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**Item No:** 7.3

**Application:** 232792

**Applicant:** Mr Ross Bain

**Agent:**

**Proposal:** Proposed construction of 3 no 3-bedroom & 3 no 2-bedroom bungalows and 1 no 3-bedroom & 2 no 4-bedroom houses with associated garaging and alterations to access road with pedestrian margin (resubmission of 231402)

**Location:** Land fronting, Gosbecks View, Colchester

**Ward:** Shrub End

**Officer:** John Miles

**Recommendation:** Approval, subject to conditions and the prior completion of the necessary Unilateral Undertaking

## **1.0 Reason for Referral to the Planning Committee**

1.1 This application is referred to the Planning Committee because it is a resubmission of application 231402 which had been called in by Cllr. Sam McCarthy for the following reason:

*Gosbecks View is a narrow country road that simply cannot cope with more cars utilising the road, let alone pedestrians and cyclists. There's no pathways planned. This causes serious safety concerns for current and potential new residents. Refuse collection is already difficult, with a refuse vehicle causing damage in the past.*

An objection on application 231402 was also received from Cllr. Dave Harris:

*I have been contacted by residents of the area who are concerned over the access lane being used for these extra dwellings*

*The worry which is real is the new houses will reverse onto what is a well used pedestrian walk route*

*Also the lay byes passing places it is thought will be used for visitor parking and thus the road will no longer have users able to pass safely*

*Highways is a county council issue and as County Councillor my duty is to heed the comments and concerns that the existing householders have expressed*

*I have seen the site and see no other way than to create an access off the main road nearby.*

More information on the current status of application 231402 can be found at Section 6.0 of this report.

## **2.0 Synopsis**

2.1 The key issues for consideration are the design of the proposed development, impacts on the surrounding area, including the landscape and setting of heritage assets, and highway safety.

2.2 The scheme, as submitted, is considered to represent sustainable development. It is considered that the proposal relates satisfactorily to the existing landscape setting and respects the setting of heritage assets. The proposals are also considered to provide sufficient parking facilities and subject to the imposition of the conditions requested by the Highway Authority the proposal is considered acceptable from a highway safety and capacity perspective. The development is also held to achieve an appropriate quality of design and is otherwise acceptable with regard to wider material planning considerations.

2.3 The application is subsequently recommended for approval.

## **3.0 Site Description and Context**

3.1 The site is approximately 0.45ha in size. Access to the site is proposed via Gosbecks View. To the north is existing residential development and beyond the south of the site is the recently completed Gosbecks Road Bloor Homes development. The land directly beyond the site's eastern boundary forms part

of a Schedule Monument known as 'Gosbecks Iron Age and Romano-British site' (LEN 1002180). The wider context comprises a mix of residential and commercial land uses.

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

4.1 The application seeks planning permission for 3 x 3-bedroom and 3 x 2-bedroom bungalows, 1 x 3-bedroom and 2 x 4-bedroom houses, associated garaging and alterations to the existing access road including a new pedestrian margin.

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

5.1 The site is current grassland and forms part of the Land at Gosbecks Phase 2 allocation, under Policy SC1 of the Section 2 Adopted Local Plan 2017-2033. Under this policy the application site and the wider allocation (which includes the aforementioned Bloor Homes development off Gosbecks Road) is allocated for up to 150 new dwellings.

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

6.1 There is relevant planning history in the form of application 231402. This application was considered by the Committee on 9<sup>th</sup> November 2023. At this meeting the application was deferred for future consideration by Committee. Delegation was given to the Head of Planning to seek revisions to the scheme in the interests of the safety of pedestrians and road users, including the lighting of Gosbecks View, widening of the road and the provision of a footway. It was also requested that the possibility for access to the site directly from Cunobelin Way was reviewed in consultation with the Highway Authority.

Officers subsequently re-opened discussions with the applicant, however on 23<sup>rd</sup> November 2023 notice was received by the Council that the applicant had lodged an appeal on the grounds of non-determination. The appeal relating to application 231402 is currently being processed by the Planning Inspectorate.

The current new application has been submitted concurrently to the appeal. The main contents of the proposal remain largely in accord with the details previously considered however the new application does also include a third proposed passing bay, a new 1.2 metre pedestrian margin along the southern side of Gosbecks View and an additional visitor parking space, as shown on the submitted proposed site layout.

#### **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 Local Plan 2017-2033 Section 1**

The shared Section 1 of the Colchester Local Plan covers strategic matters with cross-boundary impacts in North Essex. This includes a strategic vision

and policy for Colchester. The Section 1 Local Plan was adopted on 1 February 2021. The following policies are considered to be relevant in this case:

- SP1 Presumption in Favour of Sustainable Development
- SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
- SP3 Spatial Strategy for North Essex
- SP4 Meeting Housing Needs
- SP6 Infrastructure & Connectivity
- SP7 Place Shaping Principles

### 7.3 Local Plan 2017-2033 Section 2

Section 2 of the Colchester Local Plan was adopted in July 2022. The following policies are of relevance to the determination of the current application:

- SG1 Colchester's Spatial Strategy
- SG2 Housing Delivery
- SG7 Infrastructure Delivery and Impact Mitigation
- ENV1 Environment
- ENV3 Green Infrastructure
- ENV5 Pollution and Contaminated Land
- CC1 Climate Change
- PP1 Generic Infrastructure and Mitigation Requirements
- DM2 Community Facilities
- DM9 Development Density
- DM10 Housing Diversity
- DM12 Housing Standards
- DM15 Design and Amenity
- DM16 Historic Environment
- DM19 Private Amenity Space
- DM20 Promoting Sustainable Transport and Changing Travel Behaviour
- DM21 Sustainable Access to development
- DM22 Parking
- DM23 Flood Risk and Water Management
- DM24 Sustainable Urban Drainage Systems
- DM25 Renewable Energy, Water Waste and Recycling

7.4 Some "allocated sites" also have specific policies applicable to them. The adopted local plan policies set out below are of direct relevance to the decision making process:

#### SC1 South Colchester Allocations

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

The Essex Design Guide  
Biodiversity  
External Materials in New Developments  
EPOA Vehicle Parking Standards

Community Facilities  
Open Space, Sport and Recreation  
Managing Archaeology in Development.

## **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.

Arboricultural Officer:

*Regarding the proposed development and AIA provided:*

*I am in agreement with the tree report and tree survey provided.*

*The report demonstrates that the important trees on this site will be retained and protected through the development process.*

*In conclusion, I am satisfied with the arboricultural content of the proposal  
Make the tree report an approved document (including plans).*

Archaeological Advisor: No objection - detailed comments included in the main body of the report.

Contaminated Land Officer: No objection, subject a condition covering the reporting of unexpected contamination.

Environmental Protection: No objection. Conditions recommended covering a construction management plan (including limits to hours of work) and post development noise levels (internal and external).

