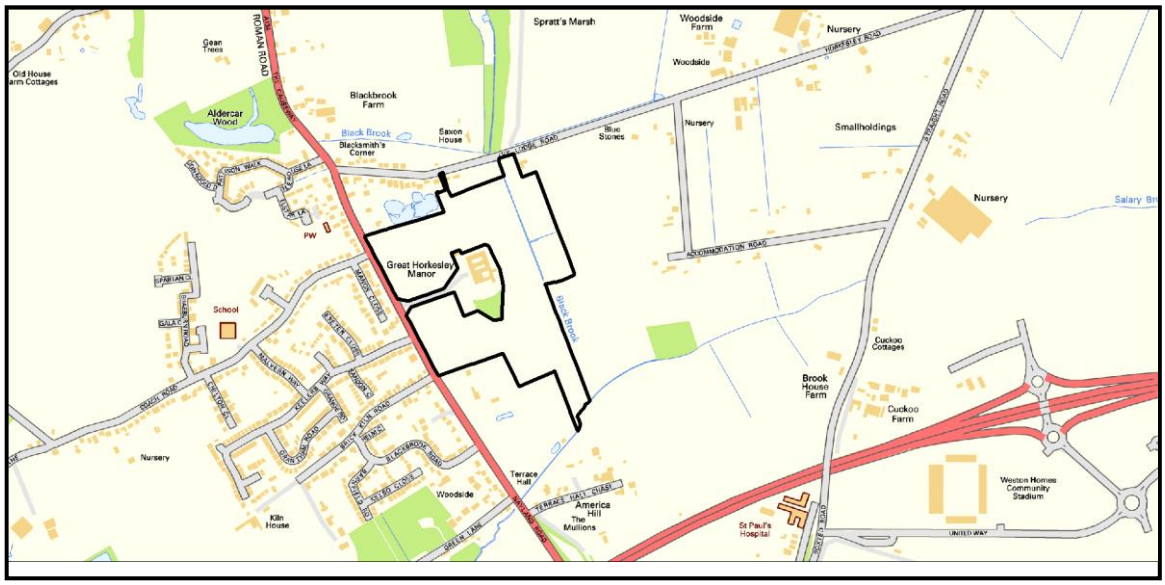

Item No: 7.1

Application: 190302
Applicant: K De La Garza
Agent: ADP Ltd
Proposal: Outline planning application for 80 no. dwellings, new access and A134 crossings, land for allotments, provision of a Scout and Girl Guiding Hut with associated car park, public open space and associated works.
Location: Land to the east of, Nayland Road, Great Horkesley, Colchester
Ward: Rural North
Officer: Lucy Mondon

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee because the application site lies outside the settlement boundary for Great Horkesley and therefore constitutes a departure from the Adopted Local Plan. The site is, however allocated for development as part of the Emerging Local Plan.

2.0 Synopsis

2.1 The key issues for consideration are: the principle of development as a site allocated for development in the Emerging Local Plan; flood risk and drainage; landscape impact; highway impact; and ecology. Other material planning matters and representations are also considered. The application is subsequently recommended for approval subject to conditions and a section 106 legal agreement to secure planning obligations.

3.0 Site Description and Context

3.1 The site lies outside but contiguous to the settlement boundary for Great Horkesley. The boundaries of the site are reasonably well vegetated, although there are gaps in parts of the boundary hedgerows.

3.2 The site wraps around Great Horkesley Manor, a large building that is currently used as a care home. Nayland Road lies to the west of the site and Ivy Lodge Lane lies to the north.

3.3 The surrounding area is predominantly residential in character, although there are a number of services and facilities in the area such as a public house, shop, village hall, preschool and primary school. There is a brook that runs along the eastern boundary of the site and a sewage pumping station to the north-eastern corner.

4.0 Description of the Proposal

4.1 The application seeks outline planning permission for 80 no. dwellings, new access and A134 crossings, land for allotments, provision of a Scout and Girl Guiding Hut with associated car park, public open space and associated works. All matters are reserved.

4.2 This means that the application seeks permission for the principle of development. Matters of access, appearance, landscaping, layout, and scale would be determined under Reserved Matters application(s) to follow. Proposals submitted under Reserved Matters will still need to comply with current planning policy, and emerging local plan policies (where relevant).

4.3 The application is supported by the following documents:

- Arboricultural Constraints Assessment
- Archaeology Desk-Based Assessment
- Archaeological Evaluation
- Ecological Assessment
- Ecological Assessment and Faunal Surveys
- Flood Risk Assessment and Drainage Strategy
- Flood Risk Addendum
- Health Impact Assessment
- Highway Arboricultural Constraints Assessment
- Indicative Development Framework Plan – Option 1 and 2
- Land Use Area and Connectivity Objectives – Option 1 and 2
- Landscape and Visual Impact Assessment (updated)
- Landscape Strategy Plan – option A and B
- Level 1 Minerals Safeguarding Assessment
- Phase 1 Geo-environmental Desk Study
- Planning, Design and Access Statement
- Schedule of Constraints and Land Use
- Site Location Plan
- Statement of Community Involvement
- Topographical Survey
- Transport Statement

5.0 Land Use Allocation

5.1 Not allocated in adopted Local Plan. Allocated for development under policies SS7 of the emerging Local Plan (2017-2033).

6.0 Relevant Planning History

6.1 There are a number of planning permissions in connection with Great Horkesley Manor since its conversion to a care home in the 1980s.

6.2 An application for outline permission for residential development on land surrounding Great Horkesley Manor was submitted in 2000 but was subsequently withdrawn.

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
TA4 - Roads and Traffic
TA5 - Parking
ENV1 - Environment
ENV2 - Rural Communities
ER1 – Energy, Resources, Waste, Water and Recycling

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

DP1 Design and Amenity
DP2 Health Assessments
DP3 Planning Obligations and the Community Infrastructure Levy
DP4 Community Facilities
DP12 Dwelling Standards
DP14 Historic Environment Assets
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
DP21 Nature Conservation and Protected Lanes

7.4 Submission Colchester Borough Local Plan 2017-2033:
The Council is developing a new Local Plan that has been submitted to the Planning Inspectorate (October 2017). An Inspector has been appointed and the formal examination commenced in January 2018. The examination is ongoing.

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

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

The Emerging Local Plan is at an advanced stage and is, therefore, considered to carry some weight in the consideration of the application. The relevant emerging planning policies in this case, and the appropriate level of weight to be afforded to them, will be considered in the main body of this report.

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
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.
Developing a Landscape for the Future
ECC's Development & Public Rights of Way
Planning Out Crime

8.0 Consultations

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

8.2 **Anglian Water:**

- Recommended informatives regarding layout and Anglian Water controlled assets, and requirements for connecting to and development close to a public sewer.
- Confirmation that foul drainage from this development is in the catchment of West Bergholt Recycling Centre which does not have capacity to treat the flows from the development, but that Anglian Water is obligated to accept the foul flows from the development and will take the necessary steps to ensure that there is sufficient treatment capacity should planning permission be granted.
- Recommended condition to confirm a foul water drainage strategy so that any necessary infrastructure can be delivered in line with the development.

8.3 **Arboricultural Officer:**
In agreement with the information submitted describing the impact to trees situated along the public highway, but there is no detail regarding if there are any impacts on trees outside the site.

Case Officer Comment: The Agent has confirmed that further arboriculture assessment could be conditioned or provided as part of the reserved matters detail.

8.4 **Archaeological Adviser:**
The proposed developed site is located in an area of high archaeological interest and archaeological remains, recorded as cropmarks by aerial photography, are recorded within, and close to, this site. Consequently, there is high potential for encountering below-ground archaeological remains at this location.

An adequate archaeological evaluation has been undertaken for this proposed development site. This investigation has defined scattered extensive archaeological remains across the development site (Oxford Archaeology Report 2363, August 2019); however, a revised copy of the evaluation report still needs to be submitted to the LPA. Groundworks relating to the application would cause 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 199), 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.

8.5 **Building Control:**
No comments received.

8.6 **Cadent Gas:**
No comments received.

