is considered to have the potential to accommodate further proportionate growth. The West Bergholt Neighbourhood Plan was “made” on 16th October 2019. It provides the policy context for West Bergholt, including provision for housing growth through the allocation of two sites to accommodate 120 dwellings.
- 2.3 The proposed outline application is for up to 18 dwellings is on land which under Policies SG8 & SS15 of the Emerging Local Plan, has been allocated in the West Bergholt Neighbourhood Plan Policy PP9. The application site is part of one of the allocated sites (Site B) included in the Neighbourhood Plan as indicated in Policy PP9 and Map PP9/2. Due to the presence of a badger sett and the requirement for a wildlife buffer zone the site does not accord entirely with the area as defined by Map PP9/2. However it is considered that the area proposed is acceptable and that the proposed site is compliant with Policy PP9 of the Neighbourhood Plan. The proposed is therefore acceptable in principle.
- 2.4 The proposed includes a new access from Colchester Road this is considered to be acceptable, there are no concerns with regard to highway safety.
- 2.5 A active badger sett will be protected by a wildlife buffer zone.
- 2.6 In terms of the planning merits of the case, the site is large enough to be able to accommodate 18 dwellings without appearing cramped or overdeveloped. The submitted drawings are for illustrative purposes only and an improved layout and building form would be expected at the Reserved Matters stage.
- 2.7 The application is subsequently recommended for approval subject to conditions and a Section 106 legal agreement to secure planning obligations.

3.0 Site Description and Context

- 3.1 The application site is a large, open grassland parcel with established hedgerow boundary planting. To the north of the site is the West Bergholt Cricket Club, the site's southern boundary is formed by the B1508 (Colchester Road). To the east of the site is a further field however full planning permission was recently granted for 41 new homes on this site reference 191997. Existing site access is via Manor Road, a private road which serves a small number of residential units and well as the the West Bergholt Cricket Club.

4.0 Description of the Proposal

- 4.1 The application seeks outline planning permission for 18 dwellings and a new access from Colchester Road, all matters apart from access are reserved.
- 4.2 Matters of appearance, landscaping, layout, and scale would be determined under Reserved Matters application(s) to follow. Proposals submitted under Reserved Matters will still need to comply with current planning policy, and emerging local plan policies (where relevant).

5.0 Land Use Allocation

- 5.1 Allocated for residential development within the adopted West Bergholt Neighbourhood 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
 ER1 - Energy, Resources, Waste, Water and Recycling

- 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
 DP3 Planning Obligations and the Community Infrastructure Levy
 DP12 Dwelling Standards
 DP13 Dwelling Alterations, Extensions and Replacement Dwellings
 DP16 Private Amenity Space and Open Space Provision for New Residential Development
 DP17 Accessibility and Access
 DP19 Parking Standards
 DP21 Nature Conservation and Protected Lanes
 DP25 Renewable Energy

- 7.4 The Neighbourhood Plan for West Bergholt is also relevant. This forms part of the Development Plan in this area of the Borough.

- 7.5 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). Part one of the plan was adopted in February 2021. An Inspector has been appointed and the formal examination commenced in January 2018. The examination is ongoing on Part 2 of the Plan with examination sessions concluding in April and the Examiner's report is now awaited.

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 Section 2 is at an advanced stage and is, therefore, considered to carry some weight in the consideration of the application, but as it is yet to complete full and final examination, it is not considered to outweigh the material considerations assessed above in accordance with up-to-date planning policies and the NPPF.

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

The Essex Design Guide
External Materials in New Developments
EPOA Vehicle Parking Standards
Affordable Housing
Sustainable Construction
West Bergholt Parish Plan & West Bergholt Village Design Statement

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.

Affordable Housing Strategy Officer

- 8.2 Affordable housing was requested and accepted by the applicant, details of which can be read in Developer Obligations and Contributions section of this report.

Anglian Water

- 8.3 No assets located in site, there is foul water capacity and the water system has capacity.

Archaeological Adviser

- 8.4 The proposed development is situated within the area of archaeological interest that has been defined in the Colchester Historic Environment Record (HER). Cropmarks, indicative of archaeological remains, are recorded to the east of this site (HER Monument no. MCC7769). Groundworks relating to the application would cause ground disturbance that has potential to damage any archaeological deposits that exist.