Essex County Fire & Rescue Service:

*Access for Fire Service purposes has been considered in accordance with the Essex Act 1987 - Section 13.*

*Access for fire service is considered satisfactory subject to fire service access for firefighting purposes to the proposed development being fully compliant with Building Regulations Approved Document B Volume 1, B5. Your attention is drawn to ADB Volume 1, B5 Section*

*When referring to Table 13.1. Essex Fire Service appliance details:*

*More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.*

### **Building Regulations**

*It is the responsibility of anyone carrying out building work to comply with the relevant requirements of the Building Regulations. Applicants can decide whether to apply to the Local Authority for Building Control or to appoint an Approved Inspector.*

*Local Authority Building Control will consult with the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority (hereafter called "the Authority") in accordance with "Building Regulations and Fire Safety - Procedural Guidance".*

*Approved Inspectors will consult with the Authority in accordance with Regulation 12 of the Building (Approved Inspectors etc.) Regulations 2010 (as amended).*

### **Water Supplies**

*The architect or applicant is reminded that additional water supplies for firefighting may be necessary for this development. The architect or applicant is urged to contact Water Section at Service Headquarters, 01376 576000.*

### **Sprinkler Systems**

*“There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy.*

*Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk-based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met.”*

Essex Place Services Ecology: No objection subject to conditions.

Officer comment: The suggested conditions are discussed in more detail in the main body of the report.

### Highway Authority:

*Having reviewed the submitted documents in relation to the above planning application, it would appear that in Highway Terms the proposals are similar to those previously submitted under application number 231402, with the addition of a pedestrian margin along Gosbecks View from its junction with Gosbecks Road to the site. The provision of this facility is considered beneficial for all users of the public highway by way of improved width and visibility in order that pedestrians, cyclists and drivers are able to safely manoeuvre simultaneously along the route.*

*From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the conditions.*

Officer comments: The full consultation response can be viewed on the Council's website including the nine conditions recommended by the Highway Authority.

Historic England: No objection - more detailed comments included in the main body of the report.

Landscape Advisor (comments provided in respect of application 231402):  
*Regarding the landscape content/aspect of the strategic proposals submitted principally under drawing(s) 736/1.C lodged on 10/10/2023 and the Landscape & Visual Impact Assessment (LVIA) dated September 2023 lodged 25/09/2023:*

*In support and addition to the policy/policies and guidance detailed in 3.1 below, the following point(s) should be taken into consideration. This to avoid potential harm to the existing and future character/amenity of the site and its environs that might occur through agreement of the currently proposed scheme, as it is considered it may not adequately conserve/enhance/restore the landscape of the site for the betterment of its wider setting:*

*To help meet national/local policies/guidelines, from a landscape perspective any revised proposal should:*

*The new frontage hedge onto Gosbecks Lane and the SAM should be proposed as single species native *Crataegus monogyna* hedging (rather than mixed hedging) with numerous locally compatible native trees proposed along and within (rather than behind) the frontage hedges, this so as to replicate the characteristic 'enclosed atmosphere' of the Lane and help protect the SAMs landscape and visual integrity and setting in the long-term, whilst allowing for traditional unit hedge enclosure. This could be conditioned.*

*Given the national importance of the adjacent/abutting SAM, any proposed units should seek to face onto and be set well back from the monument. Units 8 & 9 appear to run contrary to this, however, given the constrained nature of the site, reorientating these units to face onto and be set well back from the SAM would be the preferred option from a landscape perspective, as, when considering the importance in landscape terms of the SAM and Gosbecks Lane, it is the nationally important SAM that is the more valued/important element within the landscape.*

*Publicly visible hard rear garden boundary enclosure should be in brick wall rather than fenced, see clause 6.4 of LIS/A.*

Officer comments: The requested amendments to the proposed boundary treatments and form of the proposed planting have been agreed in principle by the applicant and can be controlled by condition. The position and orientation of the proposed dwellings has been carefully considered and Historic England have confirmed that under the plans as revised they have no objection to the spatial relationship between proposed built form and the Schedule Monument, nor do they have an objection to the impact of the development on the Scheduled Monument more widely.

North Essex Parking Partnership: No comment.

Planning Policy: No objection.

## **9.0 Parish Council Response**

9.1 The site is non-parished.

## **10.0 Representations from Notified Parties**

10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. Objections have been received from 11 interested third parties. One general comment was also received.

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 raised are given below.

- Insufficient infrastructure
- Increased traffic
- Gosbecks View is not capable of accommodating additional vehicle movements
- Highway safety issues
- Gosbecks View is used by pedestrians and cyclists
- Alternative land uses would be more appropriate
- Loss of trees and shrubs
- Impact on wildlife
- Insufficient parking
- Emergency access
- Potential flooding

In the interests of transparency it is noted that objections were received from 19 interested parties in respect of application 231402, prior to the appeal being lodged. The full text of all of the representations received on the previous application are again available to view on the relevant page of the Council's website, in so far as they remain relevant to the current proposals.

## **11.0 Parking Provision**

11.1 Each dwelling is served by a minimum of 2 on plot parking spaces. When policy compliant garaging is included a majority of dwellings are served by 3 off-road parking spaces. An unallocated visitor parking space is also proposed to the centre of the site.

## **12.0 Accessibility**

12.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. In considering the application due regard has been given to the Local Planning Authority's duties under the Equality Act 2010. Taken as a whole, the proposed development does not raise any concerns from an accessibility or equality perspective. It is also noted that the proposed development includes the provision of 6 bungalows, with level accommodation across a single floor, providing accommodation that is expected to be more versatile for those with restricted mobility.

## **13.0 Air Quality**

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



## 14.0 Planning Obligations

14.1 This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team. Under the provisions of the adopted Local Plan, the Council does however collect contributions for community and sport/recreation projects to mitigate the impact arising from small scale housing development, which includes this case. A Unilateral Undertaking (UU) will be required to facilitate payment in accordance with the schedule of payments derived from the adopted SPD and draft unilateral undertaking. The following contributions have been calculated as being due:

**Sport and Recreation:** £56,235.32

**Community Facilities:** £24,618.28

Under the provisions of the Unilateral Undertaking a majority of the contributions secured are required to be used towards the provisions and/or improvement and/or maintenance of Community and Sport and Recreation facilities which are in the vicinity of the application site. In the case of Sport and Recreation facilities no more than 35% of the contribution will be used for City projects, with the remainder to go specifically towards local facilities, in accordance with adopted procedures. The contributions identified are considered to meet the relevant tests for planning obligations, as well as being consistent with the approach identified in the Council’s adopted SPDs.

It is also proposed that the relevant RAMS contribution be secured through the Unilateral Undertaking. This is discussed in the main body of the report.

Delegated authority is sought for officers to oversee the completion of the Unilateral Undertaking.

## 15.0 Report

### Principle

15.1 The National Planning Policy Framework (NPPF) sets out the Government’s planning policies for England and how they should be applied, it affirms that the determination of applications should be in accordance with Development Plans, including spatial development strategies.

15.2 In terms of the principle of development, Section 1 Policy SP3 and Section 2 Policy SG1 state existing settlements will be the principal focus for additional growth across the North Essex Authorities area within the Local Plan period and development will be accommodated within or adjoining settlements according to their scale, sustainability and existing role both within each individual district and, where relevant, across the wider strategic area. Policy SG1 places a focus on Colchester for new sustainable growth. The spatial hierarchy ranks areas of Colchester in order of their sustainability merits and the size, function and services provided in each area.

