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Item No: 7.2

Application: 181458
Applicant: Mr Jonathan Greenberg
Agent: Mr Jonathan Greenberg
Proposal: Outline application for the erection of 13 dwellings with vehicular access, landscaping, footpath links and other related infrastructure. (Reconsultation - further to the advanced position of the Neighbourhood Plan)
Location: 32 Colchester Road, West Bergholt, Colchester, CO6 3JG
Ward: Lexden & Braiswick
Officer: Chris Harden

Recommendation: Approval subject to a legal agreement

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it has been called in by Councillor Barber who states, "This is premature in the Neighbourhood Plan process and is outside the current settlement boundary." In addition, it is a Major Item that has received objections and also contributions are required that will need to be secured by legal agreement under Section 106 of the Town and Country Planning Act 1990.

2.0 Synopsis

- 2.1 The key issues for consideration are the principle of the proposal in terms of planning policy and assessment of the detailed planning merits of the case including layout and design, landscape impact, residential amenity, highway safety, affordable housing provision, wildlife impact, flood risk and contamination.
- 2.2 The application is subsequently recommended for Approval. In Policy terms, the site is on land which is outside of the current settlement boundary of West Bergholt in both the Adopted Local Plan and Emerging Local Plan. The site has, however, under Policy SS5 of the Emerging Local Plan, been allocated for housing in the West Bergholt Neighbourhood Plan. The Neighbourhood Plan has reached a very advanced stage having successfully completed the Examination by Inspector stage and now just has the final referendum stage to go through towards formal adoption.
- 2.3 Accordingly the proposal is not considered to be a Departure to current Local Plan Policy owing to the advanced stage of the Neighbourhood Plan and the fact that current Local Plan Policy SD1 states that planning applications that accord with policies in Neighbourhood Plans will be approved without delay unless material considerations indicate otherwise. In addition, 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). The principle of the proposal is therefore considered acceptable in Policy terms based on the weight that can now be afforded to the emerging West Bergholt Neighbourhood plan.
- 2.4 In terms of the planning merits of the case, the site is large enough to be able to accommodate 13 dwellings without appearing cramped or overdeveloped. The submitted drawings are primitive and for illustrative purposes only and an improved layout and building form would be expected at the Reserved Matters stage. Appropriate landscaping will allow a scheme to relate satisfactorily to its surroundings in terms of landscape impact. It is not considered the proposed 13 dwellings would compromise the provision of the total of 120 dwellings required for the overall land allocations in West Bergholt.
- 2.5 The scheme is acceptable from a highway safety point of view with adequate visibility splays and parking provision. Subject to appropriate conditions there is unlikely to be any detriment to neighbouring residential amenity or

significant impact upon important vegetation or wildlife. A 30% provision of affordable housing will be required. In terms of flood risk, a surface water drainage condition can be applied.

- 2.6 A Phase 1 contaminated land survey and RAMS wildlife mitigation payment will be required. A Section 106 agreement will also need to be completed for contributions and the relocation of a bus stop.

3.0 Site Description and Context

- 3.1 The site is located on the northern edge of West Bergholt in an area classified as countryside but within the wider settlement and extends to approximately 2.106ha. Access is currently gained from Colchester Road and there is frontage hedging either side of the access. The site contains of a number of outbuildings and ancillary stores formerly used as part of the previous business on-site. The site is bound by Colchester road to the south, beyond which are playing fields and residential properties. Dwellings also continue along Colchester Road to the east and west of the site. To the north of the site are agricultural fields.
- 3.2 Services and facilities within West Bergholt include a convenience store, post office, hairdresser, public house, GP surgery, church, primary school and bus stops, all of which are within 500 metres of the site.

4.0 Description of the Proposal

- 4.1 The proposal is an Outline application for 13 dwellings with two vehicular access points. All matters are received apart from the access. An illustrative plan has been submitted showing a linear layout of 13 dwellings.
- 4.2 The proposed dwelling mix comprises of 6 x 2 bed and 7 x 3 bed dwellings. The scheme proposes 3 affordable dwellings. The new development will consist of 2 storey dwellings reflecting the height of the surrounding residential properties.

5.0 Land Use Allocation

- 5.1 Countryside. Allocated for housing in the emerging West Bergholt Neighbourhood Plan. (Part of a 120-dwelling allocation).

6.0 Relevant Planning History

- 6.1 CL/COL/96/0351 – Certificate of Lawful Use approved for Pest Destruction Business and associated buildings/structures/land used in connection with the business; open storage for up to four touring caravans; and open storage for up to ten cars for repair and restoration. Approved 26th March 1997.

