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Item No: 7.2

Application: 212646

Applicant: Mersea Homes Mersea Homes

Agent: Andrew Ransome

Proposal: Outline planning application for 30 dwellings and 1ha of public open space and access from Newbarn Road. Some matters reserved.

Location: Land to the east of, Newbarn Road, Great Tey

Ward: Rural North

Officer: Nadine Calder

Recommendation: Approval subject to S106 legal agreement and conditions

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it is an application for major development, and the recommendation is for approval subject to a legal agreement. The application has also attracted objections.

2.0 Synopsis

- 2.1 The key issues for consideration are the principle of the proposed development in terms of land use allocation; highway safety; wildlife impact; flood risk and contamination.
- 2.2 The site currently forms an agricultural field bounded by open countryside, public open space and residential development. It is the subject of an emerging allocation for residential development. Based on the information submitted, it is considered that the site is able to accommodate 30 dwellings and a minimum of 1ha of public open space ("POS") without appearing cramped or overdeveloped. The scheme is also acceptable from a highway safety point of view. Subject to appropriate conditions, there is unlikely to be any detriment to the amenity of the surrounding area or significant impact upon existing vegetation, wildlife, flood risk or contamination.
- 2.3 The application is subsequently recommended for approval subject to a legal agreement.

3.0 Site Description and Context

- 3.1 The site extends to 2.9 hectares and currently forms an agricultural field. The land has a gentle gradient that runs in a north to south direction. The site is located to the east of Newbarn Road and to the north of The Street. The site's boundaries with these roads are characterised by a mature hedgerow, which only has a break in the south-western corner of the field.
- 3.2 The site adjoins the existing settlement boundary of Great Tey with residential development within Farmfield Road and Harvesters' Way lying to the east of the site. Dwellings within these roads are accessed from Greenfield Drive.
- 3.3 The north eastern part of the site bounds the village recreational ground, whilst the north western part is located adjacent to the residential curtilage of the dwellings located along Newbarn Road.

4.0 Description of the Proposal

- 4.1 This application seeks outline planning permission with all matters reserved save for access for the provision of 30 residential dwellings (including 30% affordable housing), 1 ha of POS and access from Newbarn Road to the west of the site. The application is supported by an Indicative Land Use Area and Connectivity Plan which seeks approval for the land use parameters. If approved, all future reserved matters would be required to comply with the approved Parameter Plan.

- 4.2 Vehicular access to the site is proposed via a new priority junction with Newbarn Road, located 50m north of the Newbarn Road / Brookhouse Road Y-junction.
- 4.3 The Indicative Land Use Area and Connectivity Plan shows pedestrian and cycle access to Farmfield Road, Harvesters' Close and the public right of way that runs through the existing POS to the north east of the site (PROW 137_14).

5.0 Land Use Allocation

- 5.1 The site lies outside the defined settlement boundary for Great Tey, and thus within the countryside in the Adopted Local Plan (Site Allocations DPD (2010)). Within the emerging Colchester Borough Local Plan 2017-2033 in Section 2, the site forms part of a housing allocation (Policy SS8 Great Tey, 'Land off Greenfield Drive'), which is identified to accommodate 30 new dwellings and a minimum of 1ha of POS. The weight of emerging Policy SS8 is considered below.

6.0 Relevant Planning History

- 6.1 There is no site history that is particularly relevant to this current application.

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.
- 7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:
- SD1 - Sustainable Development Locations
 - SD3 - Community Facilities
 - H1 - Housing Delivery
 - H2 - Housing Density
 - H3 - Housing Diversity
 - H4 - Affordable Housing
 - UR2 - Built Design and Character
 - PR1 - Open Space
 - TA1 - Accessibility and Changing Travel Behaviour
 - TA2 - Walking and Cycling
 - TA3 - Public Transport
 - TA4 - Roads and Traffic
 - TA5 - Parking

ENV1 - Environment
ENV2 - Rural Communities
ER1 - Energy, Resources, Waste, Water and Recycling

