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**Item No:** 7.2

**Application:** 200960

**Applicant:** David Poole For City and Country

**Proposal:** Application for approval of reserved matters following outline approval (192136) - Erection of 101 dwellings and 0.5 commercial D1/B1 uses with associated parking, public open space, landscaping, sustainable urban drainage system (SUDs)

**Location:** Land at, Brierley Paddocks, West Mersea

**Ward:** Mersea & Pyefleet

**Officer:** James Ryan

**Recommendation:** Approval

## **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 Jowers for the following reason:

“Road access and layout requires review as a result of consultation”.

## **2.0 Synopsis**

- 2.1 The key issues for consideration are the reserved matters from outline approval 192136, those being the layout, appearance scale and landscaping. The principle of development is not for determination having been approved by the outline permission earlier in the year.
- 2.2 The application is subsequently recommended for approval.

## **3.0 Site Description and Context**

- 3.1 The application site is located at Brierley Paddocks, West Mersea.
- 3.2 The site measures 9.2 hectares and is currently in agricultural use. The site also incorporates 43 Seaview Avenue which is located to the east of the site set within a residential avenue. There is some planting in the form of established hedgerows and trees at the boundaries of the site.
- 3.3 The site is bounded on three sides by residential dwellings with Seaview Holiday Park to the south, which comprises approximately 90 static holiday caravans. The surrounding area is predominately residential. The surrounding dwellings comprise a mixture of semi-detached and detached, one storey, two storey and two and a half storey dwellings. The majority of dwellings are of 20th Century construction.
- 3.4 The site can currently be accessed from Brierley Paddocks leading from East Road. The scheme also proposed an additional access from Seaview Avenue to serve the site from the west. Both accesses are explored in the report below but the East Road access is existing and the Seaview Avenue pedestrian/cycle access requires the removal of an existing dwelling on Seaview Ave (number 43).
- 3.5 The site is within Flood Zone 1. The site is at a low risk of fluvial or tidal flooding and in accordance with the Technical Guidance that accompanies the NPPF, it is consequently suitable for all types of development from a flood risk perspective.
- 3.6 The site is not within any areas designated for their ecological importance but is close to areas that are designated. The site is located some 400m north of The Essex Estuaries Special Area of Conservation (SAC), which surrounds the island of Mersea. The site is also located approximately 1.9km south of the Colne Estuary Special Protection Area (SPA), National Nature Reserve (NNR) and Site of Special Scientific Interest (SSSI).

3.7 The site is not within nor adjacent to a Conservation Area. To the north of the site is Brierley Hall, a Grade II listed house built around 1800. An early C19 red brick garden wall to the northeast of Brierley Hall is also listed (Grade II). Two C17 timber framed barns to the south of Brierley Hall are also Listed (Grade II). These buildings are within the urban environment of Mersea and are viewed as part of the settlement.

3.8 The site is located within 1 mile of the settlement centre of West Mersea, which provides a number of local services and facilities, such as local shops, restaurants, a church and a community and sports centre.

#### **4.0 Description of the Proposal**

4.1 This application is for the approval of reserved matters following outline approval (192136) - Erection of 101 dwellings and 0.5 commercial D1/B1 uses with associated parking, public open space, landscaping, sustainable urban drainage system (SUDs). The matters for consideration are layout, appearance, scale and landscaping.

#### **5.0 Land Use Allocation**

5.1 The land is currently arable farmland.

#### **6.0 Relevant Planning History**

6.1 190200 an outline application for 201 dwellings was refused in 2019 under officer delegated powers.

6.2 192136 an outline application for 101 dwellings was approved in February 2020 by planning committee.

#### **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

SD3 - Community Facilities

CE1 - Centres and Employment Classification and Hierarchy

CE2 - Mixed Use Centres

H1 - Housing Delivery

H2 - Housing Density  
H3 - Housing Diversity  
H4 - Affordable Housing  
UR2 - Built Design and Character  
PR1 - Open Space  
PR2 - People-friendly Streets  
TA1 - Accessibility and Changing Travel Behaviour  
TA2 - Walking and Cycling  
TA3 - Public Transport  
TA4 - Roads and Traffic  
TA5 - Parking  
ENV1 - Environment  
ENV2 - Rural Communities  
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  
DP12 Dwelling Standards  
DP14 Historic Environment Assets  
DP16 Private Amenity Space and Open Space Provision for New Residential Development  
DP17 Accessibility and Access  
DP18 Transport Infrastructure Proposals  
DP19 Parking Standards  
DP20 Flood Risk and Management of Surface Water Drainage  
DP21 Nature Conservation and Protected Lanes  
DP23 Coastal Areas  
DP25 Renewable Energy

- 7.4 The Neighbourhood Plan for West Mersea is currently being drafted but has not been published for consultation to date.

- 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). An Inspector has been appointed and the formal examination commenced in January 2018. The examination is ongoing.