- 15.3 Development will be focused on accessible locations to reduce the need to travel. Development will be supported where a real travel choice is provided and sustainable travel for different purposes is promoted throughout the day.
- 15.4 The application site is within the settlement boundary for Colchester, in a sustainable location, and notably forms part of the SC1 Land at Gosbecks Phase 2 site allocation which covers the provisions of up “Up to 150 new dwellings of a mix and type of housing to be compatible with the surrounding development.”

*Policy SC1: South Colchester Allocation*

*Allocations as shown on the policies map will be safeguarded for residential uses. In addition to the requirements in Policy PP1, proposals will be required to satisfy the Local Planning Authority with regard to the site-specific requirements as identified below.*

*Land at Gosbecks Phase 2 Development of this site will be supported where it provides: (i) Up to 150 new dwellings of a mix and type of housing to be compatible with the surrounding development; (ii) New bus stop provision to service the site and improve sustainable transport links to Colchester Town Centre; (iii) New public art and improvements to the public realm; and (iv) A contribution to Gosbecks Archaeological Park.*

- 15.5 A majority of the allocation has already been brought forward under application 190522, which granted permission for 144 dwellings on the land to the south of Cunobelin Way. This permission has been implemented by Bloor Homes.
- 15.6 While it is recognised the proposed development would take the total consented dwellings across the wider allocation to 153 dwellings – marginally more than the 150 dwellings referenced in Policy SC1 - subject to the proposal being acceptable with regards to wider material planning considerations it is not considered this undermines the principle of the development proposed.
- 15.7 In this regard it is also important to note that Planning Policy have been consulted as part of the application process and have confirmed they have no objections from a policy perspective, including in respect of the provisions of Policy SC1.

Design and Layout

- 15.8 The National Planning Policy Framework (2023) sets out the Government's planning policies for England and how these are expected to be applied. The framework sets out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, going on to state that 'good design is a key aspect of sustainable development'. The framework also states that

'development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design'.

- 15.9 Government guidance on design is provided by the National Design Guide and National Model Design Code, both of which form part of the government's Planning Practice Guidance. The National Design Guide seeks to deliver places that are beautiful, enduring and successful by setting out the characteristics of well-designed places and outlining what good design means in practice. Whilst the National Model Design Code sets out clear design parameters to help establish what good quality design looks like and provides a common overarching framework for design. These documents are intended to help create beautiful and distinctive places, with a consistent and high-quality standard of design.
- 15.10 At a local level these policies are carried through to Section 1 Local Plan Policy SP7, which seek to ensure development responds positively to local character and context to preserve and enhance the quality of existing places and their environs. These policies are supported by more detailed guidance provided by supplementary planning documents such as the Essex Design Guide.
- 15.11 Section 2 of the Colchester Borough Local Plan 2013-2033 Policy DM15 is also of particular relevance with regard to setting design standards and amongst other requirements seeks to ensure proposed developments respect and enhance the character of the site, its context and surroundings in terms of its layout, architectural approach, height, scale, form, massing, density, proportions, materials, townscape and/or landscape qualities, and detailed design features.
- 15.12 The scheme's layout has evolved since first submitted under application 231402 to ensure the dwellings achieve a meaningful relationship with Gosbecks View, Cunobelin Way and the Scheduled Monument beyond the site's eastern boundary.
- 15.13 A new frontage hedgerow along Gosbecks View and to the Scheduled Monument are also proposed, in addition to estate rail fencing and brick walls to the site's other publicly visible and visually sensitive boundaries. These matters are discussed further in the sections below.
- 15.14 In terms of scale there are a mix of bungalows and two storey dwellings proposed. The proposed buildings are relatively traditional in form and adopt a number of design features reflective of the traditional Essex vernacular. Revisions have been secured since the original submissions under application 231402 which are considered to improve the detailed design of the dwellings and ensure that there is sufficient variation between the dwellings to avoid an overly homogeneous built environment. In addition to this it is considered there are sufficient detailed designed features to the dwellings to ensure there is a good degree of visual interest, and such features are of a consistent character, to aid site identity.

- 15.15 Welcomed detailed design features include sliding sash windows, decorative and feature brickwork, stone heads and cills, bay windows, pentice boards and brick plinths. Proposed materials include facing brick, slate, pantiles and render. The proposed detailed design of the dwellings and their proposed materiality draws cues from the existing development beyond the north of the site and the more recent development on the Bloor Homes site to the south-east.
- 15.16 While the detailed design of the dwellings has been improved and the dwellings are generally considered to achieve a good quality of design, it is considered there is scope and justification for the detailed design of Plot 7 and 9 to be further enhanced. Recommended Condition 4 (architectural details) is therefore worded in such a manner to secure additional detailing to the aforementioned dwellings in the form of exposed rafter feet to Plot 7 and additional brickwork detailing to Plot 9. It is also recommended that the external finish of Plot 8 is amended to render, to provide improved consistency of external finishes, with only Plot 5 currently specified to be rendered.
- 15.17 These amendments and exact details on the design features and materials to be used are recommended to be controlled by condition for precision, and to ensure that these important aspects of the scheme are taken forward in an appropriate manner and with an appropriate quality of finish.
- 15.18 Taken as a whole, the proposed development is considered to achieve an acceptable and policy compliant standard of design, subject to appropriate conditions.

#### Impact on Heritage Assets

- 15.19 Local Plan Policies ENV1 and DM16 seek to conserve and enhance Colchester's historic environment. In line with the NPPF, development that will lead to substantial harm to or total loss of significance of a listed building, conservation area, historic park or garden or important archaeological remains (including the setting of heritage assets) will only be permitted in exceptional circumstances where the harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss. Where development will lead to less than substantial harm this harm should be weighed against the public benefits of the proposal. In addition, Policy DM16 requires development proposals to be supported by archaeological evaluation, with a mitigation strategy as necessary.
- 15.20 The main heritage interest of the application is the impact on the land directly beyond the site's eastern boundary which forms part of a Scheduled Monument known as 'Gosbecks Iron Age and Romano-British site' (LEN 1002180).
- 15.21 When application 231402 was first submitted concerns were raised by Historic England that the application contained insufficient information to consider potential impacts on the historic environment. On the basis of the information available, while they had no objection to development per se on

the application site, concerns were raised that the development as originally proposed under the previous application could result in unacceptable and unmitigated harm to the significance of the Monument through the development proposed in its setting.