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. In particular, the following policies are of relevance to this application:
- SD1 - Sustainable Development Locations
 - H1 - Housing Delivery
 - H2 - Housing Density
 - H3 - Housing Diversity
 - H4 - Affordable Housing
 - UR2 - Built Design and Character
 - ENV1 - Environment
 - ENV2 - Rural Communities
- 7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:
- DP1 Design and Amenity
 - DP2 Health Assessments
 - DP3 Planning Obligations and the Community Infrastructure Levy
 - DP12 Dwelling Standards
 - DP14 Historic Environment Assets
 - DP16 Private Amenity Space and Open Space Provision for New Residential Development
 - DP17 Accessibility and Access
 - DP19 Parking Standards
 - DP20 Flood Risk and Management of Surface Water Drainage
 - DP21 Nature Conservation and Protected Lanes
- 7.4 Some "allocated sites" also have specific policies applicable to them. The adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision-making process:
- SA H1 Housing Allocations
- 7.5 The Neighbourhood Plan for West Bergholt is also relevant. This forms part of the Development Plan for this area of the Borough.
- 7.6 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) for examination. 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;
1. The extent to which there are unresolved objections to relevant policies in the emerging plan; and
2. 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 this application, but as it is yet to undergo a full and final examination.

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

The Essex Design Guide
External Materials in New Developments
EPOA Vehicle Parking Standards
Backland and Infill
Affordable Housing
Sustainable Construction
Cycling Delivery Strategy
Urban Place Supplement
Sustainable Drainage Systems Design Guide
Street Services Delivery Strategy
Planning for Broadband 2016
Managing Archaeology in Development.
Developing a Landscape for the Future
ECC's Development & Public Rights of Way
West Bergholt Parish Plan & West Bergholt Village Design Statement

7.8 The West Bergholt Neighbourhood Plan (subject to Referendum)

Policies: PP13 Housing
PP24 Highways Network

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 Highway Authority states:

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

new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway by the ECC.

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1 Prior to the first occupation of the development, the proposed estate road, at its bellmouth junction with Colchester Road shall be provided with 10.0m. radius kerbs returned to an access road carriageway width of 5.5m. and flanking footways 2m. in width returned around the radius kerbs and new pram crossing on both sides. 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.

2 Prior to the proposed access being brought into use, vehicular visibility splays of 85m N.W. by 2.4m by 96m S.E. 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.

3 Prior to the first occupation of each dwelling on the proposed development, the individual proposed vehicular access for that dwelling shall be constructed at right angles to the highway boundary and to a width of 3.7m and each shared vehicular access shall be constructed at right angles to the highway boundary and to a width of 5.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

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

5 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.

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

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

8 All off street car parking shall be 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..

9 Any garage provided with its vehicular door facing the highway or proposed highway shall be sited a minimum of 6m from the highway boundary.

10 Prior to the occupation of the proposed development, details of the provision for the storage of bicycles for each dwelling sufficient for all

occupants of that dwelling, of a design this 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.

11 Each internal estate road junction shall be provided with a clear to ground level visibility splay with dimensions of 25m by 2.4m by 25m on both sides. Such visibility splays shall be provided before the road is first used by vehicular traffic and shall be retained and maintained free from obstruction clear to ground thereafter.

12 No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) 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

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.

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

15 Prior to the first occupation of any of the proposed dwellings the existing bus stop outside or in the vicinity to number 36 Colchester Road (eastbound) shall be relocated adjacent to the new vehicular access to the proposed development and shall be improved by the provision of a bus shelter to current standards, level entry kerbing, new post and flag, timetables, any adjustments in levels, surfacing and any accommodation works to the footway and carriageway channel being provided entirely at the applicant/Developer's expense to the specifications of the Highway Authority.

Design Informative:

- 1. There should be no vehicular access over any radius kerbs.
- 2. The new carriageways should be provided with a centreline bend radius of 13.6m together with adequate forward visibility.

3. Any trees provided within the adoptable highway will attract a commuted sum of no less than £750 per tree.
4. The applicant should be requested to consider the provision and location of street Lighting columns, particularly at road junctions, these should be within the adoptable areas.
5. The proposed carriageway to enable future expansion of the site should be shown at no less than 5.5m in width together with 2.0m wide footways.
6. Refuse freighters are unlikely to manoeuvre over Private Drives.

Informative1: The applicant should be advised to submit a Stage 1 Road Safety Audit together with the Designers responses with the submission of a FULL or Reserved Matters Application.

8.3 Archaeologist states:

The proposed development site is located to the west of an archaeological complex recorded by aerial photography (Colchester Historic Environment Record Monument no. MCC8635). Consequently, there is high potential for further below-ground heritage assets (i.e. archaeological remains) to be present within the proposed development area. However, the proposed development site has not been the subject of any previous systematic archaeological investigation. Groundworks relating to the proposed development would cause significant ground disturbance that has potential to damage any archaeological deposits that exist.

There are no grounds to consider refusal of permission in order to achieve preservation *in situ* of any important heritage assets. However, in accordance with the *National Planning Policy Framework* (Paragraph 141), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

The following archaeological condition (**Z00**) is recommended:

No works shall take place until the implementation of a programme of archaeological work has been secured..."

- 8.4 Environmental Protection state: given the vulnerability of the proposed new use, Environmental protection would expect to be in receipt of the minimum of a 'Phase 1' Desk Study provided in support of this application.

8.5 Tree Officer states:

1.0 Survey and Analysis

- 1.1 Regarding the proposed development and the arboricultural impact assessment provided by DF Clarke Bionomique Ltd dated 15th May 2018 (Ref: DFCP 4198):
- 1.2 I am in agreement with the tree survey and arboricultural impact assessment.

