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Item No: 7.1

Application: 212507

Applicant: Weston Homes

Agent:

Proposal: Outline Planning Application (with all matters reserved except access) for the erection of up to 600 dwellings, land for a co-located 2FE primary school and early years nursery, public open space and associate infrastructure. Vehicular access from London Road (B1408) and Red Panda Road.

Location: Land North of, Wyvern Farm, London Road, Stanway, Colchester

Ward: Marks Tey & Layer

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 it diverges from the relevant local plan Site Allocation Policy (WC2) by including a spine road through land designated as open space in the Local Plan, as well as slightly exceeding the number of allocated dwellings.

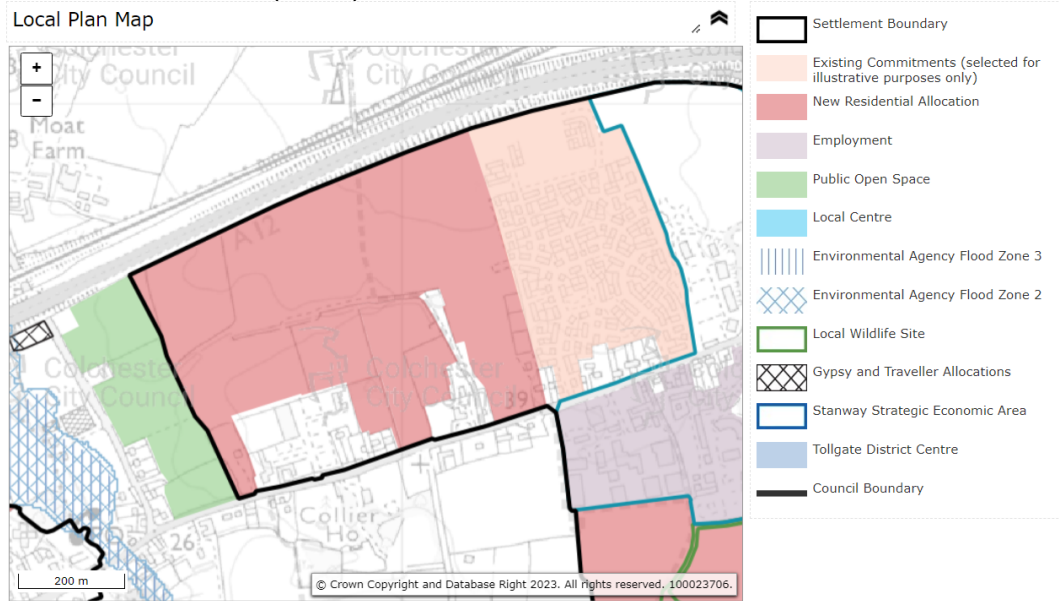
2.0 Synopsis

- 2.1 The application has been submitted on an Outline basis for up to 600 dwellings, land for a co-located 2FE primary school and early years nursery, public open space and associate infrastructure. All matters are reserved (meaning detail will be submitted for approval at a later date under 'Reserved Matters' application) except for access which is submitted for approval under the current outline application.
- 2.2 The application site is allocated for residential development with primary school and early years nursery provision in the Local Plan. The key issues for consideration are principle of development; flood risk and drainage; impacts on ecology; highway impact; heritage; and landscape and trees. Matters of contamination, amenity, and climate change are also considered, along with other material planning matters.
- 2.3 The proposed development has been assessed in line with adopted local plan policies, with the benefit of consultee comment and local representations. A consideration of the planning benefits of the proposed development has resulted in a balanced judgement which concludes that the benefits of the scheme outweigh any adverse impacts identified and the application is subsequently recommended for approval subject to a number of planning conditions, as well developer contributions/obligations secured through a s.106 agreement.

3.0 Site Description and Context

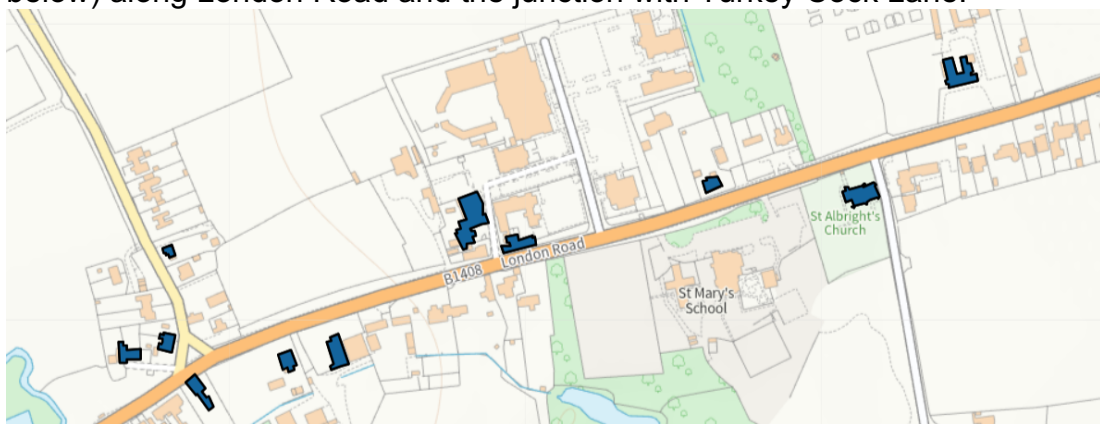
- 3.1 The application site is located adjacent to London Road in Stanway Parish, which lies in Marks Tey and Layer Ward. It is the larger portion of a wider site allocation (Local Plan policy WC2); a smaller parcel of 66 dwellings was approved in 2022 (ref: 202829) and is now undergoing construction.

3.2 The site allocation (WC2) as a whole is shown in red below:



3.3 The immediate context is considered to represent the changing character between the more built-up areas of Colchester and the surrounding rural area leading to Copford. London Road exhibits a variety of built form and architectural style due to ongoing development over a number of years. There is a mix of modest two-storey semi-detached properties, as well as much larger detached properties that are set back within their respective plots. There are also a number of more modern commercial units, such as car sales premises, garden centre, and restaurants along the road and in proximity to the application site. Recent residential development has also taken place at Wyvern Farm immediately east of the application site. Larger commercial development has taken place at Stane Park (to the east of the site beyond the Wyvern Farm development).

3.4 There are a number of listed buildings in the vicinity of the site (shown in blue below) along London Road and the junction with Turkey Cock Lane.



3.5 The site is located within a Site of Special Scientific Interest (SSSI) Impact Risk Zone (requiring Natural England to be consulted).

4.0 Description of the Proposal

- 4.1 The application seeks Outline Planning Permission (with all matters reserved except access) for the erection of up to 600 dwellings, land for a co-located 2FE primary school and early years nursery, public open space and associate infrastructure. Vehicular access from London Road (B1408) and Red Panda Road.
- 4.2 As this is an application for Outline Planning Permission, detailed proposals (relating to appearance, landscaping, layout, and scale) would be submitted under separate application(s) at a later stage; the 'Reserved Matters'.
- 4.3 The application is supported by the following documents:
- Air Quality Assessment
 - Arboricultural Report (and Tree Retention and Removal Plan)
 - Archaeological Evaluation
 - Biodiversity Net Gain Assessment
 - Construction Environmental Management Plan
 - Contamination Risk Assessment and Phase 2 Report
 - Design and Access Statement
 - Ecological Assessment (with licencing certificates as necessary)
 - Flood Risk Assessment and Surface Water Drainage Report
 - Health Impact Assessment
 - Heritage Assessment
 - Landscape and Visual Appraisal
 - Landscape Strategy
 - Minerals Resource Assessment
 - Noise Assessment
 - Parameter Plans:
 - Land Use
 - Green and Blue Infrastructure
 - Vehicular Movement
 - Pedestrian Movement
 - Maximum Density
 - Phasing and Parcels
 - Cycle Movement
 - Planning Statement
 - Shadow Habitat Regulation Assessment
 - Site Waste Management Plan
 - Site Wide Masterplan
 - Statement of Community Involvement
 - Transport Assessment (with associated Technical Notes)
 - Tree Canopy Cover Assessment
 - Utilities Strategy Report

5.0 Land Use Allocation

- 5.1 The application is allocated for development as part of the adopted Local Plan. The relevant local plan site allocation policy WC2 is set out below (note: the

section referring to 26 additional almshouses relates to a separate part of the site allocation and is not relevant to the application site):

Policy WC2: Stanway

Allocations as shown on the policies map will be safeguarded for predominantly residential uses unless otherwise stated. In addition to meeting the requirements set out in Policy PP1, a new primary school will also be required on 2.1 hectares of suitable land allocated for education and childcare use to the north of London Road in a location to be decided. The primary school will be secured through a S106 agreement and will be co-located with an early years and childcare nursery. An additional 0.13 hectares of suitable land for a 56 place early years and childcare nursery will also be required in Stanway in a location to be decided. All new residential developments in Stanway will be expected to contribute towards new education facilities. Commercial developments may be expected to contribute to Early Years and Childcare facilities.

All proposals must also satisfy the Local Planning Authority with regard to the site-specific requirements as identified below.

Before granting planning consent for Land to the North of London Road and Land to the West of Lakelands, wintering bird surveys will be undertaken at the appropriate time of year to identify any offsite functional habitat. In the unlikely event that significant numbers are identified, development must firstly avoid impacts. Where this is not possible, development must be phased to deliver habitat creation and management either on or off-site to mitigate any significant impacts. Any such habitat must be provided and fully functional before any development takes place which would affect significant numbers of SPA birds.