- 15.22 Over the course of the previous application additional heritage investigation work was undertaken including a Heritage Impact Assessment. Revisions were also made to the layout and landscaping of the development, taking into account advice received from Historic England. As proposed under this current application the proposed dwellings to the east of the site have been orientated to establish a meaningful frontage towards the Scheduled Monument, to recognise and reflect the importance of the Monument and also assist in the interpretation and delineation of the line of the Roman road (Stane Street from St Albans to Colchester), which historically traversed the Schedule Monument site (north-east to south-west).
- 15.23 An interpretation panel is also proposed (exact details to controlled by condition) to provide public benefits in terms of improved opportunities for the public to interpret and appreciate the Scheduled Monument and its significance.
- 15.24 Historic England have confirmed they have no objection to the current scheme (full comments available to view on file), commenting as follows:

***Impact***

*Our most recent view, set out in our letter of 16th October in response to application ref 231402, has been that the development will no longer have a harmful impact upon the significance of the scheduled monument following changes were made to the design and layout in order to mitigate impact.*

***Policy***

*In policy terms the National Planning Policy Framework sets out the desirability of sustaining and enhancing the significance of heritage assets, paragraph 199. It continues that great weight should be given to their conservation and that any harm requires clear and convincing justification, paragraphs 199 and 200. Where a proposal will lead to less than substantial harm, this should be weighed against the public benefits of the proposal, paragraph 202 and 203.*

***Position***

*The currently proposed changes do not substantially affect our position on the withdrawal of our objection as set out in October. We continue to draw your attention to the letter provided by the applicant (Ref: Stamfords dated 10th October) which details design and layout changes and sets out proposals for an interpretation panel.*

*Broadly speaking we appreciate the revisions that have been made and consider that they, with the addition of the interpretation, which should be secured by a suitable planning condition on any consent, would be enough*

to mitigate the harm. We defer on matters of further archaeological fieldwork, design and materials to your specialist advisers.

**Recommendation**

*Historic England does not object to the application on heritage grounds. We consider that the revisions made to the application continue to be enough to meet the requirements of the NPPF at paragraph numbers 199, 200 and 201.*

*Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.*

- 15.25 In terms of on-site archaeology the application is supported by an Archaeological Evaluation, prepared by the Colchester Archaeological Trust. The Council's consultant Archaeological Advisor has reviewed the material submitted and has provided the following comments:

*Despite the close proximity of this site to the route of the former Roman road from Colchester to Gosbecks and to the Gosbecks Iron Age and Roman-British scheduled area, the submitted geophysical survey, archaeological trail-trench evaluation and heritage impact assessment indicate that during the Roman period this particular parcel of land was not as busy as the nearby archaeological landscapes would suggest. The excavated features, many of which were tree throws, were all sterile and largely uneven in their compositions both in profile and in plan, suggesting that they were more likely to be part of the land clearance of trees and scrubland in preparation for farming practices in antiquity. The geophysical surveys from 2015 (ArchaeoPhysica Ltd) and 2023 (Magnitude Survey) both showed readings across the development area which the evaluation trenches attempted to resolve. The 2023 geophysical survey identified a buried surface which has since been revealed to be the compacted modern compound material, while the 2015 geophysical survey showed a linear-shaped response on an almost north-south alignment through the eastern end of the development area, which was not identified during the evaluation.*

*On this basis, it is apparent that the proposed development will not result in material harm to the significance of below-ground archaeological remains. Therefore, there will be no requirement for an archaeological mitigation condition to be applied to any consent granted.*

- 15.26 In conclusion the proposal is considered acceptable with regards to any impacts to heritage assets, including the adjacent Scheduled Monument and below ground archaeological assets, subject to appropriate conditions.

Landscape and Trees

- 15.27 Paragraph 130 of the National Planning Policy Framework [NPPF] requires planning decisions to ensure development is sympathetic to local character, including landscape setting. Policy ENV1 of the Section 2 Local Plan states

that the Council will conserve and enhance Colchester's natural environment. Policy SP7 requires development to respond positively to local character and protect and enhance assets of natural value, while Policy DM15 requires development to positively integrate with landscape assets.

- 15.28 The application is supported by a detailed Arboricultural Impact Assessment and Tree Protection Plan and Landscape Visual Impact Assessment.
- 15.29 The proposed development looks to retain a majority of the existing trees on site, including the veteran Oak Tree to the site's northern boundary. Where existing trees are proposed to be removed, they have been assessed as being of a low quality and it is considered the proposed new tree planting on site will more than compensate the removal of any existing natural features. The Arboricultural Officer has confirmed he is in agreement with the arboricultural content of the proposal.
- 15.30 It is understood that the existing vegetation to the site's northern boundary is *Rubus fruticosus* (invasive blackberry brambles) which appear to have suffocated the hedgerow which previously lined this section of Gosbecks View. The proposal includes the removal of the existing brambles and the planting of a new native hedgerow, supportive of the overall aim from a landscape perspective of ensuring Gosbecks View retains a verdant and rural feel.
- 15.31 Other boundaries are proposed to be finished in a mix of hard and soft boundary treatments. To the eastern boundary, further hedgerow and tree planting is proposed, in addition to low level estate rail fencing. While the proposed timber fencing currently shown on the submitted plans to part of the site's southern and western boundary is considered unacceptable in visual amenity terms, the applicant has agreed to the boundary treatments to these areas to be revised to a brick wall set behind a new hedgerow, as requested by the Landscape Advisor. These revised landscape details and the implementation and management of an appropriate scheme of hard and soft landscaping can be controlled by condition.
- 16.32 Overall, the proposal is considered to either provide appropriate landscaping in terms of the details submitted or, where required, amendments can be secured by way of condition, to ensure any final detailed scheme successfully integrates with the surrounding landscape and achieves a high-quality public realm.

#### Highway Safety and Parking Provisions

- 16.33 Paragraph 115 of the National Planning Policy Framework [NPPF] (2023) provides that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 15.34 Section 2 Local Plan Policy DM22 relates to parking standards in association with the Vehicle Parking Standards SPD. Section 2 Local Plan

Policy DM21 requires development to create safe, secure, convenient and attractive layouts.

- 15.35 It is noted that a majority of the objections received are in relation to the proposed vehicular access to the development along Gosbecks View. Concerns are understood to relate mainly to the width of the existing road, anticipated increase in vehicle numbers and at present the absence of a formal footway. These views are fully acknowledged and appreciated by Officers, with careful consideration having been given to these matters.
- 15.36 In terms of access provisions, following the consideration of application 231402 further enquiries have been made with ECC Highways on the possibility of access via Cunobelin Way. A detailed response on this matter has been provided by Matthew Tiller, Strategic Development Officer at ECC Highways:

*Below is an extract from the SDM Policy document for ease of reference and where all vehicular access is assessed against.*

***Policy DM1 General Policy***

*The Highway Authority will protect the highway network for the safe and efficient movement of people and goods by all modes of travel by ensuring that:*

- i. all proposals are assessed and determined in relation to the Development Management Route Hierarchy Policies (Policies DM2 – DM5);*
- ii. where vehicular access is accepted in principle; the number of access points will be kept to a minimum on roads designated within the Development Management Route Hierarchy;*
- iii. where access is accepted in principle; new access points will be designed and constructed in accordance with the current standards;*
- iv. where existing access is to be used, substandard accesses will be improved and/or upgraded in accordance with the current standards for the category of road;*
- v. all proposals are assessed and determined against current standards for the category of road having regard to the capacity, safety and geometry of the highway network;*
- vi. all proposals have safe and convenient access for sustainable transport modes commensurate to its location;*
- vii. proposals will not create a significant potential risk or be detrimental to the safety of the highway network.*