- 7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:
DP1 Design and Amenity
DP3 Planning Obligations and the Community Infrastructure Levy
DP12 Dwelling Standards
DP14 Historic Environment Assets
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
DP25 Renewable Energy
- 7.4 Some “allocated sites” also have specific policies applicable to them. The adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:
n/a
- 7.5 Adopted Local Plan and Emerging Local Plan Status – March 2021

The Section 1 Local Plan was adopted on 1 February 2021 and is afforded full weight. The Section 2 Emerging Local Plan remains to complete examination, following hearing sessions held in April 2021. Reconsultation was then undertaken on the major modifications proposed by the Inspector and his final report is now awaited. Section 2 policies must be assessed on a case by case basis in accordance with NPPF paragraph 48 to determine the weight which can be attributed to each policy.

Core Strategy Policy SD1 is fully superseded by policies SP5 and SP6 of the Section 1 Local Plan. Policies SD1, H1 and CE1 are partially superseded by policies SP3, SP4 and SP5 in relation to the overall housing and employment requirement figures. The remaining elements of policies SD1, H1 and CE1 are relevant for decision making purposes.

The Council can demonstrate a five year housing land supply.

Adopted Section 1 Local Plan

On 1st February 2021, Full Council resolved to adopt the modified Section 1 Local Plan in accordance with Section 23(2)(b) of the Planning and Compulsory Purchase Act 2004. The final version of the Adopted North Essex Authorities’ Shared Strategic Section 1 Local Plan is on the council’s website [here](#).

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. Section 2 of each plan contains policies and allocations addressing authority-specific issues.

Appendix A of the Section 1 Local Plan outlines those policies in the Core Strategy Focused Review 2014 which are superseded. Having regard to the strategic nature of the Section 1 Local Plan, policy SD2 of the Core Strategy is fully superseded by policies SP5 and SP6 of the Section 1 Local Plan. Policies SD1, H1 and CE1 of the Core Strategy are affected in part. The hierarchy elements of policies SD1, H1 and CE1 remain valid, as given the strategic nature of policies SP3, SP4 and SP5 the only part of the policies that are superseded is in relation to the overall requirement figures.

The final section of Policy SD1 which outlines the presumption in favour of sustainable development is superseded by policy SP1 of the Section 1 Local Plan as this provides the current stance as per national policy.

All other Policies in the Core Strategy, Site Allocations and Development Management Policies and all other adopted policy which comprises the Development Plan remain relevant for decision making purposes.

Emerging Section 2 Local Plan

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

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

The Emerging Local Plan submitted in October 2017 is at an advanced stage, with Section 1 now adopted and Section 2 progressing to examination hearing sessions in April. Section 1 of the plan is therefore considered to carry full weight.

Section 2 will be afforded some weight due to its advanced stage. However, as it is yet to complete examination, the exact level of weight to be afforded will be considered on a site-by-site basis reflecting the considerations set out in paragraph 48 of the NPPF. Proposals will also be considered in relation to the adopted Local Plan and the NPPF as a whole.

5 Year Housing Land Supply

Section 1 of the Emerging Local Plan was adopted by the Council on the 1 February 2021 and therefore carries full weight.

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.

Although the Garden Community is allocated in Section 1, all other site allocations are made within Section 2 of the Plan which is still to complete examination. 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 which 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 ($5 \times 920 + 5\%$).

The Council's latest published Housing Land Supply Annual Position Statement (August 2021) demonstrates a housing supply of 5,597 dwellings which equates to 5.79 years based on an annual target of 920 dwellings (966 dwellings with 5% buffer applied) which was calculated using the Standard Methodology. This relates to the monitoring period covering 2021/2022 through to 2025/2026.

8 Five Year Supply Calculation

- 8.1 The table below illustrates the 5-year supply calculation for the district during the period between 2021/2022 through to 2025/2026.