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

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

The Emerging Local Plan is at an advanced stage and is, therefore, considered to carry some weight in the consideration of the application, but as it is yet to undergo a 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  
Community Facilities  
Open Space, Sport and Recreation  
Sustainable Construction  
Cycling Delivery Strategy  
Sustainable Drainage Systems Design Guide  
Street Services Delivery Strategy  
Developing a Landscape for the Future  
ECC's Development & Public Rights of Way  
Planning Out Crime

## **8.0 Consultations**

8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.

### **8.2 Arboriculture Planner**

Regarding the proposed development and the Arboricultural Impact Assessment provided, I am in agreement with the report provided.

### **8.3 Archaeologist**

Conditions were imposed on the outline.

### **8.4 Contaminated Land**

The matter was dealt with at outline stage and conditions were imposed.

### **8.5 Environmental Protection**

Conditions requested, the majority of which were imposed on the outline so do not need to be repeated here on the reserved matters permission - apart from a noise condition that is recommended for inclusion at the end of this report.

## **8.6 Essex Police**

Essex Police recently held a constructive consultation meeting with a representative from City & Country in relation to the proposed housing development at Brierly Paddocks, West Mersea.

Essex Police would be keen to work with the applicant to ensure this development is a safe place for people to live and visit, we hope to hear from the applicant relating to this in due course.

## **8.7 Essex Wildlife Trust**

Conditions requested regarding the provision of swift bricks, sparrow terraces and an ecological management plan (EMP). It is noted that the EMP has been secured by condition on the outline and the addition of swift brick/bat boxes and sparrow terraces will be dealt with via the discharge of that condition.

## **8.8 Historic Buildings and Areas**

No objection.

## **8.9 Historic England**

No objection.

## **8.10 Landscape Advisor**

No objection, suggestion of elements of existing landscape drawing that needs to be bolstered have been suggested and conditions requested.

## **8.11 Lead Local Flood Authority (ECC SuDS)**

No objection – conditions already imposed on outline.

## **8.12 Natural England**

No objection.

## **8.13 NHS**

Financial mitigation requested (this were secured in the Legal Agreement pursuant to the outline permission).

## **8.14 Office for Nuclear regulation**

No objection.

## **8.15 Urban Designer**

No objection.

## **9.0 Parish Council Response**

- 9.1 West Mersea Town Council commented on the original submission and their original representation can be read in full on the website. Following the re-consultation West Mersea have stated:

### **Objection**

West Mersea Town Council has studied the submitted amended drawing submitted on 26<sup>th</sup> June and examined the associated documents.

The Council does not consider that they address the principal concerns previously expressed.

The reasons are set out below taking account of proposed revisions.

### **Lack of Conformity**

1. There remains Inappropriate proximity to existing housing stock: current plans despite some minimal alignment will still have a substantial impact on established housing in Seaview Avenue particularly near Farthings Chase. It is over-bearing, out-of-scale and out of character in terms of its appearance due to the relative high density in one part of the proposed site and layout compared with existing development in the vicinity.
2. Plan is not in accordance with Colchester Planning and Design DP1 Design and amenity: re. privacy, overlooking, security, noise, and disturbance.

### **On specific details**

Attention is drawn to the comment by Urban Design Consultation of 2<sup>nd</sup> July. They express concerns about the proposed landscape strip “which will be difficult to access for maintenance. Creating an access through the strip, albeit gated, could compromise security.”

Council is concerned about overlooking, security, noise, and disturbance in accordance with Colchester Planning DP1 Design and Amenity. NPPF sec 12 Para 127F which states: “Create spaces are safe... and where crime and disorder and the fear of crime do not undermine the quality of life.” In this respect the Council would like confirmation that the site layout has the approval of the police and that the built environment will have the effect of reducing the potential for crime and the fear of crime as laid out in the guidelines under Secured by Design (SBD) and the Crime Prevention Through Environmental Design (CPTED) process.

There is unacceptably high density / over-development in one corner of the site – WMTC objects to the number of houses placed in one corner of the site in proximity to Farthings Chase despite the removal of an apartment block from the boundary of one property.

Whilst recognising that the developer has proposed a landscape buffer, we strongly feel that this buffer needs to be wider, both to separate from the development but to allow maintenance.

Effect of the development on the character of the neighbourhood: not in keeping with the current housing stock in Seaview Avenue, most of the affordable apartments and lower priced housing will be squeezed into one small area. The Council would like to see some further adjustment to the site plan to help in this respect.

The proposed higher density compared to the general site behind established properties: apartments and houses planned are in some cases 5 metres from the borders of gardens in Seaview Avenue. Is there some way that this could be avoided or reduced in scale?

Seedbed Centre: The developer's commitment to the proposed commercial 'seed-bed' centre is now needed, since this element of the development appears to be now subject to commercial criteria.