Land to the North of London Road

Development of these sites will be supported where they provide;

- (i) Up to 630 dwellings of a mix and type compatible with surrounding development;*
- (ii) A new primary school with co-located early years and childcare nursery places;*
- (iii) A comprehensively planned highways access which takes into account adjoining residential allocations in order to minimise the number of new access points onto London Road but without prejudice to the development of the adjoining sites;*
- (iv) Suitable landscaping and open space provision to the north of the site to form a buffer between future residential uses and the A12;*
- (v) An integrated cycleway and footway serving the development and connecting to the existing network;*
- (vi) A design and layout to minimise the impacts from, and mitigate against any impacts associated with noise from the A12; and*
- (vii) Suitable landscaping and open space provision to the west of the site to form a defensible boundary and visual separation from Copford.*

Up to 26 additional Almshouses (for affordable housing) on land to the north of London Road will be supported where it also provides:

- (i) Safe vehicular, pedestrian and cycle access;*
- (ii) A Tree Survey, to be agreed with the Local Planning Authority;*
- (iii) Retention of important landscape features on the northern and eastern boundaries of the site; and*
- (iv) Enhancement of the street frontage and the setting of the street scene.*

The best way of securing a comprehensive approach to development of these sites north of London Road is through the use of a masterplan which will be prepared prior to the first application being submitted. 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.

- 5.2 Part of the allocation has already received planning permission for 66 no. dwellings and is currently under construction. Relevant planning history is set out in section 6.0 of this report below.

6.0 Relevant Planning History

- 6.1 Recent planning history in relation to the current application site is summarised as follows:

- 213244 - Installation of a Temporary Construction Vehicular Access off London Road to serve development proposals at Wyvern Farm (Outline Planning Application ref. 212507) for a period of up to 5 years – Temporary Planning Permission granted 29.04.2022.
- 230161 – Temporary Construction Vehicular Access off London Road to serve development proposals at Wyvern Farm (Outline Planning Application ref. 212507) for a period of up to 2 years at Wyvern Farm, Stanway, Colchester – Temporary Planning Permission granted 14.03.2023.
- An application for a temporary sales and marketing suite (located in the area of open space to the western side of the site allocation) was refused on 22nd September 2023 (Ref: 231743).

- 6.2 Planning history of relevance to the wider site allocation policy is summarised as follows:

- 202829 Land to the Rear of Catchbells, London Road, Stanway. Development of 66 dwellings with access onto London Road – Approved September 2022.
- 200995 Rosemary Almshouses, London Road, Stanway
Erection of 31 almshouses (following demolition of existing almshouses) – This application has not been determined and is currently under consideration.

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
SG8 Neighbourhood Plan
ENV1 Environment
ENV3 Green Infrastructure
ENV5 Pollution and Contaminated Land
CC1 Climate Change
PP1 Generic Infrastructure and Mitigation Requirements
NC4 Transport in North Colchester
DM1 Health and Wellbeing
DM2 Community Facilities
DM3 Education Provision
DM4 Sports Provision
DM8 Affordable Housing
DM9 Development Density
DM10 Housing Diversity
DM12 Housing Standards
DM15 Design and Amenity
DM16 Historic Environment
DM18 Provision of Open Space and Recreation Facilities
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

- 7.5 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:

WC2 Stanway (refer to 5.1 above)

- 7.8 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):
- The Essex Design Guide
 - Affordable Housing
 - Community Facilities
 - Open Space, Sport and Recreation
 - 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
 - Air Quality Management Guidance Note, Areas & Order
 - Stanway Joint Design Statement and Parish Plan
 - Active Travel
 - Climate Change

- 7.9 It is considered that the Council can demonstrate a five-year housing land supply on the following basis:

Section 1 of the Colchester Local Plan 2017-2033 was adopted by the Council on the 1 February 2021, with Section 2 being adopted in July 2022. The complete Local Plan carries full statutory weight as the development plan.

Section 1 includes strategic policies covering housing and employment, as well as infrastructure, place shaping and the allocation of a Garden Community. Policy SP4 sets out the annual housing requirement, which for Colchester is 920 units. This equates to a minimum housing requirement across the plan period to 2033 of 18,400 new homes.

The Tendring Colchester Borders Garden Community is allocated in Section 1, all other site allocations are made within Section 2 of the Plan. Within Section 2 the Council has allocated adequate sites to deliver against the requirements set out in the strategic policy within the adopted Section 1. All allocated sites are considered to be deliverable and developable.

In addition, and in accordance with the NPPF, the Council maintains a sufficient supply of deliverable sites to provide for at least five years' worth of housing, plus an appropriate buffer and will work proactively with applicants to bring forward sites that accord with the overall spatial strategy. The Council has consistently delivered against its requirements that has been demonstrated through the Housing Delivery Test. It is therefore appropriate to add a 5% buffer to the 5-year requirement. This results in a 5-year target of 4,830 dwellings (5 x 920 + 5%).

The Council's latest published Housing Land Supply Annual Position Statement (2023) represents the current housing land supply position as of 1st April 2023. The Position Statement demonstrates a housing supply of 4,996 dwellings which equates to 5.17 years based on an annual target of 920 dwellings (966 dwellings with 5% buffer applied). This relates to the monitoring period 1st April 2023 to 31st March 2028.

8. Five Year Supply Calculation

8.1 The table below illustrates the 5-year supply calculation for the district during the period between 2022/2023 through to 2026/2027.

Housing Need OAHN	
Annualised objectively assessed housing need (OAHN)	920
5 year housing requirement (5x920)	4600
5 year housing requirement and 5% buffer	4830
Supply	
Permissioned sites, existing allocations and windfall allowance	5074
Total number of years' worth of housing supply including emerging allocations	
Supply against OAN with permissioned sites, existing allocations and windfall	5.25

8.2 The calculation above demonstrates that the Council has a sufficient supply of deliverable housing to meet the 5-year requirement. A total of 5.25 years is deliverable within this period.

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.

Air Quality

In agreement with the Air Quality Impact Assessment (AQIA). The following should be secured/provided: travel plan and electric vehicle charging points. There is an expectation that sustainable transport infrastructure would be incorporated, such as bus stops and shelters, cycle lanes, and other off-site improvements for cyclists and pedestrians.

Anglian Water

Confirmation that the foul drainage from the development is in the catchment of Colchester Water Recycling Centre that will have available capacity for these flows. Recommended condition for a scheme for on-site foul water drainage works to be agreed.

Arboricultural Officer

In agreement with the submitted tree report. It will be necessary to condition tree protection and for the reserved matters to include the tree canopy cover uplift as part of landscape proposals.

Archaeological Adviser

No objections subject to conditions.

Cadent Gas

No objections. General guidance provided.

Contamination

No objection subject to conditions to agree/secure further investigation and remediation scheme, as well as process should any unexpected contamination be found during the development.

Ecology (Place Services)

No objection subject to conditions to secure biodiversity mitigation and enhancement.

Environmental Protection

No objection subject to conditions that cover construction method statement; hours of working; noise levels; electric vehicle charging; communal storage area management; and the control of fumes, smells, and odours (relating to the school site).

Essex Bat Group

No comments received.

Essex Bridleways Association

No comments received.

Essex County Council Green Infrastructure

No objection. Recommendations and suggested conditions put forward in order to achieve net environmental gains.

Essex County Fire and Rescue

General comments in respect of provision for fire services and building regulations.

Essex Police

Guidance provided regarding Secure by Design.

Essex Wildlife Trust

No comments received.

Health and Safety Executive

No objections.

Highway Authority

The impact of the proposed development is acceptable from a highway and transportation perspective subject to conditions and s106 requirement (obligations and/or financial contributions).

Historic Buildings and Areas Officer

Comments received as part of pre-application. Advice given as to impact on nearby heritage assets.

Historic England

No comment; direct to in-house specialist advice.

Landscape Officer

The submitted details are considered satisfactory in principle in landscape terms. Points of guidance to take into account as part of the Reserved Matters provided.

Minerals and Waste

No objection subject to a condition to agree a Site Waste Management Plan.

National Highways

No objection subject to conditions to secure improvements to the approaches to the Junctions 25 and 26 of the A12, as well as a travel plan.

Natural England

No objection subject to appropriate RAMS mitigation being secured.

Network Rail

No comments received.

North East Essex Badger Group

No comments received.

Planning Policy

No comments received.

Street Services

No comments received.

SUDs

No objections subject to conditions to secure details of a scheme to minimise the risk of flooding during construction; a detailed surface water drainage scheme; as well as its implementation and future maintenance/management.

The Ramblers Association

No comments received.

Transport and Sustainability

No comments received.

Urban Design

No objections subject to conditions.

9.0 Parish Council Response

9.1 The Parish Council have stated that they have no objections, but do raise some concerns regarding the lack of infrastructure (e.g., doctors, dentist and serviced bus route). The Parish Council have also requested crossing points (on London Road and between Nando's and Sainsburys) and for funding to be provided for Jansma Park (opposite the site).

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.

