

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it is a departure from the Development Plan, objections have been received and a legal agreement is required. If Members agree the recommendation to approve, the application will have to be referred to the Secretary of State under the “call-in” procedure set out in The Town and Country Planning (Consultation) (England) Direction 2009.
- 1.2 The application has also been “called in” for a decision by the Planning Committee by Councillor Lewis Barber for the following reason “This is outside the current and emerging Local Plan and has been rejected by the Neighbourhood Plan Group for the preferred site of development”.

2.0 Synopsis

- 2.1 The key issues for consideration are the principle of the development, the Development Plan and other material planning considerations, whether the development constitutes sustainable development, and the impact on the area and neighbouring properties.
- 2.2 The application is subsequently recommended for approval, subject to conditions and a legal agreement.

3.0 Site Description and Context

- 3.1 The village of West Bergholt is located north-west of Colchester, separated by an area of open countryside which extends from Braiswick to the settlement boundary.
- 3.2 The B1508 Colchester Road extends through the village and connects it with Colchester to the east and Sudbury to the north-west.
- 3.3 The site is on the eastern edge of the village and approximately 400 metres to the east of the village centre. It is located on the south side of Armoury Road, 150 metres north east of its junction with Colchester Road. The site has a road frontage of approximately 160 metres to Armoury Road; which forms the north boundary. The east boundary abuts the side garden of a dwelling called Brambles, beyond this property is open countryside; the east boundary then extends along the rear gardens of dwellings in Coopers Crescent and Garret Place. The south boundary abuts the rear gardens of houses in Colchester Road and the west boundary gardens of houses in Armoury Road. Coopers Crescent and Garret Place together with Maltings Park Road and Lorkin Way serve dwellings on land formerly occupied by the Truman brewery.

- 3.4 The site is an irregularly shaped area of grassland extending to 1.2 hectares (3acres). The boundaries comprise native species hedgerows, trees and fences. The site is generally level with a gentle fall; approximately 1 metre across the site. A footpath runs from Armoury Road in the north east corner of the site, along the site's eastern boundary and joins an area of public open space on Lorkin Way. The existing vehicular access to the site is taken from Armoury Road via a gateway located towards its north east corner.
- 3.5 The supporting information explains that "The site was bought by the applicant NEEB Holdings from Hunting Gate Homes in 1994 as part of a wider parcel of land which included the old brewery site. The development started in 1997 and the undeveloped land, i.e. the application site, has remained in the ownership of NEEB Holdings since." Information submitted by NEEB Holdings indicate have retained a right of access over Coopers Crescent; which is to be used to gain vehicular access to the site. Members will note that many of the representations (set out below) raise issues relating to traffic and the use of Coopers Crescent residents comment that the road is a private road. However the applicants state they have retained legal rights of access over it.

4.0 Description of the Proposal

- 4.1 This outline application proposes 26 dwellings including: 30% affordable housing, with vehicular access pedestrian/cycle access from Coopers Crescent/Malting Park Road, public open space and structural landscaping. Pedestrian/cycle access is proposed through the site to Armoury Road. The application seeks approval for the means of access and landscaping; all other matters, (Appearance, Layout and Scale) will be the subject of the reserved matters application/s. The development equates to 27 dwellings per hectare and comprises;
- Plots 1 - 6 : 2 Bed Terrace House;
 - Plots 7 - 10 : 2 Bed Semi-Detached House;
 - Plots 11 - 12 : 3 Bed Bungalow;
 - Plot 13 : 2 Bed Coach House;
 - Plots 14 - 16 : 2 Bed Terrace House;
 - Plot 17- 18 : 3 Bed Bungalow;
 - Plots 19 - 22 : 3 Bed Semi-Detached House;
 - Plots 23 -26 : 3 Bed Bungalow;
- 4.2 The application originally proposed a through route for all traffic from Colchester Road along Coopers Crescent/Malting Park Road onto Armoury Road. Following an objection from the Highway Authority the application has been amended to exclude vehicular access from Armoury Road.

- 4.3 Although an outline application a site plan has been submitted showing a possible layout for the dwellings and street scene drawing. The layout shows the site accessed via an extension to Coopers Crescent, with dwellings either backing onto or sides facing the boundaries of existing development. The proposed dwellings front Armoury Road. An area of open space, described as meadow/allotment area and noted as 22% of the site is shown in the N/E corner. This has a link to the existing open space, which includes a play area, serving the Malting Park development.
- 4.4 The proposed development is described as comprising;
- Access from Coopers Crescent to the south
 - Principal area of open space to the north east, adjoining existing public footpath from Armoury Road to Lorkin Way
 - A maximum of 26 dwellings which would comprise terraces, semi-detached and detached dwellings, including bungalows and affordable housing
- 4.5 The application includes the following supporting documents;
- Planning Statement
 - Statement of Community Involvement
 - Design & Access Statement
 - Housing Land Supply
 - Transport Assessment
 - Flood Risk Assessment and Foul Surface Water Drainage Strategy and additional information/clarification requested by EC SUDS
 - Noise Constraints Assessment
 - Arboricultural Survey and Report
 - Landscape Appraisal and additional information/clarification requested by the landscape officer and case officer
 - Ecological Survey Report and additional information/clarification requested by the case officer
 - Phase 1 Desk Study and Preliminary Risk Assessment
 - Heritage Statement
 - Brief for Archaeological Evaluation
 - Utility Statement
 - Health Impact Assessment

5.0 Land Use Allocation

- 5.1 The site is outside the settlement boundary for West Bergholt. There is no other allocation – the site comprises white land being unallocated.

6.0 Relevant Planning History

- 6.1 There is no relevant planning history

7.0 Principal Policies

7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.

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

- SD1 - Sustainable Development Locations
- SD2 - Delivering Facilities and Infrastructure
- H1 - Housing Delivery
- H2 - Housing Density
- H3 - Housing Diversity
- H4 - Affordable Housing
- UR2 - Built Design and Character
- PR1 - Open Space
- PR2 - People-friendly Streets
- TA1 - Accessibility and Changing Travel Behaviour
- TA2 - Walking and Cycling
- TA3 - Public Transport
- TA4 - Roads and Traffic
- TA5 - Parking
- ENV1 - Environment
- ENV2 - Rural Communities

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

- DP1 Design and Amenity
- DP2 Health Assessments
- DP3 Planning Obligations and the Community Infrastructure Levy
- 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

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

The Essex Design Guide
External Materials in New Developments
EPOA Vehicle Parking Standards
Backland and Infill
Affordable Housing
Community Facilities
Open Space, Sport and Recreation
Sustainable Construction
Cycling Delivery Strategy
Urban Place Supplement
Sustainable Drainage Systems Design Guide
Street Services Delivery Strategy
Planning for Broadband 2016
Managing Archaeology in Development.
ECC’s Development & Public Rights of Way
Planning Out Crime
West Bergholt Parish Plan & West Bergholt Village Design Statement

8.0 Consultations

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

8.2 Spatial Policy comments

Colchester Local Plan

The proposed development site is located outside the West Bergholt settlement boundary as shown on the Proposals Map for the Adopted Local Plan.

Colchester Borough Council’s current Development Plan consists of the Core Strategy (adopted in 2008 and subject to a Focused Review in 2014), Site Allocations DPD (adopted 2010), and Development Policies DPD (adopted 2008 and reviewed 2014). The Development Plan informs development within the Borough up to 2023 including the allocation of new housing sites as detailed in the Proposals Maps.

Policy SD1 of the Core Strategy sets out the Council's spatial strategy and underpins other policies in the Local Plan. Policy SD1 was found sound in 2014 following a Focussed Review carried out after the publication of the National Planning Policy Framework (NPPF). It does however contain reference to an out of date housing target so although part of the policy can be afforded full weight, part is inconsistent with the NPPF and should only be afforded limited weight (housing requirement and approach to PDL). Policies which flow from the strategic nature of SD1 it, will need to be considered using the same weighting.

The Spatial Strategy contained in the Core Strategy is clear that new residential development will be allocated through the Site Allocations DPD in accordance with the Settlement Hierarchy comprising (in order of preference) Colchester, Stanway, the district settlements (Wivenhoe, Tiptree and West Mersea) and lastly the rural settlements.

As the site is located on unallocated greenfield land in the countryside, Core Strategy Policy ENV1 is relevant to this proposal. Core Strategy policy ENV1 states that unallocated greenfield sites outside of settlement boundaries will be protected and where possible enhanced. Policy ENV1 has application beyond limiting isolated residential development in the countryside; by restricting development to within settlement boundaries. Given that the proposed site is outside of the settlement boundary it is contrary to this Policy.

The Core Strategy sets out how the Council would manage the delivery of at least 19,000 new homes between 2001 and 2023. The overall distribution of new housing is set out in Policy H1 and Table H1a, guided by the Settlement Hierarchy. Since adoption of the Core Strategy the Council has continued to update its evidence base and has taken into account policy changes at a national level. The Council has continued to deliver new homes, over a prolonged period. Since the beginning of the current Plan period (2001), the Council has exceeded its housing requirements by 939 new dwellings, with a continued good track record of delivery. Whilst there has been a small shortfall since 2013 (the base date of the emerging local Plan) this will be addressed in the next 5 years. The Council's housing supply assessment has been updated for the period from 1 April 2018 and a report on this has been published on the Council's website.

The Council is currently preparing a new Local Plan for the Borough which, once adopted, will replace the adopted Local Plan. The new Local Plan will inform development in the Borough over the period to 2033 and includes housing allocations to meet the predicted growth of the Borough over that period.