*Cunobelin Way is classified as a Secondary Distributor road which its function is defined as being “The carrying of traffic safely and efficiently between substantial rural populations and on through routes in built up areas”*



**Policy DM3 Secondary Distributors Between Defined Settlement Areas:**

*The Highway Authority will protect the function of Secondary Distributors between defined settlement areas by:*

- i. prohibiting direct access;*
- ii. prohibiting intensification of use of an existing access;*
- iii. requiring improvements to existing substandard accesses.*

*Exceptions may be made where access is required to developments of overriding public, environmental, national and/or regional need.*

**Within Defined Settlement Areas:**

***The Highway Authority will protect the function of Secondary Distributors within defined settlement areas by:***

- iv. ensuring that where there are overriding safety concerns and where access is available to a lower category of road in the Development Management Route Hierarchy this is used;***
- v. ensuring that new access points will be designed and constructed in accordance with the current standards;***
- vi. requiring improvements to existing substandard accesses.***

*Point iv. above instructs that where access is available to a lower category of road in the Development Management Route Hierarchy this is used, Gosbecks View clearly meets that requirement.*

*I also raise concerns that even if a satisfactorily designed access could be used providing access from Cunobelin Way the impact on the free flow of traffic from the roundabout would likely be unacceptable as the tendency is to accelerate away from roundabouts and drive to the Posted Speed Limit (PSL) a new connection to Cunobelin Way is likely to generate congestion on or around the roundabout and at the connection to each arm of that roundabout. It may also lead to confusing and unexpected slowing, braking and signalling on a significant traffic distributor. This would likely apply to a left in or filter lane arrangement.*

*Any new access to the proposed development site from Cunobelin Way would also remove the existing connecting footways and layby and may also interfere with the existing street lighting plan which the Highway Authority will resist.*

*Any proposal would require a Stage 1 Road Safety Audit together with the Designers responses to all points raised by the Audit including any mitigation measure identified within the audit, in my experience it would be unlikely to receive a satisfactory report in this location. Furthermore, the*

*new access regardless of design would be considered unnecessary and an over engineered solution to a perceived problem for a very modest development.*

*In summary, The Highway Authority would not support the proposal for a new vehicular connection to the modest development of up to 9 dwellings currently proposed off Gosbecks View from Cunobelin Way for the reasons discussed above, there being no benefit to highway users and being contrary to the SDM Access policies.*

15.37 In light of the firm position from the Highway Authority that access would not be supported from Cunobelin Way for the reasons outlined, the acceptability of the scheme must be considered on the basis of the access arrangement proposed, namely with vehicular access via Gosbecks View.

15.38 In this regard it is important to note that following the consideration of application 231402 changes have been made to the form of the proposed access provisions. The scheme now includes the provision of three new vehicle passing bays along Gosbecks View - one more than previously proposed under application 231402.

15.39 In response to the concerns previously raised the current application also includes a new pedestrian footway at 1.2 metres in width along the southern side of Gosbecks View, to link to the footway on Gosbecks Road. The provision of this footway can be secured by condition and in this respect the proposed development is anticipated to provide a degree of betterment in highway safety terms, in providing a formal footway along Gosbecks View, where one does not currently exist. In their comments Essex County Council Highways also explicitly raise the perceived benefits of the new pedestrian margin, commenting as follows:

*Having reviewed the submitted documents in relation to the above planning application, it would appear that in Highway Terms the proposals are similar to those previously submitted under application number 231402, with the addition of a pedestrian margin along Gosbecks View from its junction with Gosbecks Road to the site. The provision of this facility is considered beneficial for all users of the public highway by way of improved width and visibility in order that pedestrians, cyclists and drivers are able to safely manoeuvre simultaneously along the route.*

15.40 In addition to this, under the conditions recommended by the Highway Authority the developer will also be required to provide a new informal pedestrian crossing (pram crossing) to the bellmouth where Gosbecks View meets Gosbecks Road to current patterns and standards.

15.41 Officers consider that the proposed solution, when taken as a whole, provides an effective solution to ensure there are suitable provisions for highway users, including pedestrians, while also being mindful of the need to ensure that important natural features along Gosbecks View can be retained and Gosbecks View retains its current verdant and rural feel.

- 15.42 In addition to the above, taking into account the relatively modest number of dwellings proposed, while the development is anticipated to increase vehicle movements along Gosbecks View, it is not anticipated the proposal will fundamentally alter the character or nature of vehicle movements along the road, which is anticipated to remain lightly trafficked. Furthermore, while the relatively modest dimensions of the highway along Gosbecks View has been raised as an area of concern in representations received, on the other hand the existing characteristics of the road are such that it is not considered the road is conducive to vehicles travelling at high speeds.
- 15.43 As previously noted, Essex County Council Highways have been consulted on the acceptability of the proposed development, including in respect of issues of highway safety. Essex County Council Highways have confirmed that, in their role as statutory consultees, they consider from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to recommended conditions.
- 15.44 Taking into account the anticipated levels of vehicle movements, low traffic speeds and the mitigation/highway improvements proposed, with due regard to the consultation response received from Essex County Council Highway Authority in their role as statutory consultees, the proposed development is considered acceptable from an access and highway safety perspective.
- 15.45 In terms of vehicle parking the EPOA Parking Standards sets general parking standards, including for residential uses. In terms of residential development EPOA parking standards set a standard of 1 car parking space per 1 bedroom dwelling and 2 parking spaces per dwelling with 2 bedrooms and above.
- 15.46 A minimum of 2 off-road parking spaces are provided per dwelling. Including policy compliant garaging a majority of dwellings are served by 3 off-road parking spaces.
- 15.47 While three dwellings do not benefit from a third parking space on site (to serve as visitor parking), the application proposes a centrally located visitor parking space which is considered sufficient to serve the aforementioned dwellings which are without on-plot visitor parking. EPOA parking standards requires 0.25 visitor parking spaces per dwelling (unallocated) (rounded up to nearest whole number) and with one unallocated visitor parking space proposed to serve the three dwellings without onsite visitor parking, the parking provisions proposed are held to be in accord with these standards.
- 15.48 When taken as a whole, subject to a condition requiring the proposed garaging to be retained for vehicle parking the proposed parking provisions are considered adequate to serve both residents and visitors and are held to be in compliance with adopted standards.

- 15.49 The provision of suitable cycle parking facilities for each dwelling can be ensured through the imposition of the cycle parking condition recommended by the Highway Authority.
- 15.50 Taken as a whole Officers are of the view that the proposed development is acceptable from a parking, highway safety and highway capacity perspective for the reasons outlined above.