- 1.3 The proposal requires the felling of six C category trees as per BS5837:2012.
- 1.4 Given the condition and categorisation of these trees this is acceptable.
- 1.5 The report adequately details how trees will be protected during the development.

2.0 Conclusion

- 2.1 In conclusion, I am satisfied with the arboricultural content of the proposal

3.0 Recommendation

- 3.1 Agreement to the landscape aspect of the application subject to condition

4.0 References:

- 4.1 Local Plan Policies - DP1

5.0 Recommended Landscape Conditions:

Z00 - Tree and Natural Feature Protection: Protected Areas

No works shall take place until all trees, shrubs and other natural features not scheduled for removal on the approved plans have been safeguarded behind protective fencing to the standard shown in the arboricultural impact assessment provided by DF Clarke Bionomique Ltd dated 15th May 2018 (Ref: DFCP 4198). All agreed protective fencing shall thereafter be maintained during the course of all works on site and no access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

Reason: To safeguard existing trees, shrubs and other natural features within and adjoining the site in the interest of amenity.

ZFS - Tree and Hedgerow Protection: General

All existing trees and hedgerows shall be retained throughout the development construction phases, unless shown to be removed on the approved drawing and all trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site in accordance with the Local Planning Authorities guidance notes and the relevant British Standard. All existing trees and hedgerows shall then be monitored and recorded for at least five years following contractual practical completion of the development. In the event that any trees and/or hedgerows die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed, in writing, with the Local Planning Authority. Any tree works agreed to shall be carried

out in accordance with BS 3998.

Reason: To safeguard the continuity of amenity afforded by existing trees and hedgerows

Z00 - No works or development shall take place until a scheme of supervision for the arboricultural protection measures required by condition [-] has been approved in writing by the local planning authority. This scheme will be appropriate to the scale and duration of the works and will include details of: (select as appropriate)

- a. Induction and personnel awareness of arboricultural matters
- b. Identification of individual responsibilities and key personnel
- c. Statement of delegated powers
- d. Timing and methods of site visiting and record keeping, including updates
- e. Procedures for dealing with variations and incidents.
- f. The scheme of supervision shall be carried out as agreed.
- g. The scheme of supervision will be administered by a qualified arboriculturist instructed by the applicant and approved by the local planning authority.

9.0 Parish Council Response

9.1 The Parish Council have stated (at the time of submission of this application):

‘Whilst the Parish Council supports the application in principle when in keeping with the Neighbourhood Plan, it must object as this application is premature and outside the current settlement boundary.’

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.

19 letters of objection have been received which make the following comments:

- Object to the revised application as there doesn’t appear to be any change to the original plans and all of our previous objections still stand.
- Only received notice of the revised plans a few days ago which is not acceptable. everyone who should have had an opportunity to comment most probably has not been able to.
- note the comment on amendments to Colchester Road, and agree our previous objection was based on far more than just these - we would want far more detail on the proposed changes to Colchester road before we can make an informed comment.
- concerns that any changes to Colchester road will result in increased danger to our safety and to the safety of our neighbours with young children when exiting our properties, so full plans must be published before this application can be reviewed properly.

- Concerns of the people this planning application affects the most have been totally ignored.
- Advise that CBC that Heathlands Primary School would not be able to guarantee a place for children of primary school age moving into the development. Parents should check with ECC Planning and Admissions.
- object to the appearance of these dwellings. The design of the homes with solar panels to the front of the premises are ugly and not in keeping with other homes in vicinity and village as a whole. These homes should not be an eye sore.
- Village Infrastructure already stretched. Phase 2 to follow.
- Until infrastructure approved, should be rejected.
- Colchester Rd already busy enough. Possible accident blackspot.
- Should wait until village plan completed.
- 13 houses is too many.
- Affordable housing needs to be situated away from houses 7, 9 & 11.
- Design is not in keeping, it is appalling.
- Doctor's surgery is now only an emerging hub.
- Already parking problem.
- eventual loss of privacy and noise disturbance while work is being carried out.
- School cannot accept more children.
- Outside the village plan.
- Wrong part of West Bergholt to develop.

11.0 Parking Provision

11.1 Space for 32 cars shown in full compliance with adopted standards.

12.0 Accessibility

12.1 In terms of the Equality Act, the proposal provides a variety of house size types that would be provide flexible choice for different lifestyle requirements. The dwellings would be capable of adaption.

13.0 Open Space Provisions

13.1 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 standard and therefore there is potential for the level of open space to accord with policy DP16.

14.0 Air Quality

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

15.0 Planning Obligations

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

- Affordable Housing: 30% provision. The tenure mix of the affordable dwellings should be no less than 80% affordable rent and no more than 20% intermediate. Wheelchair accessible units should be provided.
- Community Facilities: No request.
- Public Open Space, Sport, and Recreation: £62,232.43. Public Open Space Maintenance dependent on landscape proposals.