As well as preparing a new Local Plan for Colchester, the Council are also currently supporting a number of Parish Councils, to develop Neighbourhood Plans for their respective parishes and the West Bergholt Neighbourhood Plan group are actively progressing their Neighbourhood Plan. West Bergholt Parish Council and Neighbourhood Plan Group indicated a preference for allocating sites through their emerging Neighbourhood Plan. The emerging Local Plan therefore identifies a broad area of growth for West Bergholt, located to the north-east of Colchester Road, and the Neighbourhood Plan has identified sites within this broad area.

The allocation of housing sites through the Local Plan and Neighbourhood Plan process ensures that new development has been thoroughly assessed for all of its potential impacts so that effective mitigation measures can be prepared. The Local Plan and Neighbourhood Plan process also ensures that potential development locations are the subject of meaningful engagement with residents, service providers and other key stakeholders and that a comprehensive strategic approach to site allocations is undertaken. The proposed site is not located within the identified broad area of growth and is therefore contrary to the emerging Colchester Local Plan. Both the Local Plan and the West Bergholt Neighbourhood Plan are subject to Examination before Adoption so therefore do not carry full weight in determining this application. However, it should be acknowledged that the Local Plan is at an advanced stage; it has been submitted and examination has taken place on Section 1. Neither emerging Plans lend policy support for the proposed development.

This process will confirm the extent and location of sustainable growth for the settlement, and as such this application could prejudice the Local Plan process. The applicant has made representations to the Local Plan in relation to this site, which will be subject to Examination in 2018.

Strategic Land Availability Assessment

The site was promoted by the landowner as part of the Call for Sites process and considered by the LPA as part of the Strategic Land Availability Assessment (SLAA).

The SLAA concluded that the site shows some suitability for development as it adjoins the existing settlement boundary and amendment of the boundary to include this site could be considered logical. There is a low risk of surface water flooding, but there are no impacts on biological or historic assets. The site is located on the edge of the village with good access to local services.

The SLAA identified issues with access to the site, and this contributed to the site's Amber rating. The SLAA included the following comments from the Highways Authority, which did not support vehicular access from Armoury Road:

"It would appear there is sufficient road frontage to enable an access to be delivered to the required highway design standards. However, there are no footways in Armoury Road and I suspect the promoter of the site does not control the land needed to provide footways. I would be unable to support a residential development which had no safe means of access for pedestrians. Also, there are a number of Public Rights of Way within and/or immediately adjacent the site, which may need to be permanently diverted and/or upgraded. One of which runs down Armoury Road and therefore I would wish to resist an intensification in traffic using Armoury Road and therefore travelling along the Public Right of Way. Also the current highway network at and surrounding the site would be unlikely to be able to cater for the additional traffic which would be generated from what is a large site. I suspect the promoter of the site does not control the land needed to upgrade the roads, including providing as a minimum footways, and would question whether this would be appropriate in any event and I also suspect would lead to planning concerns."

However, the scheme involves vehicular access from Coopers Crescent and it is understood that the proposed access resolves the previous concerns of the Highways Authority.

Conclusion

In summary, the proposal is considered to be in contravention of current adopted local policies (SD1 and ENV1). The Councils housing supply assessment has been updated for the period from 1.4.18 and a report on this has been published on the Councils website. This demonstrates a 5 year supply of deliverable sites. Furthermore, the proposal conflicts with the emerging Local Plan together with the emerging Neighbourhood Plan, which will plan for the most appropriate additional growth in West Bergholt looking ahead to 2033. It is understood that there are no other grounds for refusal and in a situation such as this the planning balance will need to be applied and permission should only be granted if other material considerations outweigh the presumption against development outside settlement boundaries contained in the development plan.

8.3

Anglian Water

- Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.
- The foul drainage from this development is in the catchment of West Bergholt Water Recycling Centre, which currently does not have capacity to treat the flows from your development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent would therefore take the necessary steps to

ensure that there is sufficient treatment capacity should the planning authority grant planning permission.

- The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.
- The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. No evidence has been provided to show that the surface water hierarchy has been followed as stipulated in Building Regulations Part H. This encompasses the trial pit logs from the infiltration tests and the investigations in to discharging to a watercourse. If these methods are deemed to be unfeasible for the site, we require confirmation of the intended manhole connection point and discharge rate proposed before a connection to the public surface water sewer is permitted. We would therefore recommend that the applicant needs to consult with Anglian Water and the Environment Agency. We request that the agreed strategy is reflected in the planning approval
- Anglian Water would therefore recommend the imposition of conditions if the Local Planning Authority is mindful to grant planning approval.

8.4 Lead Local Flood Authority (Essex County Council SUDs)

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission based on the imposition of conditions.

8.5 Highway Authority

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

8.6 Landscape Officer

The landscape officer has commented that site lies outside the settlement boundary and is therefore subject to Core Policy ENV1. ENV1 requires that 'unallocated green-field land outside of settlement boundaries (to be defined/reviewed in the Site Allocations DPD) will be protected and where possible enhanced, in accordance with the Landscape Character Assessment. Within such areas development will be strictly controlled to conserve the environmental assets and open character of the Borough'.

The site lies within Colchester Borough Landscape Character Assessment, Character Area B6, this identifies a key planning issue as 'potential pressure from expansion of West Bergholt', it sets a landscape strategy objective to 'conserve and enhance' the landscape character of the Area, with a Key Planning Issue as Potential pressure from expansion of West Bergholt settlement' and a landscape planning guideline to 'conserve the landscape setting of West Bergholt, ensuring where appropriate that infill development does not cause linkage with the main Colchester settlement'.

A Zone of Theoretical Visibility has been submitted using GIS mapping and digital terrain modelling. This shows the visibility of 9m high built structures on the proposal site from the surrounding landscape purely based on landform.

CBC Guidance Notes require the preparation of a Landscape Appraisal to accompany the planning application. It identifies five requirements which should be met as a minimum the submitted Landscape Visual Impact Assessment considers each of these elements and include

- An assessment of the proposed development's visibility
- Information to illustrate principal public viewpoints within the public envelope
- An assessment of sensitivity of receptors and identify relevant impacts
- Propose mitigation
- Information to assess and tabulate landscape and visual effects

Whilst the application site lies on the southern edge of Character Area B6 – Great Horkesley Farmland Plateau in the Colchester Borough Landscape Character Assessment, it is not typical of the wider character area; it is not an area of farmland (and has not been farmed for many years) and its character is strongly influenced by the surrounding built development of West Bergholt which largely encloses the application site and all but cuts it off from the surrounding landscape.

The landscape planning guidance for area B6 identifies criteria for new development:

- Firstly, development should 'Ensure that any appropriate new development responds to historic settlement pattern and uses materials, which are appropriate to local landscape character'. The proposed development fills in an existing gap in the settlement between Colchester Road and Armoury Road, connecting into the existing settlement both to the south (via Coopers Crescent) and to the north (via Armoury Road). Development in this location would respect the existing settlement pattern of West Bergholt which is nucleated and would be of a similar scale and density as the surrounding areas of the settlement. The selection of appropriate materials would be agreed at reserved matters stage. However, the DAS sets out the intention that the choice of materials would reflect the surrounding context.
- Secondly, landscape planning guidance for B6 states that proposals should 'Conserve the landscape setting of existing settlements, such as Boxted, Great Horkesley and West Bergholt, ensuring where appropriate that infill development does not cause linkage with the main Colchester settlement'. The landscape setting for the north and north-east side of West Bergholt is formed by the open arable landscape and orchards on the sloping valley sides. The Site does not contribute to this wider setting and the introduction of development on it would not alter the character of the setting. Furthermore, the introduction of development on the Site would not cause the village to link with the main Colchester settlement or contribute to a reduction in the gap between the settlement edges of the two settlements. Section 6 of the LVIA has been amended to include this additional commentary.

Having considered all the submitted information the landscape officer concludes

Comments in conclusion:

The landscape content/aspect of the strategic proposals lodged on 12/06/18 would appear satisfactory.

In conclusion, there are no objections to this application on landscape grounds.

References:

NPPF: Part 11, clauses 109-125 & (where impacting on a heritage asset, e.g. listed park & garden) Part 12, clauses 126-141.

- 8.7 Arboricultural Officer has considered the Arboricultural Survey and Report. The comments made are matters of detail; one relates to the visibility splay onto Armoury Road, (NB As this access is no longer proposed no visibility splay is required and this comment is therefore not relevant) and the others relate to matters be considered as part of any reserved matters application). The Arboricultural Officer has no objection to the objection subject to conditions to protect existing landscape features during construction.

8.8 Natural England has no comments to make on this application

Natural England has not assessed this application for impacts on protected species.

Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice. Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland. The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development. We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/localplanningauthoritiesgetenvironmentaladvice>

8.9 Urban Design Officer

Notwithstanding the principal objection as the site is outside the settlement boundary, the indicative layout, although generally along the right lines, does not fully convince that the desired number of units could be accommodated in that rear elevations for plots 14-16 are only 10m from existing backs rather than the 15m required by the Essex Design Guide (assuming upper floor rear facing bedroom window/s). However, if the case officer was minded to approve this might be mitigated by only approving up to 26 dwellings. I would also query the suitability of creating a vehicular through route between Armoury Road and Coopers Crescent noting access does form part of the application, though a pedestrian through-route should be achieved, e.g. by simply stopping up vehicular through-access through bollards.