The Council and residents are concerned that the new cul-de-sac location by Farthings Chase could become an unofficial footpath from the affordable apartments through to Seaview Avenue. We would like to see how this potential problem could be resolved at the planning stage. Any proposals would need to conform to the previously mentioned SBD and CPTED guidelines.

Whilst assessing the road widths and cul de sac formation of the layout plan there is some concern over the accessibility of emergency vehicles to the proposed site.

Affordable Homes:-We seek that the management of the affordable homes is granted to a local organisation for the benefit of local and Borough residents.

The affordable housing still does not appear to be integrated into the market housing as required under Policy DM8 but concentrated near Seaview Avenue properties and near Farthings Chase. There is no affordable housing near Cross Lane.

WMTC would like:

- Assurances that the Cross Lane as the Eastern Settlement Boundary will be adhered to.
- No extension of working hours should be allowed due to the proximity proposed to existing properties. This could lead to an unacceptable level of disturbance both from noise and vehicular traffic.

The Council assumes that the development conforms with current parking standards in relation to the number of spaces provided. However, there is a concern that any overspill into Seaview Avenue could present a serious problem at busy times of the year as this represents one of the main thoroughfares to the beach and facilities.

**Summary-** Until such time as the developer can offer re-assurances in respect of the objections raised then the Council must object to this application.

## **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 The Council received 81 letters of objection and 15 general comments from neighbours and from the 'Stop 350' campaign group. Some of these are very detailed and it is beyond the scope of this report to set them out in full however they can all be read in full on the Council's website. In summary, they objected to the scheme on the following basis:

- The scheme will harm my amenity.
- The scheme will overlook, overshadow and or will be oppressive to me.
- The scheme is out of character with the area.
- The houses should be moved toward the sea (south) end of the site.
- The houses should be moved toward Cross Lane.
- Why is the Public Open space to the south?
- The new dwellings are a security risk.
- The layout creates a potential cut through.
- The layout puts too many houses near to my home.
- Semi-detached dwellings and flats are near to my detached house and that is out of character.
- Consequences of this development upon the health and wellbeing of the Island community. Contrary to policy CBC Policies DM1 Health and Wellbeing also Policy DP2.
- Over development on the western side of the site and contrary to policy DP1
- Doubt of supply of affordable housing for Mersea people.
- Access to Cross Lane not shown.
- Security issues with existing layout contrary to Policy DP1 sub para. Iv and with the layout as amended.
- Working hours on site must be restricted very carefully to avoid disturbance to adjoining properties.
- Dark Skies, street lighting must be carefully shielded and switched off at night as ECC lighting.
- There is more open space than the outline required.
- There is not enough parking for the larger dwellings.
- Will this be adopted?
- Who will manage the open space and the planting belt?
- The pond will be removed.
- Trees at the entrance will be removed.

10.3 The following issues were also raised but are not material to this application for reserved matters:

- One hundred and one dwellings is too dense on this site.
- This scheme should wait for the Examination of the Local Plan.
- The developers do not own the access/the access is in doubt.
- The GP's surgery and commercial building shown on the plan will not be needed.

### **11.0 Parking Provision**

11.1 The layout provides a scheme that complies with adopted parking standards.

### **12.0 Accessibility**

12.1 As per the requirements of the legal agreement, the affordable housing will all be built to Building Regs 2015 Part M4 Cat 2 standards which are capable for wheelchair conversion and one dwelling will be a fully wheelchair accessible M4 Cat 3 (2b) dwelling.

### **13.0 Open Space Provisions**

13.1 The Legal agreement requires the developer to provide 2.8ha of public open space on site and this layout complies with this requirement as 3.1ha are provided.

### **14.0 Air Quality**

14.1 This is a matter of principle that was dealt with at outline stage. The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

### **15.0 Planning Obligations**

15.1 As a reserved matters application, there are no planning obligations these having been dealt with at outline stage.

### **16.0 Report**

16.1 The main issues in this case are the reserved matters from outline approval 192136:

- Layout
- Appearance
- Scale
- Landscaping
- Other Matters

## **Layout**

This is a low-density scheme, which is appropriate given the built context, which facilitates compliance with various metrics and provides a sense of spaciousness. At the same time, the scheme successfully delivers good enclosure/definition of spaces with many dwellings set within shallow front garden plots providing a strong building line.

A number of the representations are concerned that the scheme is denser to the western side of the application site than to the east. Adjacent residents would prefer if this arrangement was reversed. Whilst a number of amendments have been made to the layout (which will be discussed below), officers would discourage switching the density in the manner suggested by some neighbours. This is because as an edge of settlement site, it is expected that the layout responds directly to the context. This logically suggests the density should be loosest at the rural edge (i.e. closer to Cross Lane) and then denser towards the existing settlement edge. This will prevent a hard, urban edge to Cross Lane which is important in the Coastal Protection Belt.

Other representations ask 'why there is so much space towards the south of the site'. There are two reasons for this arrangement. Firstly, the infiltration-based SuDS system drains towards this area due to existing land levels.