- Principle:
 - Colchester has exceeded its housing target each year so further houses are not needed.
- Procedural matters:
 - Lack of detail with which to make a comment on the impacts
- Highway matters:
 - Increase in traffic
 - Already failing infrastructure
 - Pedestrian access to Turkey Cock Lane is hazardous due to lack of pavements
 - Narrow pavements on London Road are dangerous
 - Poor access on to busy road
 - Increase traffic to Turkey Cock Lane
 - Query traffic modelling and lack of mitigation being proposed in terms of road improvements and/or traffic calming.
 - The existing Wyvern Farm development would not be able to cope with the increased traffic coming in and out of the estate.
- Spatial matters:
 - Loss of greenspace
 - Loss of agricultural land
- Landscape Character:
 - Loss of rural feel to the area
- Design matters:
 - Over-bearing and out of scale with the character of the surrounding area
 - Three-storey dwellings would be out of character with the area
- Neighbouring amenity: detrimental impact in terms of noise, disturbance, overlooking, overshadowing and loss of privacy.
- Environmental matters:
 - Increased light pollution
 - Increased air pollution
 - Will increase risk of flooding

- Solar panels should be a mandatory requirement
- Ecology:
 - Impact on wildlife
- Infrastructure:
 - Lack of healthcare facilities
 - Lack of secondary school provision
 - Primary school site not needed due to capacity in surrounding schools

Colchester Cycling Campaign have also submitted a detailed objection primarily in relation to LTN1/20 requirements.

11.0 Parking Provision

11.1 As an outline application, no details have been provided as to parking provision. The Reserved Matters will need to detail parking provision in accordance with planning policy requirements.

12.0 Accessibility

12.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. The proposed development is not considered to lead to any form of discrimination. Detailed design proposals would be submitted under Reserved Matters so more detailed consideration would be given at that stage.

Nonetheless, at least 10% of market housing and 95% of affordable housing will be required to meet Building Regulations Part M4 Cat 2 (accessible and adaptable dwellings), with a further 5% of affordable housing being required to meet Part M4 Cat 3 (2) (b) (wheelchair user dwellings) as set out in Local Plan Policy DM12 vi. These requirements can be secured under condition and s106 agreement as appropriate.

13.0 Open Space Provisions

13.1 The application sets out that at least 7ha open space would be provided and the application has been assessed on this basis; the open space provision would exceed the 10% minimum site area set out in planning policy. A condition is recommended to clarify that the public open space (POS) shall be proposed within the developable area of the site (i.e., not within the western landscape separation area required in the site allocation policy) as this will ensure appropriate dispersion of open space in the interests of amenity, landscape, and place-making.

14.0 Air Quality

14.1 The site is outside of any Air Quality Management Area. An Air Quality Impact Assessment (AQIA) has been submitted as part of the application and this has been found sound. There are no objections to the application based on air quality subject to conditions that would promote the use of more sustainable modes of transport.

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% with a tenure split of no less than 80% affordable housing for rent and no more than 20% Other Affordable Routes to Home Ownership as defined in Annex 2 of NPPF. In addition, 95% of affordable housing to meet Building Regulations 2015 Part M4 (2) accessible and adaptable standards and 5% of affordable homes to be Part M4 (3)(2)(b) wheelchair user standards.
- Archaeology: Financial contribution towards the display promotion and management of any archaeological discoveries from the site. In the event that no archaeological finds are discovered, a financial contribution is required towards the Historic Environment Record in order to update information on the site.
- Community Facilities: Financial contribution (as per the Community Facilities SPD) towards projects at Jansma Park, Scout Hall Village Road, Tollgate Hall Villa Road, Copford Village Hall, and/or Lakelands Community Centre.
- Education: Education site (2.1ha of land within the site allocation) secured, as well as a financial contribution towards Early Years and Childcare.
- Healthcare:
 - Financial contributions towards Primary Health Care (Ambrose Avenue Group Practice and Branch, Tollgate Health Centre, and Winstree Medical Practice and Branch); and
 - Financial contribution to the Ambulance Service.
- Highways:
 - Financial contributions for the procurement of a new and/or improved bus service(s);
 - Financial contributions (or details being approved for works to be carried out by the developer) towards improvements at and/or in the vicinity of the B1408 London Road/Stanway Western Bypass roundabout, and new and/or improved crossing facilities on London Road.
 - Financial contributions towards the provision of, or improvements to, a bus gate between Stane Park and Wombat Street, improvements to Footpath 5 and Footpath 25 Stanway between London Road and Stanway Western Bypass, a toucan crossing on Stanway Western Bypass, and the widening of Reg Hilham Walk to provide footpath/cyclepath; these matters would be dependent upon phasing and whether the works have already been carried out as a result of other development(s) in the surrounding area.
 - Requirement for a travel plan and travel plan monitoring fee.
- Libraries: Financial contribution per dwelling (as per Essex County Council Infrastructure Guide requirements).
- Open Space, Sport and Recreation:
 - On-site open space and play provision (as well as management/maintenance) secured.
 - Financial contribution (as per the Sport and Recreation SPD) towards projects at Jansma Park, Stanway Rovers Football Club, and/or Lakelands Community Centre Multi Use Games Area (MUGA).
- RAMS: On-site provisions and financial contribution per dwelling (as per the Essex Coast Recreational disturbance Avoidance Mitigation Strategy SPD).

16.0 Report

16.1 The key issues for consideration are principle of development; flood risk and drainage; contaminated land; impacts on ecology; character of the area (including landscape impact); heritage; highway impact; design; and amenity. Matters of climate change and health impacts are also considered, as are consultation comments that may not fall within the aforementioned considerations.

16.2 Principle of Development

In terms of the principle of development, the application site has been allocated for development as part of location plan site allocation policy WC2. Development of this site is therefore considered acceptable in principle subject to meeting the requirements of policy WC2.

16.3 Policy WC2 sets out requirements for the site allocation as a whole:

- Predominantly residential
- Provision of 2.1ha of land for new primary school (for education and childcare)
- Wintering bird surveys will be undertaken at the appropriate time of year to identify any offsite functional habitat.
- Minerals Resource Assessment

The application accords with all of these requirements.

16.4 Requirements specific to the site (with Case Officer comment in italics):

- (i) Up to 630 dwellings of a mix and type compatible with surrounding development; *The application seeks permission for up to 600 dwellings. When taken in conjunction with the 66 dwellings already permitted on part of the site allocation, the total number of dwellings would be 666 which exceeds the policy limit by 36 no. dwellings. Whilst this is not a significant increase when taken on a proportionate basis it is necessary to consider the impacts as part of the planning balance.*
- (ii) A new primary school with co-located early years and childcare nursery places; *Land would be made available for a primary school and co-located early years and childcare nursery (with the provision of the school and nursery being taken forward by Essex County Council, secured by s106 Agreement).*
- (iii) A comprehensively planned highways access which takes into account adjoining residential allocations in order to minimise the number of new access points onto London Road but without prejudice to the development of the adjoining sites; *The development would be served by 2 no. access points; one being via the Wyvern Farm development to the east, and one being on London Road. The site currently under construction is also accessed via London Road. In total, there would be 2 no. new accesses on London Road. The Highway Authority have confirmed that they have no objections to the access strategy for the site (subject to conditions).*
- (iv) Suitable landscaping and open space provision to the north of the site to form a buffer between future residential uses and the A12; *The submitted*

Parameter Plans show this provision. Further detail would be submitted and considered at Reserved Matters stage.

- (v) An integrated cycleway and footway serving the development and connecting to the existing network; *The submitted Parameter Plans show cycleway and footway routes throughout the site, as well as linkages to the existing network. Further detail would be submitted and considered at Reserved Matters stage.*
- (vi) A design and layout to minimise the impacts from and mitigate against any impacts associated with noise from the A12; and *Noise Impact Assessment has been submitted as part of the application and this has been assessed by the Council's Environmental Protection team who have no objections subject to conditions and appropriate design at Reserved Matters stage.*
- (vii) Suitable landscaping and open space provision to the west of the site to form a defensible boundary and visual separation from Copford. *This is shown on the submitted Parameter Plans, although the London Road access and spine road into the site would be located in part of this area. The impact is assessed as part of landscape considerations and the planning balance.*

16.5 In addition the PP1 infrastructure and mitigation requirements are relevant and are set out below (with Case Officer comment in italics):

- i) Adequate wastewater treatment, water supply network enhancements, and sewage infrastructure enhancements for the relevant catchment area; *This has been considered by Anglian Water and conditions are recommended.*
- ii) Appropriate SuDS for managing surface water runoff within the overall design and layout of the site; *This has been considered by Essex County Council as Lead Local Flood Authority and conditions are recommended.*
- iii) Proportionate mitigation for area-wide transport issues as identified in the policies for North, East, South and West Colchester contained in the 'Places' section of the plan; *The Highway Authority recommendation includes requirements for Public Transport and infrastructure for sustainable modes of transport (such as walking and cycling).*
- iv) Safe pedestrian access from the site to existing footways to enhance connectivity; *This is indicated on the submitted Parameter Plans and further detail would be required as part of Reserved Matters.*
- v) Suitable design and screening/landscaping to minimise any negative impact on the surrounding landscape and/or heritage assets; *Impacts have been considered with the benefit of consultation comment. Mitigation measures can be secured by condition and further detail required for submission as part of Reserved Matters.*
- vi) Potential archaeological significance of the site as required, by way of pre-determination evaluation (geophysical survey and trial trenching). Any findings from the evaluation will need to be reflected in a detailed mitigation strategy for further investigation to be agreed and submitted with the application to preserve in-situ or adequately recorded by excavation, secured by a planning condition. *This has been considered as part of this application with the benefit of advice from the Council's Archaeological Consultant;* and
- vii) Further to Section 1 Policy SP2, developments will be required to contribute towards mitigation measures in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy 2018-2038 (RAMS). *This can be secured by way of s106 Agreement.*

16.6 Flood Risk and Drainage

Local Plan Policies CC1 (Climate Change) and DM23 (Flood Risk and Water Management) state that development will be directed to locations with the least impact on flooding or water resources. Major development proposals are required to reduce the post development runoff rate back to the greenfield 1 in 1 year rate, with an allowance for climate change. On brownfield sites where this is not achievable, then a minimum betterment of 50% should be demonstrated for all flood events.