16.0 Report

Principle of the Development

16.1 Policy Summary:

The site proposed for the 13 dwellings is on land which is outside of the settlement boundary of West Bergholt in the Adopted Local Plan and Emerging Local Plan. The site has, however, under Policy SS5 of the Emerging Local Plan, been allocated in the West Bergholt Neighbourhood Plan. The Neighbourhood Plan has reached a very advanced stage having successfully completed the Examination by Inspector stage and now just has the final referendum stage to go.

16.2 Accordingly the proposal is not considered to be a Departure to current Local Policy owing to the advanced stage of the Neighbourhood Plan and the fact that current Local Plan Policy SD1 states that planning applications that accord with policies in Neighbourhood Plans will be approved without delay unless material considerations indicate otherwise. In addition, 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). This favourable Policy background will be explored in more detail below.

16.3 Policy Detail:

West Bergholt is identified as a Settlement and Key Development Area within the Settlement Hierarchy of the current Local Plan and provides a variety of services and facilities. The Village also has a regular bus service into Colchester Town Centre and the site is considered to be in a sustainable location. The Local Plan Core Strategy allocates 50 dwellings to West Bergholt

however the emerging Local Plan has allocated a further 120 dwellings for the new plan period. The application site forms part of this allocation.

- 16.4 The NPPF sets out in Paragraphs 48 and 49 that weight may be given to relevant policies in emerging plans according to the stage of preparation with greater weight being given to more advanced the preparation. The planning policy approach to the proposal reflects the Council's current position in the plan-making process where both an adopted and an emerging Local Plan are relevant. The relationship of the proposal to each of those plans and the compliance of relevant adopted and emerging policies with the NPPF are accordingly key variables in assessing the planning balance.
- 16.5 It is considered that the fundamental principles of both the Adopted and Emerging Local Plans as well as the emerging Neighbourhood Plan are compliant with the new NPPF. For the Emerging Local Plan and Neighbourhood Plan, the following analysis reflects the NPPF criteria on the weight to be given to policies, which depends on the stage of preparation of the plan; the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies to the Framework (see paragraphs 48 - 50).
- 16.6 In the Adopted Plan, Policy SD1 is consistent with the NPPF's approach to decision-taking which entails approving proposals that accord with the Local Plan and Neighbourhood Plan unless material considerations indicate otherwise. It is noted, however, that the housing and jobs target provided in the policy no longer remain current. Whilst the supply figure itself may be out of date the principles of the overarching spatial strategy and the settlement hierarchy are not and as such weight should still be afforded to the settlement strategy.
- 16.7 The approach of Policy SD1 is consistent with the continued thrust of the NPPF seeking to achieve sustainable development as set out in paragraphs 7 and 8. It also accords with Paragraph 23 which indicates that: "*Strategic Policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development. This should include planning for and allocating sufficient sites to deliver the strategic priorities of the area*". It is considered that Policy SD1 seeks to achieve these requirements and therefore fundamentally accords with the NPPF.
- 16.8 The allocations made in Policy H1 accord with the requirement in Paragraph 59 of the NPPF, which directs local authorities to allocate a sufficient amount and variety of land for housing. Weight can be given to Policy H1 with the exception of the housing target which has been superseded by later figures but the principle of the overarching spatial strategy and the settlement hierarchy are not, and as such weight should still be afforded to the allocations made in the policy.
- 16.9 The NPPF also advocates consideration of other factors including emerging local plans which can be afforded weight when they reach an advanced stage of preparation. The emerging Local Plan is considered to be at an advanced

stage having been submitted in 2017 with examination having commenced in January 2018.

16.10 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. Policy SS5 outlines that the West Bergholt Plan will allocate a preferred site(s) to deliver 120 dwellings. The relevant Neighbourhood Plan Policies are as follows:

Policy Housing Planning Policies
No.

PP13: The settlement boundary is shown on Map PP13/1. The minimum number of
Housing dwellings to be provided over the Neighbourhood Plan period will be 120. These
Sites dwellings will be provided on Site A and Site B as shown on Map PP13/2.
Development on land on the North East side of Colchester Road and identified on
Map PP13/2 as Sites A and B for one, two and three bedroomed dwellings
suitable for first time buyers, homes for older people or small families will be
supported.
The density of the development should be within the range of 20-25 per hectare
on average.
A mix of housing tenure will be encouraged. It is expected that the development
will include at least 30% affordable housing including affordable rent or shared
ownership.
Satisfactory access must be provided.
A 12-metre strip of land parallel to the highway boundary of Colchester Road will
be retained and integrated into the design and layout of the scheme to respect
the semi-rural village aspect.
Landscaping will be an important and integral part of the design and layout of the
scheme. It is expected that all principal roads will incorporate a minimum 1 metre
wide green verge to each side and the development should include an
appropriate amount of public open space.
In order to ensure that a stock of smaller dwellings is retained to meet the
village's needs, permitted development rights will usually be withdrawn for
extensions through the imposition of conditions on any grant of planning
permission.
The provision of land for a cemetery indicated on Map PP13/2 will be supported.
The provision of land to accommodate sports facilities adjacent to the cricket club
as indicated on Map PP13/2 will be a requirement of the developer of this site.