- 8.5 A planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed is recommended and has been agreed by the applicant.

North East Essex Badger Group

- 8.6 The NEEBG agree with the content of the submitted Badger Assessment and wish to see the badger sett identified retained. They confirm that the buffer zone as proposed is adequate. They suggest that suitable fencing to safeguard the sett from machinery during construction should be erected as well as permanent fencing when the site is occupied. They also suggest that the buffer zone could be planted with native trees, bushes etc. to give the badger sett protection from the general public.

- 8.7 There are some comments made with regards to the neighbouring development site which is outside the scope of the current application.

Contaminated Land Officer

- 8.8 The submitted Preliminary Risk Assessment is acceptable for Environmental Protection purposes. This report identified no on-site sources of potential contamination and one potential off-site source - a nearby former fuel filling station (29m to the south of the application site).
- 8.9 It has been concluded that overall, the site is considered to be of low risk with respect to ground contamination and is in a generally low risk environmental setting.
- 8.10 It will be necessary for record of a contemporary site reconnaissance to be provided, to allow for any on-site sources of contamination not obvious from online resources. Based on the information provided, and assuming that completion of further risk assessments, it would appear that this site could be made suitable for the proposed use, with remaining contamination matters dealt with by way of planning condition. Conditions and an informative have been recommended.

Environmental Protection

- 8.11 No objections. Recommended conditions to provide electric vehicle charging points, submission of a construction method statement, hours of works, controls for retaining acceptable internal noise levels in proposed dwellings.

Essex Police - Secure by Design

- 8.12 No objection. Essex Police would like to see this developer seek to achieve a nationally accredited Secured by Design award in respect of this development.

Highways Authority

- 8.13 No objections on highway and transportation grounds subject to conditions. Conditions required for details to be submitted, approved and in accordance with Highways specification for the creation of a bellmouth junction on to Colchester Road, visibility splays, estate roads and footways, the bridging or piping of the drainage ditch/watercourse, vehicular turning facilities for service and delivery vehicles, Construction Management Plan as well as vehicle and cycle parking for the development.
- 8.14 Recommended conditions also specify that the width of carriageways are to be in accordance with Highways specifications, all footways should be no less than 2.0m in width, hedges to be an appropriate distance from highways and visibility splays, the footpath for the sites frontage to Colchester Road shall be extended to a minimum of 2.0m and Residential Travel Information Packs for sustainable transport shall be distributed. Recommended informatives regarding Highway Authority requirements and standards have also been included.

Landscape Officer

- 8.15 Regarding the landscape content/aspect of the outline application proposals submitted principally under drawing(s) A1853_001A, 004A, 005A, D2870_FAB_XX_XX_DR_L_101 and Landscape Visual Appraisal with Impact Statement (LVAIS) dated July 2020 all lodged on 18/08/20; the following points should be considered:
- 8.16 The design layout points made in the Landscape Consultation Comments doc 526/20/CON, lodged 08/12/20, remain valid to this application, however it is understood these can be addressed as reserved matters.
- 8.17 In conclusion, there are no objections to this Outline application, in principle, on landscape grounds.

Natural England

- 8.18 It has been identified that this development falls within the 'Zone of Influence' (Zoi) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The Borough Council is to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.

Planning Policy

- 8.19 Detailed response provided setting out adopted policy and emerging policy position. The assessment of the planning policy position will be set out in the main body of this report.
- 8.20 The Planning Policy teams conclusion is that, after thorough assessment and judgement it is considered that it can be afforded policy support in principle as a result of the significant weight to be afforded to the Emerging Local Plan and allocation of the site in the adopted Neighbourhood Plan, based on the tests in paragraph 48 of the NPPF. In respect of the scheme proposed, the principle of development of 18 dwellings is supported. Though the site is not entirely within the allocated site the Planning Policy team considered the justification for this divergence to be acceptable.

SUD's

- 8.21 Having reviewed the Drainage Assessment and the associated documents which accompanied the planning application, no objection is raised to the granting of planning permission.