8.7 **Contaminated Land Officer:**
The submitted desk study report is acceptable for Environmental Protection purposes. No potentially significant on-site or off-site sources of contamination have been identified that may plausibly result in unacceptable risk to the identified potential receptors. No recommendations for further site investigation have been made, unless any evidence of contamination is identified during the development of the site.

Based on the information provided, the conclusion and recommendations would appear reasonable and no further information will be required by Environmental Protection with respect to this application.

8.8 **Environment Agency:**

No objection, provided flood risk considerations are taken into account as part of the assessment of the application.

8.9 **Environmental Protection:**
No objections. Recommended information regarding Advisory notes for the Control of Pollution during Construction and Demolition Works.

8.10 **Essex County Council Minerals and Waste Planning:**
The Mineral Resource Assessment does not provide adequate information to establish the likely presence or otherwise of a mineral resource as no borehole data is provided.

Taking into account the proximity of residential properties and Great Horkesley Manor, however, the available area of the site that could be worked for mineral is very constrained, such that working of the minerals within the remaining site is impractical. There is therefore no objection on mineral safeguarding grounds.

8.11 **Essex County Fire and Rescue:**
No comments received.

8.12 **Essex Partnership for Flood Management:**
No comments received.

8.13 **Essex Police:**
Essex Police would like to see this developer seek to achieve a nationally accredited Secured by Design award in respect of this development.

Essex Police, provide a free, impartial advice service to any applicant who request this service; we are able to support the applicant to achieve the requirements to gain Secured by Design accreditation and would invite the them to contact Essex Police via designingoutcrime@essex.pnn.police.uk

8.14 **Essex Wildlife Trust:**
No comments received.

8.15 **Highway Authority:**
No objections on highway and transportation grounds subject to conditions for a construction traffic management plan; and provision of a site access, bus stops, footway/cycleway and new and/or improved crossing facilities for both pedestrians and cyclists on Nayland Road, and residential travel information packs. Recommended informatives regarding Highway Authority requirements and standards.

8.16 **Highways England:**
No objection. The site is somewhat remote from the strategic road network, given its location size and likely traffic generation it is considered unlikely that the proposed development will have a detrimental impact upon the function of the A12.

8.17 **Landscape Officer:**

No objection subject to conditions for full details of landscape works and landscape management plan. Note that the hedges along the site frontage either side of the main entrance the Great Horkesley Manor are protected under the Hedgerows Regulations 1997. The preference for the site access in landscape terms is therefore 'Landscape Strategy Plan Option 2' as it optimises frontage hedgerow retention.

8.18 **Natural England:**
No comments received.

8.19 **NHS:**
No comments received.

8.20 **North Essex Badger Group:**
No comments received.

8.21 **Openreach:**
General guidance on provision of fibre network.

8.22 **Planning Policy:**
Detailed response provided setting out adopted policy and emerging policy position. The assessment of the planning policy position will be set out in the main body of this report.

The Planning Policy team conclusion is that, although the proposal is not supported in principle by the Adopted Local Plan Policies, after thorough assessment and judgement it is considered that it can be afforded policy support in principle as a result of the significant weight to be afforded to the Emerging Local Plan, based on the tests in paragraph 48 of the NPPF. In respect of the scheme proposed, the principle of development incorporating 80 dwellings is supported. This general support, however, is qualified by the need for further information on some aspects of the scheme (access and scout hut provision) which are not considered fully policy compliant and/or are subject to unresolved objections or require additional information in order to make a judgement.

8.23 **Recycling and Waste:**
No comment received.

8.24 **SUDs:**
No objection subject to conditions for a detailed surface water drainage scheme, a scheme to minimise the risk of offsite flooding during construction, and a maintenance and management plan.

8.25 **The Ramblers Association:**
No comments received.

8.26 **Transport Policy:**
No comments received.

8.27 **Urban Design:**

No objection on the understanding that the site offers the scope for the applied units without unreasonably reducing open space and that a framework plan and development principles will be agreed. Having measured the site, satisfied that it can accommodate the desired number of units.

9.0 Parish Council Response

9.1 Great Horkesley Parish Council have submitted detailed comments to confirm that they will continue to support the development of land around Great Horkesley Manor, but that they wish to make the following points:

- The Parish Council is strongly in favour of the roundabout option for the entrance to the development. There are concerns that if the roundabout were not provided traffic would be affected and more drivers will use an alternative route to the A134 which passes the village school;
- The Parish Council is strongly in favour of the provision of pedestrian priority crossings being provided;
- Request that the level of street lighting be kept to an absolute minimum given the countryside location;
- The Essex Way should pass through the site on a properly designated Public Right of Way;
- The Parish Council supports landscaping of the grass verges to deter drivers from parking with two wheels on the footway;
- The layout would need to ensure that the security and privacy of Hawthorns, Ivy Lodge Road is preserved;
- Recommend that the access strip to the west of Hawthorns, Ivy Lodge Road is stopped up and does not form part of the development;
- The Parish Council would expect to see strong, close-boarded fencing being installed by the developer wherever the site boundary abuts existing residential properties; Pleased to note provision of an outdoor gym on site, but would also expect a fitness trail to be included;
- Requirement for the SUDs features to be suitably designed so that they do not dry up and appear unattractive;
- The developer should be obliged to provide a finished Scout and Girl Guide hut fit for use by both Scouts and Guides and by other members of the community when available;
- There should not be a large enclave of affordable housing on the site; it should be distributed in smaller groups throughout the areas described as ‘rural village houses’;
- Requested that the allotments be located so that they can be expanded out into the open space if necessary;
- The public open space and woodland, together with the community facilities, should be transferred to Colchester Borough Council;
- Urges the Highway Authority to do everything in its power to deliver the changes identified in the feasibility study in the submitted Transport Statement for a shared footway/cycleway along the A134 together with lowering the speed limit to 40mph along the derestricted section of the road.

9.2 Myland Community Council have commented that:

- They are concerned that a proposed footway/cycleway route from Great Horkesley to the Chesterwell development has an 'inherent danger of inviting Horkesley into an extended urban sprawl';
- The development would be a burden on Myland infrastructure (e.g. school places, GP surgery etc);
- A shared footway/cycleway should be a last resort for safety reasons and a segregated route is preferable.

10.0 Representations from Notified Parties

10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. The full text of all of the representations received is available to view on the Council's website. However, a summary of the material considerations is given below.

10.2 11 letters of **general comment** have been received:

- No provision for bridleways
- Little consideration of the access and exist from Keeler Way estate (a mini roundabout is required);
- There does not appear to be any safe provision for children crossing Coach Road to the school;
- The main focus of the village should be concentrated where the majority of it already exists. The proposed development does not create a central focal point;
- Additional traffic from 80 dwellings will not be significant in comparison to existing traffic levels;
- Ecological enhancements should be incorporated;
- The existing hedgerow has gaps so is not a natural screen for its entire length;
- Concern regarding security and privacy for existing properties on Ivy Lodge Road (suggest natural buffer along rear gardens);
- Concern regarding overlooking to properties on Nayland Road;
- Surface Water Drainage needs to be carefully managed;
- Concern regarding increased light and noise pollution;
- The proposed green link should be away from any vehicular traffic and the public footpath could link with the Essex Way;
- A public display of the plans promised a low density 'arcadian' development, but the current plans show more traditional village housing at a higher density;
- A new vehicular access onto Nayland Road was refused in 2001 and the same consideration should be given to this application;
- Potentially dangerous exit onto Ivy Lodge Road;
- There is a need for an underpass or bridge under/over the A134 to serve the increased population;
- Smaller properties for the retired, disabled residents of the village, as well as starter homes, should be provided;
- Action is required for the busy A134 and drivers who exceed the 30mph speed limit;

- The application comments on the new primary and secondary schools in Chesterwell, but these have not been built yet and may not be built for several years. It should be ensured that the nearest educations facilities have sufficient places;
- The application mentions that there are shops in the vicinity but these are a mile away from the site and people often drive to them. A small local shop and café should be provided;
- Would like to see an evaluation carried out into the needs for play equipment for older children in the village as there is nothing for them to do and anti-social behavior is increasing;
- The improved walking and cycling links to Chesterwell is supported and will be important for access to the secondary school;
- Concern regarding how people will cross the A134. Traffic lights would be more effective than alternative crossing arrangements.