Also relevant;

PP24: Colchester Road (in the vicinity of the two development sites), will be the
Highways subject of speed reduction and accessibility improvements. New mini
Network roundabouts are to be installed at the junctions of the new development areas
with Colchester Road, and a new zebra crossing sited to allow access to the rest
of the village safely including the school and sports fields. This is to be funded by
the developers of Site A and Site B.

- 16.11 The Spatial Strategy (Policy SG1), West Bergholt allocation (SS5) and West Bergholt Neighbourhood Plan are aligned with the NPPF which reinforces the plan-led system (paragraph 15) and sets out at paragraph 16 how plans should be prepared. The policies will contribute to the delivery of sustainable development. Paragraph 59 reiterates the Government objective of increasing the supply of homes. Paragraph 29 outlines the importance of Neighbourhood Plans and the West Bergholt Neighbourhood Plan is one of a number of neighbourhood plans which will allocate sites for residential dwellings within Colchester as identified by the Spatial Strategy.
- 16.12 The key policies in the emerging Local Plan relevant to this scheme are considered to be highly consistent with the NPPF and should therefore be afforded considerable weight.
- 16.13 The final issue to be taken into account when considering the weight to be afforded to the emerging Local Plan is the level of unresolved objection to the relevant policies. The examiner of the emerging Local Plan has fully endorsed the housing figure of 920 dwellings per annum as representing the objectively assessed housing need for Colchester in his letter dated 27th June 2018.
- 16.14 Policy ENV 1 of the Local Plan also has relevance and this aims to protect unallocated greenfield land outside settlement boundaries. It should be noted that the site has areas that have been previously developed during the previous commercial uses so is partly brownfield land which adds additional policy weight to the proposal. Policy H1 provides that Colchester will seek to provide 80% of housing on previously developed land during the plan period.
- 16.15 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 which can be afforded sufficient weight in the determination of this application due to its advanced stage. Accordingly, it is considered that the principle of development of the site accords with the relevant policies in the current Local Plan and in the Emerging Local Plan which are compliant with the NPPF and support approval of residential development on sites that accord with the Neighbourhood Plan and are sustainable. The policies in the Emerging Plan can be afforded sufficient weight in the determination of this application. The Planning Policy team have confirmed that they support the general principle of development on this sustainable site for the above reasons. There should therefore be a presumption in favour of this sustainable development and the proposal should be judged on its planning merits as follows.

Layout and Visual Impact

- 16.16 Policy DP1 of the Local Plan requires all development to respect and enhance the character of the site, its context and surroundings. Whilst the submitted layout plan is purely for illustrative purposes only it shows that 13 dwellings on the site could be accommodated without appearing cramped or the site appearing overdeveloped. It is however, considered that the illustrative layout (and illustrative design forms) are unlikely to be acceptable in detail and that an improved layout and design forms would be required to be submitted at any Reserved Matters stage. The layout shows a linear, hard surface dominated, uniformly spaced built form which would need improving by locating parking and hard surfaces, including accessways in less prominent locations. There would also need to be more variety in terms of house positioning and plot widths. In addition, deep plan buildings with shallow pitched roofs would be unlikely to be acceptable so improved design and forms would be required in this respect.
- 16.17 The number of dwellings whilst of relatively low density accord with the parameters of the NPPF and would be appropriate for this prominent part of the Neighbourhood Plan allocation. To achieve the allocation of 120 overall, other less prominent areas of the overall allocation would need to be developed at a higher density.
- 16.18 The majority of the frontage hedging could be retained and replaced where necessary and with appropriate additional landscaping and retention of boundary trees the proposal could be accommodated on the site without particular detriment to the character of the street scene and surroundings. The existing pattern of development is predominantly linear and a proposal could be tailored to respect this form. Existing buildings and structures would be removed.
- 16.19 Overall, there is the potential for a development of 13 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).

Impacts on Neighbouring Properties

- 16.20 Any proposed development on this site, carefully designed with regards to positioning of dwellings and placement of windows, is unlikely to have any adverse impact on the residential amenities of existing properties from an overbearing impact or overlooking. There is scope to position access drives and parking areas in locations that would not lead to significant noise and disturbance to neighbouring residents.
- 16.21 It is therefore considered there is potential to achieve a scheme that would not have a significant detriment to neighbouring residential amenity and accord with Policy DP1 which aims to protect existing public and private residential amenity.

Affordable housing

16.22 The National Planning Policy Framework seeks to deliver a 'wide choice of high-quality homes' and that planning authorities should set policies for meeting the identified affordable housing need. Given the advanced position of the Emerging Local Plan and the nature of the application it is considered that the Affordable Housing Policy in the Local Plan is applicable which states:

Policy DM8: Affordable Housing states that:

Accordingly, 30% of new dwellings (including conversions) on housing developments of more than 10 dwellings in urban areas and above 5 units in designated rural areas (in accordance with Planning Policy Guidance), should be provided as affordable housing (normally on site).

Where it is considered that a site forms part of a larger development area, affordable housing will be apportioned with reference to the site area as a whole. This level balances the objectively assessed need for affordable housing in the Borough established by the evidence base, against the requirement for flexibility to take account of changing market conditions. At present the overwhelming need in Colchester is for affordable rented properties, which should be reflected in development proposals. For sites where an alternative level of affordable housing is proposed below the target, it will need to be supported by evidence in the form of a viability appraisal.