Officer Comment: A through route is no longer proposed.

8.10 Heritage Officer

The main heritage issue raised by this application is the effect that the proposed development would have on the setting of:

- The main Truman's, Brewery building;
- Brewery House;

- the west range (the Hophouse); and
- the former Malting House.

The above buildings are each separately Listed grade II site for their special architectural or historic interest.

Section 16 and 66 of the Planning (Listed Building and Conservation Areas) Act

1990 requires that special regard is given to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

Core Strategy Policy ENV 1 and DPD Policy 14 require development proposal to protect heritage assets and the setting of listed buildings.

Section 12 of the Framework sets out Government guidance on the protection of the historic environment. Paragraph 128 requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.

Further guidance on assessing the setting of Heritage Assets is set out in Historic England's Guidance Note 3.

Analysis of Impact Upon Heritage

The application site comprises an area of open space / grassland on the south side of Armoury Road. The site is bounded on the north by housing along Armoury Road, on the west and south-west by further housing along Armoury and Colchester Roads and on the south-east by the modern houses forming part of Maltings Park Road on the site of a former brewery. The principal surviving brewery buildings (the Main Building at Truman's Brewery; Brewery House; Hophouse and Malthouse (the latter on south side of Colchester Road) were converted to residential use and offices as a part of the redevelopment of the former brewery site.

The immediate setting of the listed Truman Brewery buildings was fundamentally altered during the latter half of the 20th century as a consequence of former brewery site being redeveloped for housing and offices. The Main Building, Brewery House and Hophouse are all located to the south of the application site. The special interest of these buildings is derived principally from their built form - i.e. examples of 18th and 19th century buildings that were part of the brewing process. The buildings as a group have significance which also contributes to their historic interest and aesthetic value. The setting of a building can also contribute to its special interest. In this instance, the buildings original 'isolated' rural setting has been eroded as West Bergholt village as expanded and more significantly by the fact that the former brewery buildings are now immediately juxtaposed against a modern housing estate. The main listed buildings can be glimpsed from the application site; however these views are not considered to play a significant part in terms of the setting of these buildings.

The Malthouse is located on south side of Colchester Road. This building was re-sited (from a position some 215m to the south east) to its current position at about the same time as the main brewery site was redeveloped (c 1990) and is now in residential use. The original context / setting of this building has been lost as a consequence of its re-siting. The proposal to develop the application site for residential development is not considered to cause harm to the setting of this listed building.

Conclusions

For the reasons given above, it is considered that the proposed development will not cause further harm to the setting of the identified heritage assets. In view of this, there is not an objection to this application from a heritage standpoint.

8.11 Archaeologist

The proposed development site is located to the south of an archaeological complex recorded by aerial photography (Colchester Historic Environment Record no. MCC7769). 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.

In this case an archaeological condition is recommended:

8.12 Environmental Protection

We understand that this is one of 2 sites from the applicant that are adjacent to each other. There is an acoustic Assessment that covers both sites and I understand that this site is referred to as Site 1 in the report. The noise assessment identifies that there is a low risk from noise at the Armoury Road site and no additional mitigation is necessary for noise. With regards to air quality there is concern regarding future operational traffic contributing to additional road traffic pollutants to AQMA's and areas of elevated NO2 and Pm10's. As such some mitigation would be expected as guided by the EPUK & IAQM Guidance 'Planning For Air Quality' This can be dealt with by condition. This service therefore has no objection in principle subject to conditions being applied should permission be granted.

8.13 Contaminated Land Officer

The Geosphere Environmental Ltd, Phase 1 – Desk Study and Preliminary Risk Assessment report is acceptable for Environmental Protection's purposes. It is noted that it has been concluded that no potential contaminant sources and pathways to potential receptors have been identified, but that a geotechnical investigation of the site has been recommended, with further action required if any unexpected potentially contaminative materials are encountered at that time.

Based on the information provided, the conclusions and recommendations are considered reasonable. The applicant should be advised that the identified fly-tipped waste must be appropriately removed from site.

Consequently, should this application be approved, we would recommend inclusion of a condition

9.0 **Parish Council Response**

9.1 The Parish Council have stated that,

"This application is in the wrong location and at the wrong time. It is outside of the settlement boundary, both as is and as proposed. It is premature and contrary to Colchester Borough Council's emerging Local Plan and West Bergholt's draft Neighbourhood Plan.

Aside from the principle objections, strong arguments can also be made that, as it is not part of integrated planning over the course of the next 15 years, there is not the infrastructure, school places or facilities to support this application.

The entrance onto the development off Armoury Road is not considered suitable as it is a single carriageway narrow road which is not adopted.

The proposed development, situated outside the Settlement Boundary, is viewed as unwanted by a significant number of the residents of West Bergholt and by the Parish Council. The existing Local Plan is against this location for such development and Colchester Borough Council's emerging draft Local Plan has already indicated elsewhere a more appropriate and sustainable area for the main housing development in the West Bergholt Parish over the next 15 years. These proposals dovetail into those of the similarly emerging West Bergholt Neighbourhood Plan resulting from four years of consultation with residents and local businesses. In both cases, the site continues to be outside the Settlement Boundary".

9.2 Parish Council comments on the amended plan "The Parish Council's previous objections to this planning application still stand, although the proposed amendments may deal with our concerns with regards the Armoury Road access, it will only lead to bigger problems. Maltings Park

Road and Coopers Crescent are private roads and are substandard by ECC highways standards and based on our experience the likely implications for traffic and parking in what would be an expanded brewery estate are all too predictable, including:

- huge problems with on-street parking,
- lack of space for vehicles to use the roads, especially large delivery vehicles,
- unsafe walking and cycling environment,
- neighbour disputes over parking,
- blocked driveways,

Overall, this is a community safety and obvious social problem for existing and potentially new residents which we can see only too clearly as it is a tight road layout already”.

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.

- The RTM Company for The Truman Building collectively wish to raise an objection to the above application. Maltings Park is a private estate which has not been formally adopted by the local authority and is maintained by the residents of the estate. The local authority has not adopted the road as they have been deemed too narrow. If this development is allowed to go ahead, we expect there will be a substantial increase in the amount of traffic that will use roads which are already deemed too narrow for adoption by the local authority. Furthermore this will also cause additional damage, wear and tear on roads that are maintained by the owners of the properties within the estate. The additional traffic will also cause an increase in noise and air pollution within the estate as well traffic congestion along narrow estate road. Damage is already being caused to the pavements within the estate by the refuse vehicles driving over kerbs. Finally, the application also falls outside the approved village development envelope.
- This land is outside the village envelope
- The parish council last year put forward a village plan setting out where it would be desirable to build in the village in cooperation with residents and this plan meets the needs of the borough council for housing within West Bergholt for the foreseeable future
- This is a purely speculative application ignoring the village plan and would put additional pressure on the local services of this already busy village. The Primary School already has an intake of 60 pupils per year, the school site is maxed out for space, parking for staff and at drop off / pick up time is a problem which is well documented. The Doctors surgery is also too busy. It is hard to get appointments. Pre-school (Bluebells) is extremely busy. The Baby and Toddler Group is very busy. Likewise, the Rainbows, Beavers, Cubs, Brownies etc have waiting lists for joining and problems recruiting volunteers to run the groups.

- there are traffic problems at North Station, development on a large scale like this in Bergholt will add to this congestion
- Degradation of the natural environment
- The planned site is surrounded by houses who enjoy the peace of the site and natural vistas of the meadow/grassland. Those whose houses are on Colchester Road, which is very busy, treasure the tranquility of gardens being backed onto by the field.
- The flora and fauna of the field would of course be lost by the infill of the field. Common Lizards, Orange Tip butterflies, Buzzards, Kestrels and Hedgehogs inhabit the site. The hedgerows around the boundary house many types of birds, such as Starlings, Nut Hatch, Sparrows, Dunnocks etc
- The proposed vehicular access roads are both totally unsuitable with Coopers Crescent being a private road paid for by the residents and Armoury Road being very narrow and unadopted at the proposed point of entrance. Not designed for additional volumes of traffic
- With many children in the village there would be much greater risks of accidents with increased traffic on narrow unsuitable roads. Also at their consultation meeting Carter Jonas advised that they were changing the access from Coopers Crescent to pedestrian and cycle route only, but have shown they are not to be trusted by still submitting the plans with vehicular access.
- Maltings Park access is a private road.
- Coopers Crescent is a small cul-de-sac of houses and cannot be used as a cut through.
- This piece of land is regularly used by dog walkers and has much lovely wildlife and is a pleasant open space in an already built up area. Birds of prey are often seen as well as bats, rabbits, mice, lizards, insects and on occasions Muntjac Deer.
- The present plan shows little space between the existing boundaries of the gardens in Coopers Crescent which is very intrusive and unacceptable and will affect existing residents view, light, noise pollution and privacy long term and would be extremely intrusive during construction in terms of noise and pollution
- the density of proposed housing and the tiny gardens are not in character with the area
- Armoury Road is private and has no street lighting and virtually no pavements for foot traffic. The entrance off Armoury Road is on an unlit bend so would present all sorts of dangers to car and foot traffic.
- Residents pay a premium to live on this private estate and have charges to maintain the road, should this secondary access be approved who will pay for the additional maintenance of this road? Will our road also be taken on by the council.
- Maltings Park Road will be used as a rat run. The road is not wide enough and currently has a 10 mph limit.
- The construction phase will create a severe disturbance which will ruin our quality of life for many months.