16.7 The site is located within Flood Zone 1 which means that there is low probability of flooding (less than 0.1%). The development itself is, therefore, unlikely to be susceptible to flooding. It is still important, however, to assess whether/how the development could affect flood risk elsewhere in terms of surface water flooding. Points of note from the submitted Flood Risk Assessment:

- Development parcels are located outside any high and medium risk surface water flood extents with no requirement for mitigation.
- A buffer of at least 3m would be left undeveloped along the route of the ditch.
- In the 1:1000 (0.1%) year event flood mapping shows a depth of up to 300mm of puddled water in a small area to the north-west of development parcel A and along the south of parcels B and F. Greenfield run-off from the site would be collected and controlled by the site drainage, although any properties located in this area should have finished floor levels set at a minimum of 300mm above the ground level.
- The proposed development site has been split into 5no. catchment areas. 3no. catchment areas would infiltrate to ground where the underlying strata is permeable. Where it is not possible to infiltrate to ground, catchments are attenuated with outfall directed to the watercourse running along Turkey Cock Lane with flows restricted to the 1:2yr Greenfield (QBAR) Runoff Rate.
- Later design stage may incorporate further SUDs features such as Raingarden Planters, Green Roofs and Rainwater Harvesting as necessary.
- The proposed outline drainage strategy shows some catchments discharging to the existing watercourse crossing the site, which in turn discharges to a 300mm diameter culvert beneath the fields and road to the west, before outfalling to the Roman River. This culvert is to be further investigated by way of a CCTV drainage survey and a condition survey, to ensure has adequate capacity and condition. Maintenance measures can be included to ensure this culvert remains suitable for the lifetime of the development.

16.8 Essex County Council, as Lead Local Flood Authority, have confirmed that they have no objections to the proposed development with regards to flood risk, subject to conditions to secure the submission and approval of a detailed surface water drainage scheme for the site, as well as details of ongoing management and maintenance. Details of surface water management during the construction phase of the development would also be secured.

16.9 In respect of drainage, Anglian Water have confirmed that there would be available capacity for the foul drainage flows from the proposed development. A condition is recommended to secure a scheme for on-site foul water drainage

works in the interests of preventing environmental or amenity issues as a result of flooding.

16.10 On the basis of the submitted information and details/works that would be secured by condition, the proposed development is not considered to have a detrimental impact on flood risk and/or drainage.

16.11 Contamination

Section 2 Policy ENV5 (Pollution and Contaminated Land) supports proposals that will not result in an unacceptable risk to public health or safety, the environment, general amenity or existing uses due to land pollution.

16.12 The Council's Contaminated Land Officer confirms that the submitted risk assessment is acceptable. It is noted that there are some potential sources of contamination (on-site fly-tipped material, a small sewage works on the eastern boundary, and off-site filled land); as such, some intrusive investigation, including ground gas risk assessment, is recommended. The Contaminated Land Officer has concluded that, on the basis of the submitted information, the site can be made suitable for the proposed use and that contamination risk assessment matters (as well as any remediation measures as necessary) can be secured by condition.

16.13 Ecology

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.

16.14 Various policies in the adopted Local Plan seek opportunities to safeguard and enhance biodiversity throughout the Borough. Policy ENV1 (Environment) requires development proposals to be supported by appropriate ecological surveys where necessary; conserve or enhance the biodiversity value of greenfield and brownfield sites (minimising fragmentation of habitats); maximise opportunities for preservation, restoration, enhancement, and connection of natural habitats; and incorporate biodiversity net gain (BNG) of at least 10% in line with principles outlined in the Natural England Biodiversity Metric.

16.15 The submitted information confirms the following:

- No statutory designations within or directly adjacent the site (site falls within the Zone of influence of Blackwater Estuary SPA and Ramsar site, Dengie SPA and Ramsar site, and Essex Estuaries SAC (as well as their underpinning SSSI).
- Closest designated site for ecological value is Lexden Park Local Nature Reserve located 3km east of the site. Given the distance of the site, as well as the intervening habitat including residential development along with a network

of roads, no direct or indirect adverse effects are anticipated on this designated site as a result of the development.

- The site is not subject to any non-statutory designation (closest is Keeper's Cottage Wood, located 0.4km south of the site). Owing to the distance of the LWS from the development site no direct impacts are anticipated as a result of the development.
- Habitats – existing grassland retained and enhanced where possible. Hedgerows and treelines to be protected and enhanced where possible. New landscape planting will be based around a diverse mix of native species.
- Measures in place in respect of badgers.
- Suitable habitat for bats – hedgerow to be retained. Enhancements provided as part of the landscape strategy. Trees with the potential for bat roosts to be retained. A sensitive lighting scheme will be designed and a range of bat boxes will be provided to increase roosting opportunities available.
- Opportunities for foraging and dispersing hedgehogs. The inclusion of native species in the landscaping scheme should provide continued opportunities for foraging and dispersal, as well as hibernation.
- Birds – no protected species recorded on site during the wintering bird survey or subsequent site visits. Precautionary measures recommended to only remove suitable nesting habitats outside the breeding season (March to July inclusive) or checked for nesting birds by a trained ecologist immediately prior to removal. Retention and enhancement of areas of grassland, hedgerows and treelines to ensure foraging and nesting opportunities post-development.
- Reptiles – single grass snake and slow worm recording. Owing to the small number of reptiles present on site, translocation is not considered necessary. However, to ensure that no offence is committed, the grassland will be subject to a passive displacement regime to encourage any reptiles that may be present to naturally disperse into retained habitats within the site. The retention and subsequent enhancement of the grassland as well as the SuDS will ensure continued basking and foraging opportunities are retained and on-site. As an additional enhancement, hibernacula can be created within the retained areas to provide opportunities for hibernating reptiles.
- Amphibians – suitable habitat for amphibians (including Great Crested Newt). There is a single ditch and a SuDS on site, with a further pond located immediately off site. The SuDS and off-site pond were subject to eDNA testing in April 2021. The results indicated presence of Great Crested Newts in the off-site ponds and, as such, more detailed surveys were undertaken of this pond. The further survey work recorded a peak count of 16 Great Crested Newts. Owing to the confirmed presence of Great Crested Newts within the adjacent off-site pond and the suitable terrestrial habitat on site, a licence will be required prior to any site clearance. This licence can either take the form of the traditional EPS licence whereby a receptor site is required and a translocation is undertaken, or the District-level Licence route, whereby a financial contribution is paid by developers based on the impact the development has on ponds.
- Invertebrates – no species recorded. The proposed landscape scheme will provide opportunities for invertebrate species not currently present on site.

16.16 The application has been assessed by Place Services Ecology on behalf of the Council, their conclusions being that sufficient information has been submitted

with which to assess the likely impacts of the proposed development, and that biodiversity mitigation and enhancement measures can be secured by condition. A 10% Biodiversity Net Gain (BNG) would be secured by condition in accordance with policy ENV1 (whilst BNG is now a national statutory requirement, the application was submitted prior to legislation so does not fall under those requirements; the provisions of the adopted Local Plan remain relevant however). The proposed development is therefore considered to be acceptable in terms of biodiversity on this basis.

16.17 There is also a requirement for the proposed development to satisfactorily mitigate recreational disturbance on Habitat sites (as part of the Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS)). Whilst the submitted information considered that there would be limited impact from the development due to the distance from Habitat sites, as well as there being recreational opportunities on-site and in the immediate vicinity, the Council Habitat Regulations Assessment is clear that the whole of the Colchester City Council administrative area is within the zone of influence (Zoi) for the Essex Coast RAMS and that the proposed development is likely to have a significant effect upon the interest features of Habitat sites through increased recreational pressure (when considered either alone or in-combination with other plans and projects). It is therefore considered necessary to secure on-site mitigation measures (e.g. open space, dog walking routes, signage/information leaflets to householders to promote areas other than Habitat sites for recreation, dog waste bins, and maintenance/management arrangements of the on-site provision). In addition, a financial contribution is required towards off-site mitigation measures. Subject to these measures being secured (as part of the legal agreement), the proposed development is considered to meet RAMS requirements.

16.18 Character of the area (including landscape impact)

Policy ENV1 seeks to conserve and enhance Colchester's natural and historic environment, countryside and coastline, with Development Plan Policy DM15 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. Policy CC1 requires all major applications to include a tree Canopy Cover Assessment and for development proposals to increase the level of canopy cover on site by a minimum of 10%.