In exceptional circumstances, where high development costs undermine the viability of housing delivery, developers will be expected to demonstrate an alternative affordable housing provision.

The Local Planning Authority will require developments to integrate affordable housing and market housing, with a consistent standard of quality design and public spaces, to create mixed and sustainable communities. 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. Elsewhere the affordable housing mix on any site should normally be "pepper potted" throughout the scheme in groups, the size and location of which should be discussed and agreed with the Local Planning Authority.

16.23 Accordingly a Section 106 Agreement will be required to secure this 30% provision of affordable homes.

Highways and Parking Issues

16.24 There is a single proposed vehicular access point into the site off Colchester Road with a proposed secondary road which expands the existing site entrance to include a 'T' junction enabling this road to branch both left and right. The access design has been informed by traffic surveys along Colchester Road. The Highway Authority has confirmed that the proposed access points are acceptable in principle and that the required visibility

splays can be achieved. An appropriate condition would be applied in this respect.

16.25 There will also need to be the following highway improvements and additional details (to be secured by a Section 106/278 agreement and conditions:

a) Relocation of existing bus stop in the vicinity of 36 Colchester Road West Bergholt (eastbound) to the vicinity of the proposed vehicular access to the site eastbound including 1x new shelter, raised kerbs, timetables, post and flag (Approximate cost of £12,000 total)

b) Provision of Residential Travel Information Packs for each dwelling.

16.26 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.

Amenity Space Provisions

16.27 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.

16.28 There is ample space within the development site to meet these standards.

Landscape and Trees

16.29 There are some trees and vegetation within the site and on the boundaries. An Arboricultural Impact Assessment has been submitted and concludes that the development would not have a significant effect on the surrounding area from an Arboricultural perspective. Six trees and small sections of hedges are to be removed as part of the development. Only one tree is of moderate quality and all others are of low quality. All trees around the boundary of the site are to be retained, including hedgerows and the impact of tree removals from outside the site will be minimal. Overall, subject to appropriate tree protection conditions, the impact of the development on trees and vegetation is considered acceptable.

16.30 There is adequate space to provide additional landscaping on the site, including on the boundaries and it is concluded that subject to an appropriate layout and landscaping scheme, a development can be achieved that would not significantly impact upon the surrounding

landscape. Appropriate details will however need to be submitted at the Reserved Matters stage.

Public Open Space Provision

- 16.31 The indicative layout shows that there is potential to provide public open space and play areas on the site although details of the layout and landscaping of the scheme would be required as part of a Reserved Matters application rather than at this stage. It would be necessary, however, to secure that at least 10% public open space is provided on site in accordance with Development Plan Policy DP16. This requirement is carried forward to Policy DM18 of the emerging Local Plan.

Wildlife:

- 16.32 An extended Phase 1 Habitat Survey has been submitted. This concludes:

“The proposed development has potential to impact nesting birds, foraging/commuting bats and reptiles. Appropriate mitigation has been recommended. The hedgerows and trees are the most valuable habitats on the site and are to be retained as part of the proposed development. There is potential to further enhance the site for the benefit of wildlife and its ecological value by implementing the recommended enhancements outlined in this report such as soft landscaping and wildlife-friendly planting.”

- 16.33 Accordingly, subject to appropriate wildlife enhancement and mitigation conditions it is considered that there will not be an unacceptable impact upon wildlife on the site. A RAMS wildlife mitigation payment will be required for £122.30 per dwelling. The proposal would thus accord with Policy DP21 which provides that development should conserve or enhance biodiversity.

Other Matters:

- 16.34 The land is not within an area identified as being liable to flooding. A flood risk assessment has been submitted. The Environment Agency flood zone mapping shows the site lies within Flood Zone 1 and is not at risk of fluvial or tidal flooding. As part of the FRA, a SUDs/surface water drainage strategy has been prepared to demonstrate how the run-off will be disposed of. To dispose of the surface water run-off generated by the development scheme, it is anticipated that the run-off will be directed to a range of infiltration drainage devices in the form of various soakaway techniques.
- 16.35 Detailed hydraulic modelling has been carried out which demonstrates that the SuDS/surface water drainage system can withstand the impact of a 1:100-year rainfall event (including an additional 40% as an allowance for climate change), thus complying with the requirements of the NPPF. The FRA identifies the opportunity to provide a scheme which fully adopts the principles outlined within the NPPF.

- 16.36 Accordingly, it is not considered there will be a flood risk problem subject to an appropriate surface water drainage condition being applied. The proposal would then comply with Policy DP20 of the Local Plan.
- 16.37 With regard to archaeological issues, an archaeological programme of works condition will be applied. This will allow appropriate recording of any items of archaeological interest in accordance with Policy DP14.
- 16.38 With regard to contaminated land issues a Phase 1 Desk Top survey will need to be submitted and this is currently awaited. Appropriate conditions would then be applied.