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 and selected emerging allocations and windfall allowance	5597
Total number of years' worth of housing supply including emerging allocations	
Supply against SM with permissioned sites, existing allocations, windfall and selected emerging allocations	5.79

- 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 5.75 years is deliverable within this period.

The LPA's 5YHLS has been tested at appeal and found to be robust, the most recent cases being on Land at Maldon Road, Tiptree (Appeal Ref: APP/A1530/W/20/3248038) and Land at Braiswick (Appeal Ref: APP/A1530/W/20/324575).

In accordance with paragraph 73 of the NPPF, the adoption of the strategic housing policy in Section 1 of the Local Plan the adopted housing requirement is the basis for determining the 5YHLS, rather than the application of the standard methodology.

Given the above, it is therefore considered that the Council can demonstrate a five year housing land supply.

Appendix 1 – Policies Superseded from the Core Strategy Focused Review 2014 by the Shared Strategic Section 1 Local Plan

General Local Plan Status

The Colchester emerging Local Plan (eLP) was submitted to the Planning Inspectorate in October 2017. The Plan is in two parts with Section 1 being a shared Strategic Plan for the North Essex Authorities (Colchester, Braintree, and Tendring). Following Examination in Public (EiP) the Section 1 Local Plan was found sound and Colchester Borough Council adopted the Section 1 Local Plan on 1 February 2021 in accordance with Section 23(2)(b) of the Planning and Compulsory Purchase Act 2004.

Policy SP2 should be referred to when applying the Habitats Regulations requirements to secure RAMs contributions where appropriate. This does not

update the approach that the Council have been implementing but the Policy context has updated status with the adoption of Section 1 which includes a specific policy covering this issue.

A few policies in the Core Strategy are superseded in part by the adopted Section 1 Local Plan, and SD2 in full only. This is outlined below in detail and a summary table for all Section1 Policies.

Policy SD2 – Full

The Borough Council will work with partners to ensure that facilities and infrastructure are provided to support sustainable communities in Colchester. New facilities and infrastructure must be located and designed so that they are accessible and compatible with the character and needs of the local community.

New development will be required to provide the necessary community facilities, open space, transport infrastructure and other requirements to meet the community needs arising from the proposal. Development will also be expected to contribute, as appropriate, to strategic projects that support sustainable development and the wider community.

The Council will seek to ensure that new development makes a reasonable contribution to the provision of related facilities and infrastructure. This will either be through a planning obligation (usually contained within a Section 106 agreement) and/or, if applicable, through a Community Infrastructure Levy (CIL) payment, following adoption of a CIL charging schedule.

A CIL charging schedule would set a specified charge for each square metre of gross internal floorspace, related to the use class of the development. CIL payments will contribute to the provision of infrastructure to support development. Planning obligations and s278 agreements will continue to be used to make individual applications acceptable. The Council will publish a list of infrastructure to be funded through CIL to ensure developers do not pay twice for the same item of infrastructure. The viability of developments will be considered when determining the extent and priority of development contributions.

Is replaced by SP6.

Policy SD2 is no longer relevant.

Policy SD1 – In Part

Colchester Borough Council will promote sustainable development and regeneration to deliver at least 14,200 jobs between 2001 and 2021 and at least 19,000 homes between 2001 and 2023.

When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work

proactively with applicants jointly to find solutions which mean that applications can be approved wherever possible and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay unless material considerations indicate otherwise.

Is replaced by SP1.

All other parts of SD1 remain relevant.

Policy H1 – In Part

The Borough Council will plan, monitor and manage the delivery of at least 19,000 new homes in Colchester Borough between 2001 and 2023.

Is replaced by SP3 and SP4.

All other parts of H1 remain relevant.

Policy CE1- In part

The Borough Council will encourage economic development and will plan for the delivery of at least 14,200 jobs in Colchester between 2001 and 2021

Is replaced by SP5.

All over parts of CE1 remain relevant.