#### Impacts on Neighbouring Properties

- 16.51 Paragraph 135 of the NPPF (2023) requires, amongst other things, planning decisions to ensure development promotes health and well-being and provides a high standard of amenity for existing and future users. Section 2 Local Plan Policies DM12 and DM15 also require all development to protect the amenity of existing and future residents, including with regards to loss of light, overbearing impacts and overlooking.
- 15.52 In terms on neighbouring amenity, the nearest neighbouring properties are the dwellings beyond the north of the site. Taking into account the position, scale and orientation of proposed built form the proposed development would not result in material harm to neighbouring amenity through a loss of light, outlook, or through affording unsatisfactory angles of overlooking, with due regards to the relevant tests for assessing these issues, as set out in the Essex Design Guide SPD.
- 15.53 The vehicle movements associated with the development proposed are also not expected to result in material harm to neighbouring amenity as a result of increased noise, vibrations and/or disturbance.
- 15.54 As recommended by Environmental Protection, a condition is proposed covering the provision of an appropriate Construction Method Statement covering matters such as the hours of construction deliveries and work, and measures to control noise, vibration and dust during the construction phase. Subject to the imposition of such a condition, it is considered it can be ensured that the construction phase of the development takes place in a suitable manner, in the interests of the amenities of existing residents.

#### Occupier Amenity

- 15.55 Paragraph 135 of the NPPF (2023) requires, amongst other things, planning decisions to ensure development promotes health and well-being and provides a high standard of amenity for existing and future users. Section 2 Policy DM12 states residential development will be supported where high standards of design, construction and layout are promoted, and sets general amenity standards for new dwellings, while Policy DM19 sets specific private amenity space standards. Policy DM15 also set further residential amenity requirements.
- 15.56 All the proposed dwellings have internal floor areas that meet or are in excess of Nationally Described Space Standards and it is considered all dwellings will be afforded acceptable levels of light and outlook to all

habitable rooms. A condition can also be imposed to ensure that appropriate sound insulation and passive ventilation measures are included to the properties (where found to be required) to ensure appropriate internal noise levels are achieved, in accordance with recognised standards.

- 15.57 Taking into account the size, orientation and shape of the amenity spaces proposed it considered that the scheme delivers private amenity space provisions of an acceptable quality, and which are afforded an acceptable degree of privacy.

#### Ecology and Biodiversity Net Gain

- 15.58 Section 40 of the Natural Environment and rural Communities Act 2006 [NERC] 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. Paragraph 180 of the NPPF specifically, states development should contribute to and enhance the natural and local environment and minimise impacts on biodiversity, with appropriate ecological surveys required when there is reason to suspect the presence of protected species.
- 15.59 Policy ENV1 seeks to conserve or enhance biodiversity of the City and sets a requirement for development to achieve a 10% Biodiversity Net Gain [BNG], where appropriate and that development proposals that have adverse effects on the integrity of habitats sites will not be supported.
- 15.60 A Preliminary Ecology appraisal has been submitted in support of the application. This document concludes that with the mitigation outlined there will be no unacceptable impacts to existing ecology, including protected species. Essex Place Services have reviewed the information submitted and confirmed they are satisfied that there is sufficient ecological information available for determination of this application and that the information submitted provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable in these regards.
- 15.61 Compliance with the recommendations of the submitted ecological appraisal and the implementation of a biodiversity enhancement strategy can be controlled by the conditions recommended by Essex Place Services, as can the use of a wildlife sensitive lighting design scheme.
- 15.62 While it is understood that in this instance it has not been possible to demonstrate measurable biodiversity net gain of at least 10% on site at this stage, it is proposed by the applicant that biodiversity net gain is achieved through a combination of on and off-site provisions. While there is a presumption that measurable net gain in biodiversity is made onsite wherever possible, there are provisions for off-site compensation to be used in both policy and emerging legislation, and this is accepted by Officers. Subject to a pre-commencement condition to secure exact details of the on

and off-site biodiversity provision and their long-term management and maintenance, the proposal is considered acceptable from a biodiversity net gain perspective and is considered to be in accordance with Policy ENV1 in this regard.

### HRA/RAMS

- 15.63 Development proposals must not have an adverse effect on the integrity of habitat sites. Section 1 Policy ENV1 states that development proposals that have adverse effects on the integrity of habitats sites will not be supported.
- 15.64 A Recreational disturbance Avoidance and Mitigation Strategy (RAMS) has been completed as part of the local plan in compliance with the Habitats Directive and Habitats Regulations. Further to Section 1 Policy SP2, contributions are required from qualifying residential development, within the Zones of Influence as defined in the adopted RAMS, towards mitigation measures identified in the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). The proposed development has been considered in line with Natural England guidance, which concludes that the whole of Colchester is within the zone of influence for the East Coast RAMS and that, unless a financial contribution is secured (to fund avoidance and mitigation measures in line with the RAMS), the proposed development is likely to have a significant effect upon habitat sites through increased recreational pressure, when considered in-combination with other plans and projects.
- 15.65 A proportionate financial contribution towards the Essex Coast RAMS is to be secured as part of the Unilateral Undertaking. Subject to the completion of the Unilateral Undertaking the proposed development is acceptable in respect of its impact upon habitat sites, as appropriate mitigation will be secured, in accordance with the conclusions of the Habitats Regulation Assessment [HRA] undertaken. This mitigation is considered sufficient to ensure that likely significant effects on the integrity of habitat sites does not occur, including when the development is considered in combination with other plans and projects.

### Contamination

- 15.66 Paragraph 189 of the NPPF states that a site should ensure it is suitable for its proposed use, taking account any arising risk from contamination. This is reflected in policy ENV5.
- 15.67 A Phase 1 Contamination Risk Assessment has been submitted as part of the application. The Council's Contaminated Land Officer has reviewed the document and is in agreement with the report's conclusions that there does not appear to be any significant sources of contamination associated with the site and no intrusive investigation is considered to be required in respect of contamination. A precautionary condition covering the reporting of unexpected contamination is however recommended. Subject to the imposition of such a condition the proposal is considered acceptable from a contamination perspective.

### Climate Crisis and Sustainability Measures

- 15.68 The site is located in a sustainable location which will encourage sustainable transportation modes to be used by residents. The applicant has also confirmed that each dwelling will be provided an EV charging point and the proposed dwellings will be served by air source heat pumps.
- 15.69 In addition to this the application proposes extensive new planting, including a good number of new trees and new native hedgerows.

### Other Matters

- 15.70 The application site is located within Flood Zone 1 which has a very low risk of flooding from rivers or the sea (less than 0.1%) according to Environment Agency Long Term Flood Risk Information. The site is also outside any areas at risk of flooding from reservoirs. The site is not, therefore, considered to be particularly susceptible to flooding. The use of porous materials to all driveways and/or provisions being made to direct run-off water from driveways to permeable or porous areas is specified as a requirement of the landscaping plan, to assist in further reducing flood risk.
- 15.71 Finally, in terms of other material planning considerations, the proposed development does not raise any concerns.

## **16.0 Planning Balance and Conclusion**

- 16.1 National policy requires planning to be genuinely plan-led. The proposal is considered to accord with the adopted local plan. 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.
- 16.2 In respect of the first of these, **the economic role**, 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.
- 16.3 The **social role** of sustainable development is described as supporting strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, that reflect current and future needs and support communities' health, social and cultural well-being.
- 16.4 The proposal is considered to meet these objectives as it would contribute towards the number of dwellings required to support growth in the south of Colchester, would provide an appropriate mix of house types, is located within walking distance of a number of key local services and facilities

required for day-to-day living and will make an important contribution to the Councils' housing land supply. The proposal would also deliver social benefits in terms of increasing the public's ability to interpret the significance of the Scheduled Monument through the interpretation panel proposed.