Secondly, the overall concept for the layout is one where the generous public open space is not just a field you can play on (although that is catered for) but is a green conduit that residents and visitors can move along and can pass through. In that respect, the main open space where play facilities are located will sit in a sensible location between the southern end of the north/south green corridor and the eastern end of the east/west axis of green. The layout can be considered a L-shape of open space linking the access to east road to the north to the pedestrian/cycle access to Seaview Avenue in the South west, forming the layout that is before members now.

## **Commercial / Surgery**

These buildings are well-integrated, providing continuity of built frontage and sympathetic use of materials and styling.

## **Parking**

Parking is well-handled, is not dominant in the streetscene with a mix of solutions and is generally unobtrusive. Some parking spaces are tucked away in parking courts, some are on plot and some sit on plot in pergolas/garages. A detail of the pergolas proposed have been provided to demonstrate that they will be robust and durable. Representations have noted that the larger dwellings should have more parking, but what has been provided accords with the adopted standards and therefore there is no reason to require more.

Regarding the commercial/surgery element, the parking is also tucked to the rear and will not be dominant in the streetscene. There are 44 spaces provided and as commercial units have a maximum standard this is held to be a generous provision.

The surgery has 30 spaces with six of these spaces allocated as disabled bays with significant room around each space and sited in locations closest to the surgery. The commercial unit has 14 spaces.

There are no details of the cycle parking at this stage however there is ample space on site for secure and covered cycle parking in close proximity to the surgery and commercial entrances. Electric bicycles are catered for in the main car park.

## **Highways**

It is noted that the applicants have confirmed that this site will not be offered for adoption to Essex County Council and will therefore be wholly private. With the main access point to East Road already approved via the outline, the Highway Authority have no objections to the layout which is held to a good balance of workable highway geometry without appearing over-engineered or car dominant. It has been designed to be a place where walking and cycling are well catered for. The layout and swathe of open spaces through the centre of the site that leads to the dedicated pedestrian and cycle access into Seaview Avenue will encourage active travel and will incentivise walking and cycling due to the connectivity benefits over car use the layout affords.

There is good use of gentle curves to the alignment of the spine road echoed with inflexion of the building line, and a welcome informality to the shared drives. This informality reduces the visual dominance of the highway infrastructure. It is supported by 'Manual for Streets' and can significantly aid placemaking. The spine road's narrow, remote footpath linking with shared drives is also considered an inventive and welcome feature to be supported.

The applicants have confirmed that the layout meets the requirements for fire safety and emergency vehicles which are required by the Building Regulations.

## **Amenity Provision**

This scheme is low density and that has afforded the developers the ability to provide good quality amenity space throughout. The space provided to each dwelling is generous throughout and, in some instances, is far in excess of the adopted policy standard requirements of DP16. Some of the dwellings have gardens that, by current standards, are very large – for example over 800m square in one instance and a number are over 400m square. This does not just apply to the larger detached houses to the west of the site, as many of the smaller detached and semi-detached houses have gardens over 120m and 130m square. The two small apartment blocks also have generous spaces; each ranging from 50m square to 114m square per flat. This is well in excess of the space requirements of our adopted policy.

## **Impact on Amenity**

The layout proposed has been revised following the initial submission due to the concerns of the neighbours. The scheme as submitted has back to back distances considerably in excess of the 25m that is required by the Essex Design Guide – between 40 to 50 meters in most instances, a number of the neighbours requested

that some of the buildings be re-oriented and a planting belt between the existing boundary and the new boundary be installed to further provide them further space and screening. This was not something that officers considered to be a requirement as the plans as submitted were more than policy compliant, but the message was passed onto the developers nonetheless.

The developers have decided to attempt to satisfy some of the neighbours requests where they felt they could. This has resulted in a re-jigging of the layout. Dwellings have been turned at right angles so a number are now to the site boundary instead of back to back with the neighbours on Seaview Avenue. They have also sought to provide a 5m deep planting belt between the development and numbers 13 to 41 Seaview Ave. This belt also surrounds Farthings Chase. It will be dealt with via a bespoke condition to ensure it is planted, maintained and managed.

There is a small section of the planting belt that does not appear fully fenced off (this is towards the rear of 27 Seaview Ave). It is suggested that the precise boundary treatment in this location will be dealt with via a condition.

The layout as proposed is low density and would not cause materially harmful overlooking, loss of light or oppressiveness to neighbouring amenity in the opinion of officers.

### **Secure By Design**

It was felt by some neighbours that the original layout as submitted left the chance for residents to cut through the estate via Farthings Chase to Seaview Avenue. Officers considered that with new boundary treatment this issue would have been unlikely, but the developers have discussed this with the Police Planning Team and the re-orientation of buildings and the provision of the planting belt is held to be a physical barrier that will now ensure this is unlikely to happen.