- The noise and disturbance would continue once the construction was complete due to the extra children, teenagers and adults, motor vehicles, electric appliances, sound systems, workmen etc.
- Existing residents would be overlooked
- Building plot are very small and close to existing residents
- Existing residents will be overlooked
- There will be damage to boundary fences etc
- Windows will overlook residents.
- Daylight is very important to us
- We do not want any increase in night-time artificial light. Light pollution
- Value of properties will inevitably be substantially reduced
- Your survey also does not appear to have considered the impact and damage caused by increased delivery vehicle and other HGV movements.
- Why are two access points required in any case? Why cannot there be just one off of Armoury Road to service the 25 houses?
- There is presently a problem with Maltings Park residents and their visitors/workmen parking on the roads and pavements
- Roads are not adopted by the local authority because they are simply too narrow to meet requirements. We, the residents of the existing Maltings Park development, pay for the up-keep and maintenance of these roads. We pay for them to be cleaned, for the drainage, for the street lighting (which unlike Essex County Council streetlights) stays on all night.
- The entrance to the Maltings is via an archway under the Truman building which itself is only a single carriageway.

10.2 Residents were also notified on the amended proposal – vehicular access from Coopers Crescent. Approximately 85 objections have been received (in some instances several of the representations are from the same address);

- The amendment to this planning application is simply ludicrous!
- To shift all of the traffic to a single vehicular access via Coopers Crescent is unsafe and totally unreasonable.
- While we totally understand the unsuitability of a vehicular access from Armoury Road, Coopers Crescent is even less suitable. It is extremely narrow and 10mph and is even problematic for existing use - refuse collection, delivery lorries etc find access difficult at times. The roads were simply not designed for more traffic.
- As the existing properties are family homes, some already have several vehicles per household and parking is becoming an issue as a result. No parking is supposed to happen on the estate roads because they are so narrow and emergency access, not to mention the nature and character of this community, would be further compromised by this development.
- Residents feel very let down by the developers who told us at the public consultation event that Coopers Crescent could become a pedestrian-only access after hearing so many concerns on the evening. Maltings

Park Road and Coopers Crescent are PRIVATE roads and are not adopted by the local authority.

- As someone who pays for the upkeep of these roads, no one has explained to me the implications of a new development using these roads.
- There is already damage to the pavement at the junction of Maltings Park Road and Coopers Crescent caused by larger vehicles clipping the kerb as they access Coopers Crescent.
- The archway entrance to the estate is narrow and at times difficult to pass oncoming vehicles - this would increase the problem.
- We accept that a vehicular access from Armoury Road is also unsuitable, but this surely deems this whole proposal - which is unnecessary and outside of the local plan - totally unviable.
- To consider that all of the construction traffic for this proposed development would now have to pass through Maltings Park Road and Coopers Crescent is an absolutely intolerable thought when there are regularly many young children accessing the park through the same roads that this traffic will be passing.
- Many of the houses on Maltings Park Road being literally 2 to 3 feet from the road.
- There are bollards placed on either side of this exit to protect the arch structure. These bollards have been damaged by vehicles on two recent occasions. Behind the bollards there are pillars either side of the road supporting the second floor which creates a 'bridge' between the two buildings. The position of these pillars makes them vulnerable to damage by oversized construction vehicles.

10.3 A single representation was received in support of the proposal:

I support this proposal. I feel that it will bring the right level of new houses into the village and should be adopted as part of the local plan. It provides new houses for a nice cross section of people and will bring more people into the village to support local services and businesses.

11.0 Parking Provision

11.1 This is an outline application, however the supporting information states that the “proposed development will comply with Essex County Council’s Parking Standards Design and Good Practice (Essex County Council). While indicative only the proposed layout demonstrates compliance with the Standards. Cycle parking will be provided within secure garages”. A condition is required to require the reserved matters submission to satisfy the Council’s adopted parking standards for cars and cycles.

12.0 Open Space Provisions

12.1 An area of 0.27 hectare, representing 22% of the site area is indicated as public open space, a footpath is shown in the east corner linking this area to an existing public open space which includes children’s play equipment.

13.0 Air Quality

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

14.0 Planning Obligations

- 14.1 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:

- Education: A contribution for Primary Education: £12,734.00 per place based on 7.8 places
- Open Space Sport & Recreation: A contribution of 14 x 2bed @£3989.26 = £55849.64; 12 x 3bed @£6981.21 = £83774.52 = £139624.16; minus £46128 for onsite open space provision gives a Off-site Sport and recreation contribution of £93496.16. Amount requested is based on approved SPD. A POS maintenance sum, if adopted by CBC, of £12361.95
- Affordable housing 30% required, mix to be proportionate to the market dwellings the tenure mix to be no less than 80% affordable rent and no more than 20% intermediate (Shared Ownership). All properties also required to meet minimum accessibility standards of Building Regs Part M4 (2).
- Community Services: With regards to the two developments in West Bergholt, although I understand that they are two individual developments, the fact that it is one developer, the proximity and the requirements for community facility lends itself to consider them jointly. At the Colchester Road development, it was mentioned that they would provide a community café. There is a significant shortfall of community space in West Bergholt with the current facilities on the other side of the village being used frequently. If this were delivered in one of these new developments, *that* would be open to cater for both and the wider village, this would be sufficient and a monetary contribution would not be requested. If no community facility were provided, a maximum of £95,632.38 would be requested from Colchester Road and £89,055.66 would be requested from Armoury Road. This would be used to improve existing community facilities and would not be enough to develop a new facility thus increasing available space, so, this would not be the preferred option. *Officer comment: As the Colchester Road application has been refused planning permission, an on-site community facility will not be provided and a contribution of £89,055.66 is therefore required towards community facilities.*

15.0 Report

15.1 The main issues in this case are:

The Principle of Development

- 15.2 Planning law and the National Planning Policy Framework (The Framework) state that the starting point for determining planning applications is the development plan. The Framework also requires Local Planning Authorities to demonstrate a five-year supply of deliverable housing sites.
- 15.3 A five- year housing land supply and the location of a site outside the settlement boundary are not necessarily sufficient reasons on their own to refuse planning permission. A Local Planning Authority (LPA) also has to demonstrate the harm that would result from the development. Recent decisions by Planning Inspectors indicate that appeals are allowed where a LPA cannot demonstrate harm even where they have a 5 year housing land supply and conversely appeals are dismissed where harm is demonstrated even if a LPA does not have a 5 year housing land supply.
- 15.4 Two recent appeals one in Chelmsford and one in Tendring District were allowed despite both authorities being able to demonstrate a 5 year housing land supply.
1. Chelmsford (September 2016) Main Road Great and Little Leighs. Outline application for 100 dwellings. The Inspector was satisfied the Council was able to demonstrate a five year housing land supply. However in allowing the appeal the Inspector concluded that whilst the application would result in development outside the settlement boundary and through the loss of open countryside there would be some harm, albeit very limited, to the character and appearance of the area, the balance of benefits would outweigh the limited harm.
 2. Tendring (January 2018) New Road Mistley. Outline application for 67 dwellings The Inspector was satisfied the Council was able to demonstrate a five year housing land supply. The main considerations were the effect of the development on the appearance of the area in general in addition to its impact on the character and appearance of the Conservation Area. The Inspector considered the Landscape and Visual Appraisal and the impact of the development on PRoW and the landscape in general and concluded that whilst the visual impact would be minor moderate adverse this impact would be highly localised. It was also concluded the development would preserve the character of the Conservation Area.
- 15.5 The recent Bakers Lane appeal, in March 2018, was dismissed despite the Planning Inspector concluding that Colchester could not demonstrate a five-year supply of deliverable housing sites.

- 15.6 The applicant is obviously aware of the Inspectors comments regarding Colchester's five-year housing land supply in the Bakers Lane appeal decision letter and information submitted in support of the application states *"The applicant is making this planning application on the basis that Colchester Borough Council cannot demonstrate a 5 year supply of housing land. The applicant has commissioned an independent assessment of the Council's housing land supply position which has demonstrated that the Council has less than a 5 year supply."*
- 15.7 Members will note the response from Spatial Policy states "The Councils housing supply assessment has been updated for the period from 1.4.18 and a report on this has been published on the Councils website. This demonstrates a 5 year supply of deliverable sites". Policies in the Development Plan are therefore considered to be up to date. The Council therefore disagree with the applicant's assessment.
- 15.8 This application is recommended for approval because of the unique circumstances of the site, because it is considered to be sustainable development and because it will not cause harm to matters of acknowledged importance; these issues are discussed in the report below.
- 15.9 Whilst Spatial Policy considers there is insufficient policy justification to depart from the adopted Local Plan their response also refers to the consideration of the site as part of the call for sites and states *"the application site was promoted by the landowner as part of the Call for Sites process and considered by the LPA as part of the Strategic Land Availability Assessment (SLAA). The SLAA concluded that the site shows some suitability for development as it adjoins the existing settlement boundary and amendment of the boundary to include this site could be considered logical. There is a low risk of surface water flooding, but there are no impacts on biological or historic assets. The site is located on the edge of the village with good access to local services."*

The SLAA identified issues with access to the site, and this contributed to the site's Amber rating. The SLAA included the following comments from the Highways Authority, which did not support vehicular access from Armoury Road: "It would appear there is sufficient road frontage to enable an access to be delivered to the required highway design standards. However, there are no footways in Armoury Road and I suspect the promoter of the site does not control the land needed to provide footways. I would be unable to support a residential development which had no safe means of access for pedestrians. Also, there are a number of Public Rights of Way within and/or immediately adjacent the site, which may need to be permanently diverted and/or upgraded. One of which runs down Armoury Road and therefore I would wish to resist an intensification in traffic using Armoury Road and therefore travelling along the Public Right of Way. Also the current highway network at and surrounding the site would be unlikely to be able to cater for the additional traffic which would be generated from what is a large site. I suspect the promoter of the site does not control the

15.10 Members should note that “The SLAA concluded that the application site shows some suitability for development as it adjoins the existing settlement boundary and amendment of the boundary to include this site could be considered logical. The site is located on the edge of the village with good access to local services.”