16.19 Given the fact that the site is allocated for development, the impact of development on the wider landscape is acceptable in principle. Detailed assessment has been undertaken as part of the application process and the submitted Landscape Appraisal and Landscape Strategy have been assessed as acceptable by the Council's Landscape Officer. Key points from the Landscape Appraisal are summarised below:

- [The site is] currently undeveloped and, whilst it does contain some positive features, is it not designated in landscape terms and its features and characteristics are not noted in any published assessments at a National, Regional or Local scale. Its landscape value is limited to those residents currently overlooking it and those walkers who currently cross it and enjoy its currently undeveloped state.

- The scheme proposals are in outline form. The theoretical visibility of the development parcels has been assessed at a maximum height of three storeys. The development proposals present a logical extension to the existing settlement area and an appropriate establishment of a permanent green settlement edge.
- There will be residual adverse effects on residents overlooking the site and on walkers who currently enjoy walking across it. These adverse effects are as would be expected for this change of use and, whilst it is not possible to reduce the scale of the effects (without reducing the ability of the Site to meet the needs of the allocation) the detailed design stages beyond the outline approval will present opportunities to ensure the developer develops an attractive built environment with extensive areas of public realm which will offer a range of amenity and wildlife benefits.
- It can be concluded that the landscape and visual effects have been appropriately assessed and the outline proposals present a framework to develop an attractive, sustainable development which will comply with planning policies at a National, Local and Neighbourhood Scale.

16.20 Both National and Local planning policy emphasise the importance of landscape and green infrastructure in achieving good design. As the application is for Outline Permission, detailed landscape proposals would be submitted and assessed at a later date as part of subsequent Reserved Matters application(s), although the submitted Parameter Plans do set out green infrastructure proposals which show the dispersal of green space throughout the site, as well as the connectivity of green routes.

16.21 From an Urban Design perspective in consideration of the impact of development on the character of the area, the development density (being approximately 25dph across the developable area of the site taking into account the landscape separation to the west of the site, on-site open space, and the provision of land allocated for education purposes) would allow for appropriate fluctuations of density across the site in order to respond to the context of the surrounding area. For example, existing development to the east of the site is of a greater density in comparison to the existing built environment to the west; the application site is capable of accommodating a suitable design and layout to respect those changes in character. Detailed layout and design principles would be secured as part of a Design Code for the development or be determined as part of a complete Reserved Matters (covering the site as a whole).

16.22 The application proposes a spine road through the site from the Wyvern Farm development on the eastern boundary to London Road on the southern boundary of the site. This spine road would pass through the landscape separation area identified in the site allocation policy and, whilst not being above ground development, would introduce built infrastructure in this area. The spine road would result in benefits in terms of access and connectivity to the site, as well as provide suitable infrastructure for public transport which would serve future residents and reduce the need for private means of transport in the interests of sustainability. The visual impact of the spine road onto London Road could be reduced with the introduction of suitable landscaping (which would be considered under Reserved Matters). The impact of the spine road, along with

the benefits of its inclusion within the scheme, will need to be considered as part of the overall planning balance.

16.23 In respect of trees, the submitted Tree Retention and Removal Plan shows that there would be some minimal tree and hedgerow removal, primarily to allow for access points and routes. Neither the Council's Arboricultural Officer or Landscape Officer have raised any objections to the proposed areas of tree/hedge removal. A later amendment to the proposals shows tree and hedgerow removal within the school land (2 no. category B Field Maples and 2 no. sections of category C Hawthorn hedge); this amendment is as a result of negotiations with Essex County Council where it has been made clear that it is a requirement that the school land is kept clear of any planting. Whilst the loss of any trees and hedgerow is unfortunate, the justification is accepted and suitable replacement planting would be secured by condition, as well as a 10% increase in tree canopy cover (as per policy CC1 requirements). The impact of the development is therefore considered to be acceptable, with particular benefits in terms of additional tree planting.

16.24 Heritage

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act (1990), requires that the decision to grant planning permission for development which affects a listed building or its setting shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 205 of the NPPF determines that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

16.25 In terms of local policy, adopted 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.

16.26 During the course of the application archaeological evaluations were undertaken and these were then followed up by a series of archaeological mitigation excavations. The investigations to date have taken into account previous investigations as part of adjacent development (Wyvern Farm and Stane Park) which recorded small quantities of prehistoric, medieval and post-medieval remains. London Road is acknowledged as being considered to be the route of the Roman road between London and Colchester. As part of the archaeological investigation, archaeological features were identified in fourteen of the twenty-six trenches investigated across the c.27.7ha site. These include a shallow Iron Age pit; a number of linear ditches in the north-east of site that likely relate to Late Iron Age/ Roman agricultural land use; and two Roman ditches

parallel to London Road, which may relate to its use during the Roman period. Several large pits in the west of the site were identified as post-medieval but their function remains unknown. The Archaeological work has now entered a post-excavation assessment and analysis stage (this will ultimately result in the production of a report for the Historic Environment Record (HER) and potentially a publication. Following advice from the Council's Archaeological Consultant it is concluded that the necessary pre-determination archaeological investigation has taken place and it is therefore necessary to secure the post-investigation analysis so that the proposed development satisfactorily mitigates any impacts on below-ground heritage. Dependent upon the results of analysis, a financial contribution would be required towards the display promotion and management of any archaeological discoveries; a financial contribution would be required to record the investigation and analysis as part of the Historic Environment Record (HER) in any case (both of which being secured in the s106 Agreement).

16.27 In consideration of built heritage, there are a number of listed buildings situated in the vicinity of the application site, the majority of them along London Road. Whilst the proposed development would not have a direct impact on the architectural interest of any of the listed buildings, the undeveloped site forms part of their setting (for the most part) and contributes to the manner in which those heritage assets are experienced. A development of this scope has the potential to alter significantly the character of the area and represent a notable change to the setting of these heritage assets.

16.28 The impact upon each of the nearby listed buildings has been considered in turn below:

16.29 The site allocation is in the vicinity of Catchbells (a Grade II* listed property). Planning permission has already been approved for residential development to the west and north of the property as part of the site allocation (ref: 202829) and the current application proposes development to the east. Although hedgerows around the boundary of the listed building and the large 18th century brick wall which runs along the eastern boundary of Catchbells limit the appreciation of some of the glimpsed views of the countryside in this location, there will be an alteration in the character and land-use of this part of its setting which will affect its significance. The impact of development to the east of Catchbells is considered to cause moderate harm to the significance of the listed building. The impacts of development in close proximity to Catchbells would have been taken into account as part of the site allocation process and mitigation measures (such as landscaping) can be incorporated as part of the detailed design of the development, although the residual harm identified does still need to be taken into account as part of the planning balance.

16.30 The application site is located opposite the Church of St Albright Grade (Grade II* listed). The church derives its significance from its architectural interest as a medieval church as well as historic value as one of the oldest surviving buildings in the community of Stanway. The application site is screened by mature hedgerows and existing built development, but the open fields contribute to the historic rural setting of the church and therefore make a positive contribution to its significance. Given existing intervening development, the proposed development is considered likely to be visible in glimpsed views

from the church, with parts of the site (the southeastern corner in particular) sharing no inter-visibility with the church. Given the context, the proposed development is considered to result in limited harm to the significance of the church (*less than substantial* in magnitude).

16.31 Wisemans (Grade II listed), is situated to the east of the application site. It's significance lies in its architectural and historic interest as a late 17th century timber framed building and one of the earlier surviving buildings in the village of Stanway, with potential re-used building materials from other medieval buildings. Its most immediate setting, comprising private gardens and drives, contributes positively to the significance of the heritage asset, although much of the rural and secluded character of its former wider setting has been eroded by modern development and thus does not contribute to the significance of the heritage asset. The application site shares no visual or functional connection with the heritage asset and does not contribute to its significance. It is therefore concluded that the proposed development would not cause harm to the significance of the listed building.

16.32 Grade II listed property Rosemary is located on the northern side of London Road (to the south of the application site boundary). The significance of the property lies in its architectural interest as a handsome 18th century private residence. The immediate setting contributes positively to the significance of the heritage asset, as its character has remained as a private residential environment. Rosemary is notably separated from the application site by the existing retail park and as such the development proposals will have no impact on its significance.

16.33 Cants Garden Centre and the Barn to the West of Cants Garden Centre (both Grade II listed) are located within the existing commercial site to the south of the application site. These listed buildings derive their significance from their historic and architectural interest. Although an element of their historic setting is somewhat appreciable travelling west along London Road this has been compromised not only by their current use, but also by the surrounding, modern developments which are detracting features. Until the 1980s, the listed buildings would have bordered onto the site, which would have provided free views over the open countryside. Both Cants Garden Centre, as well as the barn to the west are now separated from the site by the late 20th century retail park to the immediate north and a residential dwelling and soft landscaping to the west. The application site no longer contributes to the significance of the heritage asset as a result of intervening development and the proposed development is not considered to have an impact on the significance of the listed buildings as a result.