Following the reconsultation some of the neighbours are still dissatisfied with the scheme and are concerned that the planting belt will not provide sufficient protection and are also concerned about its maintenance. This has been carefully considered and in response buildings have been reoriented and a planted belt proposed, the erection of additional walls are not considered necessary.

The Police who originally raised concerns, now have no objection to the scheme.

### **Affordable Housing**

It is noted that the Legal Agreement requires a detailed schedule of the affordable housing to be provided on site to be provided (in the Legal Agreement as 'The affordable housing scheme'). In this instance the affordable housing on site has been agreed with the Council's Affordable Housing Officer and is shown in the drawing pack.

Lack of compliance with Emerging Policy DM8 of the emerging plan has been cited by objectors.

That states:

“The affordable housing provision should proportionately reflect the mix of market units unless otherwise specified by the Local Planning Authority. In schemes over 15 units the affordable housing should be provided in more than one single parcel”.

In this instance the affordable housing is laid out in three parcels, either side of spine road the road as shown on drawing CC08 PL07 B. The scheme provides for a wide range of housing types and sizes. This reflects the Borough’s needs insofar as it accords with the size of houses set out within the Strategic Housing Market Assessment (SHMA 2015). The affordable housing provision matches the Council’s request for those properties in most need, which has been agreed with the Council’s Affordable Housing Officer. Details of this mix are further detailed within the submitted Affordable Housing Statement (May 2020).

In design terms the scheme is tenure blind so the affordable housing will appear as the same design quality as the open market housing. This means the affordable housing has been designed to be faced using the same palette of materials. The affordable housing is distributed to be delivered in the earlier phases in accordance with the requirements of the legal agreement. Whilst the properties are integrated within the market housing, affordable housing providers are also mindful of management and having properties which are adjoining and close to each other. The proposals are considered to provide an appropriate response and this is held to be acceptable in policy terms.

### **Open Space**

There is marginally more open space provided on site than was noted at outline stage, 3.1ha as opposed to 2.8ha. Whilst the representation noting this have been carefully considered, the provision of more open space that is required is held to be a significant public benefit of the scheme.

### **The Pond and Trees at the Brierley Paddocks Access Point**

The drawings demonstrate that the proposed footway skims the edge of the existing pond to the north of the site. In practice, this scheme would require the removal of part of the pond. As noted before the applicants maintain that the rights they have to form an access would allow them to make changes to the pond but they do not intend to remove the whole pond.

One of these measures is to explore the potential for redesigning the roadway which will enable pond to remain unchanged. The developers (and they say the BP residents also) understand however that this will require further discussions and another planning application so that the scheme delivered is in line with approved drawings.

The pond in question was surveyed as part of the outline application and it was identified as “average”. It was confirmed as not being suitable for protected species such as great crested newts. The report also noted that the pond was not extensively used by waterfowl, notwithstanding representations that say it is used by

ducks. The drawings as presented do not remove the pond. They do show that an element of remodelling is required and as currently drawn, the pond will reduce slightly in size, but there is no suggestion that the pond will be removed in its entirety.

The developers have advised officers that they have spoken to the residents as part of the ongoing discussions. They confirm that in the event that the pond cannot be avoided, should they wish the pond to be extended to the east, to maintain the current size, the developers could action this. There certainly appears to be enough land to the east to enable this to happen. As the developers do not own or control that land, the Council could not impose a condition on this permission to require this to happen however.

Regarding the trees, there are a number of immature specimens that stand in a line along the access. The consented access drawing that formed part of the outline application shows that it is necessary for these trees to be removed in order to construct the consented access arrangements. The developers have however stated that they, together with the Brierley Paddocks residents will continue to explore ways to retain at least the first tree on the left hand side (which is closer to the boundary of 78 East Rd than the others).

The developer has stated the following items are currently being discussed with the Brierley Paddocks residents:

1. *We have offered to explore with the BP residents (and the Council as necessary) ways in which we can reduce the width of the roadway and footpaths passing the BP properties. This will provide an opportunity to increase the level of landscaping either side of the access and redesign the landscape and identify where lost trees can be replaced. All parties acknowledge that it will involve the need for a further planning application.*
2. *We have offered to explore the precise design of the road position and how the pond can be retained at its current size and location. This may well depend on the outcome of the discussions with point 1. If it is not feasible to reduce the roadway/footpath, we have asked the residents if they wish to see the pond extended to the east in order to maintain its current size.*
3. *We have offered to ensure that when we are agreeing the bin collections with CBC, that the BP residents bins (which are currently dragged to East Road) are also included in this collection route.*
4. *We have offered to explore further the design of the current turning head (which won't be required as a turning head once the development is in place) and agree how this space can be amended/extended to provide two parking spaces for visitors to BP residents only.*
5. *Providing suitable vehicular access into BP adjacent to no. 1 BP will be included in any detailed design of the road, including the required*

*provision of dropped kerb to cross the footpath and access the road. BP residents will not be required to bump up or down any full size kerbs.*