15.11 It appears the site was not included as a possible location for future housing development in the emerging Local Plan which guides the Neighbourhood Plan primarily due to an objection from the Highway Authority to the use of Armoury Road. However, the current application has overcome the highway objection as it involves vehicular access from Coopers Crescent/Malting Park Road. The Highways Authority supports the use of this road to access the development. It is therefore possible that the site would have been included in the Emerging Plan(s) had access been indicated via Coopers Crescent/Malting Park Road. The Highway Authority has not raised an objection to the development.

15.12 The plans below show the application site in relation to the settlement boundary and adjacent residential development.





Does the proposal constitute sustainable development?

- 15.13 Sustainable development is at the core of The Framework. There are three dimensions to sustainable development an economic role, social role and environmental role. The proposed development will be assessed against each of these roles.

1. Economic Role

The development would contribute to the economic role of the area by generating employment and tax receipts during construction. In the longer term the local economy would benefit from the provision of housing, investment in local infrastructure and services, additional expenditure on goods and services and from the New Homes Bonus. Furthermore, in economic terms, the addition of new residents to the village would support the vitality and viability of services and facilities, and support local businesses. It is considered the development satisfies the economic role.

2. Social Role

The development of 26 dwellings would contribute to providing new housing and help to address the national shortfall in supply. 30% of the new homes would be affordable; the provision of affordable homes is a key Council objective. The provision of up to 26 dwellings toward meeting projected

housing need is a social benefit which carries a high degree of weight in the overall planning balance.

The application, via a section 106 Agreement, would also secure contributions towards education; open space, sport and recreation; and community facilities. Whilst these contributions are to mitigate the impact of the development the latter would also benefit the wider community as would the on-site public open space. The applicant has also indicated they would be willing to make a broadband contribution. It is considered the development satisfies the social role.

3. Environmental Role

The application site is an area of grassland and whilst there are no trees within the site; trees and hedgerows form the site boundaries. The site was formally part of a larger agricultural field that has been broken up into smaller parcels and developed. The site has not been used for agricultural purposes for many years and is isolated from the agricultural landscape. There is existing residential development on, or opposite all the boundaries of the site; this comprises the redeveloped former brewery land, frontage development to both Colchester Road and Armoury Road, and the side garden of Brambles a dwelling on the south side of Armoury Road. A PRoW separates the site from the Brambles, and Armoury Road is also a PRoW .

The site lies within Colchester Borough Landscape Character Assessment, Character Area B6. A key planning issue is identified as potential pressure for the expansion of West Bergholt and infill development linking the two settlements. The document sets a landscape strategy objective to 'conserve and enhance' the landscape character of the Area. However this site is not visible in the wider landscape and in fact the development on the former brewery site extends closer to Colchester. The development will not cause linkage with the main Colchester settlement or reduce the gap between Colchester and West Bergholt.

There are other PRoW, including the Essex Way, in the vicinity of the site where the roofs of any development may be glimpsed particularly in winter months, but this will be against a backdrop of existing development .

The application proposes new green infrastructure including native hedgerow and tree planting along the site boundaries; in addition the majority of the existing trees and hedgerows will be retained. The northern boundary hedgerow to Armoury Road is to be retained with some appropriate thinning and new native planting. A scheme of biodiversity enhancements are also proposed.

Due to the location of the site, and the fact it is surrounded by residential properties, the development will not have an adverse impact on the landscape, it is therefore considered the environmental role is satisfied.

In conclusion it is considered the proposed development satisfies all three roles and constitutes sustainable development.

Emerging Local Plan/Neighbourhood Plan

- 15.14 The emerging Local Plan identifies West Bergholt as a sustainable settlement as it “has a sufficient population base and a range of community facilities and infrastructure to support appropriate growth which can be physically accommodated in West Bergholt without compromising the existing settlement shape, form and character”. The plan indicates that to maintain the current settlement boundary development will continue to be located around the three main roads and that there is a need to prevent coalescence of settlements. The emerging plan indicates that West Bergholt Parish Council are preparing a Neighbourhood Plan and that given the current number of dwellings in West Bergholt, the available facilities and the proximity of the village to Colchester it could accommodate approx. 120 dwellings in the next 15 years. The West Bergholt Neighbourhood Plan group are actively progressing their Neighbourhood Plan and Regulation 14 consultation on the draft plan commenced on June 4 2018. West Bergholt Parish Council and Neighbourhood Plan Group indicated a preference for allocating sites through their emerging Neighbourhood Plan. The emerging Local Plan therefore identifies a broad area of growth for West Bergholt, located to the north-east of Colchester Road, and the Neighbourhood Plan has identified sites within this broad area.

Policy SS15:West Bergholt states

“Policy SS15: West Bergholt

Within the broad area of growth as shown on the West Bergholt policies map, the West Bergholt Neighbourhood Plan will:

- (i) Identify the settlement boundary for West Bergholt;
- (ii) Identify specific sites for housing allocations needed to deliver 120 dwellings;
- (iii) Set out any associated policies needed to support this housing delivery i.e. housing mix, type of new housing and density for each site allocated for housing;
- (iv) Identify any additional local economic areas and set out any associated policies; and
- (v) The Neighbourhood Plan will also set out the policy framework to guide the delivery of any infrastructure and community facilities required to support the development, including the provision of SuDS for managing surface water runoff in individual developments.

Proposals for development outside of the identified broad areas for growth and the settlement boundary will not be supported. This policy should be read in conjunction with the generic Neighbourhood Planning Policy SG8 and the West Bergholt Neighbourhood Plan, once it has been adopted.

Conclusion: The Principle of Development

- 15.15 Your officer acknowledges the site is outside the settlement boundary and is therefore contrary to the development plan. Whilst the Framework strongly supports a plan-led system it also advocates the presumption in favour of sustainable development. When the site is viewed against the settlement boundary and existing development it is considered to be a logical 'rounding-off' of the settlement. The site has been unused for many years and is not in agricultural use and due to its location and size would not be suitable for agriculture. The proposed development would not impact on the wider landscape nor would it erode the open countryside between the settlements of Colchester and West Bergholt. The development satisfies the three roles of sustainability and is considered to constitute sustainable development. The benefits of the scheme are considered to outweigh any harm identified.

It is rare for your officers to support applications for residential development on sites outside the settlement boundary; but in this instance due to the unique circumstances of the site it is considered granting planning permission would not undermine either the Local Plan or the Neighbourhood Plan.

Members should be aware this application is one of three proposals for residential development in West Bergholt, all outside the settlement boundary, all being dealt with by your officer. Application 180732, submitted by the same applicant, on land the other side of the former brewery fronting Colchester Road was refused planning permission on 15th June 2018. The third application reference 173127, submitted by Gladman, relates to land on the opposite side of Colchester Road is still under consideration, although a decision should be issued in the next few weeks.

Design and Layout

- 15.16 These matters will form part of the consideration of the reserved matters application. The submitted Proposed Site Plan whilst not forming part of the application shows a possible layout for 26 dwellings. It is clear that to accommodate 26 dwellings without adversely affecting the amenity of existing residents the layout will have to include a number of bungalows and some dwellings may have to include only bathroom/ensuite or high level windows at first floor. The layout is not acceptable in all respects and will be excluded from the planning permission. Proposed conditions will restrict the development to a maximum of 26 dwellings with the final number dependent upon the submission of detail with the appropriate reserved matters that demonstrate all relevant adopted space, amenity and parking standards are satisfactorily met. Nevertheless, the predominantly smaller-type units including bungalows shown on the site plan would be welcomed as meeting a high demand in the local market.

Scale, Height and Massing

- 15.17 These matters will also form part of the consideration of the reserved matters application. However the application form, Design and Access Statement and the Street Scene drawing all indicate buildings of either 1 or 2 storeys which is in keeping with the height of dwellings in the area. Semi-detached, small terraces and detached bungalows respect the scale and massing of existing buildings. Conditions are recommended which restrict the approved development to a maximum of 26 dwellings, require bungalows on some plots and restrict storey heights to a maximum of 2 storeys.

Impact on the Surrounding Area

- 15.18 These matters are discussed in the “Principle of Development” section above and it is concluded the development would not have an adverse impact on the surrounding area

Impacts on Neighbouring Properties

- 15.19 Members will be aware from the representation set out above that this application has given rise to considerable neighbour comment. The comments received are primarily from residents in the Malting Park development on the site of the former Truman Brewery.
- 15.20 Representations made by both the Parish Council and residents refer to site being outside the settlement boundary and contrary to the Local Plan and Neighbourhood Plan these objections are addressed above.
- 15.21 Policy DC1 requires all development...to avoid unacceptable impacts on amenity ...including vehicle movement.
- 15.22 Representations refer to the use of Coopers Crescent to provide vehicular access to the site. Residents state this is a private road and they pay for its upkeep. The applicant company NEEB has confirmed they have a right of access over these roads and have ownership of a small area of land at the end of Coopers Crescent into the application site. The proposal will extend the existing carriageway and footway at the end of Coopers Crescent. The entrance to the Malting Park development from Colchester Road is via an archway under the Truman building, this archway and the existing road network are already used by refuse and delivery vehicles to service the existing houses.
- 15.23 The proposed development will be required to provide parking, including visitor parking, to comply with the Councils adopted parking standards, a size 3 turning head will be required to accommodate refuse and delivery vehicles.