16.34 Sparrow Hall (Grade II listed) is located on Turkey Cock Lane to the west of the application site, immediately adjacent to the landscape buffer included as part of the site allocation. The listed property derives its significance from its historic and architectural interest as one of Stanway's earliest, timber-framed buildings. Despite the Kings Coaches building to the south of Sparrow Hall, the listed building is still appreciable as part of a linear development along Turkey Cock Lane. The open fields at the southwest corner of the site to the rear of the listed

building are indicative of its historic setting. Whilst there may be glimpsed views of the wider application site to the northeast from the rear of Sparrow Hall, the impact would be mitigated by the landscape buffer and the location of the proposed access road on the eastern side of the southeastern corner of the site. Although there is no impact on the architectural interest of Sparrow Hall, there would be an alteration in the character and land-use of its eastern setting which will affect its historic interest and this is considered to cause minor harm to the significance of the listed building, albeit at the low end of the spectrum of *less than substantial harm*.

16.35 Street Farmhouse and Barn to East of Street Farmhouse (Grade II) are located on the southern side of London Road opposite the proposed spine road access point. The significance of these listed buildings lies in their age as 17th century farm buildings and their historical connections as one of Stanway's earliest surviving farmsteads and developments along London Road, although this has been somewhat compromised by the commercial use of the barn. The south-western corner of the application site currently forms part of the open rural landscape of the listed building's historic setting, although this setting has already been encroached upon by existing retail park. Nonetheless, this part of the application makes a positive contribution to the significance of the listed buildings. The information submitted with the application shows that this area will be retained as green infrastructure with a proposed attenuation pond. The access point and spine road is proposed to this area, but it is offset to the eastern side, so it would not be directly opposite the listed buildings and this would mitigate the impact. The proposed development would alter the character and land-use of the northern setting of these listed buildings which will affect their historic interest. In consideration of the combined effect of the design mitigation referred to, the surrounding late 20th century development and, in the case of the barn, its commercial use, the proposed development is considered to cause minor residual harm to the significance of the listed buildings which is at the low end of the spectrum of less than substantial harm.

16.36 Finally, Wayside (Grade II listed) is located on the southern side of London Road to the south-west of the application site. There are not considered to be any direct views between this listed building and the application site and there is no functional or historical connection between them. The application site is not therefore considered to contribute to the significance of this listed building and the proposed development would not have an impact on the significance.

16.37 The impacts of the proposed development are considered to be capable of mitigation (as a result of appropriate design and layout, as well as landscaping) and will be considered as part of the overall planning balance.

16.38 Highway Matters

Local Plan Policies (including policies DM21 and DM15 in particular) seek to make the best use of the existing highway network and manage demand for road traffic, with access to all development expected to be created in a manner which maintains the right and safe passage of all highway users. Where development requires a new road or road access it should be designed to give high priority to the needs of pedestrians and cyclists. Development proposals

are required to incorporate any necessary infrastructure and services including highways and parking.

16.39 Policy PP1 requires proportionate mitigation for area-wide transport issues as identified in the relevant policies for North, East, South and West Colchester. Policy WC5 focuses on transport in West Colchester and states that developments in this area will be expected to contribute to a package of sustainable transport measures (including walking, cycling, public transport, travel planning, and the promotion of sustainable travel).

16.40 The application has undergone extensive assessment in respect of the highway impact. A Transport Assessment and supplementary Technical Notes have been submitted that include information in respect of junction capacity and modelling, existing and predicted traffic flows (which include predicted flows from committed development), and necessary safety audits. The information has been assessed by both National Highways and the Highway Authority (Essex County Council).

16.41 National Highways have confirmed that they have no objections to the proposed development subject to conditions to secure a scheme of improvements for Junctions 25 and 26 of the A12, as well as a travel plan to identify targets for trip reduction and modal shift.

16.42 The Highway Authority have confirmed that they have no objections to the proposed development subject to securing means to mitigate the impact of the development, both in terms of impact on the local network and in respect of sustainable transport requirements. The Highway Authority recommendations can be secured by way of planning condition or s106 Agreement as appropriate. For completeness, the Highway Authority requirements cover the following:

- Construction Traffic Management Plan;
- Priority junction (with right turn lane) off the B1408 London Road (to include 2no. minimum 2 metre wide pedestrian islands);
- Provision of vehicular, cycle, and pedestrian access to the site as a continuation of Red Panda Road (with a minimum 6.75m wide carriageway);
- Improvements at and/or in the vicinity of the B1408 London Road/Stanway Western Bypass roundabout;
- A new and/or improved bus service to serve the application site;
- Fully operational bus gate between Stane Park and Wombat Street (if not already provided as a result of other development);
- New and/or improved crossing facilities on the B1408 London Road;
- Improvements to Footpath 5 and Footpath 25 (if not already provided as a result of other development);
- Toucan crossing on the Stanway Western Bypass and widening of Reg Hilham Walk between the Stanway Western Bypass and Lakelands Primary School to provide a 3.5m wide footpath/cyclepath (if not already provided as a result of other development);
- Travel Plan and monitoring fees;
- Residential Travel Information Packs; and
- Details of the spine road to include location and specification of bus stops.

16.43 Subject to the above, the proposed development is considered to be acceptable in respect of highway efficiency and safety, as well as ensure accessibility by more sustainable modes of transport.

16.44 Design Matters

Policies SP7 and DM15 are relevant in respect of design. 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. Policy SP7 states in particular that all new development must meet high standards of urban and architectural design.

16.45 Detailed proposals would be submitted as part of subsequent Reserved Matters application(s) so would not be considered at Outline stage. Some letters of objection have concerns that the impact of the development cannot be assessed due to the lack of detailed proposals, but the Outline Planning process is well-established, and it is considered that matters of principle can be adequately assessed on the basis of the information submitted. The Reserved Matters submission(s) would be considered alongside both national and local policy requirements to ensure good design. Given the scale of development and in order to ensure a comprehensively designed development going forward, in the event that Reserved Matters applications are made for separate phases of the development, it is recommended that a condition be imposed to require a Design Code to be submitted and agreed (this would not be required in the event that a detailed application is made for the site as a whole as a complete development scheme would be submitted for assessment).

16.46 Amenity

Section 2 Policy DM15 requires all development to be designed to a high standard that protects and promotes both public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, and daylight and sunlight.

16.47 The Council's Environmental Protection team have considered the application submission and have recommended conditions in order to ensure that the detailed design would suitably mitigate any impacts from noise (i.e. from the A12 and/or adjacent commercial site). There is an expectation that noise attenuation would be achieved as part of the design of the development, rather than relying on mechanical intervention, in the first instance and this is referred to in the recommended conditions. Further details would be required of the bund and attenuation fencing along the northern portion of the site (in relation to noise from the A12).

16.48 In respect of impacts from the development on neighbouring amenity, matters of overlooking, disturbance, and loss of light would be considered at detailed design stage (Reserved Matters). It is considered that the submitted Parameter Plans demonstrate that the site would be capable of development without a detrimental impact on neighbouring amenity; either development parcels are located removed from existing residences, have intervening development, or

the density is such that there would be scope to design an appropriate layout to either avoid or suitably mitigate impacts.

16.49 The construction of development is likely to cause some disturbance to existing residents, although this would not be in the long-term and would not be a reasonable reason to refuse the application. A construction method statement and traffic management plan can be secured via planning condition in order to ensure that the development is undertaken in an appropriate manner.

16.50 Other Matters

Policy DM1 focuses on health and wellbeing and includes a requirement for applications of over 100 residential units to include a Health Impact Assessment (HIA). The application is supported by an HIA. No objections or concerns have been raised by the NHS in this regard; financial contributions would be secured in respect of healthcare services and the ambulance service. For information, key points from the HIA include:

- The site is located in a sustainable location adjacent to the existing settlement boundary of Colchester and forms part of the Stanway Growth Area, which has been an area of focus for mixed-use development in recent years. As a result of this growth Stanway is a highly sustainable location which provides access to a number of local facilities, services and leisure including Retail, restaurants, pubs, education, community facilities, healthcare and formal open space.
- The site also benefits from being located near to local transport infrastructure including bus services and access to railway services from Marks Tey. The proposals themselves, promote active travel and exercise within the site through the proposed footpaths and cycle paths; the network of green infrastructure and open space; and the connections to the surrounding wider area. The proposals therefore provide opportunities for local residents to lead more active lifestyles and be less reliant on private motorised vehicles for travel.
- Access to open space (on-site or through wider connections to the local the area) is known to assist in promoting healthier lifestyles both through providing opportunities for physical activity, but also due to its therapeutic qualities which can help local users and residents achieve better mental wellbeing.
- We have assessed the impact of the development on local healthcare provision and have concluded that the development will likely increase pressure to the locally identified practice (in which residents would likely register with) as they are already at capacity. As a result, a financial contribution towards primary healthcare provision will likely be requested.
- Overall, it is considered that the proposals will have a beneficial impact against all of the categories assessed and that the proposals are acceptable from a health and wellbeing perspective.

16.51 In respect of utilities, there is a local high pressure gas main crossing the site north to south from London Road to the A12. Consultation has been undertaken with the Health and Safety Executive, as well as Cadent Gas, neither of whom raise any objections. The developer is aware of the gas main and related easement and this can be taken into account as part of the site layout.

16.52 Public representations have been taken into account as part of the assessment of the application and it is considered that the points raised have been addressed in the report above. Stanway Parish Council have expressed concern in the lack of doctors, dentist, and serviced bus route; the s106 would secure financial contributions to healthcare as per NHS requirements, as well as a financial contribution towards the procurement of a bus service as recommended by the Highway Authority. The LTN1/20 requirements referenced by the Colchester Cycling Campaign will be considered as part of the detailed proposals at Reserved Matters Stage.