Urban Design Officer

- 8.22 It is not considered that the design detail provided within this application justifies this departure from the Neighbourhood Plan as adopted with regards to the site boundary.
- 8.23 The piecemeal development of the emerging allocation is not considered acceptable in design terms.
- 8.24 An additional access onto Colchester Road for the same allocation site is not desirable. However, the specifics of the access are acceptable in design terms.
- 8.25 Indicative layout does not respond to the local vernacular and does not deliver a functional open space. There is a lack of permeability with the surrounding land uses.

Planning Officer comments:

- 8.26 *Matters raised by the Urban Designer has been discussed with the applicant. An informative will be included to ensure that during the Reserved Matters there is some form of permeability to the neighbouring site within the same allocation. The justification for the departure from the adopted neighbourhood plan site allocation has been sent to the Urban Designer. It is acknowledged that the emerging allocation has been split into separate parcels to be pursued by different developers, therefore there will not be a truly comprehensive scheme which is unfortunate. At this stage this does not appear to be a way to resolve the matter and there does not appear to be an open line of communication between the two developers despite the Council's encouragement.*

9.0 Parish Council Response

- 9.1 The Council support the amended plans and the inclusion of the wildlife protection area so long as the boundary is now defined as indicated on Drawing No. 1853_015A in the document list.

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 11 letters of objection have been received:
- Development of green field site
 - Facilities and services within West Bergholt would do not have enough capacity i.e., school, doctors.
 - Creations of additional traffic, pollution, light and noise
 - Disturbance during construction period

- New access to result in danger to highways users
- Adverse impact on ecology and habitats
- Lack of provisions within the proposed development for amendments to improve the safety of Colchester road as required by Neighbourhood Plan
- Two new accesses close together
- Concerns that the proposed would result in on street parking on Colchester Road

10.3 1 general comment has been received:

- Comment with regards to new highway access proposed and safety for pedestrians.

11.0 Accessibility

11.1 In terms of the Equality Act, the proposal would be able to provide a variety of house size types that would be provide flexible choice for different lifestyle requirements.

11.2 The indicative scheme proposes three two-bed bungalows. Two of which will meet building regulations Part M4 Cat 3 and one bungalow that will be part of the affordable housing provision would M4 Cat 3 (2).

12.0 Open Space Provisions

12.1 Development Plan policy DP16 requires new residential development to provide at least 10% of the site area as public open space. Whilst this is an outline application, it is clear from the submitted illustrative plan that there is space to meet this requirement.

13.0 Air Quality

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

14.0 Planning Obligations

As a “Major” application, there was a requirement for the scheme 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 are set out below.

15.0 Report

15.1 The main issues in this case are:

- Principle of Development
- Highways and Parking
- Wildlife (Badgers and RAMS)
- Layout and Landscape

- Amenity
- Amenity Space Provisions
- Flood Risk and Sustainable drainage
- Developer obligations and contributions
- Other matters (Contamination, Archaeology & Heritage)

Principle of Development

- 15.2 The relevant policy context includes the adopted Local Plan, the emerging Local Plan and the West Bergholt Neighbourhood Plan. The Neighbourhood Plan provides the most up to date element of the Development Plan.
- 15.3 The proposed is in accordance with the adopted Local Plan as the site is allocated for residential development within the adopted West Bergholt Neighbourhood Plan. Core Strategy Policy SD1 states that planning applications that accord with policies in Neighbourhood Plans will be approved without delay unless material considerations indicate otherwise.
- 15.4 The approach of Policy SD1 is consistent with the National Planning Policy Framework (NPPF), which seeks to deliver 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 NPPF.
- 15.5 West Bergholt is identified as a Settlement and Key Development Area within the Settlement Hierarchy of the adopted Local Plan.
- 15.6 The emerging Local Plan 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). Weight can be given to the emerging Local Plan as it is at an advanced stage in accordance with the provisions of the revised National Planning Policy Framework (NPPF).
- 15.7 West Bergholt has a variety of services and facilities including a public house, shop, village hall, preschool and primary school. The Village also has a regular bus service into Colchester. West Bergholt is identified as a Sustainable Settlement and thus is considered to have the potential to accommodate further proportionate growth.
- 15.8 The West Bergholt Neighbourhood Plan was “made” on 16th October 2019. It provides the policy context for West Bergholt, including provision for housing growth through the allocation of two sites to accommodate 120 dwellings. This is in line with the emerging Local Plan which identifies the housing requirements for the plan period up to 2033 and the spatial strategy for delivering this. The provision at West Bergholt contributes to the overall

Borough wide requirement for 920 houses a year based on the Objectively Assessed Need.