Section 1 Adopted Policy	Context of Section 1 Policy	Relevant Core Strategy Policy status
Policy SP 1 Presumption in Favour of Sustainable Development	Restates national Policy	Replaces SD1 - in part. Following text of SD1 is replaced by SP1. <i>Colchester Borough Council will promote sustainable development and regeneration to deliver at least 14,200 jobs between 2001 and 2021 and at least 19,000 homes between 2001 and 2023.</i> <i>When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of</i>

		<p><i>sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that applications can be approved wherever possible and to secure development that improves the economic, social and environmental conditions in the area.</i></p> <p><i>Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay unless material considerations indicate otherwise.</i></p>
Policy SP 2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)	Statutory requirement under the Habitats Regs- Policy provides a new authorisation for contributions	<p>New policy relevant to confirm approach implementing the Habitats Regulations.</p> <p>Full status for decisions post 1.02.2021</p>
Policy SP 3 Spatial Strategy for North Essex	Strategic – relies on Section 2 eLP for Spatial hierarchy and Colchester strategy	<p>High level</p> <p>N/A</p>
Policy SP 4 Meeting Housing Needs	Sets the housing supply figure for the Plan period at 920 per year. Section to allocate sites and determine the spatial distribution	<p>Replaces H1 - in part.</p> <p>Following text of H1 replaced by SP4.</p> <p><i>The Borough Council will plan, monitor and manage the delivery of at least 19,000 new homes in Colchester Borough between 2001 and 2023.</i></p> <p>All other parts of H1 remain relevant</p>
Policy SP 5 Employment	Strategic target – relies on Section 2 eLP to allocated sites	Replaces CE1 – in part.

		<p>Following text from CE1 replaced by SP5.</p> <p><i>The Borough Council will encourage economic development and will plan for the delivery of at least 14,200 jobs in Colchester between 2001 and 2021.</i></p> <p>All other parts of CE1 remain relevant.</p>
Policy SP 6 Infrastructure & Connectivity	<p>Strategic and restates national policy</p> <p>Section 2 covers matters specifically</p>	<p>High level/Garden Community – Section A</p> <p>Sections B, C, D and E of policy apply to all allocations and development proposals in the North Essex Authorities area. These sections replace SD2.</p>
Policy SP 7 Place Shaping Principles	<p>Strategic / restates national policy and eLP</p> <p>Section 2 covers matters specifically</p>	<p>High level</p> <p>N/A</p>
Policy SP 8 Development & Delivery of a New Garden Community in North Essex	<p>New- specific to the Garden Community</p>	<p>Garden Community</p> <p>N/A</p>
Policy SP 9 Tendring/Colchester Borders Garden Community	<p>New- specific to the Garden Community</p>	<p>Garden Community</p> <p>N/A</p>

Note Management Policies and all other adopted policy which comprises the Development Plan remain relevant for decision making purposes. - All other Policies in the Core Strategy, Site Allocations and Development

- 7.6 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):
- The Essex Design Guide
 - External Materials in New Developments
 - EPOA Vehicle Parking Standards
 - Affordable Housing
 - Community Facilities
 - Open Space, Sport and Recreation
 - Sustainable Construction

8.0 Consultations

- 8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.
- 8.2 The Archaeological Advisor does not object to the proposal subject to a condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.
- 8.3 The Contaminated Land Officer does not object to the proposed development.
- 8.4 Environmental Protection raise no objection to the application subject to a condition to limit to the hours of work and the submission of a Construction Method Statement.
- 8.5 The Landscape Officer does not object to the proposed development subject to conditioning the submission of additional information at reserved matters stage to illustrate the visual impact of the proposals from key viewpoints through Type 1 visualisations.
- 8.6 Private Sector Housing state that at this outline stage they have no comments. They will want to comment when the dwelling layouts and elevations, etc. are submitted.
- 8.7 The Tree Officer does not object to the proposal subject to the submitted tree report being made an approved document and conditioning all trees shown for retention to be retained.
- 8.8 The Urban Designer states that the quantum of development proposed appears broadly acceptable, however, the proposed location for the vehicular access cannot be supported in design terms. Additionally, the proposed spatial strategy as shown on the Indicative Land Use Area and Connectivity Plan is not considered appropriate in design terms and as such, this plan should not form part of any approval.
- 8.9 Anglian Water raise no objection to the proposal subject to informatives.
- 8.10 The Environment Agency has not provided any comments to the proposed development at the time of writing this report.
- 8.11 Essex County Council Highways raise no objection to the proposal subject to conditions including the submission of a construction traffic management plan, the provision of a priority junction off Newbarn Road to provide vehicular and pedestrian access to the site, the a minimum 3.5-metre-wide footpath/cyclepath between the site and the Farmfield Road and Harvesters' Way carriageways and the provision of Residential Travel Information Packs.