16.53 On a procedural matter, the applicant has been notified of the recommended conditions. The applicant has not objected to the pre-commencement conditions and the requirements of the Town and Country Planning (Pre-commencement Conditions) Regulations 2018 are considered to be met.

17.0 Planning Balance and Conclusion

17.1 National policy requires planning to be genuinely plan-led. The proposal is considered to accord with the adopted Local Plan and in particular the site allocation policy WS2. 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. The proposal is considered to meet these objectives as it would contribute towards the number of dwellings required to support growth in the west of Colchester, including balanced communities through the delivery of 30% affordable housing, and is located within walking distance of a number of key local services and facilities required for day-to-day living.

In respect of the third dimension (**environmental**), 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; enhancements to pedestrian/cycle infrastructure form part of the development, as well as the provision of infrastructure to support a bus service through the site which will provide for means of transport other than private car for trips further afield. Ecological enhancements can also be secured as part of the development through enhanced habitats.

There is also sufficient evidence to be confident that overall, the development would not cause significant harm to the amenity of nearby residents or have a severe impact upon the highway network. Whilst the proposed development would have an impact on the existing character of the site and setting of listed buildings through a general suburbanising effect on the wider setting (by introducing built development where there is none currently), which carries some weight against the proposal, the positive economic and social effects, as well as the sustainability of the proposal would weigh in favour of this scheme as does the significant weight afforded to the supply of new homes in the Framework. Similarly, the inclusion of the spine road through the landscape separation area required by the site allocation policy would have a negative landscape impact, but the benefits that would result in terms of enabling sustainable transport is considered to be of benefit and would weigh in favour of the scheme.

In conclusion, it is considered that the benefits of the scheme outweigh any adverse impacts and, as such, a recommendation of approval can be put forward, subject to conditions and s106 requirements.

18.0 Recommendation to the Committee

18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990, within 6 months from the date of the Committee meeting. In the event that the legal agreement is not signed within 6 months, to delegate authority to the Head of Service to refuse the application, or otherwise to be authorised to complete the agreement. Delegated authority to make non-material amendments to planning conditions and Section 106 clauses as necessary.

The Permission will also be subject to the following conditions:

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 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 Documents

With the exception of any provisions within the following conditions, the development hereby permitted shall be carried out in accordance with the details shown on the submitted drawings:

- WH203_05_P_10 Site Location Plan
- BA10849 – 2010 Rev B Parameter Plan: Land Use
- BA10849 – 2011 Rev B Parameter Plan: Green & Blue Infrastructure
- BA10849 – 2012 Rev B Parameter Plan: Vehicular Movement
- BA10849 – 2013 Rev C Parameter Plan: Pedestrian Movement
- BA10849 – 2014 Rev B Parameter Plan: Maximum Density
- BA10849 – 2015 Rev B Parameter Plan: Phasing & Parcels
- BA10849 – 2016 Rev C Parameter Plan: Cycle Movement
- 10677-D-TRRP Rev B Tree Retention & Removal Plan

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

5. Reserved Matters to be in Accordance with

Any Reserved Matters proposals shall be in accordance with the following documents:

- Landscape, Townscape & Visual Assessment lodged on 01/10/2021 and the Landscape Strategy doc 2964-RE-01.D lodged 10/01/2022

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. Details of Spine Road

Concurrent with the first Reserved Matters, details of the proposed spine road (including but not limited to the location and specification of bus stops) shall be submitted. The spine road should include a sufficient number of bus stops (to Essex County Council specification) such that no dwelling is more than 400 metres walking distance (not as the crow flies) to/from a bus stop.

Reason: To ensure that the development is accessible by sustainable modes of transport in the interests of highway efficiency and sustainable development.

7. Trees

The following shall be submitted concurrent with the Reserved Matters application(s):

- Arboricultural Impact Assessment, Arboricultural Method Statement, and Tree Protection Plan relative to the submitted Reserved Matters/Phase;
- Strategy to provide 10% uplift in on-site tree canopy cover within the site, based upon the Existing Canopy Coverage drawing WHXXX_XX_P_XX.01, and in addition to provide trees to replace trees T011, T012, and A012 shown to be removed on Tree Retention and Removal Plan 10677-D-TRRP Rev B.

Reason: To ensure that there is appropriate mitigation and enhancement in respect of the natural environment and to secure the enhancements put forward as part of the application and which formed part of the basis on which the application was submitted, considered, and approved by the Local Planning Authority.

8. Public Open Space

The Reserved Matters shall demonstrate that at least 10% public open space will be provided within the development site. The 10% public open space shall be provided within the land shown white on drawing WH203_07_P_02.

Reason: In order to secure policy compliant public open space in the interests of public amenity and good design within the developable area of the site.

9. Housing Standards

The Reserved Matters application(s) shall include details to demonstrate the provision of at least 10% of market housing being designed to meet Building Regulations 2015 Part M4 (2) accessible and adaptable standards (including any necessary ancillary parking requirements).

Reason: In the interests of good design and accessibility in accordance with Policy DM12 of the adopted Local Plan.

10. Noise

Concurrent with the reserved matters submission, the following information shall be submitted:

- Details of the proposed Green Soundblock (or similar to be proposed) acoustic barrier together with plans to show where the Green Soundblock shall be installed, including details to show the acoustic barrier in relation to the bunding adjacent to the A12. The details shall include specific heights, sections and construction details of both the acoustic barrier and the bunding.
- Details of noise levels for the southern part of the site adjacent the existing London Road commercial site in relation to the proposed development layout and building design. Any noise impacts should be mitigated through design measures, rather than mechanical ventilation, in the first instance.
- Specific modelled noise levels with proposed mitigation in place across the different site noise zones at the dwelling facades (including calculations to demonstrate how the façade 16 and 8 hour Laeqs have been derived from the site measurements and align with the modelling), to include all storeys (i.e. first floor and flats), showing external day and night-time levels (including night-time levels for facades facing the A12), the level of glazing and ventilation required, and resulting internal levels for each unit. The development shall be designed so as to comply with the current version of BS8233 without the need for mechanical ventilation systems. A justification should be provided where this is not possible and in this instance, 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. 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.

11. Design Code

In the event that the Reserved Matters is submitted in separate phases, prior to, or concurrently with, the submission of the first reserved matters for any part submission of the site, a site wide Design Code (as defined by Annex 2 of the National Planning Policy Framework) shall be submitted to and approved in writing by the Local Planning Authority. The Design Code shall be prepared in accordance with and have due regard to the principles and parameters established by this outline approval and shall include both strategic and detailed elements. The Design Code shall comply to the principles and guidance set out within the National Planning Policy Framework, National Design Guide, and National Model Design Code, along with both National and Local adopted planning policies pertaining to design. The Design Code shall provide a design framework that will:

- identify, and justify, which design parameters it seeks to prescribe and which parameters it affords more flexibility or freedom to;
- seek to create a beautiful, sustainable and distinctive place with a consistent and high-quality standard of design;
- respond positively to the existing character of the site, its context and surroundings, whilst ensuring the quality of existing places and their environs are preserved and enhanced;
- establish a distinct and legible identity for the site, using the arrangement of streets, spaces, building types and materials to create a strong sense of place and contribute to individual character areas within the site;
- create an integrated and connected network of biodiverse public open space with green and blue infrastructure;
- create a well-connected place that prioritises the needs of pedestrians, cyclists and public transport services above use of the private car;
- and; create a place that is safe, inclusive and accessible and which promotes health and well-being, with a high standard of amenity.

The reserved matters shall comply with the Design Code as approved and no development shall take place, other than enabling works agreed in writing by the Local Planning Authority, until the Design Code for the entire site has been approved in writing by the Local Planning Authority. A design code is not required in the event that a single Reserved Matters is submitted for the site as a whole.

Reason: To ensure a comprehensive approach to development and a consistent approach to design, that meets the high-quality standard of design required by both National and Local policy.

12. Surface Water Drainage Scheme

Concurrent with the Reserved Matters, 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, shall be submitted. The scheme shall incorporate the information provided in the FRA Technical Note (EAS Consultants, dated 29th February 2024) as well as the following information:

- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event, *OR, if impracticable*
- Demonstrate that features are able to accommodate a 1 in 10 year storm event within 24 hours of a 1 in 30 year event plus climate change
- 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 all drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.
- Demonstrate all necessary approvals to proposed outfall proposals.
- Manufacturer's confirmation of the pollution hazard mitigation indices of the proposed Downstream Defenders.

The scheme shall subsequently be implemented as approved prior to occupation.

Reason: In order to ensure that the development does not increase flood risk elsewhere and does not contribute to water pollution; and to ensure that the drainage scheme is compatible with the design principles and landscaping of the development.

13. Biodiversity Mitigation and Enhancement

All mitigation and enhancement measures and/or works shall be carried out in complete accordance with the details contained in the Ecological Assessment (Ecology Solutions, August 2021), the Construction Environmental Management Plan (Ecology Solutions, March 2022) and Badger Survey and Update and Assessment (Ecological Solutions, 2022).

Reason: To conserve and enhance protected and Priority species and allow the Local Planning Authority 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).

14. EV Charging

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 10% provision for unallocated parking spaces. The EV charging points shall be installed prior to the first occupation of their respective dwellings and thereafter retained and maintained in good working order.