- 15.24 All vehicular access including construction traffic will be via Coopers Crescent a condition requiring the submission and approval of a Construction Management Plan is proposed to secure matters including, times of deliveries and construction, parking of contractors vehicles on site, size of delivery vehicles to be agreed.
- 15.25 Adherence to the Councils privacy standards, the inclusion of bungalows and restricting storey heights to 2-storey will ensure residents privacy and amenity is not adversely affected by the development.
- 15.26 Residents may suffer some loss of amenity during the construction period, this is a consequence of any development, and conditions will seek to ensure this is kept to a minimum. The development will add extra traffic to the existing roads but is for a modest number of dwellings; a maximum of 26 units. It is noted the Highway Authority has raised no objection to the use of these roads, and in fact has objected to any vehicular use of Armoury Road.
- 15.27 It is considered any loss of amenity to residents due to vehicles generated by 26 dwellings will be minimal and not sufficiently harmful to warrant a refusal of planning permission.

Highway Safety and Parking Provisions (including Cycling)

- 15.28 A Transport Assessment forms part of the application. This outlines existing travel provision for pedestrians, cyclists and public transport users; summarises local facilities and local travel patterns; it identified the proposed access; and forecasts the quantum of vehicle trips that may be generated by or attracted to the proposed development site and the likely impact on highway capacity.
- 15.29 The Assessment identifies;
- Local facilities including convenience stores, the post office, primary school, pharmacy, and surgery are located within 1km from the application site – all within a 14 minute walk
 - The nearest bus stop is 270m to the south, with services to Colchester, Bury St Edmunds and Colchester
 - Colchester North Railway Station is 3.5km to the east, with services to London, Ipswich and Norwich
 - Access to the site is proposed via the extension of Coopers Crescent into the site. The existing carriageway and footway at the end of Coopers Crescent will be extended to serve the development.
 - The highway capacity analysis indicates that the additional movements associated with the proposed developments will be minimal and represents small increases in the total movements through key local junctions. Capacity modelling of junctions on the local highway network indicate that they will continue to operate within capacity and the development will have a minimal impact.

- 15.30 The Highway Authority has raised no objection to the application, subject to conditions, one of these requires all access to be from Coopers Crescent, the application has been amended to take account of this requirement.
- 15.31 Parking and cycling provision are not matters for consideration at this time but a condition is proposed requiring the reserved matters to comply with the Council's parking and cycle standards.
- 15.32 Access is one of the matters to be considered as part of this outline application and no objection is raised to the proposed access.

Landscape and trees

- 15.33 The impact of the development on the landscape is discussed above and it is concluded there is no adverse impact on the wider landscape as the site is virtually surrounded by residential development.
- 15.34 The application includes an Arboricultural Survey and Report which indicates
- There are two category A trees on site, located on the north east boundary adjacent to Armoury Road.
 - The remainder of trees and hedges fronting Armoury Road, along with hedges along the west, southwest and east borders are rated category B.
 - These trees and hedges are to be protected and preserved wherever possible, and supplemented in places with new planting
 - The existing access to Armoury Road will be stopped up with a new hedge length and existing gaps in the hedgerow will also be augmented with new planting
- 15.35 The Survey indicates all trees and hedgerows are along the site boundaries and not within the site itself. These features will mainly be retained, a planning condition will secure a new landscape scheme both within the site and along its boundaries as part of the reserved matters application.
- 15.36 The Arboricultural Officer has considered the report and has no objection to the principle of the development.

Ecology

- 15.37 The site has been unused for many years, is not in agricultural use and comprises species-poor unmanaged grassland. Dense blackthorn and bramble scrub has developed mostly along the northern and western boundaries. Native species hedgerows with trees exist along most of the site's boundaries; the site also contains areas of compost heaps.
- 15.38 An Ecological Survey was included with the application and further updates on additional survey work regarding Great Crested Newts was submitted during the consideration of the application.

- 15.39 The scoping exercise for the ecological work concluded that the following legally protected species/groups might be using the site and/or land immediately adjacent to it:
- Amphibians including great crested newts and reptiles;
 - Mammals including badger
 - Bats
 - Hazel dormouse
 - Breeding birds and other species such as
 - Hedgehog
- 15.40 Further survey work was carried out and concluded;
- Great Crested Newts Whilst there are no ponds or other water features on the site ponds near the site were surveyed and no evidence of Great Crested Newts was found.
- Badger No badger setts or positive field signs were located on the site. The 2018 site walkover found no badger setts on site.
- Bats None of the trees within the site support any obvious potential roosting niches
- Hazel Dormouse The site includes some hedgerows which include areas of hazel locally within hedgerow H1 and other hedgerow species which dormouse will forage within. The areas of bramble scrub provide suitable nesting habitat as well as for foraging. Given the presence of a local record within 1km of the site there is the potential for hazel dormouse to use the site. Whilst some survey work has been carried out further work is required. A condition will require the reserved matters submission to include this survey work. However should there be evidence of hazel dormice the mitigation should only require the retention, strengthening and protection of these hedgerows which would not preclude the development taking place.
- Breeding Birds The mature hedgerows and areas of scrub provide suitable nesting habitat and song perches for a range of birds. The areas of unmanaged grassland provide suitable hunting habitat for barn owl, whilst hawthorn and blackthorn hedgerows/scrub provide winter food sources for resident and migrant species. The mature hedgerows and areas of scrub provide suitable nesting habitat and song perches for a range of bird species. The application proposes the retention of the majority of trees and hedgerows.
- Other Species The site supports foraging and refuge habitat for hedgehog. The hedgerows and areas of dense bramble also provide suitable habitat for overwintering. It also offers limited habitat for stag beetle in the form of scrub and wooded areas.
- 15.41 Given that the site supports habitat that will be used by a range of species, a condition requiring a scheme of biodiversity enhancements and habitat retention, protection and enhancement is recommended, this could include such matters as sensitive lighting, planting of replacement habitats on site, e.g. within the POS areas, retention of ruderal/scrub habitat, during the construction phase to follow good practice site clearance and construction measures.

- 15.42 The Ecological Report suggest conditions specific to breeding birds and bats, a Biodiversity Method Statement and Construction Environmental Management Plan, the report also suggest a 5 to 10-year management plan for the site would ensure the long-term and continuing favourable condition of the retained and compensated habitats to provide long-term biodiversity benefits.
- 15.43 These conditions are considered appropriate and included in the recommended conditions.

Heritage including Archaeology

- 15.44 A Heritage Statement forms part of the application. It provides an appraisal of the heritage assets which may be affected and assesses their significance in accordance with the policies contained in the NPPF. The Statement describes the heritage assets in the following terms *“Adjoining the site to the south east are modern houses forming part of Maltings Park Road, built on the site of the former brewery. The principle buildings of the former brewery form a group of three grade II listed buildings. These surviving buildings have evidential, historical and architectural value, as well as communal and social value. Consequently they are of high significance. East of the proposal site is a grade II listed farmhouse, The Armoury, with a listed garden wall. The farm is located at the end of Armoury Road at some distance from the application site, from which it is not visible and would be unaffected by the proposed development. The proposal scheme does not affect historic fabric, and is not considered to impact on the setting of The Armoury or the former brewery buildings. The setting of the brewery has evolved over time, with only principal buildings now remaining. The buildings are now surrounded by estate housing. However, the buildings still have local landmark qualities and the setting is not impaired. The application site cannot be seen from the historic brewery buildings. Any harm is less than substantial, and the public benefits which accrue outweigh the level of harm caused.”*
- 15.45 The Heritage Officer has considered the Heritage Statement and concludes that it is considered that the proposed development will not cause further harm to the setting of the identified heritage assets. In view of this, there is not an objection to this application from a heritage standpoint.
- 15.46 The Council’s Archaeologist has provided a brief for the archaeological investigation work which is required prior to the commencement of any development, consequently no objection is raised on archaeology issues subject to a condition.

Drainage and Flood risk

- 15.47 A Flood Risk Assessment and Foul Surface Water Drainage Strategy has been submitted. This considers the risk of flooding at the application sites and assesses any impact to the surrounding catchment resulting from the proposed developments.

- 15.48 The Assessment indicates that,
- There are no surface water features within the site boundaries and the closest main river is 800m to the east
 - The site is in Flood Zone 1
 - The site is not at risk of fluvial, groundwater, sewer or reservoir flooding.
- 15.49 The drainage Strategy concludes that, foul water will be directed via gravity to the existing foul water sewer at Coopers Crescent. In respect of surface water as the underlying bedrock does not appear to have the capacity for infiltration surface water will be attenuated on site and then discharged by gravity to the existing public sewer located at Coopers Crescent.
- 15.50 Essex County Council SUDS and Anglian Water raise no objection subject to conditions.