Further requests, to be covered via the S106 Legal Agreement, were also made and these are set out in Section 15 of this report.

- 8.12 Essex County Fire & Rescue Service raise no objection.
- 8.13 Essex Police would like to see this development to achieve a Secured by Design – Homes award.
- 8.14 The Lead Local Flood Authority has no objection to the proposal subject to conditions, including the submission of a detailed surface water drainage scheme for the site, a scheme to minimise the risk of off-site flooding caused by surface water run-off and ground water during construction works and prevent pollution, a maintenance plan detailing the maintenance arrangements and ensuring that yearly logs of maintenance are kept.
- 8.15 The Minerals and Waste Planning Authority has no comment to make in relation to this application as the area of the proposed development site located within the sand and gravel Mineral Safeguarding Area is below the minimum Minerals Local Plan 2014: Policy S8 threshold of 5ha.
- 8.16 Natural England has no objection to the proposed development subject to the relevant mitigation being secured.

9.0 Parish Council Response

- 9.1 The Parish Council support this application subject to the following:
 - Clarification of responsibility of ongoing maintenance and the ownership of public open spaces; the ownership and responsibility for maintenance should be the responsibility of a suitably funded body, able to carry on its satisfactory management in perpetuity.
 - Clarification of responsibility for ownership and maintenance of trees and hedges.
 - Concerned that the developer's data provided is 3 years old.
 - Improvements to the road junction at Earls Colne Road and Chappel Road are necessary.
 - Road repairs to Greenfield Drive will be required as this will be used as an alternative access point to the development.
- 9.2 Additional comments were made stating that the Parish Council supports the Indicative Land Use Area and Connectivity Plan which reflects the result of the Neighbourhood Plan survey conducted throughout the parish and that they wish that the affordable housing should be integrated with private dwellings throughout the development.

10.0 Representations from Notified Parties

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

10.2 24 letters from 19 households were received, either objecting to the proposed development or making a general observation. The reasons for commenting are summarised as follows (with the full extent of comments being available on the website):

- Overdevelopment;
- Loss of privacy;
- Loss of natural light;
- Loss of view;
- Increase traffic;
- Increase noise;
- Increase in light pollution;
- Site is located outside the village envelope;
- Great Tey has no amenities;
- The development would spoil the lovely country village;
- Existing lanes were not made for more traffic;
- There are no pavements along the roads;
- Development would make the roads more dangerous for walking;
- Great Crested Newts have been spotted in Newbarn Road;
- Proposal would increase pollution;
- Village struggles with drainage system;
- Disappointing that no wider improvements to cycling area are made;
- 30 houses in addition to 15 approved on brook Road exceeds the total number of additional dwellings accepted in Policy SS8;
- Limited access to public transport;
- Pressure on GPs, health, social and dental services;
- Village can absorb new housing but this needs to be achieved through a truly representative local Neighbourhood Plan;
- Additional pressure on electrical infrastructure which is unstable during poor weather;
- Digital communication is poor;
- Continued loss of green spaces;
- Additional pressure for schools;
- Decrease local farming opportunities;
- No streetlights – introducing lighting would add to the visual impact of the development on the rural nature;
- There are no smaller homes in the village – proposal should include starter homes; and
- Should be affordable homes or bungalows.