10.3 7 letters of **support** have been received:

- A new scout hut is much needed (the current hut is in need of constant repairs). A new hut would provide a great opportunity for many young villagers, including those in neighbouring Boxted which has no Scout or Guide group of its own;
- A larger scout hut would enable the scout group to increase membership and reduce the waiting list, be more inclusive, reduce utility costs, and broaden programmes;
- The site forms part of the local plan for housing development and is the 'least bad' option provided promises for amenities come to fruition;
- The proposals will see more amenities being brought closer to the majority of the population of the village;
- Supportive of roundabout, crossing will provide safer crossings for students, slightly altered road alignment around Brick Kiln Lane would aid sight lines, the 40mph speed restriction is also supported;
- The widened footpath from Chesterwell to Great Horkesley will entice more walkers;
- Faster internet speeds and improved transport links would be an improvement.

10.4 7 letters of **objection** have been received:

- There is already enough development in the area. Traffic will increase and put pedestrians at risk when walking along the narrow paths;
- Concern regarding lorry traffic during construction;
- Further development in Great Horkesley will mean that it is further consumed by Colchester Town;
- Why is another shop required?;
- Light pollution;
- Security and privacy of properties on Ivy Lodge Road will be affected;
- The proposal would include a road that would back onto Hawthorns on Ivy Lodge Road and lights will shine directly into bedroom windows;
- The location of the scout hut would be better if it were closer to the wooded area so that the countryside can be enjoyed without u[setting neighbouring house owners;

- New development will make the A134 more dangerous than it currently is;
- Existing services and facilities (doctors surgery, local vets, dentists and shops) are already overburdened and cannot support the current populace;
- An accurate assessment of highway impact has not been undertaken and the information submitted is misleading as it does not take speeding vehicles into consideration. The information is unreliable and should eb thrown out;
- Wider footpaths are required, as well as a footbridge to ensure safety;
- Cycle safety has not been properly considered and cyclist should not be expected to share a path with pedestrians.

11.0 Parking Provision

11.1 The application is for outline permission only and the detailed proposals will be established at reserved matters stage. The reserved matters proposals would need to adhere to adopted parking standards.

12.0 Accessibility

12.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. The proposal does not give rise to any concerns regarding discrimination or accessibility at outline stage. Detailed proposals will be established at reserved matters stage and will need to be considered under the Equality Act.

13.0 Open Space Provisions

13.1 Indicative frameworks and landscape masterplans have been submitted with the application which indicate large amounts of open space. At least 10% open space would be required in accordance with both adopted and emerging local plan policies.

14.0 Air Quality

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

15.0 Planning Obligations

15.1 As a “Major” application, there was a requirement for this proposal to be considered by the Development Team. It was considered that Planning Obligations should be sought. The Obligations that would be agreed as part of any planning permission would be:
- Affordable Housing: 30% (to include 2 No. wheelchair accessible units)
- Archaeology: Contribution toward the display and interpretation of any archaeological finds (should the development not affect any archaeological remains, a smaller contribution would still be required to integrate the

information from the archaeological investigation into the Historic Environment Record).

- Community Facilities: Provision of on-site scout hut that can also be used for wider community use (please note, that the s106 will need to include a fallback for a monetary contribution to be made should the Council not require the onsite facility.)
- Education: Contribution towards early years and childcare; and secondary education.
- Open Space, Parks and Recreation: Maintenance contribution should the public open space be adopted. Requirement for Local Equipped Area for Play (LEAP) on site. (confirmation that no offsite sport and recreation contribution required).

15.2 Please note: The NHS were consulted as part of the application process, as well as the Development Team process (on two occasions); no comment has been received from the NHS.

15.3 A contribution towards mitigation under the Conservation of Habitats and Species Regulations 2017 and as per the draft North Essex Recreational disturbance Avoidance Mitigation Strategy would also be required and can be secured under the a s106 agreement.

16.0 Report

16.1 The main considerations in this case are: the principle of development; flood risk and drainage; landscape impact; highway safety and impact on the road network; and ecology. Other material planning considerations include health and wellbeing; contamination; archaeology; design and layout; and impact on amenity.

Principle of Development

16.2 The proposal for 80 dwellings on land to the east of Nayland Road, Great Horkesley is on land which is outside of the settlement boundary in the Adopted Local Plan and comprises the site allocated in the emerging Local Plan (Great Horkesley Manor). Both the adopted and emerging local plans are therefore relevant and the relationship of the proposal to each of these plans, as well as the compliance with the National Planning Policy Framework (the Framework) are key factors that need to be considered.

16.3 It is necessary to assess whether there are any relevant elements of Colchester Borough Council policy that do not comply with the Framework that justify a reduction in the weight to be given to the policy. For the Emerging Local Plan (ELP), it is necessary to consider the Framework criteria on the weight to be given to policies, which depends on the stage of preparation of the plan; the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies to the Framework (see paragraph 48).

16.4 The Framework continues to support the Policy approach in the Adopted Local Plan in principle, in respect of the key policies on settlement hierarchy, policies SD1 and ENV1. As the Council is able to demonstrate a five-year housing land supply these policies are relevant to the decision making on this proposal. Policy SD1 accords with Paragraph 10-12 of the Framework which provide for a presumption in favour of sustainable development. Policy SD1 is consistent with the NPPF's approach to decision taking which entails approving proposals that accord with the Local Plan unless material considerations indicate otherwise, and which involves the Local Planning Authority working proactively with applicants. It is noted, however, that the housing and jobs target provided in the policy no longer remain current.

16.5 Whilst the supply figure itself may be out of date, the principle of the overarching spatial strategy and the settlement hierarchy are not and as such weight should still be afforded. The requirements of policy ENV1 for the conservation and enhancement of Colchester's natural and historic environment is in accordance with paragraph 170 which clearly recognises the intrinsic character and beauty of the countryside and demonstrates that planning policies should contribute to and enhance the natural local environment via protection, maintenance, and preventing unacceptable risk. It is considered that the criteria-based approach of ENV1 accords with the more flexible approach to countryside development adopted in the NPPF.

16.6 As the application site lies outside the current Great Horkesley settlement boundary it is not compliant with policies SD1 or ENV1. Other policies are relevant to the proposal including those relating to affordable housing and design and layout.

16.7 The Framework also advocates consideration of other factors including emerging local plans which can be afforded weight when they reach an advanced stage of preparation. In this respect Paragraph 48 states that authorities may give weight to emerging plans (elp) according to the stage of preparation, the extent to which there are unresolved objections to relevant policies (and the significance of these objections - the less significant the greater the weight that can be given) and the degree of consistency of the relevant policies to the Framework (the closer the policies are to policies in the Framework the greater the weight that may be given). Testing these criteria will inform the judgement about the weight which should be afforded to the emerging Local Plan in this case.

16.8 The ELP is considered to be at an advanced stage having been submitted in 2017 with examination commenced in January 2018 and being due to reconvene early 2020.

16.9 Amongst other matters, the ELP seeks to allocate additional land to meet the housing targets up to 2033 of 920 homes per year on sites which are in accordance with the revised Spatial Strategy (SG1). Great Horkesley is identified as a Sustainable Settlement and includes a proposed residential allocation at Great Horkesley Manor (Policy SS7), now the application site.

16.10 The Spatial Strategy (Policy SG1) and the Great Horkesley policy (SS7) are aligned with the Framework which reinforces the plan led system (paragraph 15) and sets out at paragraph 16 how plans should be prepared. The policies will contribute to the delivery of sustainable development. Paragraphs 18 and 28 of the Framework outline that Local Plans should include non-strategic policies which provide more detail for specific areas and types of development. Paragraph 59 reiterates the Governments objective of increasing the supply of homes. Policy SS7 is one of a number which allocates sites for residential dwellings within Sustainable Settlements as identified by the Spatial Strategy.