- 15.9 The proposed outline application is for up to 18 dwellings is on land which under Policies SG8 & SS15 of the Emerging Local Plan, has been allocated in the West Bergholt Neighbourhood Plan Policy PP9.
- 15.10 The application site is part of one of the allocated sites (Site B) included in the Neighbourhood Plan as indicated in Policy PP9 and Map PP9/2. The adjacent field which forms the remainder of Site B has recently been granted approval for 41 dwelling reference 191997.
- 15.11 The site is largely within the settlement boundary as defined in the Neighbourhood Plan and allocated as part of one of the housing sites in the Neighbourhood Plan. However, there is some divergence from the area as define on Map PP9/2.
- 15.12 The Neighbourhood Plan Examiner's report stated that there is:
... some flexibility to deliver the housing quota of 120 dwellings within the Plan period in the event that the site location boundaries struggle to deliver this quantum of housing due to the site layout and design matters (paragraph 5.92).
- 15.13 The reason that the site area does not match exactly with the area defined in the Neighbourhood Plan Map is because of the presence of an active badger sett and the need to provide wildlife buffer zone. The North East Essex Badger Group agreed that the best solution would be to retain the badger sett with a wildlife buffer zone. The zone defined is considered to be adequate. Due to the radius of the buffer zone this reduces the developable land within the allocated parcel as shown on Map PP9/2. As a result, the site boundary proposed is amended to provide the same amount of developable area as define in Policy PP9 whilst retaining the wildlife buffer zone.
- 15.14 Furthermore, the wildlife buffer zone extends outside of the red lined application site plan to include other land within the control of the applicant. Allowing the Council to impose 'Grampian'-style conditions and legal covenants to ensure that all of the wildlife buffer zone within the applicant's ownership is properly retained and managed.
- 15.15 It is therefore considered that the red line application site area proposed is acceptable and that the proposed site is compliant with Policy PP9 of the Neighbourhood Plan.
- 15.16 In conclusion, having regard to the above detailed policy issues, the proposal is considered acceptable in principle. The site proposed for residential development is allocated in the West Bergholt Neighbourhood Plan. Accordingly, it is considered that the principle of development of the site accords with the relevant policies in the adopted Local Plan and in the emerging Local Plan, policies which are compliant with the NPPF and support approval of residential development on sites that accord

with adopted Neighbourhood Plans. Therefore, the proposed is acceptable in principle and should be judged on its planning merits as follows.

Highways and Parking Issues

- 15.17 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.
- 15.18 There is a single proposed vehicular access point into the site from Colchester Road. The Highway Authority has confirmed that the proposed access is acceptable in principle and that the required visibility splays can be achieved. Several conditions relating to highways safety have been recommended.
- 15.19 The Neighbourhood Plan states that the allocated sites should secure speed reduction measures and accessibility improvements to be funded by the developers, where appropriate. As such a planning obligation will be secured by a S106 agreement. The S106 will secure a contribution for the installation of a Zebra Crossing on Colchester Road. Contributions towards the Zebra Crossing has already been secured for the other two sites that make up the WBNP allocations.
- 15.20 The proposal is acceptable with regard to its impact on the local traffic network and highways safety whilst the proposed development would also result in the improvement of infrastructure that would encourage the use of more sustainable modes of transport to access village facilities.
- 15.21 In accordance with Policy DP19, the adopted 2009 Essex County Council Parking Standards require at least 2 parking spaces for dwellings with 2 or more bedrooms (measured at 2.9m by 5.5m). A garage space would need to have an internal minimum measurement of 3m by 7m. The development has the space to comfortably meet these standards and appropriate conditions can be applied. There is also room to provide visitor spaces. Policy DP1 could therefore be met which aims to create a safe environment.
- 15.22 A condition will be imposed to ensure that infrastructure for electric vehicle charging is installed.

Wildlife

- 15.23 An active badger sett has been identified to the east of the site. An assessment has been undertaken and the most suitable mitigation was to provide a wildlife buffer zone. This low impact approach includes retaining a buffer of at least 30m from all sett entrances. This will be secured as a planning obligation within the S106 agreement and by planning condition.