- 6. We have offered to explore the location of the sewage pump and determine whether that can remain in its current position. We have also asked the BP residents whether they want us to investigate whether it is viable to connect them to our foul drainage system.*
- 7. The BP residents are in the process of considering how they want their existing green space secured (fence etc.) to ensure that there is no doubt that the green space is private and for use by BP residents only. This area is not part of our application.*
- 8. Referring specifically to the frontage to the access outside No.1 BP, we have asked whether the owners want to discuss how this boundary is treated or whether they are content with the current hedge.*

It must be noted that these items all fall on land that the applicants do not own. They have therefore provided this list in the interests of neighbourliness, so Members are fully aware of the discussions that are ongoing. It is not possible to condition these items as the developers do not own the land on which the various elements sit, but it is important that Members are fully aware that these points are being taken into consideration by the developer in a constructive manner.

### **Access to Cross Lane**

Representations have raised the access to Cross Lane as an issue. It is intended that a pedestrian access point to the public open space is located on the eastern boundary of the site with Cross Lane and this is required by the Legal Agreement. This is acceptable and will increase pedestrian permeability and provide direct links on foot to Cross Lane. Having a secure and impenetrable boundary with Cross Lane would not allow for permeability and therefore the scheme as set out is acceptable in that regard. The specific detail of the connection will be dealt with via the landscaping condition.

### **Appearance**

The proposed house types are generally vernacular derived in style and reasonably well-articulated/detailed, well-mannered and unobjectionable. Following negotiations, a change to stock brickwork should further raise the quality of the appearance of the buildings.

In terms of the commercial buildings, they are well-integrated, providing continuity of built frontage and sympathetic use of materials and styling. They are also vernacular type buildings with hipped roofs in a single storey format which is held to be appropriate in this context.

The commercial unit is a single detached block of 477m<sup>2</sup> in floorplan. No details of the internal layout are provided at this stage as that will be determined by the end user. The surgery building does have a layout and is divided into the various rooms one would expect in a surgery building.

It is noted that many of the representations received cite doubts over the delivery of the surgery on site and/or the delivery for the commercial element. That is not a matter for consideration at this stage.

## **Materials**

It is fair to say that in this part of Mersea there is no overarching architectural character in terms of materials and the surrounding roads have an eclectic mix of brick in different colours and types, cladding and render. The applicant has therefore proposed a mix of materials to reflect this character.

The proposed wall facing materials to be used include a mix of brick and render. The brick type has been changed following negotiation to a stock brick by Forterra with a mix of 'Autumn Glow Multi' which is an attractive red multi brick or similar and 'Ardleigh Yellow stock' which is a soft yellow or similar. Roof tiles are to be the Weinerburger Actua system in red and grey colours or similar. A condition will be imposed to secure these dependent on brick and tile supply.

A number of the house types have a half render half brick arrangement on the walls which is not something that is usually encouraged but does actually occur in the vicinity. It will also break up the elevations visually and provides visual variety to the similar house types. In this instance it is therefore held to be acceptable.

## **Setting of Heritage Assets**

In terms of the setting of listed buildings, the In-house Historic Buildings and Areas Officer has provided the following comments:

The application seeks approval of reserved matters of outline approval 192136. The proposed development's impact on the nearby listed buildings (Brierley Hall and Brierley Hall Barn) was a more pertinent material consideration for the review of application 192136 and the decision about the site's development in principle. The masterplan that was approved by that permission proposed an open space zone to the north area of the site that borders Brierley Hall Barn, as form of heritage impact mitigation. This open space is included in the present application's masterplan, satisfying thus the mitigation requirement that was set out when application 192136 was reviewed and decided. At the same time, by virtue of their scale, height and massing, the buildings that are set in the north area of the site (Commercial building and units 39, 40 and 41) are not expected to have any adverse impact on the setting of Brierley Hall Barn by appearing visually unobtrusive when seen at the backdrop of the listed building.

## **Scale**

This scheme is wholly two storey scheme across the residential element. The commercial and surgery building on the other hand are both single storey. This is held to be in character with the area and is acceptable.

## **Landscaping**

The layout of the landscaped areas are positive and the specifics will be dealt with via condition, but the landscaping plan supplied at this stage is an encouraging starting point.

The Drainage Statement (DS) is as previously submitted and although generally good with water kept on the surface and dealt with close to the source (i.e. throughout the site). Officers have previously expressed reservations about the somewhat un-natural/'over-engineered' appearance of the contours which did not seem to resonate strongly with some of the reference images in the Drainage Statement. The detailed landscaping condition proposed will pick this issue up.

## **Climate Emergency**

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 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. Consideration of this application has taken into account the Climate Emergency and the sustainable development objectives set out in the Framework.

It was considered that this scheme comprised sustainable development at the outline stage and that is still the case with this reserved matters submission. As was intended at outline stage, the scheme has a layout with large areas of open space, room for tree planting that will be secured by condition and a layout that prioritises the pedestrian and cyclist. It is considered that the application represents sustainable development.