16.11 The key policies in the ELP relevant to this scheme are considered to be highly consistent with the Framework and should therefore be afforded considerable weight.

16.12 The final issue to be taken into account when considering the weight to be afforded to the ELP is the level of unresolved objection to the relevant policies. Accordingly, further consideration of the issues raised in representations to Policy SS7 is necessary to guide the judgement of the weight which should be given to the emerging policy in this case. These are summarised below:

- Concern for traffic impact on Nayland Road and Ivy Lodge Road, including congestion and safety. Entrance to Keelers Way already causes traffic problems.
- Improvement required to roads and footpaths.
- Great Horkesley Development on the scale proposed is unlikely, on its own, to have a severe impact on the strategic road network.
- The Scout Hut is currently in poor condition, unable to be refurbished/repaired and will need to be demolished as is no longer fit for purpose. An enlarged purpose-built hut with a grassed area, equipment storage and dedicated car park will enable the continued provision of scouts and guides in the local area.
- No link between development of School Lane site and Manor site in relation to provision of scout hut. If Manor site developed first with allotments and scout hut, contribution for this from the School Lane site could be lost to the community.
- No mention in policy of requirement to minimize any negative impact on the setting of the Manor.
- No justification for further development in Great Horkesley.
- Recent Mersea Homes development has had significant negative impacts to the village.
- Community and infrastructure unable to cope with such significant increases in housing demand.
- People moving into new housing are not from the local area.

- A study of the impact on the existing local infrastructure and services (and regional infrastructure e.g. A12) is required before any further development of the village.
- Consideration of need for small shop/newsagent as only one shop in the village located away from majority of population.
- Promotion of alternative site at land at Coach Road.

16.13 There were just 7 representations made in respect of this policy, including 3 in support. The Policy Team do not consider there are any objections that cannot be resolved through an appropriate masterplan and planning application(s) for the site as detailed below.

16.14 Policy SS7 states:
In addition to the infrastructure and mitigation requirements identified in policy PP1, development will be supported on land within the area identified on the policies map which provides:

i. 80 new dwellings of a mix and type of housing for which there is a demonstrated need;
ii. Provision of allotments;
iii. Contributions to enhancing community buildings;
iv Provision of a scout hut with parking;
v Retention of the belt of trees to the east of the site;
vi Access from Nayland Road;
vii Contributions towards improving walking and cycling facilities along the A134; and
viii Provision of footways and suitable traffic management and crossing opportunities on Nayland Road.

Any proposals will also take into account the Essex Minerals Local Plan and the developer will be required to submit a Minerals Resource Assessment as part of any planning application. Should the viability of extraction be proven, the mineral shall be worked in accordance with a scheme/masterplan as part of the phased delivery of the non-mineral development.

16.15 All new development will be required to mitigate against any impacts through Section 106 contributions/delivery of infrastructure where appropriate. The provision of allotments and the scout hut (with parking) can be secured via a section 106 agreement. The vehicular and pedestrian access requirements will be subject to agreement with the Highways Authority and meet the standards required for safety and junction design. Improved walking and cycling facilities along the A134 and crossings on Nayland Road can be secured by condition.

16.16 With regards to the Essex Minerals Local Plan, a Minerals Safeguarding Assessment has been submitted with the application. The submitted assessment is desk-based and concludes that the majority of the site is underlain by deposits of sand and gravel, but the Essex Local Plan 2014 does not highlight the need to identify additional sand and gravel resources within Essex at this time and, given the need to retain the character of Great

Horkesley Manor, the volume of extraction would be reduced. The provision of a buffer zone between extraction works and nearby housing would further reduce the size of the potential resource. Whilst Essex County Council have commented that further work (such as boreholes) should have been undertaken as part of the minerals assessment, the constraints of the site would mean that the working of the minerals within the site would be impractical and, as such, they would have no objection to the proposal.

16.17 In terms of affordable housing, 30% of the dwellings can be secured as affordable in line with emerging policy DM8.

16.18 The proposal is therefore considered to accord with the requirements of the site allocation policy subject to conditions and section 106 legal agreement. Relevant material planning considerations are discussed in more detail in the remainder of this report.

16.19 With regards to the representations received in respect of the emerging policy:

- It is noted by the authority for the potential loss of contributions to the community if the scout hut is developed by the Manor site, before the School Lane site. As such, a proposed modification is included in the 'Schedule of Minor Modifications to the Publication Draft Colchester Local Plan: Section Two' October 2017 to clarify the contribution from the School Lane site will be required for either the replacement of the scout hut or for enhancement of community buildings other than the old village hall. Further details regarding the provision of the scout hut will be required as the planning application progresses to detailed design.
- The site is grade 3 agricultural land which is not classified as the best and most versatile agricultural land. Whilst the site is greenfield, this has been necessary as part of the review of the Local Plan to allow for growth within Sustainable Settlements in accordance with the Spatial Strategy. Landscape, ecology and heritage will be subject to appropriate assessments and any mitigation required can be secured by condition/agreement. Masterplanning, design and layout of the site will ensure development is appropriate to the character of its location.
- Great Horkesley is one of the Borough's sustainable settlements and as such has a range of facilities. It is considered an appropriate location for a limited number of new dwellings over the Plan period. Provision for a number of community facilities are provided through this proposal including allotments, a scout hut with parking and enhancement of community buildings. There are also three further 'opportunities for exploration' included in this outline application which include a local produce sales hut, links to the Essex Way and enhancement to the Brook area.
- The alternative site promoted at Coach Road is not supported by the Council as it is not considered appropriate to allocate further development in Great Horkesley, in addition to the sites allocated in Policy SS7. The Manor House site is preferable for a number of reasons including access to public transport, proximity to services and facilities and visual impacts.

16.20 Although the proposal is not supported in principle by the Adopted Local Plan Policies, after thorough assessment and judgement it is considered that the proposal can be afforded policy support in principle as a result of the significant weight to be afforded to the ELP, based on the tests in paragraph 48 of the Framework.

Flood Risk and Drainage

16.21 Core Strategy Policy SD1 and Development Plan Policy DP20 require proposals to promote sustainability by minimising and/or mitigating pressure on (inter alia) areas at risk of flooding. Policy DP20 also requires all development proposals to incorporate measures for the conservation and sustainable use of water, including the appropriate use of SUDs for managing surface water runoff.

16.22 The site is predominantly located within Flood Zone 1, which means that there is low probability of flooding (less than 0.1%), with updated flood maps from the Environment Agency indicating that part of the site (to its eastern side) lies within a Flood Zone 2 (a 1%-0.1% chance of river flooding or a 0.5%-0.1% change of sea flooding annually). A Flood Risk Assessment and Flood Risk Assessment Addendum (to consider the implications of Flood Zone 2) have been submitted with the application and set out the following:

- There is a 'low' to 'high' pluvial flood risk associated with the Site around the Black Brook but this predominantly affects the areas designated for Willow Tree planting.
- The indicative layouts show that development can be accommodated on land entirely outside Flood Zone 2.
- The proposed surface water drainage strategy will restrict the post-development runoff rates to the existing Greenfield Rates for the equivalent storm periods for up to and including the 1 in 100 year critical event (including a 40% allowance for climate change). This will be achieved through the provision of surface water attenuation storage across the site. The provision of storage across the site will be confirmed and detailed once a finalised layout is produced for the development Site.
- This surface water runoff will be discharged into the Black Brook to the east of the development subject to a Standard Permit approval or Flood Risk Exemption supplied by the Environment Agency.
- Foul water runoff produced from the proposed development will be discharged to the Anglian Water public sewer network, likely into the pumping station and / or the network within Nayland Road following localised / private pumping.
- Finished floor levels will be set to a minimum of 150mm above existing ground levels due to the relative low risk of flooding across the Site.
- A management company will be appointed to maintain the public car parks, access roads, landscaping and shared SuDS throughout the development. Funding of the maintenance regime will likely to be via the yearly maintenance fees from the development. All maintenance will be in accord with the best practices and the CIRIA Manual C753.

- The proposed development will not be impacted by, or increase, the flooding of the Black Brook either on-site or off-site.