11.0 Parking Provision

11.1 This is an outline application; however, the application confirms that parking is proposed to be policy compliant. Cycle parking for each dwelling would need to be provided within the curtilage of each dwelling.

- 11.2 This matter would be addressed via reserved matters and a condition is proposed to ensure the reserved matters submission will satisfy the Council's adopted parking standards for cars and cycles.

12.0 Accessibility

- 12.1 This application is in outline form only with the design, layout and appearance of the proposed dwellings being a reserved matter. Notwithstanding this, for current allocations the accessibility standard would be expected to meet Building Regulations 2015 Part M4 Cat 2 for all affordable housing with the exception of upper floor dwellings. This is in lieu of Lifetime Homes as set out in Policy DP12. This could be secured via the S106 Agreement.

13.0 Open Space Provisions

- 13.1 The application includes 1ha of public open space, which is in line with emerging policy requirements.
- 13.2 However, this is an outline application with all matters except access reserved. Details of the layout and landscaping of the scheme would therefore be provided as part of a reserved matters application rather than at this stage.

14.0 Air Quality

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

15.0 Planning Obligations

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

Archaeology - £15,153

£14,400 for museum display case, design and display material

£753 for enhancement of the Colchester HER

£348 will be required if no archaeological remains are affected by the development, to integrate the information from the archaeological investigations.

Communities - £86,184.90

Great Tey Parish Council Village Hall and Great Tey Community Swimming Pool. Contribution would be made towards Village Hall and the specific items listed (i) through to (v) set out below and all monies unspent directed to the swimming pool.

- (i) Remove stage and repair floor - would increase capacity and make more useable;
- (ii) Upgrade kitchen and increase servery area - would provide modern

- space to enable community hub/coffee bar as requested by residents;
- (iii) Replace and upgrade bi-fold doors - enable easier partition and better soundproofing to make spaces available for use at same time also increase income;
- (iv) Renew storage use to enable storage for new users; and
- (v) Provide more folding circular tables for hub and computers etc.

This calculation is based on 30 x 3 bed units. The calculation would be updated once the actual mix of unit sizes are known (for the purposes of the S106 Agreement, the request would need to be tariff based). This figure may increase or decrease accordingly.

Parks & Recreation - £61,966.00 per 1ha

Maintenance sum for Public Open Space if adopted by CBC

Affordable Housing - obligation

9 Affordable Units being requested.

The tenure mix should be no less than 80% affordable rent and no more than 20% shared ownership.

16.0 Report

Principle of Development / Local Plan Overview

- 16.1 The proposal is outline with all matters other than access reserved. These comments therefore relate solely to the principle of the proposed development in relation to the current and emerging policy context.
- 16.2 In the context of the Adopted Local Plan (Core Strategy / Site Allocations) the site is located on greenfield land and therefore contrary to key policies in the Development Plan. However, as the site is allocated for housing development in the emerging Local Plan, which is very advanced in its preparation, a pragmatic approach is suggested with very significant weight to be given to the emerging Policy context rather than that of the current Adopted Plan.

Adopted Development Plan

- 16.3 The relevant elements of the Adopted Local Plan comprise the Section 1 Shared Strategic Local Plan (adopted February 2021), the Core Strategy (Focused Review 2014) and the Site Allocations DPD. It must be acknowledged that the site lies outside of the settlement boundary in the current adopted Local Plan and as such it is contrary to key policies including ENV1 and the distribution elements of SD1 and H1 of the Core Strategy. All other elements of Policies SD1 and H1 are superseded by Policies in the Section 1 Strategic Plan including SP1, SP3 and SP4. Both SP3 and SP4 provide the strategic overview for housing growth and delivery directing towards the emerging Section 2 Local Plan to provide more details in respect of the spatial strategy and housing distribution. It is therefore reasonable and justified for the primary policy context for determining this application to be the

emerging Local Plan, provided that the relevant policies can be afforded sufficient weight.