## **17.0 Conclusion**

17.1 To summarise, essentially this is an intelligent and robust proposal that makes good use of the opportunities of the site in delivering a relatively low-density mixed use scheme. It incorporates some worthy design features that aid placemaking and protect the amenities of neighbouring properties. The landscaping scheme is incomplete (design and planting details) however the submitted drawings present a good starting point for development of a scheme. The applicants have amended the scheme to attempt to soften the impact of the proposal on a number of the neighbours and that is welcomed by officers. The scheme is held to constitute good design and therefore the planning balance tips in favour of an approval.

## 18.0 Recommendation to the Committee

18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following conditions with delegation to officers on the precise wording:

### 1.Reserved Matters Applications

The reserved matters planning permission hereby granted is given in accordance with the terms of the outline planning permission reference 192136 relating to this site and the conditions attached thereto remain in force.

Reason: In order to comply with Section 91 (1) and (2) of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

### 2.Development to Accord With Approved Plans

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

001 Site Location Plan - 17003/OPA1-001 Rev 00  
CC008-910-01 Rev 00 HT-910a Plans and Elevations 2bed Rev 00  
CC008-910-02 Rev 00 HT-910b Plans and Elevations 2bed Rev 00  
CC008-1016-01 Rev 00 HT-1016 Plans and Elevations 3bed Rev 00  
CC008-1203-01 Rev 00 HT-1203a Plans and Elevations 3bed Rev 00  
CC008-1203-02 Rev 00 HT-1203b Plans and Elevations 3bed Rev 00  
CC008-1286-01 Rev 00 HT-1286 Plans and Elevations 3bed Rev 00  
CC008-1465-01 Rev 00 HT-1465 Plans 4bed Rev 00  
CC008-1465-02 Rev 00 HT-1465 Elevations Rev 00  
CC008-1596-01 Rev 00 HT-1596 Plans 4bed Rev 00  
CC008-1596-02 Rev 00 HT-1596 Elevations Rev 00  
CC008-1747-01 Rev 00 HT-1747 Plans 4bed Rev 00  
CC008-1747-02 Rev 00 HT-1747 Elevations Rev 00  
CC008-1750-01 Rev 00 HT-1750 Plans 3bed Rev 00  
CC008-1750-02 Rev 00 HT-1750 Elevations Rev 00  
CC008-2014-01 Rev 00 HT-2014 Plans 4bed Rev 00  
CC008-2014-02 Rev 00 HT-2014 Elevations Rev 00  
CC008-2089-01 Rev 00 HT-2089 Plans 4bed Rev 00  
CC008-2089-02 Rev 00 HT-2089 Elevations Rev 00  
CC008-2200-01 Rev 00 HT-2200 Plans 5bed Rev 00  
CC008-2200-02 Rev 00 HT-2200 Elevations Rev 00  
CC008-Apt1-01 Rev 00 Apartment 1 Plans 1\_2bed Rev B  
CC008-Apt1-02 Rev 00 Apartment 1 Elevations Rev A  
CC008-Apt2-01 Rev 00 Apartment 2 Plans Rev B  
CC008-Apt2-02 Rev 00 Apartment 2 Elevations Rev A  
CC008-BT-01 Rev 00 Boundary Treatment Details Rev 00  
CC008-CO-01 Rev 00 Commercial Plans Rev 00  
CC008-CO-02 Rev 00 Commercial Elevations Rev 00  
CC008-CP-01 Rev 00 Single Carport – Store Rev 00  
CC008-CP-02 Rev 00 Double Carport - Store Rev 00  
CC008-CP-03 Rev 00 CP1 Double Carport Side Rev 00

CC008-CP-04 Rev 00 CP2 Single Carport Side Rev 00  
 CC008-CP-05 Rev 00 CP3 Double Carport Link Rev 00  
 CC008-CP-06 Rev 00 CP4 Single Carport Link Rev 00  
 CC008-CP-07 Rev 00 CP5 Double Carport Rev 00  
 CC008-CPT-01 Rev J Concept Layout Rev J  
 CC008-HA-910-01 Rev A HA-910A Plans and Elevations Rev A  
 CC008-HA-910-02 Rev A HA-910b Plans and Elevations Rev A  
 CC008-HA-1016-01 Rev A HA-1016 Plans and Elevations Rev A  
 CC008-HA-1081-01 Rev A HA-1081 Plans and Elevations Rev A  
 CC008-HA-1200-01 Rev A HA-1200a Plans and Elevations Rev A  
 CC008-HA-1200-02 Rev A HA-1200b Plans and Elevations Rev A  
 CC008-PG-01 Rev A 2 & 3 Bay Parking Pergola Rev A  
 CC008-PG-02 Rev A 4 Bay Parking Pergola Rev A  
 CC008-PL-02 Rev 00 Detailed Layout Rev D  
 CC008-PL-03 Rev 00 Colour of Materials Plan Rev D  
 CC008-PL-04 Rev 00 Soft and Hard Landscaping Rev E  
 CC008-PL-05 Rev 00 Phasing Plan Rev E  
 CC008-PL-06 Rev 00 Garden Areas Plan Rev D  
 CC008-PL-07 Rev B Ha Location Plan Rev B  
 CC008-SU-01 Rev 00 Surgery Plans Rev 00  
 CC008-SU-02 Rev 00 Surgery Elevations Rev 00  
 CO008-ST-01 rev A Proposed Street Elevations A B C Rev D  
 OAS 18-019-TS01 Tree Constraints Plan Rev.  
 OAS 18-019-TS02 Tree Constraints Plan Rev.  
 OAS 18-019-TS03 Tree Constraints Plan Rev.