- 16.5 In respect of the third dimension, the **environmental role**, the proposal will provide housing in a sustainable location so that future residents would not be wholly reliant on private car, being able to walk, cycle or use public transport to access necessary services and facilities, thereby minimising environmental impacts. Ecological enhancements and biodiversity net gain can also be secured by condition.
- 16.6 There is also sufficient information to be confident that overall the development would not cause material harm to the amenity of nearby residents and the scheme is considered to achieve appropriate standards of design. It is recognised that 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) however with sensitive landscaping it is not considered the proposal will result in unacceptable harm to the character and appearance of the area, including the landscape setting. While concerns have been raised about the proposal's impact on the highway network, the issues raised have been carefully considered and, for the reasons outlined in the main body of the report, the proposal is considered acceptable from a highways perspective.
- 16.7 In summary, it is officers' opinion that the scheme represents sustainable development and taking into account the factors identified above, the planning balance tips towards an approval in this instance.

## **17.0 Recommendation to the Committee**

17.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the signing of a Unilateral Undertaking to secure the contributions outlined, and the following conditions:

### **1. Time Limit for Full Permissions**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

### **2. Approved Plans**

Notwithstanding the provisions of any other conditions attached to this permission, the development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers:

736/LP1B,  
736/1E,  
736/2B,  
736/3B,  
736/4C,



736/5B,  
736/6A,  
736/7A,  
736/8,  
736/9,  
736/10

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

### **3. Materials (Exact Details TBA)**

No external facing or roofing materials shall be used in the construction of the development hereby permitted until precise details of the manufacturer, types and colours of these have been submitted to and approved, in writing, by the Local Planning Authority. Notwithstanding the details submitted, the exterior of Plot 8 shall be predominantly finished in render, exact details to be agreed. Such materials as may be approved shall be those used in the development.

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

### **4. Architectural Details**

Notwithstanding the details submitted, no works shall commence (above ground floor slab level) until additional drawings that show details of the architectural detailing of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Details shall include brick bonding, mortar joint, window detailing (including details of the depth of reveal), bay windows, doors, cills, arches, eaves, verges, gullies, ridge, brickwork /stone work detailing, recessed/projecting/decorative brickwork, by section and elevation, at scales between 1:20 and 1:1, as appropriate. The details shall also include the use of exposed rafter feet to Plot 7 and additional brickwork detailing to Plot 9. The development shall thereafter be implemented in accordance with the approved additional drawings.

Reason: To ensure that these important architectural details are implemented in a satisfactory manner, to ensure the development achieves a good degree of visual interest and demonstrates a high quality of design.

### **5. Landscaping Scheme**

No works shall take place until a scheme of hard and soft landscaping works for the publicly visible parts of the site has been submitted to and agreed, in writing, by the Local Planning Authority. This scheme shall include any proposed changes in ground levels and also accurately identify positions, spread and species of all existing and proposed trees, shrubs and hedgerows on the site, as well as details of any hard surface finishes and external works, which shall comply with the recommendations set out in the relevant British Standards

current at the time of submission. The scheme shall be broadly inline with the details already submitted under the application but shall also comply with the following requirements:

- The new frontage hedge onto Gosbecks View and the Scheduled Monument should be proposed as single species native *Crataegus monogyna* hedging (rather than mixed hedging) with numerous locally compatible native trees proposed along and within (rather than behind) the frontage hedges.
- Publicly visible hard rear garden boundary enclosure should be brick walls rather than fenced.
- All private driveways shall be finished in a porous material, or provision shall be made to direct run-off water from driveways to a permeable or porous area or surface within the curtilage of the dwellinghouse.

Reason: In order to ensure that there is a sufficient landscaping scheme for the relatively small scale of this development where there are public areas to be laid out and where the details submitted appear generally acceptable but in some areas revisions and/or additional information is required. In the interests of visual amenity, landscape character and reducing flood risk.

## **6. Landscaping Scheme Part 2**

All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out in full prior to the end of the first planting and seeding season following the first occupation of the development or in such other phased arrangement as shall have previously been agreed, in writing, by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees, in writing, to a variation of the previously approved details.

Reason: In order to ensure that there is a sufficient landscaping scheme for the development.

## **7. Landscape Management Plan**

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

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

## **8. Tree Protection**

All existing trees and hedgerows shall be retained throughout the development construction phases, unless shown to be removed on the approved drawing and all trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site in accordance with the Local Planning Authorities guidance notes, the relevant British Standard and the details submitted within the submitted Arboricultural Impact Assessment, the associated Appendices and submitted drawing number 10291-D-AIA.

All existing trees and hedgerows shall then be monitored and recorded for at least five years following contractual practical completion of the development. In the event that any trees and/or hedgerows die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed, in writing, with the Local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998.

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

## **9. Ecological Mitigation**

All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Liz Lord Ecology, Rev A – May 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

## **10. Biodiversity Net Gain**

No development shall commence unless and until a Biodiversity Management Plan to ensure that there is a minimum 10% net gain in biodiversity within a 30 year period as a result of the development has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development shall be measured in accordance with the DEFRA biodiversity metric as applied in the area in which the site is situated at the relevant time and the Biodiversity Management Plan shall include:

- a) Proposals for the on-site biodiversity net gain;
- b) A management and monitoring plan for onsite biodiversity net gain including 30 year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2,5,10,15,20,25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying

measures needed;

c) Where it has been demonstrated to the satisfaction of the Local Planning Authority that 10% net gain in biodiversity cannot be achieved on site, proposals for any off-site biodiversity net gain provision;

d) Where off-site provisions are required, a management and monitoring plan

for all off-site biodiversity net gain including 30 year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2,5,10,15,20,25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed; The development shall be implemented in full accordance with the requirements of the approved Biodiversity Management Plan. Reason: To conserve and enhance protected and Priority species / habitats and allow the development to demonstrate measurable biodiversity net gains.

### **11. Wildlife Sensitive Lighting**

Prior to the first occupation of the development hereby approved a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority. Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

### **12. Interpretation Panel**

Prior to the first occupation of the development hereby approved details on the siting, design (including means of construction) and content of the proposed interpretation panel (in respect of the adjacent Schedule Monument) shall have been submitted to and approved in writing by the Local Planning Authority. The interpretation panel shall be installed by the developer in the form agreed prior to the first occupation of the development and shall thereafter be retained in the approved form in perpetuity and be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority. Reason: As this is the basis on which the application has been considered and to ensure that anticipated public benefits of the scheme are delivered in order to mitigate any harm to the setting of

the Scheduled Monument, in accordance with Paragraph 202 of the NPPF.