Other Matters

Land Contamination

- 15.51 Members will note the Contaminated Land officer has considered the Sitecheck Report and Phase 1 Desk Study and Preliminary Risk Assessment and has no objection subject to conditions

Noise

- 15.52 A Noise Constraints Assessment has been submitted and a sound survey was completed in order to determine existing noise levels across the site. The Noise
- 15.53 Constraints Assessment concludes;
- Noise impacts are primarily caused by traffic on Colchester Road.
 - The application site is designated as low to negligible risk during both day time and night time periods, with suitable levels of noise achieved in proposed internal and external areas
 - Mitigation measures are not therefore necessary.

Environmental Protection has raised no objection subject to conditions.

16.0 Conclusion

- 16.1 To summarise, this outline application conflicts with policies in the adopted and emerging local plan that allocate sites for residential development and furthermore, the site is not identified in the emerging Neighbourhood Plan for future residential development. In your officer's opinion, the scheme represents sustainable development; insofar as the limited harm identified is outweighed by the significant social and economic benefits associated with a small scale housing development surrounded by existing housing and on a site of no particular environmental value. In these circumstances, it is considered that a departure from the adopted local plan is justified in the

wider public interest and approval is recommended contingent upon completion of a prior legal agreement to secure the 30% affordable homes and other contributions.

17.0 Recommendation to the Committee

17.1 The Officer recommendation to the Committee is that the application is referred to the Secretary of State under the “call-in” procedure set out in The Town and Country Planning (Consultation) (England) Direction 2009. If the Secretary of State confirms he does not wish to “call-in “ the application for a decision the application is approved subject to a section 106 agreement and the conditions set out below.

17.2 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.

17.3 The legal agreement is required to secure the following;

Members should note these contributions are based on the number and mix of units indicated in the outline application; contributions would be calculated on the approved number and mix.

- A contribution for Primary Education: £12,734.00 per place based on 7.8 places
- Open Space Sport & Recreation: A contribution based on the final mix of dwellings; the mix shown on the outline application would require 14 x 2bed @£3989.26 = £55849.64; 12 x 3bed @£6981.21 = £83774.52 = £139624.16; minus £46128 for onsite open space provision gives an Off-site Sport and recreation contribution of £93496.16. A Public Open Space maintenance sum, if the POS is adopted by CBC, of £12361.95
- Affordable housing 30% required, mix to be proportionate to the market dwellings the tenure mix to be no less than 80% affordable rent and no more than 20% intermediate (Shared Ownership). All properties also required to meet minimum accessibility standards of Building Regs Part M4 (2)
- Community Services: a contribution of £89,055.66
- Contribution towards broadband.

18.0 Conditions

1. Non Standard Condition - Submission of Reserved Matters

No development shall be commenced until plans and particulars of "the reserved matters" referred to in the below conditions relating to the APPEARANCE, 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. Non Standard Condition - Submission of Reserved Matters

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. Non Standard Condition - Outline Time Limit

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. Non Standard Condition - Restriction on the Number of Units

This permission is for a maximum of 26 dwellings, the precise number to be informed by the reserved matters submission/s which will be required to demonstrate all relevant Adopted space, amenity and parking standards are complied with in an acceptable manner and satisfy highway requirements for carriageway and footway widths. The precise number of units will also be dependent on the footprint and number of bedrooms proposed for the dwellings, the illustrative layout submitted with the outline application indicates modest 2 and 3 bed properties. It is these material considerations that will ultimately dictate the total number of units.

Reason: Insufficient information is submitted with the application to enable the Council to determine whether the site is capable of satisfactorily accommodating 26 dwelling units in a form that is acceptable and that will conform to its Adopted space, amenity and highway and parking standards.

5. Non Standard Condition - Clarification of Approved Plans

The site location plan Drawing No;LP_02 is approved, whereas drawings PA02 rev A and SK04A are excluded from this permission.

Reason: To avoid doubt as to the scope of the consent hereby granted

6. Non Standard Condition - Restriction on Height and Requirement for Single Storey Units

The reserved matters shall include a mix of single storey and two storey dwellings. No Dwelling shall exceed two storeys in height.

Reason: The constraints of the site indicate some single storey dwellings are required to prevent an unacceptable loss of amenity to adjacent residents. For the avoidance of doubt and to ensure that the dwellings do not harm the character of the area and do not adversely impact on neighbour amenities.

7. Non Standard Condition - 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:

- the parking of vehicles of site operatives and visitors
- Hours of construction delivery
- Limits to deliveries during peak hours restrict and restrict size of delivery vehicles
- Worker vehicle movements
- Hours of construction work
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- wheel and under body washing facilities
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- measures to control the emission of dust and dirt during construction; and a scheme for recycling/disposing of waste resulting from construction works.

Reason: In order to ensure that the construction takes place in a suitable manner and to ensure that amenities of existing residents are protected as far as reasonable and to ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

8. Non Standard Condition - Cross Sections

The reserved matters shall include detailed scale drawings by cross section and elevation that show the development in relation to adjacent property, and illustrating the existing and proposed levels of the site, finished floor levels and identifying all areas of cut or fill. The development shall thereafter be completed in accordance with the agreed scheme before the development is first occupied.

Reason: In order to allow more detailed consideration of any changes in site levels where it is possible that these may be uncertain and open to interpretation at present and where there is scope that any difference in such interpretation could have an adverse impact of the surrounding area.

9. Non Standard Condition - Materials

The reserved matters shall include precise details of the manufacturer, types and colours of all external facing and roofing materials. 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.

10. Non Standard Condition - Removal of Permitted Development Rights

Notwithstanding the provisions of Classes A, B, C and D 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 shall be erected unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: To ensure the development avoids an overdeveloped or cluttered appearance.

11. Non Standard Condition - Removal of Rights to Erect Fences etc

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.

12. Non Standard Condition - Removal of Rights to Install New Windows etc

Notwithstanding the provisions of Classes A, B and C 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 windows, rooflights, dormer windows or any other openings shall be installed above ground floor level within any side or rear facing elevation or any side or rear facing roof face of the dwellings HEREBY PERMITTED unless otherwise approved, in writing, by the Local Planning Authority.

Reason: To protect the privacy of adjacent dwellings.

13. Non Standard Condition - Landscape Management Plan

Prior to the first occupation of the development, a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas other than small, privately owned, domestic gardens shall be submitted to and agreed, in writing, by the Local Planning Authority. The landscape management plan shall thereafter be carried out as approved at all times.

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

14. Non Standard Condition =- Tree and Natural Feature Protection: Protected Areas

No works shall take place until all trees, shrubs and other natural features not scheduled for removal on the approved plans have been safeguarded behind protective fencing to a standard that will have previously been submitted to and agreed, in writing, by the Local Planning Authority (see BS 5837). All agreed protective fencing shall thereafter be maintained during the course of all works on site and no access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

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

15. Non Standard Condition - Tree and Natural Feature Protection: Entire Site

No burning or storage of materials shall take place where damage could be caused to any tree, shrub or other natural feature to be retained on the site or on adjoining land (see BS 5837).

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

16. Non Standard Condition - 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.

17. Non Standard Condition - Tree and Hedgerow Protection: General

No works or development shall be carried out until an Arboricultural Implications Assessment, Arboricultural Method Statement and Tree Protection Plan in accordance with BS 5837, have been submitted to and approved, in writing, by the Local Planning Authority (LPA). Unless otherwise agreed, the details shall include the retention of an Arboricultural Consultant to monitor and periodically report to the LPA, the status of all tree works, tree protection measures, and any other arboricultural issues arising during the course of development. The development shall then be carried out strictly in accordance with the approved method statement.

Reason: To adequately safeguard the continuity of amenity afforded by existing trees.

18. Non Standard Condition - Tree Canopy Hand Excavation

During all construction work carried out underneath the canopies of any trees on the site, including the provision of services, any excavation shall only be undertaken by hand. All tree roots exceeding 5 cm in diameter shall be retained and any pipes and cables shall be inserted under the roots.

Reason: To protect trees on the site in the interest of visual amenity.

19. Non Standard Condition - Provision of Play Area

The reserved matters application shall include at least 10% of the site area to be laid out for use as amenity open space, and shall include a landscape scheme, implementation timetables, monitoring programme and management plan.

Reason: In order to ensure that the development provides an adequate provision of open space(s) that are usable for public enjoyment after the development is completed.

20. Non Standard Condition - Light Pollution for Major Development

Prior to the first Occupation/Use of the development hereby permitted, a validation report undertaken by competent persons that demonstrates that all lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) fully complies with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone (EZ1 AONB; EZ2 rural, small village or dark urban areas; EZ3 small town centres or urban locations; EZ4 town/city centres with high levels of night-time activity) shall be submitted to, and agreed in writing by, the Local Planning Authority. Any installation shall thereafter be retained and maintained as agreed therein.

Reason: In order to allow a more detailed technical consideration of the lighting at the site, as there is insufficient information submitted within the application to ensure adequate safeguarding of the amenity of nearby properties and prevent the undesirable, disruptive and disturbing effects of light pollution.

21. Non Standard Condition - Wildlife Survey

The reserved matter shall include a survey to confirm or disprove the presence of hazel dormice on the application site. If hazel dormice are present the survey shall be accompanied by a scheme of appropriate mitigation measures including precise details of the timing and method of protection. No development shall be undertaken thereafter, except in accordance with the approved scheme of mitigation.

Reason: In order to safeguard protected wildlife species and their habitats where it is possible that they could be present.