17.0 Conclusion

- 17.1 To summarise, in Policy terms, the site proposed for the 13 dwellings is on land which is outside of the current settlement boundary of West Bergholt in the Adopted Local Plan and Emerging Local Plan. The site has, however, under Policy SS5 of the Emerging Local Plan, been allocated in the West Bergholt Neighbourhood Plan. The Neighbourhood Plan has reached a very advanced stage having successfully completed the Examination by Inspector stage and now just has the final referendum stage before formal adoption.
- 17.2 Accordingly the proposal is not considered to be a Departure to current Local Plan Policy owing to the advanced stage of the Neighbourhood Plan and the fact that current Local Plan Policy SD1 states that planning applications that accord with policies in Neighbourhood Plans will be approved without delay unless material considerations indicate otherwise. In addition, 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). The principle of the proposal is therefore considered acceptable in Policy terms.
- 17.3 In terms of the planning merits of the case, the site is large enough to be able to accommodate 13 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. Appropriate landscaping will allow a scheme to relate satisfactorily to the its surroundings in terms of landscape impact. It is not considered the proposed 13 dwellings would compromise the provision of the total of 120 required for the overall land allocations in West Bergholt.
- 17.4 The scheme is acceptable from a highway safety point of view with adequate visibility splays and parking provision. Subject to appropriate conditions there is unlikely to be any detriment to neighbouring residential amenity or significant impact upon important vegetation or wildlife. A 30% provision of affordable housing will be required.

17.5 A Phase 1 contaminated land survey and RAMS wildlife mitigation payment will be required. A Section 106 agreement will also need to be completed to secure developer contributions and bus stop provision:

- Affordable Housing: 30% provision. The tenure mix of the affordable dwellings should be no less than 80% affordable rent and no more than 20% intermediate. Wheelchair accessible units should be provided.
- Public Open Space, Sport, and Recreation: £62,232.43. Public Open Space Maintenance dependent on landscape proposals.

18.0 Recommendation to the Committee

18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990, within 6 months from the date of the Committee meeting. 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. ZAC - Time Limit For Outline Planning Permissions

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. ZAD- Time Limit For Outline Permissions

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. ZAE – Time Limit For Outline Permissions

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. ZAM - 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 Rev A and 180230-001 Rev A received 7/6/18.

Reason: For the avoidance of doubt as to the scope of this permission and in the interests of proper planning.

5. Z1A – Street Name Signs

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

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

6. Z00- Junction Layout

Prior to the first occupation of the development, the proposed estate road, at its bellmouth junction with Colchester Road shall be provided with 10.0m. radius kerbs returned to an access road carriageway width of 5.5m. and flanking footways 2m. in width returned around the radius kerbs and new pram crossing on both sides. 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.

7. Z00- Visibility Splays

Prior to the proposed access being brought into use, vehicular visibility splays of 85m N.W. by 2.4m by 96m S.E. 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.

8. Z00- Vehicular Access

Prior to the first occupation of each dwelling on the proposed development, the individual proposed vehicular access for that dwelling shall be constructed at right angles to the highway boundary and to a width of 3.7m and each shared vehicular access shall be constructed at right angles to the highway boundary and to a width of 5.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety.

9. Z00- No Unbound Materials

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

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

10. ZJV – Estate Road Layout

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.

11. Z00- Kerbing

Prior to first occupation, 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.

12. Z00 - Footways

Prior to first occupation, 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.

13. Z00- Off street parking.

All off street car parking shall be 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.

14. Z00 – Garage provision

Any garage provided with its vehicular door facing the highway or proposed highway shall be sited a minimum of 6m from the highway boundary.

Reason: To ensure that the vehicle to be garaged may be left standing clear of the highway whilst the garage door is opened and closed, in the interests of highway safety.

15. Z00 – Cycle storage

Prior to the occupation of the proposed development, details of the provision for the storage of bicycles for each dwelling sufficient for all occupants of that dwelling, of a design this 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.

16. Z00- Internal Estate Road Junction

Each internal estate road junction shall be provided with a clear to ground level visibility splay with dimensions of 25m by 2.4m by 25m on both sides. Such visibility splays shall be provided before the road is first used by vehicular traffic and shall be retained and maintained free from obstruction clear to ground thereafter.

Reason: To ensure a reasonable degree of intervisibility between drivers of vehicles at and approaching the road junction, in the interests of highway safety.

17. Z00 - Construction Method Statement

No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) 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.

18. Z00 – Boundary Planting

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.

19. Z00- Footways

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

20. Z00 – Bus shelter

Prior to the first occupation of any of the proposed dwellings the existing bus stop outside or in the vicinity to number 36 Colchester Road (eastbound) shall be relocated adjacent to the new vehicular access to the proposed development and shall be improved by the provision of a bus shelter to current standards, level entry kerbing, new post and flag, timetables, any adjustments in levels, surfacing and any accommodation works to the footway and carriageway channel being provided entirely at the applicant/Developer's expense to the specifications of the Highway Authority.

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

21. Z00 - Tree and Natural Feature Protection: Protected Areas

No works shall take place until all trees, shrubs and other natural features not scheduled for removal on the approved plans have been safeguarded behind protective fencing to the standard shown in the arboricultural impact assessment provided by DF Clarke Bionomique Ltd dated 15th May 2018 (Ref: DFCEP 4198). All agreed protective fencing shall thereafter be maintained during the course of all works on site and no access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

Reason: To safeguard existing trees, shrubs and other natural features within and adjoining the site in the interest of amenity.