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

### **3.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 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.).
- Earthworks (including the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform)

- Retained historic landscape features and any proposals for restoration.
- Planting plans.
- Written specifications.
- Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
- Implementation timetables and monitoring programs.
- Position of footpaths and connection to Cross Lane

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.

#### **4.Landscape Buffer / Tree Belt Condition**

No above ground works shall take place until full details of the 5m+ deep landscape buffer / tree belt along the western boundary have been submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate:

- details of all walls, fences and railings
- planting plans
- schedules of plants, noting species, plant size and proposed numbers/densities
- implementation timetable

Reason: To safeguard the provision of amenity for existing and proposed residents.

#### **5.Landscape Management Plan and implementation of Buffer**

Prior to the first occupation of the development, a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for the landscaped buffer between the site and the western boundary shall be submitted to and approved in writing, by the Local Planning Authority. The planting of the buffer and the landscaping management plan shall thereafter be carried out as approved and the buffer shall be managed as per the management plan at all times.

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

#### **6.Noise**

Prior to construction of the development above ground level, a detailed acoustic assessment and mitigation report, produced by a competent person, which provides details of the noise exposure at the dwellings adjacent to the site entrance from vehicle movements in relation to BS8233 shall be submitted to and approved, in writing, by the Local Planning Authority. Where exposure exceeds the current BS8233 noise levels indoors and 55dBLAeq 8 hours in gardens (day, 07:00-23:00, outside) mitigation measures must be proposed. The development shall thereafter be carried out in accordance with any details approved and shall be retained in accordance with these details thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the existing residents by reason of the traffic entering and leaving the site.

### **7. Materials To Be Agreed**

No external facing or roofing materials shall be used in the construction of the development hereby permitted until precise details of the manufacturer, types and colours of these have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development.

Reason: In order to ensure that suitable materials are used on the development as there are insufficient details within the submitted planning application.

### **8. External Light Fixtures TBA**

No external lighting fixtures shall be constructed, installed or illuminated until details of all external lighting proposals have been submitted to and approved, in writing, by the Local Planning Authority. Thereafter, no lighting shall be constructed or installed other than in accordance with those approved details.

Reason: To reduce the risks of any undesirable effects of light pollution.

### **9. Cycle Parking TBA**

Prior to the commercial or surgery element of the development hereby permitted coming in to use, details of the number, location and design of cycle parking facilities shall be submitted to and approved, in writing, by the Local Planning Authority. The approved facility shall be secure, convenient and covered and shall be provided prior to occupation and retained for that purpose at all times thereafter.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety.

### **10. Vehicle Parking**

Prior to the first occupation of the development, either residential or commercial, the vehicle parking area/spaces indicated on the approved plans, including any parking spaces for the mobility impaired, shall have been hard surfaced, sealed, marked out in parking bays and made available for use to the satisfaction of the Local Planning Authority. The vehicle parking areas shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

Reason: To ensure that there is adequate parking provision to avoid on-street parking of vehicles in the adjoining streets in the interests of highway safety.

### **11. ZDC - Removal of PD for All Residential Extensions & Outbuildings**

Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), no extensions, ancillary buildings or structures shall be erected unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: In the interest of visual amenity, neighbouring amenity and to ensure the development avoids an overdeveloped or cluttered appearance.

## **12.ZDE - Removal of PD for Open Plan Fences/Walls**

Notwithstanding the provisions of Class A of Part 2 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), no fences, walls, gates or other means of enclosure, other than any shown on the approved drawings, shall be erected in advance of any wall of the dwelling to which it relates (including a side or rear wall) which faces a highway (including a footpath or bridleway) unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: In the interests of visual amenity with regard to the context of the surrounding area.

## **19.0 Informatives**

19.1 The following informatives are also recommended:

### **1.ZT0 – Advisory Note on Construction & Demolition**

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

### **2.ZTA - Informative on Conditions Stating Prior to Commencement/Occupation**

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either **before you commence the development or before you occupy the development**. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via [www.colchester.gov.uk/planning](http://www.colchester.gov.uk/planning) or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.

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

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

## **4. Landscaping**

'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)'.