**13. Removal of PD (Means of Enclosure)**

Notwithstanding the provisions of Class A of Part 2 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), no fences, walls, gates or other means of enclosure (other than those approved under the provisions of the conditions attached to this permission) shall be erected unless otherwise subsequently approved, in writing, by the Local Planning Authority. Reason: In the interests of visual amenity with regard to the context of the surrounding area, with particular regard to preserving the existing landscape character of Gosbecks View and ensuring the setting of the adjacent Scheduled Monument is not unduly impacted through unsympathetic means of enclosure.

**14. Removal of PD (Garaging Retained for Parking)**

The garages hereby approved shall be retained for the parking of motor vehicles at all times and shall not be adapted to be used for any other purpose, including other uses ancillary to the residential use, unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: To retain adequate intentional on-site parking provision for residents and visitors, in the interest of public amenity and highway safety.

**15. Removal of PD (Residential Extensions)**

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

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

**16. Noise**

Prior to construction of the development above ground level, a detailed acoustic assessment and mitigation report, produced by a competent person, which provides details of the noise exposure at the facade of residential dwellings, internal noise levels in habitable rooms and noise levels in all associated amenity spaces shall be submitted to and approved, in writing, by the Local Planning Authority. Where the internal noise levels exceed those stated in the current version of BS8233 with windows open, enhanced passive ventilation with appropriate sound insulating properties shall be provided to ensure compliance with the current version of BS8233 with windows closed and that maximum internal noise levels at night do not

exceed 45dBA on more than 10 occasions a night. Where exposure exceeds the noise levels of 60dBLAeq 16 hours (daytime, 07:00-23:00, outside), 55dBLAeq 8 hours (night, 23:00-07:00, outside) significantly enhanced ventilation will be required, with any reliance upon building envelope insulation with closed windows should be justified in supporting documents that cross reference the mitigation measures used. In addition, noise levels in external amenity spaces shall not exceed 55dBLAeq 16 hours, daytime The development shall thereafter be carried out in accordance with any details approved and shall be retained in accordance with these details thereafter. Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the future residents by reason of undue external noise where there is insufficient information within the submitted application.

### **17. Construction Method Statement**

No works shall take place, including any demolition, until a Construction Method Statement has been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide details for:

- the parking of vehicles of site operatives and visitors;
- hours of deliveries and hours of work;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control noise and vibration;
- measures to control the emission of dust and;
- a scheme for recycling/disposing of waste resulting from demolition and construction works (no waste materials should be burnt on the site).

Reason: In order to ensure that the construction takes place in a suitable manner and to ensure that amenities of existing residents are protected as far as reasonable.

### **18. Reporting of Unexpected Contamination**

In the event that historic land contamination is found at any time when carrying out works in relation to the development, it must be reported in writing immediately to the Local Planning Authority and all development shall cease immediately. Development shall not re-commence until such times as an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority, and where remediation is necessary, a remediation scheme has been submitted to and approved in writing by the Local Planning Authority. Development shall only re-commence thereafter following completion of measures identified in the approved remediation scheme, and the submission to and approval in writing of a verification report. This must be conducted in accordance with all relevant,

current, best practice guidance, including the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'. Reason: The site lies on or in the vicinity of filled land where there is the possibility of contamination.

**19. Highways 1/9 (Parking and Turning Areas etc.)**

Prior to the first occupation of any of the dwellings hereby approved the internal roads and junctions, visitor parking, vehicular accesses and turning facilities shall all be provided in full accord with the details shown on V & B DRAWING NUMBERED 736/1 REV E. The unallocated visitor parking space shown on the approved plans shall be signed as such prior to first occupation and shall subsequently be retained in perpetuity in its approved form and for its approved use. Reason: To ensure that vehicles using the site access do so in a controlled manner and to ensure there are sufficient parking provisions available, in the interests of highway safety.

**20. Highways 2/9 (Visibility Splays)**

Prior to the occupation of any of the proposed development, a 11m x 2.4m x 11m visibility splay, shall be provided on both sides of the new bellmouth junction with Gosbecks View and shall be retained and maintained free from obstruction clear to ground thereafter.

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

**21. Highways 3/9 (No Unbound Materials)**

No unbound materials shall be used in the surface treatment of the proposed vehicular accesses within 6m of the carriageways or highway boundary. Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

**22. Highways 4/9 (Planting Set Back)**

Any new or proposed boundary hedge shall be planted a minimum of 1m back from the highway boundary and 1m behind any visibility splays which shall be maintained clear of the limits of the highway or visibility splays thereafter.

Reason: To ensure that the future outward growth of the hedge does not encroach upon the highway or interfere with the passage of users of the highway and to preserve the integrity of the highway.

**23. Highways 5/9 (Cycle Parking)**

The development shall not be occupied until such time as details of the provision for parking and storage of bicycles sufficient for all occupants of the proposed development, of a design that shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter. Reason: To promote the use of sustainable means

of transport.

**24. Highways 6/9 (Construction Management Plan)**

No development shall take place, including any site clearance, ground works or works of demolition, until a Construction Management Plan (CMP) has been submitted as a scaled drawing to and approved in writing by the local planning authority. The approved plans shall be adhered to throughout the construction period. The plans shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety.

**25. Highways 7/9 (Off-site Crossing Works)**

Prior to the occupation of any of the proposed dwellings the applicant shall provide a new informal pedestrian crossing (pram crossing) to the eastern side of the bellmouth of Gosbecks View together with tactile paving to each pedestrian crossing here to current patterns and standards and being provided entirely at the Applicant/Developer's expense including new kerbing, surfacing, drainage, any adjustments in levels and any accommodation works to the footway and carriageway channel. Reason: To make adequate provision for the additional pedestrian traffic generated within the highway as a result of the proposed development.

**26. Highways 8/9 (Pedestrian Margin and Passing Bays)**

Prior to the first occupation of any of the proposed dwellings the applicant shall provide a new "pedestrian margin" to the southern side of Gosbecks View and three new passing bays (complete with "no parking" signage) in full accordance with the details shown on drawing number 736/1E and entirely at the Applicant/Developer's expense

The pedestrian margin is to extend along Gosbecks View to connect appropriately with the existing footway at the junction with Gosbecks Road, together with the provision of any signage, Traffic Regulation Orders or other requirements deemed necessary along the route as required. All details are to be agreed in writing with the Highway Authority and are subsequently to be implemented as agreed. Reason: To improve manoeuvrability for all users of the public highway in the interests of highway safety and in the interests of promoting sustainable development and travel.

**27. Highways 9/9 (Travel Packs)**

Prior to the first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.



Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

## 18.1 Informatives

18.1 The following informatives are also recommended:

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

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

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

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

### **INS - Highways Informatives**

- All highway related details shall be agreed with the Highway Authority
- All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be addressed for the attention of the Development Management Team via [development.management@essexhighways.org](mailto:development.management@essexhighways.org)
- The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

#### Note - MUD / DEBRIS ON HIGHWAY

Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway.

Reason: To ensure that on-street parking of these vehicles in the

adjoining streets  
does not occur, in the interests of highway safety and Policy DM 1 of  
the Highway  
Authority's Development Management Policies February 2011.