22. ZFS - Tree and Hedgerow Protection: General

All existing trees and hedgerows shall be retained throughout the development construction phases, unless shown to be removed on the approved drawing and all trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site in accordance with the Local Planning Authorities guidance notes and the relevant British Standard. All existing trees and hedgerows shall then be monitored and recorded for at least five years following contractual practical completion of the development. In the event that any trees and/or hedgerows die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed, in writing, with the Local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998.

Reason: To safeguard the continuity of amenity afforded by existing trees and hedgerows

23. Z00 – Tree Protection

No works or development shall take place until a scheme of supervision for the arboricultural protection measures required by conditions 21 & 22] has been approved in writing by the local planning authority. This scheme will be appropriate to the scale and duration of the works and will include details of: (select as appropriate)

- a. Induction and personnel awareness of arboricultural matters
- b. Identification of individual responsibilities and key personnel
- c. Statement of delegated powers
- d. Timing and methods of site visiting and record keeping, including updates
- e. Procedures for dealing with variations and incidents.
- f. The scheme of supervision shall be carried out as agreed.
- g. The scheme of supervision will be administered by a qualified arboriculturist instructed by the applicant and approved by the local planning authority.

24. Z00 - Hours of Demolition/Construction

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

Weekdays: 08:00 to 18:00

Saturdays: 08:00 to 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.

25. Z00 - Hours of Construction Deliveries

No construction deliveries to or from the site, worker vehicle movements, or construction work shall take place outside of the following times;

Weekdays: 08:00 to 18:00

Saturdays: 08:00 to 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.

26. ZNL- Archaeological Investigation

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

- a. The programme and methodology of site investigation and recording.
- b. The programme for post investigation assessment.
- c. Provision to be made for analysis of the site investigation and recording.
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.

- e. Provision to be made for archive deposition of the analysis and records of the site investigation.
- f. Nomination of a competent person or persons/organisation to undertake the works.

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

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy SD1 and ENV1 of Colchester Borough Council's Core Strategy (2008) and Supplementary Planning Document 'Managing Archaeology in Development (adopted 2015).

27. ZGX Contaminated Land Part 1 of 4 (Site Characterisation)

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 DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can

be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

28 ZGY - Contaminated Land Part 2 of 4 (Submission of Remediation Scheme)

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.

29- ZGZ Contaminated Land Part 3 of 4 (Implementation of Approved Remediation Scheme)

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.

30 ZG0- Reporting of Unexpected Contamination

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 26 number, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 27, 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 28.

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.

31 Z00 - Ecological Mitigation and Management Plan

No works shall take place until an Ecological Mitigation and Management Plan (EMMP), in accordance with the submitted Ecological Habitat Survey submitted 7/6/18 has been submitted to and approved in writing by the Local Planning Authority. The mitigation and management measures shall then be fully implemented as approved.

Reason: In the interests of conserving and enhancing the biodiversity of the site.

32 Z00- Full Landscape Proposals

No works shall take place 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:

- proposed finished levels or contours;
- means of enclosure and boundary treatments;
- car parking layouts;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.);
- proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.);
- retained historic landscape features;
- proposals for restoration;
- planting plans;
- written specifications (including cultivation and other operations associated with plant and grass establishment);
- schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and
- implementation timetables and monitoring programs.

Reason: To ensure that there is a suitable landscape proposal to be implemented at the site for the enjoyment of future users and also to satisfactorily integrate the development within its surrounding context in the interest of visual amenity.

33 Z00- Surface Water Drainage

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. No development shall commence until the detailed scheme has been approved in writing by the Local Planning Authority. The approved scheme shall subsequently be implemented prior to occupation and should include but not be limited to:

- Limiting discharge rates to 10 l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- 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.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason: The National Planning Policy Framework paragraph 103 states that local planning authorities should ensure flood risk is not increased elsewhere by development. 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.

34 SUDs Maintenance and Management Plan

No works shall take place until a Maintenance and Management 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.

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.

19.1 Informatives

19.1 The following informatives are also recommended:

INS – Highway Informatives:

Design Informative:

1. There should be no vehicular access over any radius kerbs.
2. The new carriageways should be provided with a centreline bend radius of 13.6m together with adequate forward visibility.
3. Any trees provided within the adoptable highway will attract a commuted sum of no less than £750 per tree.
4. The applicant should be requested to consider the provision and location of street Lighting columns, particularly at road junctions, these should be within the adoptable areas.
5. The proposed carriageway to enable future expansion of the site should be shown at no less than 5.5m in width together with 2.0m wide footways.
6. Refuse freighters are unlikely to manoeuvre over Private Drives.

Informative1: The applicant is advised to submit a Stage 1 Road Safety Audit together with the Designers responses with the submission of a FULL or Reserved Matters Application.

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.

ZTA - Informative on Conditions Stating Prior to Commencement/Occupation

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

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.

WA1- Positivity Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including

planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.