22. Non Standard Condition - Ecological Scheme

The reserved matters shall include a Biodiversity Method Statement, a Construction Environmental Management Plan, and a 5 to 10-year Management Plan plus a Scheme of biodiversity and habitat retention, mitigation, protection and enhancement, including an implementation timetable, to include but not be limited to the details set out in the Ecological Survey Report submitted with the outline application. The development shall thereafter be carried out in accordance with such agreed details.

Reason: To allow proper consideration of the impact of the development on the contribution of nature conservation interests to the amenity of the area and to ensure appropriate retention, protection, mitigation and enhancement to provide long-term biodiversity benefits.

23. Non Standard Condition - Landscape Scheme

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;
- 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.);
- 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)
- 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.

Recommended informative:

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

24. Non Standard condition - Archaeology

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

- a. The programme and methodology of site investigation and recording.
 - b. The programme for post investigation assessment.
 - c. Provision to be made for analysis of the site investigation and recording.
 - d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
 - e. Provision to be made for archive deposition of the analysis and records of the site investigation.
 - f. Nomination of a competent person or persons/organisation to undertake the works.
- The site investigation shall thereafter be completed prior to development, or in such other phased arrangement, as agreed, in writing, by the Local Planning Authority. The development shall not be occupied or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

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

On request of the applicant, CBC Archaeologist will provide an updated brief for the archaeological investigation. In this case, a geophysical survey and trial-trenched evaluation will be required to establish the archaeological potential of the development site. A decision on the need for any further investigation (excavation before any groundworks commence) will be made on the basis of the results of the evaluation.

25. Non Standard Condition - Air Quality

The reserved matters application/s shall include a scheme that considers Chapter 5 of the EPUK & IAQM Guidance 'Planning For Air Quality' and details the measures aimed at mitigating or offsetting the impacts on local air quality resulting from increased road traffic generated by the development. The scheme shall include an implementation timetable. The approved scheme shall therefore be implemented and retained.

Reason: To ensure the adverse effects on the development on air quality are appropriately mitigated

26. Non Standard Condition - Surface Water Management Strategy

No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

27. Non Standard Condition - No Vehicular Connection to Armoury Road

There shall be no vehicular connection between the proposed development site and to Armoury Road whatsoever.

Reason: To prevent the generation of unnecessary traffic on the Definitive Route in the interests of highway safety and in accordance with Policy DM 1 and 11 of the Highway Authority's Development Management Policies February 2011.(The sole means of vehicular access being from Coopers Crescent).

28. Non Standard Condition - No Use of Public Footpath

There shall be no use of Public Footpath No 23 or 32 (West Bergholt) for any proposed development activities such as access to the site, for construction traffic, for the parking of contractor's vehicles or access by plant or machinery whatsoever.

Reason: To prevent the generation of unnecessary traffic and maintain the unobstructed rights of pass and repass on the Definitive Route in the interests of highway safety and in accordance with Policy DM 1 and 11 of the Highway Authority's Development Management Policies February 2011.

29. Non Standard Condition - Highway Details

The connection from Coopers Crescent shall be a continuation of the carriageway and footway for at least the first 15m within the site.

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

30. Non Standard Condition - Highway Details

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

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

31. Non Standard Condition - Vehicular Access to be Provided Prior to Occupation

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 or proposed 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/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 and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

32. Non Standard Condition - Off Street Car 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 and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

33. Non Standard condition - Garages

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 and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

34. Non Standard Condition - Bicycle 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 in accordance with Policy DM 1 and 9 of the Highway Authority's Development Management Policies February 2011.

35. Non Standard Condition - Residential Travel Plan

Prior to the first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Plan including the initial commitments; and amended and supplemented under the provisions of a yearly report. The Residential Travel Plan to include a commitment to provide a Travel Plan coordinator within the residential sales office to give advice to the new residents of the development.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

36. Non Standard Condition - Highway Access Surface Treatment

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 and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

37 Non Standard Condition - Communal Bin/Recycling/Refuse

Prior to first occupation of the proposed development, communal recycling/bin/refuse collection points shall be provided within 15m of the proposed carriageways and additionally clear of all visibility splays at accesses and retained thereafter.

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

38. Non Standard Condition - Visibility Splays

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 and in accordance with Policy DM 1 and 6 of the Highway Authority's Development Management Policies February 2011.

39. Dwelling Visibility Splays

Prior to the occupation of any dwelling on the proposed development an 11m x 2.0m x 11m visibility splay, shall be provided on both sides of that access onto the Public Right of Ways and shall be retained and maintained free from obstruction clear to ground thereafter. These splays must not form part of the surface of the access.

Reason: To ensure adequate intervisibility between motorists and pedestrians in the adjoining Public Right of Way, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

40. Non Standard Condition - Carriageway Dimensions

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 and in accordance with Policy DM 1 and 6 of the Highway Authority's Development Management Policies February 2011.

41. Non Standard condition - Footway Dimensions

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 and in accordance with Policy DM 1 and 6 of the Highway Authority's Development Management Policies February 2011.

42. Non Standard condition - Provision of New Bus Stop

Prior to the first occupation of any of the proposed dwellings the applicant shall provide a new bus stop west of Maltings Park Road, and including the provision of a new shelter, 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 in accord with Policy DM 9 of the Highway Authority's Development Management Policies February 2011.

43. Non Standard Condition - 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 approved in writing by the local planning authority. The scheme should include but not be limited to:

- Limiting discharge rates to the Greenfield 1 in 1 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.

The scheme shall subsequently be implemented prior to occupation.

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

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

44. Non Standard Condition - Minimise Off-Site Flooding

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason The National Planning Policy Framework paragraph 103 and paragraph 109 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates.

Reason: To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

45. Non Standard Condition - Drainage Maintenance Plan

No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

46 – Non Stand Condition - Maintenance Plan Logs

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

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

47. Non Standard Condition - Unexpected Land Contamination

In the event that unacceptable land contamination is found at any time when carrying out works in relation to the development, it must be reported in writing immediately to the Local Planning Authority and all development shall cease immediately. Development shall not re-commence until such times as an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority, and where remediation is necessary, a remediation scheme has been submitted to and approved in writing by the Local Planning Authority. Development shall only re-commence thereafter following completion of measures identified in the approved remediation scheme, and the submission to and approval in writing of a verification report. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land is free from contamination. The applicant is responsible for the safe development and safe occupancy of the site.

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.

19.0 Informatives

(1) ZT0 – Advisory Note on Construction & Demolition

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

(2) ZTA - Informative on Conditions Stating Prior to Commencement/Occupation

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

(3) ZTB - Informative on Any Application With a Site Notice

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

(4) ZTG - Informative on Section 106 Agreements

PLEASE NOTE: This application is the subject of a Section 106 legal agreement and this decision should only be read in conjunction with this agreement.

(5) ZTM - Informative on Works affecting Highway Land

PLEASE NOTE: No works affecting the highway should be carried out without prior arrangement with, and to the requirements and satisfaction of, the Highways Authority. The applicant is advised to contact Essex County Council on 08456037631, or via email at development.management@essexhighways.org or by post to Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ with regard to the necessary application and requirements.

(6) ZTV - Informative on New Roads Serving Over 5 Dwellings

PLEASE NOTE that the applicant is advised by Essex County Council Highway Authority that 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 by Essex County Council within 6 weeks of building regulations approval being granted and prior to the commencement of any development must usually provide them with guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specifications sufficient to ensure future maintenance as a public highway.

(7) ZTX - Informative on Public Rights of Way

PLEASE NOTE: The applicant/developer is advised that the application site is, or appears to be, affected by the existence of a public right of way. It should be noted that:

(i) it is an offence to obstruct or divert a public right of way (or otherwise prevent free passage on it) without the proper authority having been first obtained. In the first instance contact should be made with the Public Rights of Way Office, Highways and Transportation Services, Essex County Council, County Hall, Chelmsford, Essex CM1 1QH. The telephone number is 01245 437563.

(ii) The granting of planning permission does not authorise the undertaking of any work on a public right of way. Where it is necessary for a right of way to be stopped-up or diverted in order that development may take place, no work may take place upon the line of the right of way until an appropriate order has been made and confirmed (see (i) above). The applicant/developer should note that there is a charge for making a change to the rights of way network.

(iii) Where a private means of access coincides with a public right of way, the granting of planning permission cannot authorise the erection of gates across the line or the carrying out of any works on the surface of the right of way and that permission for any changes to the surface must be sought from the highway authority (Essex County Council).

(8) ZUJ - Informative on Archaeology

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

<http://www.colchester.gov.uk/article/13595/Archaeology-and-the-planning-process>

(9) Non Standard Informative - UK - Informative on Protected Wildlife

PLEASE NOTE: It is likely that a protected species may be present at the site, which are fully protected by the Wildlife and Countryside Act (1981). Further advice on surveys and compliance with the legislation can be obtained from Natural England, Eastbrook, Shaftesbury Road, Cambridge CB2 8DR, Tel. 0300 060 3787.

(10) Non Standard Informative - Highway Design Informatives:

Informative 1

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. Refuse freighters are unlikely to manoeuvre over Private Drives.
6. Service, delivery and refuse freighters will require a minimum of size 3 turning facilities. The future layout should include swept path analysis drawings demonstrating appropriate manoeuvrability throughout the site.

Informative2:

The public's rights and ease of passage over Public Footpaths Nos 23 & 32 (West Bergholt) shall be maintained free and unobstructed at all times.

Informative 3:

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO1 – Essex Highways Colchester Highways Depot, 653 The Crescent, Colchester CO4 9YQ

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