16.23 The Environment Agency have confirmed that they have no objections to the proposals having considered the submitted assessments. The Environment Agency have, in their comments, provided additional detail relating to flood levels, which provides clarity that should housing be set at a minimum of 0.15m above existing ground levels, it will be dry of flooding and have suitable refuge should flooding occur. The advice goes on to state that, as the proposed housing can be accommodated outside the Flood Zone 2 floodplain, there would be a safe means of access in the event of flooding. Having considered this guidance, the proposal is considered to be acceptable in terms of flood risk. It is considered necessary for flood resilience/resistance measures to be included in the design of the buildings and for there to be a Flood Evacuation Plan in place; these matters can be dealt with via condition.

16.24 With regards to surface water drainage, the indicative layouts show Sustainable Drainage System (SuDS) features to the northern part of the site and a Drainage Strategy has been submitted with the application. Essex County Council, as Lead Local Flood Authority, have confirmed that the submitted drainage strategy is acceptable, subject to conditions that secure final details, as well as maintenance and management procedures. The details submitted with the application therefore demonstrate that a satisfactory Sustainable Drainage System (SuDS) can be achieved as part of the development and this is acceptable for outline permission which established the principle of development. The conditions recommended by Essex County Council can be attached to the outline permission.

16.25 Anglian Water have confirmed that it is their responsibility to ensure that any necessary infrastructure required for the used water drainage from the development will be in place. As such, they have recommended that a scheme for foul water drainage works be submitted before works commence on site. This is considered to be a reasonable request in order to prevent any unnecessary flooding.

Landscape Impact

16.26 Core Strategy Policy ENV1 seeks to conserve and enhance Colchester's natural and historic environment, countryside and coastline, with Development Plan Policy DP1 requiring development proposals to demonstrate that they, and any ancillary activities associated with them, will respect and enhance the character of the site, context and surroundings in terms of (inter alia) its landscape setting.

16.27 The site is located outside the settlement boundary of Great Horkesley, but is adjacent to existing built development to its southern, western and (part) eastern boundaries. The boundaries of the site are reasonably well vegetated, although there are gaps in parts of the boundary hedgerows. The application is supported by a Landscape and Visual Impact Assessment (LVIA), which has been updated with digitised Zones of Influence as per the

Council's Landscape Officer advice. The LVIA has considered the characteristics of the site and its surroundings, being 'small to medium scale arable fields with concentrations of mature trees at field boundaries. A network of narrow lanes (sometimes sunken), which are lined by trees and hedges connect the remainder of the character area with the two main north south roads and hedgerows are diverse and well managed/clipped in most places.' The wider settlement area of Great Horkesley is characterised by development that is predominantly 20th century, with dwellings varying in style and materials. Most buildings are detached, with a mix of heights from single- to two-and-a-half storeys. The visibility of the site is largely confined to properties along the A134 and Ivy Lodge Road, where glimpsed views of the site can be achieved through existing vegetation. Views from Public Rights of Way are generally restricted given the location of the site, local topography and vegetation in the wider landscape. Development of the site would undoubtedly affect its existing character as the site will change from being greenfield to built development, but this should not preclude development in principle. As identified in the LVIA, the development of the site would, in the long-term, have a moderate effect on the overall character of the site, and a minor effect on views from adjacent residential properties. There would, however, be certain benefits in terms of landscape enhancements. A landscape strategy has been developed as a result of the landscape assessment. This strategy sets out the following:

- The overall design of new residential development on the site enhances landscape character and existing views whilst also creating wildlife features such as a continuous green corridor from the existing vegetation at the boundaries to the surrounding landscape. The new development will be integrated into the landscape by a combination of a native hedgerow, native hedgerow trees and woodland copses in conjunction with open space. Houses will be arranged to front on to the open spaces to provide a positive relationship and surveillance;
- Houses will be set back from the western boundary, preventing overlooking to and from adjoining residential development on the A134;
- The existing green link at the northern boundary will be retained and enhanced to maintain screening from the open countryside to the north west;
- Phased replacement of existing willow trees to the north west of the Site within Black Brook with native planting copses, comprising species such as Hazel (Corylus avellana), Aspen (Populus tremula) and Black Poplar (Populus nigra);
- A Community Scout and Girl Guide Hut and associated parking will be provided within the Public Open Space. The allotment gardens to the west of the POS will be lined with a native hedge to add ecological enhancements and character;
- New strategic native planting along the southern boundary will reinforce the ditch and the boundary along the A134. There is scope to allow some views towards the site's Public Open Spaces. New tree planting will be used to frame local landmarks such as the Half Butt Inn Public House;
- The open spaces will vary in character. Formal areas will incorporate amenity grass enclosed by hedgerows and trees. Others are more naturalistic in character with groups of trees and areas of wildflower grassland. These

provide the setting to proposed buildings as well as providing opportunities for play, ecological diversity and connectivity throughout the site and to neighbouring developments and green spaces;

- Existing Vegetation around Great Horkesley Manor provides strong screening onto the development while also giving residents of the Manor privacy and creating a sense of place. Existing low-level scrub to the north of the manor to be retained and enhanced.

16.28 Given the low impact on landscape character and the various enhancements that can be achieved as a result of the development, the proposal is considered to be acceptable on landscape grounds. The Council's Landscape Officer has recommended conditions for detailed landscape works and landscape management. As the application is for outline permission, with landscape being a reserved matter, it is considered that these details can be submitted and/or conditioned at reserved matters stage. It is, however, considered necessary to condition that the reserved matters is submitted in accordance with the landscape strategy set out in the LVIA; this is because the application has been assessed on the basis of this strategy, which has been considered to be acceptable.

16.29 Further consideration needs to be given to the impact on trees. There are a number of trees at the boundaries of the site, which have been categorised as a mix of category A-C trees. As the layout of the development is not established, further information would be required at reserved matters stage to assess and mitigate any impacts. It is, however, likely that the introduction of an access to the site would require the removal of tree and hedgerow; this can be mitigated by the retention of remaining trees/hedge and their enhancement with additional planting. The impact of the proposed development on trees is not considered to be significant provided the reserved matters scheme is designed appropriately. It is therefore recommended that there be conditions to ensure that the reserved matters is submitted in accordance with the Arboricultural Constraints Assessment and that a full impact assessment, Arboricultural method statement, and tree protection plan is submitted and agreed.

Highway Safety and Impact on the Road Network

16.30 Core Strategy policy TA4 seeks to make the best use of the existing highway network and manage demand for road traffic. The policy makes it clear that new development will need to contribute towards transport infrastructure improvements to support the development itself and to enhance the broader network to mitigate impacts on existing communities. Development Plan policy DP17 requires all development to maintain the right and safe passage of all highways users. Development Plan policy DP19 relates to parking standards in association with the Vehicle Parking Standards SPD (see Section 11 of this report for details of parking requirements).

16.31 The application has been submitted in outline with all matters reserved, meaning that, whilst access proposals have been put forward, they are to demonstrate that the site is capable of satisfactory access; full proposals for access would need to be put forward and considered at reserved matters

stage. The current proposals indicate two options for access: a priority T-junction south of the existing Nayland Road/Coach Road junction and north of the Horkesley Manor access; and a roundabout junction which would enlarge the Nayland Road/Coach Road mini-roundabout to a four-arm 30 metre diameter roundabout. A Transport Statement has been submitted that confirms that both access options have been designed in accordance with the Manual for Streets 2 and the Essex Design Guide, ensuring that there is sufficient visibility; junction capacity analysis and safety audit would be required in preparation for the reserved matters submission.

16.32 The Highway Authority have no objections to the proposals on principle of access from Nayland Road and have recommended a condition that an access is provided prior to occupation of the development. Detailed proposal will need to be considered at reserved matters stage.