- 15.24 The buffer area will need to retain connectivity between all sett entrances. The buffer will also need to retain good connectivity to foraging habitat to the north of the site in order for it to remain a viable sett. Buffer areas will need to be fenced in a way to deter public access. There is an outlier sett adjacent to Colchester Road (sett entrance 5) which will likely be required to be closed under licence, due to its location close to the proposed site access road. Mitigation for the outlier sett closure is unlikely to be a requirement of the licence.
- 15.25 There will also be wildlife enhancements that will be secured including management and infilling of the retained boundary hedgerows to increase density; native planting within the retained grassland areas and ongoing management.
- 15.26 With the mitigation proposed it is considered that the proposed development is acceptable and is in accordance policy DP21 in that satisfactory prevention and mitigation measures are to be provided.
- 15.27 A Protected Species Report was submitted in support of the application, it concluded that there is a population of common lizard and seven bat species were recorded commuting and foraging on the sites. It concluded that the proposed development would be acceptable should the mitigation and enhancement measures recommended in the report be undertaken. A condition is recommended to ensure that an Ecological Mitigation Strategy and Habitat Management Plan is provided.
- 15.28 It is necessary to assess the application in accordance with the Habitats and Species Regulations 2017 (as amended). The whole of Colchester Borough is within the zone of influence of a European designated site and it is anticipated that the development is likely to have a significant effect upon the interest features of relevant habitat sites through increased recreational pressure, when considered either alone or in-combination with other plans and projects. An appropriate assessment was therefore required to assess recreational disturbance impacts as part of the draft Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). As required by the draft RAMS, a financial contribution is required in order to mitigate impacts from the development. Provided that this contribution is secured, the proposed development is not considered to have a detrimental impact on designated sites. The applicants have agreed to provide the financial contribution to be secured by S106 agreement.

Layout and Landscape

- 15.29 Policy DP1 of the Local Plan requires all development to respect and enhance the character of the site, its context and surroundings. Core Strategy Policy ENV1 seeks to conserve and enhance Colchester's natural and historic environment, countryside and coastline.
- 15.30 Whilst the submitted layout plan is purely for illustrative purposes only, it shows that 18 dwellings on the site could be accommodated without appearing cramped or overdeveloped.

- 15.31 Development of the site would undoubtedly affect its existing character as the site will change from being greenfield to built development, but this should not preclude development in principle. Such changes are inherent to all undeveloped sites and are unavoidable.
- 15.32 As the application is for outline permission, with landscape being a reserved matter, it is considered that these details can be submitted at reserved matters stage. It is however, considered that the detail of the existing illustrative layout is not acceptable and that an improved layout would be required to be submitted at Reserved Matters stage. To ensure that a scheme of the highest quality possible is achieved.
- 15.33 Overall, there is the potential for a development of 18 dwellings on this site to respect the character of the site and surroundings (Policy DP1) and to secure a high-quality design that is in keeping with its context (Policy UR2) and conserve the landscape and townscape (Policy ENV1).

Amenity

- 15.34 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.
- 15.35 The application site lies opposite properties situated on Manor Road and Colchester Road. At this stage, only illustrative/indicative layouts have been submitted. These details show that development can be accommodated without adverse impacts on existing development in terms of privacy, outlook and loss of light.
- 15.36 Residents have expressed concerns with regards to the potential impact on amenity as a result on the construction period as well as the disturbance as a result of additional vehicle movement that would occur as a result of the development. The Environmental Protection team have recommended conditions to reduce the impact of the construction period. It is noted that this would be a short-lived impact. There is scope to position access drives and parking areas in locations that would not lead to significant noise and disturbance to neighbouring residents. The impact of this relatively small number of new dwellings should not have a detrimental impact with regard to light pollution.
- 15.37 It is therefore considered there it will be possible to achieve a scheme that would preserve a satisfactory level of neighbouring residential amenity and accord with Policy DP1.

Amenity Space Provisions

- 15.38 Policy DP16 provides the standards for private amenity space. For houses, these standards are as follows:
- One or two bed – a minimum of 50 sqm.
 - 3 bed – a minimum of 60 sqm.
 - 4 bed – a minimum of 100 sqm.
- 15.39 There is sufficient space within the development site to meet these amenity space standards.