Reason: In the interests of minimising the impact on climate change and to promote the use of sustainable modes of transport and ultra-low emission vehicles in accordance with policy DM21 of the adopted Local Plan.

15. Limits to Hours of Work

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

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working.

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

16. Site Waste Management Plan

The development shall be implemented and undertaken in accordance with the Site Waste Management Plan (SWMP) version 1.1 dated March 2022 (project reference: ENV01-STAN-071) with updated version submitted as per section 4.2.

Reason: In the interests of sustainable development.

17. A12 Junction 26 Works

No works shall take place until design details relating to improvement to the approaches to Junction 26 of the A12 have been submitted to, and approved in writing by, the Local Planning Authority. The details shall follow the scheme for traffic signs, alterations to kerbs, and white lines shown in outline on Motion drawing 2011080-16 J16 alterations to lane markings and Advances signing, dated 31st May 2023. The approved scheme shall then be fully completed and functioning before first occupation of the development.

Reason: To ensure that the A12 continues to serve its purpose as part of a national system of through traffic in accordance with Section 10 of the Highways Act 1980, and to satisfy the requirements of road safety.

18. A12 Junction 25 Works

No works shall take place until either: a written statement from National Highways is submitted to confirm that the A12 Chelmsford to A120 Widening Scheme (or other similar comprehensive improvement scheme) has significantly progressed so that further works to mitigate the development are no longer required; or design details relating to improvements to Junction 25 of the A12 have been submitted to, and approved in writing by, the Local Planning Authority. The details shall follow that shown in outline on Motion drawing 2011080-18, dated 31st October 2023, and shall include drawings and documents to show the following:

- How the improvement interfaces with the existing highway alignment and carriageway markings, including lane destinations;
- Full construction details relating to the highway improvement (this should include any modifications to existing structures or proposed structures with supporting analysis);
- Full signing and lighting details;

- Confirmation of compliance with departmental standards (DMRB) and policies (or approved relaxations/departures from standards);
- Evidence that the scheme is fully deliverable within land in control of either the applicant or the highway authority;
- An independent Road Safety Audit (carried out in accordance with departmental standards (DMRB) and Advice Notes);
- A Construction Management Plan detailing how construction traffic will be managed.

In the event that improvement works are required, the approved scheme shall be fully completed as approved prior to first occupation of the development.

Reason: To ensure that the A12 continues to serve its purpose as part of a national system of through traffic in accordance with Section 10 of the Highways Act 1980, and to satisfy the requirements of road safety.

19. Submission of Natural England Mitigation License for Great Crested Newt

No works shall take place until the following has been submitted to the Local Planning Authority:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
- b) a GCN District Level Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
- c) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

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 and s17 Crime & Disorder Act 1998.

20. Biodiversity Enhancement Strategy

Notwithstanding the submitted details, no works shall take place until a Biodiversity Enhancement Strategy for Protected and Priority species has been submitted to and approved in writing by the Local Planning Authority. The strategy shall follow the recommendations made within the Ecological Assessment (Ecology Solutions, August 2021) and Biodiversity Net Gain Assessment and Recommendations for Landscape Strategy (Ecology Solutions, March 2022).

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species/habitats and allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

21. Biodiversity Net Gain Design Stage Report

No works shall take place until a Biodiversity Net Gain Design Report, in line with Table 2 of CIEEM Biodiversity Net Gain report and audit templates (July 2021), has been submitted to and approved in writing by the Local Planning Authority which provides a minimum of 10% measurable biodiversity net gain, using the DEFRA Biodiversity Metric 3.1 or any successor.

The content of the Biodiversity Net Gain report should include the following:

- a) Baseline data collection and assessment of current conditions on site;
- b) A commitment to measures in line with the Mitigation Hierarchy and evidence of how BNG principles have been applied to maximise benefits to biodiversity;
- c) Provision of the full BNG calculations, with detailed justifications for the choice of habitat types, distinctiveness and condition, connectivity and ecological functionality;
- d) Details of the implementation measures and management of proposals;
- e) Details of any off-site provision to be secured by a planning obligation; and
- f) Details of the monitoring and auditing measures.

The proposed enhancement measures shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reasons: In order to demonstrate measurable net gains and allow the Local Planning Authority to discharge its duties under the National Planning Policy Framework (2021).

22. Construction Management and Traffic Management Plan

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

- a) the parking of vehicles of site operatives and visitors;
- b) hours of deliveries and hours of work;
- c) loading and unloading of plant and materials;
- d) storage of plant and materials used in constructing the development;
- e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- f) vehicle and wheel washing facilities within the site and adjacent to the egress onto the highway;
- g) measures to control the emission of dust and dirt during construction; and
- h) a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

23. Surface Water Drainage Scheme 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: In order to ensure that the development does not increase flood risk elsewhere and does not contribute to water pollution.

24. Foul Water Drainage

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.

25. Wildlife Sensitive Lighting Design Scheme

No works shall take place above ground floor slab level within each phase of the development until a lighting design scheme for biodiversity has been 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 technical specification) 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 Local Planning Authority 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).

26. Updated Ecological Assessment

No works shall take place until a review of the approved ecological mitigation measures, as well as any amendments or updates, has been submitted to, and agreed in writing by, the Local Planning Authority.

The review shall be informed by further ecological surveys commissioned to:

- i. establish if there have been any changes in the presence and/or abundance of protected species; and
- ii. identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of the development.

Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: To allow the Local Planning Authority 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).

27. Contaminated Land (Submission of Remediation Scheme)

No works shall take place within each phase of the development until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared and then submitted to and agreed, in writing, by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

28. Contaminated Land (Implementation of Approved Remediation Scheme)

No works shall take place within each phase of the development, other than that required to carry out remediation, the approved remediation scheme must be carried out in accordance with the details approved. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification/validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

29. Validation Certificate

In the event that contamination remediation is required as detailed in conditions 26 and 27, prior to the first occupation of any and each phase of the development, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the contamination remediation works for that phase have been completed in accordance with the documents and plans detailed in Conditions 26 and 27.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

30. Archaeology

No occupation of the development shall take place until, a programme of archaeological post-excavation analysis and reporting has been undertaken in accordance with the submitted 'Written scheme of Investigation for an Archaeological Excavation' prepared by RPS in May 2022 and an additional WSI for 'Archaeological Excavation Land at Wyvern Farm Area 5' prepared by Archaeology South-East in March 2023, and submitted to the Local Planning Authority.

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.

31. Site Boundary Noise Levels (only for new external plant)

No occupation of the development within each phase shall take place until a competent person has ensured that the rating level of noise emitted from the site's plant, equipment and machinery shall not exceed 0dB(A) above the background levels determined at all facades of [or boundaries near to] noise-sensitive premises. The assessment shall have been made in accordance with the current version of British Standard 4142 and confirmation of the findings of the assessment shall have been submitted to, and agreed in writing by, the Local Planning Authority and shall be adhered to thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance, as there is insufficient information within the submitted application.

32. Surface Water Drainage Management and Maintenance

No occupation of the development within each phase shall take place until a maintenance plan detailing the surface water drainage 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. The surface water drainage management and maintenance shall then be undertaken as approved.

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.

33. Highway Conditions

No occupation of the development shall take place until the following have been provided or completed:

- a) A priority junction (with right turn lane) off the B1408 London Road to include 2 no. 2 metre wide (minimum) pedestrian islands (details having been first submitted to and agreed in writing by the Local Planning Authority); and
- b) A continuation of Red Panda Road with a minimum 6.75 metre wide carriageway (details having been first submitted to and agreed in writing by the Local Planning Authority).

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

34. Communal Storage Areas

Prior to the first occupation of any dwellings served by communal storage areas (including refuse and cycle storage areas) within each phase of the development, details of the management company responsible for the maintenance of communal storage areas and for their maintenance of such areas, shall be submitted to, and agreed in writing by, the Local Planning Authority. Such detail as shall have been agreed shall thereafter continue unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

Reason: The application contains insufficient information to ensure that the communal storage areas will be maintained to a satisfactory condition and there is a potential adverse impact on the quality of the surrounding environment.

35. Contaminated Land (Reporting of Unexpected Contamination)

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 26, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with conditions 27 and 28.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

19.1 Informatives

19.1 The following informatives are also recommended:

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.

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.

Informative on Section 106 Agreements

Please note that this permission is subject to a Section 106 legal agreement and this decision should only be read in conjunction with this agreement.

Cadent Gas

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. Prior to carrying out works, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Essex Police

Essex Police would recommend the applicant incorporate crime prevention through environmental design and apply for nationally acknowledged and police recommended Secure By Design accreditation to ensure safe, well planned and inclusive environments as recommended in the NPPF, the National Design Guide and the Colchester Development Core Strategy Plan.

Essex Police, provide a no cost, impartial advice service to any applicant who request this service; we are able to support the applicant to achieve the requirements to gain the nationally acknowledged Secured by Design accreditation and would invite the them to contact Essex Police via designingoutcrime@essex.police.uk

Landscape

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: https://www.colchester.gov.uk/info/cbc-article/?catid=which-application-form&id=KA-01169](https://www.colchester.gov.uk/info/cbc-article/?catid=which-application-form&id=KA-01169) under Landscape Consultancy by clicking the 'read our guidance' link).

SUDS

It is recommended that the Applicant/Developer look at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.
<https://www.essex.gov.uk/protecting-environment>