16.33 In terms of traffic generation and impact on the local highway network, the Highway Authority have assessed the information submitted with the application and have not raised any concerns, subject to conditions that secure necessary works and infrastructure to encourage the use of more sustainable modes of transport. The submitted Transport Statement demonstrates that predicted increase in traffic generation as a result of the development would be minimal and would not, therefore, have a material or severe impact on the operation of the local highway network, nor would it have a unacceptable impact on highway safety. Indeed, the proposed crossing facilities on Nayland Road would not only provide safe crossing for future residents of the development site, but would also have an additional benefit of improving the crossing of this road for residents of existing development. Further proposals and works secured by condition would include upgrading existing bus stops, providing a footway/cycleway along the western side of Nayland Road (between Coach Road and Green Lane), and the provision of residential travel packs (that would include cycle and walking information, bus information, vouchers etc) which would help to promote and encourage more sustainable modes of transport such as public transport, walking, and cycling. Again, there would be benefits to the wider population of Great Horkesley from these proposals.

16.34 A number of the public representations in respect of highway matters make comment regarding the adequacy of information submitted with the application, express concerns regarding safety of crossings and access, and provide opinions as to how the proposed development should be mitigated in highway terms, such as there being a need for a bridge under/over the A134; that the development would not provide safe crossings for school children; and that a shared footway/cycleway is unacceptable. Paragraph 109 of the National Planning Policy Framework (the Framework) states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The proposal has been fully assessed by the Highway Authority and the mitigation measures proposed for crossing points on Nayland Road and the footway/cycleway are considered to be appropriate in terms of highway impact and safety. The Case Officer does not have any evidence that suggests that impacts would

be severe or adverse and does, therefore, base their assessment on the technical evidence submitted with the application and the professional advice of the Highway Authority as a statutory consultee.

16.35 The site is considered to be sustainable, with services and facilities (shop, public house, dentist, school, village hall) being accessible by means other than private car, with the proposal being acceptable in terms of its minimal impact on traffic and highway safety. Benefits from the proposal include the improvement of infrastructure that would encourage the use of more sustainable modes of transport.

Ecology

16.36 Section 40 of the Natural Environment and rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity and a core principle of the NPPF is that planning should contribute to conserving and enhancing the natural environment. Development Plan policy DP21 seeks to conserve or enhance biodiversity and geodiversity in the Borough. New developments are required to be supported by ecological surveys where appropriate, minimise the fragmentation of habitats, and maximise opportunities for the restoration, enhancement and connection of natural habitats.

16.37 An Ecological Assessment has been submitted with the application which covers a site assessment; policy, regulations, and legislation; and species surveys. The Assessment is detailed, with key points being summarised as follows:

- No part of the proposed development site has any type of statutory or non-statutory conservation designation.
- The Cricket-bat Willow plantation along the eastern boundary but within the wider site is listed as a Priority Habitat Woodland despite its non-native commercial stand type. The proposed development will not reduce the size, ecological value or existing management of this area. Future management of this area could be changed to follow native broadleaf woodland silvicultural principles as part of the proposed wider site Ecological Design Scheme (E.D.S) and Ecological Management Plan (E.M.P)
- All ponds are off-site, the proposed development will not directly impact upon any pond, its size, location, management, use or existing condition. The proposed development will not directly prevent any amphibian access to or from any of the ponds.
- The proposed development will not fragment or exclude any suitable amphibian terrestrial habitat associated with any pond Great Crested Newt population. The wider intensive arable agricultural field cannot be considered as suitable terrestrial habitat. The boundary habitats and Cricket Bat Willow plantation are suitable habitat – and these will be retained protected and indeed enhanced as part of the proposed development, identified in any post approval E.D.S. and E.M.P.

- The possibility of any Great Crested Newt terrestrial resting place being disturbed by the proposed development of the intensive arable agricultural is negligible. These annually ploughed power harrowed 2 x fields contain no suitable resting features for an amphibian - apart from a possible occasional field crack. Any works to field boundaries or associated habitats can be carefully completed during September – November when the possibility of disturbing a relevant G.C.N. resting place will be significantly reduced.
- A negative result nine-month tube and hazel nut-based survey of the hedge line field boundaries around and through the site confirmed a Dormouse absence from the site. No further Dormouse survey effort required.
- There is a reptile presence – Common Lizard and Grass Snake within localised boundary hedge habitats and restricted field margins, Cricket Bat Willow plantation/agricultural field boundary, the small area of rank grassland/scrub to the rear of the central Manor. Habitat protection / enhancement / creation mitigation will be required to retain these animals on site in viable and sustainable numbers.
- There is no active badger sett on any part of the wider site, some recent (January 2019) localised fox earth activity has occurred adjacent to the south west wider site boundary.
- The wider site has very little invertebrate value, no further invertebrate survey efforts or mitigation is required. Invertebrate enhancement can be part of the proposed Ecological Design Specification and Management Plan that would be part of any planning approval.
- There are no indicative field sign of any existing or past Otter or Water Vole use of the Black Brook.
- During the spring summer nesting birds survey 3 ‘UK BAP’ species were recorded – Song Thrush, Linnet, Dunnock, 2 ‘Red List’ species were recorded- Song Thrush and Linnet, 3 ‘Amber list’ species were recorded – Mallard, Stock Dove, Dunnock, 16 non-categorised species were recorded
- Bird activity was very much associated with the boundary habitat features – hedgerows, scrub and Cricket Bat Willow plantation. Almost no bird activity was recorded in the open intensive arable agricultural fields of the wider site.
- The proposed development of the existing agricultural land will not be significantly detrimental to those avian species identified during the survey efforts. Any boundary habitat removal must be minimal and limited to being between September and February inclusive. Furthermore, for the wider site the ground must be kept free of vegetation to prevent possible cropnesting/ feeding species seeking nest sites - Sky Lark and Yellowhammer.
- Static bat detectors recorded 7 x different bat species using the wider site at the 4 x separate detector locations. Moderate numbers were recorded within the eastern boundary (Cricket Bat Willow plantation), and lower numbers towards the western boundary hedges H2. A significant number of bat calls were recorded from all 7 x species on site along the tree lined avenue to the Manor from the A134. The transect surveys confirmed that almost all bat activity was confined to the boundary features, with the greatest activity being associated with the tree lined avenue to the Manor, the C.B. Willow plantation and the water bodies adjacent to the northern boundary. A key commuting route ran through the centre of the site - tree lined avenue – the Manor and gardens – down through hedge H3 into the C.B. Willow plantation. Development must be restricted to the arable land which has negligible

potential for foraging and commuting, with the boundary and central habitat features been retained, protected and enhanced.

- Two trees identified as having moderate bat roost potential will not be impacted upon by the proposed development.
- Illumination design across the site, especially along/adjacent to any boundary/retained habitats must be minimal bat friendly and follow all relevant guidelines. Further bat provision – roost boxes etc must be part of any post approval Ecological Design/Management Plan for the whole site.

16.38 In order to ensure that the subsequent reserved matters follow necessary principles in terms of conserving and enhancing the natural environment and biodiversity of the site, it is considered necessary to condition that the reserved matters follow a previously agreed Ecological Design Scheme (EDS) and an Ecological Enhancement and Mitigation Plan (EEMP).

16.39 It is necessary to assess the application in accordance with the Habitats and Species Regulations 2017 (as amended). The whole of Colchester Borough is within the zone of influence of a European designated site and it is anticipated that the development is likely to have a significant effect upon the interest features of relevant habitat sites through increased recreational pressure, when considered either alone or in-combination with other plans and projects. An appropriate assessment was therefore required to assess recreational disturbance impacts as part of the draft Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). As required by the draft RAMS, a financial contribution is required in order to mitigate impacts from the development. Provided that this contribution is secured, the proposed development is not considered to have a detrimental impact on designated sites.

Other Matters:

16.40 Health Impact Assessment
Policy DP2 requires all development should be designed to help promote healthy lifestyles and avoid causing adverse impacts on public health. Health Impact Assessments (HIA) are required for all residential development in excess of 50 units, with the purpose of the HIA being to identify the potential health consequences of a proposal on a given population, maximise the positive health benefits and minimise potential adverse effects on health and inequalities. A HIA must consider a proposal's environmental impact upon health, support for healthy activities such as walking and cycling, and impact upon existing health services and facilities. Where significant impacts are identified, planning obligations will be required to meet the health service impacts of the development. Any HIA must be prepared in accordance with the advice and best practice for such assessments.