Flood Risk and Sustainable drainage

- 15.40 The site is located in Flood Zone 1, below a hectare in area and beneath the threshold for which a Full Flood Risk Assessment is required.
- 15.41 Essex County Council as the Local Lead Flood Authority have reviewed the Drainage Statement following the completion of infiltration testing. Essex have recommended a number of conditions which include the requirement to provide a detailed surface water drainage scheme, a scheme to minimise the risk of offsite flooding during construction and details with regards to long term maintenance and management. In terms of sustainable drainage the proposed is considered to be acceptable.
- 15.42 Anglian Water have confirmed that there is sufficient wastewater treatment capacity and the sewerage system has available capacity.

Planning Obligations and Contributions

- 15.43 The following contributions have been requested and agreed by Development Team as policy compliant:

15.44 *Archaeology:*

£17,553 contingent on finds.

£348 will be required if no archaeological remains are affected by the development, to integrate the information to the HER

15.45 *Parks & Recreation:*

Developer to provide on-site play and sport facilities (play area & gym equipment) or off-site contribution of £68,592.12 to be used for projects as identified in the adopted West Bergholt Neighbourhood Plan.

If adopted maintenance of onsite play and sports facilities £5,479.65.

15.46 *Community:*

Contributions of £36,695.13 toward Orpen Memorial Hall and Scout Hut.

15.47 Highways Crossing:

£14,994 - £833/per dwelling for the installation of a Zebra Crossing on Colchester Road, West Bergholt.

15.48 Recreational disturbance Avoidance and Mitigation Strategy (RAMS):

£2,260.11 to be paid prior to the commencement of development and to be used for off-site habitat mitigation.

Other Provisions

15.49 Affordable Housing

The proposal includes 30% affordable housing provision in line with Emerging Local Plan policy DM8. Five dwelling are proposed as Affordable Housing. It is proposed these would be 2 x 1-bed dwellings 1 x 2-bed dwelling, 2x 3-bed dwellings.

15.50 Wildlife Buffer

The wildlife buffer marked in green on the location plan to be implemented prior to the commencement of the development and to be managed and maintained in perpetuity.

Other matters

- 15.51 The site is considered to be of low risk with respect to ground contamination and is in a generally low risk environmental setting. Conditions have been recommended. There are no concerns with regards to built heritage. Planning conditions to record archaeology are recommended.

Planning Balance

- 15.52 West Bergholt is considered a sustainable settlement, the proposed scheme is in conformity with Neighbourhood Plan Policy PP9 which allocates the site for residential development. Accordingly, it is considered that the principle of development of the site accords with the relevant policies in the adopted Local Plan and in the emerging Local Plan, policies which are compliant with the NPPF and support approval of residential development on sites that accord with adopted Neighbourhood Plans. Therefore, the proposed is acceptable in principle.
- 15.53 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.
- 15.54 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.

- 15.55 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. It is considered that the proposed would have a significant social benefits including the provision of policy compliant affordable homes to sustain balanced communities.
- 15.56 There is also sufficient evidence to be confident that the development would not cause significant harm to the amenity of nearby residents or have an adverse impact upon the highway network. While the development would provide an upgrade to the highways infrastructure with the introduction of a zebra crossing.
- 15.57 With regards to impact on the environment the impact on the badger sett and other protected species can be sufficiently mitigated. Furthermore, there are no concerns with regards to flooding and a sustainable drainage strategy will be possible.
- 15.58 The proposed would undoubtedly affect the site's existing character as the site will change from being greenfield agricultural land to a housing development. However, the positive economic and social effects, as well as the sustainability of the proposal are judged to outweigh the shortcomings identified. In particular, given the weight afforded to the supply of new homes in the Framework and the possible design mitigation that could be secured as part of any future reserved matters application, it is considered that any harm is convincingly outweighed by the public benefits.

16.0 Conclusion

- 16.1 To summarise, it is considered that the benefits of the scheme outweigh any adverse impacts identified and the proposal is considered to be acceptable on this basis.