16.41 A Health Impact Assessment (HIA) has been submitted with the application which explains the impacts of the proposed development and concludes that there would not be any significant adverse harm. The HIA demonstrates that there would be an overall positive contribution to the health and wellbeing of future residents of the proposed development, as well as the existing

residents of Great Horkesley with over 3ha of open space being provided (including play areas, adult gym, and informal open space), allotments, and a scout hut that would provide residents the opportunity to undertake activities to enhance physical and mental wellbeing. In addition to the points raised in the submitted HIA, the proposed footway/cycleway and crossing points is also considered to be a benefit as they would encourage walking and cycling, again to the improvement of physical and mental wellbeing. The NHS has been consulted on the application but have not submitted any comments. It is taken that the NHS do not have any objections. In consideration of the information submitted as part of the HIA, the proposal is not considered to have a negative impact on health and wellbeing.

16.42 Contamination

Development Plan policy DP1 requires new development to undertake appropriate remediation of contaminated land.

16.43 A Phase 1 Geo-Environmental Desk Study Report has been submitted with the application that investigates matters of contamination. The Council's Contaminated Land Officer has assessed the submitted report and confirms that it is acceptable for Environmental Protection purposes. No potentially significant on-site or off-site sources of contamination have been identified that may plausibly result in unacceptable risk to the identified potential receptors and no recommendations for further site investigation have been made, unless any evidence of contamination is identified during the development of the site.

16.44 On this basis, the information submitted is considered to be acceptable and the site considered suitable for its proposed use in accordance with paragraph 178 of the National Planning Policy Framework.

16.45 Heritage

Both Core Strategy Policy ENV1 and Development Plan Policy DP14 seek to conserve and enhance Colchester's historic Environment. Development Plan Policy DP14 makes it clear that development will not be permitted that will adversely affect a listed building, conservation area, historic park or garden, or important archaeological remains.

16.46 Whilst there are listed buildings within Great Horkesley, the proposed development is not considered to have any material impact on their setting or special interest given the distance of separation between them and/or intervening development.

16.47 The site is, however, located in an area of high archaeological interest and archaeological remains, recorded as cropmarks by aerial photography, are recorded within, and close to, this site. During the course of the application, an archaeological evaluation was undertaken. The investigation defined scattered extensive archaeological remains across the development site (Oxford Archaeology Report 2363, August 2019). It is concluded that groundworks relating to the application would cause ground disturbance that has potential to damage any archaeological deposits that exist. The impact of the development would not justify a refusal of permission as below ground archaeological deposits could be preserved in situ. A condition is recommended in order to record and advance understanding of the significance of any heritage asset before it is affected by the development.

16.48 Design and Layout

In considering the design and layout of the proposal, Core Strategy policy UR2 and Development Plan policy DP1 are relevant. These policies seek to secure high quality and inclusive design in all developments, respecting and enhancing the characteristics of the site, its context and surroundings.

16.49 As an outline application, details of design and layout would be put forward at reserved matters stage and would be assessed in accordance with relevant planning policy to ensure that the proposals are acceptable. This would include consideration of the character of Great Horkesley Manor itself. There is no further detail required at outline stage as it essentially determines the principle of development rather than the detail.

16.50 The Council's Urban Designer has confirmed that the proposed 80 dwellings can be accommodated on site without compromising policy principles.

16.51 Amenity

Development Plan policy DP1 requires all development to be designed to a high standard that protects existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, and daylight and sunlight.

16.52 The application site lies adjacent or opposite to a number of properties on Nayland Road and Ivy Lodge Lane. At this stage, only illustrative/indicative land use layouts have been submitted. These details show that development can be accommodated without direct impacts on existing development in terms of privacy and outlook. Particular concerns have been raised by residents on Nayland Road and Ivy Lodge Lane regarding overlooking and impact on privacy and security. The illustrative plans submitted indicate that there would not be any housing on the western part of the site alongside Nayland Road so there are no concerns regarding overlooking to these properties. Development is indicated to the northern side of the site to the rear of properties on Ivy Lodge Lane; any housing in

this location would need to respect the privacy and amenity of the residents of these properties and adhere to policy DP1 in terms of impact, as well as the principles of the Essex Design Guide which advised on back to back distances between properties in order to preserve a satisfactory level of amenity. These matters would need to be assessed on the submission of reserved matters which will provide the detailed layout for the scheme.

16.53 Similarly, detailed proposals can address the amenity for future residents of the proposed development, both in terms of overlooking and overshadowing, as well as impacts from the sewage pumping station to the north-east of the site (noting that Environmental Protection have not raised any concerns with regards to this).

17.0 Conclusion and Planning Balance

17.1 National policy requires planning to be genuinely plan-led. The proposal is considered to accord with the emerging Local Plan but is contrary to the adopted Local Plan as the site is outside the settlement boundary of Great Horkesley. The National Planning Policy Framework (the Framework) makes it plain that the purpose of the planning system is to contribute to the achievement of sustainable development and identifies three dimensions to sustainable development: economic, social and environmental. In respect of the first of these, the current proposal would provide economic benefits, for example in respect of employment during the construction phase, as well as support for existing and future businesses, services, and facilities by introducing additional residents that would make use of them and provide future spend in the local economy. The social role of sustainable development is described as supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations and by creating a high-quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being.

17.2 The proposal is considered to meet these objectives as it would contribute towards the number of dwellings required to support growth in Great Horkesley and is located within walking distance of a number of key local services and facilities required for day-to-day living. The improvements to walking and cycling infrastructure would not only benefit the future residents of the development, but also existing and future residents in the village. In respect of the third dimension (environmental), the proposal will provide housing in a sustainable location so that future residents would not be reliant on private car, being able to walk or use public transport to access necessary services and facilities, thereby minimising environmental impacts; ecological enhancements can also be secured as part of the development.

17.3 There is also sufficient evidence to be confident that overall the development would not cause significant harm to the amenity of nearby residents, create noise pollution or have a severe impact upon the highway network. Whilst the proposed development would have an impact on the existing character of the site (i.e. by introducing built development where

there is none currently) through a general suburbanising effect on the wider setting, which weigh against the proposal, the positive economic and social effects, as well as the sustainability of the proposal would weigh in favour of this scheme and could reasonably be judged to outweigh the shortcomings identified given the weight afforded to the supply of new homes in the Framework and the possible design that could be secured as part of any future reserved matters application.

17.4 In conclusion, it is considered that the benefits of the scheme outweigh any adverse impacts identified and the proposal is considered to be acceptable on this basis.

18.0 Recommendation to the Committee

18.1 The Officer recommendation to the Committee is for:

APPROVAL of outline 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, with the Case Officer being given delegated authority to amend conditions as necessary in negotiation with the Agent:

1. Time Limit for Outline Permissions Part 1 of 3
No development shall be commenced until plans and particulars of "the reserved matters" referred to in the below conditions relating to the ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE have been submitted to and agreed, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: The application as submitted does not provide sufficient particulars for consideration of these details.

2. Time Limit for Outline Permissions Part 2 of 3
Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. Time Limit for Outline Permissions Part 3 of 3
The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

4. Approved Drawings

The drawings hereby approved as part of this application are Site Location Plan 1112.L.001.

Reason: For the avoidance of doubt as to the scope of this permission.

5. Reserved Matters

Any subsequent reserved matters proposals shall be in accordance with the following documents hereby approved:

- TPS Arboricultural Constraints Assessment dated 26th January 2019 and TPS Arboricultural Constraints Assessment for Highway Improvement of A134 dated 26th January 2019
- Section 15 of the Eco-Planning UK Ecological Assessment and Faunal Surveys (Ref 011/19)
- Ardent Flood Risk Assessment and Drainage Strategy (Report Ref: 180890-01) and Ardent Flood Risk Assessment Addendum (Report Ref: 180890-04)
- Landscape Strategy as described in section 8 of the James Blake Associated Landscape and Visual Impact Assessment dated January 2019 (Revised July 2019).

Reason: To ensure that the detailed proposals follow the principles that formed the basis on which the application was submitted, considered, and approved by the Local Planning Authority having had regard to the context of the site and surrounding area.