17.0 Recommendation to the Committee

- 17.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990, within 6 months from the date of the Committee meeting. In the event that the legal agreement is not signed within 6 months, to delegate authority to the Head of Service to refuse the application, or otherwise to be authorised to complete the agreement. The Permission will also be subject to the following conditions:

1. Time limit for outline permission (1/3)

No development shall be commenced until plans and particulars of "the reserved matters" referred to in the below conditions relating to the APPEARANCE, LANDSCAPING, LAYOUT AND SCALE have been submitted to and agreed, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

2. Time limit for outline permission (2/3)

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

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

3. Time limit for outline permission (3/3)

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

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

4. Approved plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers:

1853_001 rev B 'Location Plan' dated 05.01.2021;
1853_016 rev A 'Parameter Plan (30m wildlife buffer)' dated 05.01.2021;
000101 - PL01 'New Access Junction' dated May 2020 &
Interim Protected Species Report dated November 2020.

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

5. Contaminated Land (1/4)

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

- (i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;
- (ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

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

This must be conducted in accordance with all relevant, current, best practice guidance, including the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

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

6. Contaminated Land (2/4)

No works shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared and then submitted to and agreed, in writing, by the Local Planning Authority.

The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

7. Contaminated Land (3/4)

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

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

8. Contaminated Land (4/4)

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 5, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 6, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 7.

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

9. Contaminated Land Validation Certificate

Prior to the first OCCUPATION of the development, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 6.

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

10. Limited 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: none

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. External noise (units fronting Colchester Road)

Where the internal noise levels exceed those stated in the current version of BS8233 with windows open, enhanced passive ventilation with appropriate sound insulating properties shall be provided to ensure compliance with the current version of BS8233 with windows closed and that maximum internal noise levels at night do not exceed 45dBA on more than 10 occasions a night. Where exposure exceeds the noise levels of 60dBLAeq 16 hours (daytime, 07:00-23:00, outside), 55dBLAeq 8 hours (night, 23:00-07:00, outside) significantly enhanced ventilation will be required.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the future residents by reason of undue external noise where there is insufficient information within the submitted application.

12. Highways (1/13)

Prior to the first occupation of the development, the proposed estate road, at its bellmouth junction with Colchester Road shall be provided with 10.5m. radius kerbs returned to an access road carriageway width of 5.5m straight for the first 12m within the site and flanking footways 2m. in width returned around the radius kerbs which shall connect to the existing footway in both directions. The new road junction shall be constructed at least to binder course prior to the commencement of any other development including the delivery of materials.

Reason: To ensure that all vehicular traffic using the junction may do so in a controlled manner and to provide adequate segregated pedestrian access, in the interests of highway safety

13. Highways (2/13)

Prior to the first use of the proposed access, details of the construction and future maintenance of the necessary bridging or piping of the drainage ditch/watercourse shall have 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.

Reason: To prevent or reduce the risk of flooding of the adjoining highway, in the interests of highway safety.

14. Highways (3/13)

Prior to the proposed access being brought into use, vehicular visibility splays of 90m by 2.4m by 90m as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be retained and maintained free from obstruction clear to ground thereafter.

Reason: To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety.

15. Highways (4/13)

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.

16. Highways (5/13)

All carriageways should be provided at 5.5m between kerbed footways or 6.0m where vehicular access is taken but without kerbing.

Reason: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety.

17. Highways (6/13)

All footways should be provided at no less than 2.0m in width.

Reason: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety.

18. Highways (7/13)

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

Reason: To ensure that vehicles using the site access may enter and leave the highway in a forward gear, in the interests of highway safety.

19. Highways (8/13)

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.

20. Highways (9/13)

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.

21. Highways (10/13)

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.

22. Highways (11/13)

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.

23. Highways (12/13)

Prior to the occupation of any of the proposed dwellings the footway across the entire sites frontage to Colchester Road shall be extended to a minimum of 2.0m

in width and shall connect to the flanking footways around the kerbed radii at the new access and being provided entirely at the Applicant/Developer's expense including new kerbing, surfacing, drainage, any adjustments in levels and any accommodation works to the footway and carriageway channel and making an appropriate connection in both directions to the existing footway to the specifications of the Highway Authority.

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

24. Highways (13/13)

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.

25. 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.

26. Landscaping

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

- Finished levels or contours, where notable changes are proposed.
- Means of enclosure.
- Car parking layouts and 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.).
- Planting plans.
- Written specifications.

- Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
- 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. Archaeology

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).

28. Badger Buffer Zone

No works shall take place until a Wildlife Buffer Zone Mitigation & Enhancement Strategy and Management Plan (including an implementation timetable and responsibilities) has been submitted to and agreed in writing by the Local Planning Authority. The wildlife buffer zone shall include all of the land marked in green on the approved location plan. The development shall subsequently be carried out in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority. The management of the wildlife buffer zone shall be in perpetuity.

Reason: To protect the active badger sett and the badgers habitat, in the interest of safeguarding wildlife.

29. Sustainable Procurement

Prior to commencement of the development, a Sustainable Procurement Plan shall be submitted to, and agreed in writing by the Local Planning Authority.

Reason: To ensure that the completed development is sustainable and makes efficient use of energy, water and materials.

30. EV Charging Points

Prior to the occupation of the development 1 electric vehicle charging point shall be provided to each dwelling with dedicated off-road parking or allocated parking spaces and 1 charging point provided per 10 spaces where off-road parking is unallocated. These electric charging points shall be maintained in good working order at all times.

Reason: To ensure that the completed development is sustainable and can facilitate low carbon personal vehicle usage.

31 SUDS (1/4)

No works 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. The approved scheme shall subsequently be implemented prior to occupation and should include but not be limited to:

Limiting discharge rates to 1:1 Greenfield runoff rates for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.

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

Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.

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.

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

Reason: In order to mitigate prevent flooding from surface water. 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.

32 SUDS (2/4)

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 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. 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.

33 SUDS (3/4)

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 prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

34 SUDS (4/4)

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.

35 Ecology

No works shall take place until an Ecological Mitigation Strategy and Habitat Management Plan (including an implementation timetable and responsibilities) has been submitted to and agreed in writing by the Local Planning Authority. The Ecological Mitigation Strategy and Habitat Management Plan shall be substantial in accordance with the mitigation and enhancements set out in the Interim Protected Species Report. The development shall subsequently be carried out in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of safeguarding wildlife and their habitat.

INFORMATIVES

1. Reserved Matters:

All effort should be made to ensure that there is permeability between the site and the neighbouring site. The permeability between the two parcels is fundamental to be able to achieve good design.

2. Contaminated Land Informative:

A site visit was not undertaken as part of the original contamination risk assessment and it will be necessary for record of a contemporary site reconnaissance to be undertaken and the assumed initial conceptual model to be confirmed prior to undertaking any intrusive works, with full details provided as a part of the reporting of the proposed 'Phase 2' intrusive investigations. Risks from the current and historic agricultural uses of the site should also be assessed (e.g. uses of pesticides, fungicides etc. on the field and orchard).

Reason because insufficient information was provided with the application and Environmental Protection wish to ensure that development only proceeds if it is safe to do so.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land is free from

contamination. The applicant is responsible for the safe development and safe occupancy of the site.

3. Highways Informative 1

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

4. Highways Informative 2

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

5. SUDS Informative

- 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.
- 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.

6. Landscape Informative

'Detailed landscape proposals, if/when submitted in order to discharge landscape conditions should first be cross-checked against the Council's Landscape Guidance Note LIS/C (this available on this CBC landscape webpage under Landscape Consultancy by clicking the 'read our guidance' link)'.

7. Archaeology Informative

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>

8.Anglian Water Informative 1

Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

9.Anglian Water Informative 2

Protection of existing assets-A public sewer is shown on record plan within the land identified for the proposed development. It appears that development proposal will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Service Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

10.Anglian Water Informative 3

Building near to a public sewer- No building will be permitted within the statutory easement width of 3 meters from the pipeline without agreement from Anglian Water. Please contact Development Services Team 0345 606 6087.

11.Anglian Water Informative 4

The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in the sewer adoption agreement with Anglian Water (under Section 104 of the Water Industry Act 1991), they should contact our Development Service Team at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers Adoptions guide for developers, as supplemented by Anglian Water's requirements.

12.Ecology Informative

The badger setts are protected under the Wildlife & Countryside Act 1981(As amended) and the The Protection of Badgers Act 1992.

13.S106 Informative

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.

14. 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.

15. 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.

16. 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.