6. Electric Charging Points

The development hereby approved shall be provided with at least 1 No. electric vehicle (EV) charging point per dwelling that has dedicated parking and at a rate of at least 10% provision for unallocated parking spaces. The EV charging points shall be installed prior to the first occupation of their respective dwellings.

Reason: In the interests of sustainability and air quality by encouraging the use of ultra-low emission vehicles.

7. Further information

No development shall commence and no submission of reserved matters shall be submitted until the following have been submitted to and approved in writing by the Local Planning Authority:

- Statement of Design Principles (to include building forms, building lines, and set-backs; public realm; private spaces; and character areas);
- Ecological Design Scheme
- Full Arboricultural Impact Assessment, Arboricultural Method Statement, and Tree Protection Plan

The reserved matters applications shall thereafter be in accordance with the approved details.

Reason: To ensure high standards of urban design and that the development is comprehensively planned in keeping with surrounding context and that there is appropriate mitigation in respect of the natural environment.

8. 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:

- The programme and methodology of site investigation and recording.
- The programme for post investigation assessment.
- Provision to be made for analysis of the site investigation and recording.
- Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- Provision to be made for archive deposition of the analysis and records of the site investigation.
- Nomination of a competent person or persons/organisation to undertake the works.

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

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance Adopted Development Policy DP14 (2010, Revised 2014) and the Colchester Borough Adopted Guidance titled Managing Archaeology in Development (2015).

9. SUDs

No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and certified as technically acceptable in writing by the SUDs approval body or other suitably qualified person(s). The certificate shall thereafter be submitted by the developer to the Local Planning Authority as part of the developer's application to discharge the condition. No development shall commence until the detailed scheme has been approved in writing by the Local Planning Authority. The approved scheme shall subsequently be implemented prior to occupation and should include but not be limited to:

- High level ground investigations in order to prove that infiltration is not a viable option.
- Limiting discharge rates to greenfield rates for all storm events up to an including the 1 in 100 year rate plus 40% allowance for climate change.
- Provision of 10% urban creep in storage calculations

- 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.
- Half drain times- any storage should be half empty after 24 hours wherever possible
- Detailed information should be given to explain how Long Term Storage will be provided and detailed Long Term storage calculations should be included
- Final modelling and calculations for all areas of the drainage system for all events up to and including the 1 in 100 year storm event plus 40% climate change
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason: To ensure that flood risk is not increased elsewhere by development.

10. Scheme to Minimise Offsite Flooding during Construction

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: To ensure that the development does not increase flood risk elsewhere and does not contribute to water pollution as construction may lead to excess water being discharged from the site.

11. SUDs Maintenance and Management

No works shall take place until a Maintenance and Management Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. 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 and to ensure that the SUDs are maintained for the lifetime of the development.

12. Ecology

No works shall take place until an Ecological Enhancement and Mitigation Plan (EEMP) has been submitted to and approved by the Local Planning Authority. The EEMP shall follow the principles set out in the Eco-Planning UK Ecological Assessment Faunal Surveys report reference 011/19 as a minimum. The development shall then be carried out and maintained in accordance with the approved EEMP.
Reason: In order to mitigate the impact of the development upon ecology and biodiversity and in the interest of ecological enhancement.

13. Flood Resistance/Resiliance
No works shall take place until full details of the flood proofing, resilience and resistance techniques to be used in the construction of the residential dwellings hereby approved are submitted to, and approved in writing by, the Local Planning Authority. The approved flood proofing, resilience and resistance techniques shall then be implemented as approved and thereafter retained.
Reason: In the interests of ensuring that the approved development is sufficiently resilient to the effects of flooding.

14. Construction Traffic Management Plan
No works shall take place until a construction traffic management plan, to include but shall not be limited to details of vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway, has been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed plan
Reason: To protect highway efficiency of movement and safety.

15. Used Water Sewerage Network
No works shall take place above damp-proof course level until a scheme for on-site foul water drainage works, including connection point and discharge rate, has been submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.
Reason To prevent environmental and amenity problems arising from flooding.

16. Highway Works
No occupation of the development shall take place until the following has been provided or completed:

a) A proposal site access off the A134 Nayland Road
b) The two bus stops which would best serve the proposal site upgraded to current Essex County Council specification (details shall be agreed with the Local Planning Authority prior to commencement of the development)
c) A footway/cycleway (minimum width 3 metres where possible) along the western side of the A134 Nayland Road between Coach Road and Green Lane
d) New and/or improved crossing facilities for both pedestrians and cyclists along the A134 Nayland Road at and in the vicinity of the proposal site (details shall be agreed with the Local Planning Authority prior to commencement of the development)
e) Residential Travel Information Packs in accordance with Essex County Council guidance

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

17. Flood Evacuation Plan
No occupation of the development shall take place until a Flood Evacuation Plan is submitted to, and approved in writing by, the Local Planning Authority. The Flood Evacuation Plan shall be implemented and/or put in place prior to the occupation of the development hereby approved.

Reason: In the interests of residents' safety in the event of flooding.

19.1 Informatives

19.1 The following informatives are also recommended:

1. 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.

2.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.

3. Anglian Water Informative:

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

The development site is within 15 metres of a sewage pumping station. This asset requires access for maintenance and will have sewerage infrastructure leading to it. For practical reasons therefore it cannot be easily relocated.

Anglian Water consider that dwellings located within 15 metres of the pumping station would place them at risk of nuisance in the form of noise, odour or the general disruption from maintenance work caused by the normal operation of the pumping station.

The site layout should take this into account and accommodate this infrastructure type through a necessary cordon sanitaire, through public space or highway infrastructure to ensure that no development within 15 metres from the boundary of a sewage pumping station if the development is potentially sensitive to noise or other disturbance or to ensure future amenity issues are not created.

4.Public Sewer Informatives:

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

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

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

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

(5) The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

5.Archaeology Informative:

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

http://www.colchester.gov.uk

6.NOTE: Demolition and Construction

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.

7. Secured by Design

Essex Police would like to see this developer seek to achieve a nationally accredited Secured by Design award in respect of this development.

From experience pre-planning consultation is always preferable in order that crime prevention through environmental design is incorporated into the proposed design to ensure that the security and lighting considerations are met for the benefit of the

intended residents and those neighbouring the development, prior to a full planning application.

Essex Police, provide a free, impartial advice service to any applicant who request this service; we are able to support the applicant to achieve the requirements to gain Secured by Design accreditation and would invite the them to contact Essex Police via designingoutcrime@essex.pnn.police.uk

8.Highway Informatives:

- The Highway Authority notes all matters are reserved however the applicant has provided sufficient information to demonstrate an access could be provided to the required highway design standards.
- The above requirements should be imposed by way of negative planning conditions or planning obligation agreements as appropriate.
- In making this recommendation the Highway Authority has treated all planning application drawings relating to the internal layout of the proposal site as illustrative only.
- All residential 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 commencement of the development must provide guaranteed deposits, which will ensure the new street is constructed in accordance with a specification sufficient to ensure future maintenance as highway by the Highway Authority.
- Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works.
- All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible).
- The proposal should be in accordance with the Parking Standards Design and Good Practice Supplementary Planning Document dated September 2009.
- All work within or affecting the highway should be laid out and constructed by prior arrangement with and to the requirements and satisfaction of the Highway Authority, details to be agreed before commencement of the works. An application for the necessary works should be made to development.management@essexhighways.org or SMO1 – Essex Highways, 653, The Crescent, Colchester Business Park, Colchester, CO4 9YQ

9.Landscape Informative:

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

10. Environmental Permit for Flood Risk Activities

The applicant may need an environmental permit for flood risk activities if they want to do work in, under, over or within 8 metres (m) from a fluvial main river and from any flood defence structure or culvert or 16m from a tidal main river and from any flood defence structure or culvert. The St Botolphs Brook, is designated a 'main river'. Application forms and further information can be found at: https://www.gov.uk/guidance/flood-risk-activities-environmental-permits. Anyone carrying out these activities without a permit where one is required, is breaking the law.