The emerging Local Plan

- 16.4 The Council is now well advanced in preparing a new Local Plan. Section 1 of the plan is adopted. The emerging Local Plan was submitted to the Planning Inspectorate in October 2017. The emerging Local Plan includes a Shared Strategic Section 1 (with Braintree and Tendring District Councils) and a Section 2 which includes Colchester specific policies and allocations. The Local Plan has been subject to two separate examinations, Section 1 was adopted in February 2021.
- 16.5 The emerging Section 2 Local Plan is yet to examination with hearing sessions held in April 2021. The Council are currently awaiting the Final Report from the Inspector following a six-week public consultation on the Main Modifications considered necessary to make the Plan sound. This ended on 18th November 2021, and it is anticipated the Adoption of Section 2 will be March / April 2022. Weight must therefore be given to the eLP.
- 16.6 Policy SS8 was subject to Main Modifications (MM62) with proposed changes shown below in bold;

Amend the policy in relation to Greenfield Drive as follows:

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

- (i) 30 new dwellings with **pedestrian and cycle** access off Greenfield Drive (Harvesters' Way and/or Farmfield Road) **and vehicle access from Newbarn Road**; and*
- (ii) A minimum of 1ha of public open space adjacent to existing public open space.*

The emerging Neighbourhood Plan is intended to shape the character of the development."

- 16.7 One representation was received to this Main Modification in response to the consultation. Whilst the Inspector has to consider the representations received, the point raised in this case was a matter of principle concerning the sustainability of Great Tey and also referenced comments made in relation to this current application which is not a matter for the Inspector. In respect of the more general concerns expressed around sustainability and the principle of development, this was considered comprehensively as part of the Local Plan Examination and the Inspector's Modifications were in respect of detailed policy points rather than principle. It is therefore considered that this does not raise anything new, and the representation does not specifically relate to the amended elements within the policy, so it is appropriate to consider that the wording of Policy SS8 is extremely unlikely to be further amended by the Inspector and it is reasonable to reference the amended wording of Policy SS8 as set out above and included in the Main Modifications consultation schedule

for the purposes of considering this application. Comments regarding weight to be afforded to this and other relevant emerging policies is addressed below.

- 16.8 The Framework also advocates consideration of other factors including the weight which can be afforded to emerging local plans when they reach an advanced stage of preparation. In this respect, paragraph 48 states that authorities may give weight to emerging plans according to the stage of preparation, the extent to which there are unresolved objections to relevant policies (and the significance of these objections - the less significant the greater the weight that can be given) and the degree of consistency of the relevant policies to the Framework (the closer the policies are to policies in the Framework, the greater the weight that may be given). For the purposes of considering this planning application, it is considered that the emerging Section 2 Local Plan as a whole is afforded significant weight. The policy comments which follow, therefore primarily relate to the emerging Section 2 Local Plan and any other matters as relevant.

Shared Strategic Section 1 Local Plan (Adopted February 2021)

- 16.9 The key Policies relevant to the principle of this proposal include;
- 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
- 16.10 As adopted Policies these all are afforded full weight. As the site is allocated for housing development in the emerging Section 2 Local Plan, it is considered that the proposal complies with Policies SP1, SP3 and SP4. In respect of SP2, it will be necessary for this to be complied with and the Local Planning Authority being satisfied that the Habitats Regulations are complied with.

Emerging Section 2 Local Plan

- 16.11 The key Policies relevant to the principle of this proposal include;
- SG1 Colchester's Spatial Strategy
 - SG2 Housing Delivery
 - SS8 Great Tey
- 16.12 These policies were all subject to Main Modifications. In the case of SG1 and SG2 these proposed changes are not substantial to the intention of the policies and primarily reflect consequential changes as a result of the final content of Section 1 and other matters referred to elsewhere in the plan (such as with reference to policies related to Other Villages and the Countryside to ensure consistency through the plan). These are not therefore relevant to this application. Representations were very limited with a small number objecting specifically to the proposed changes and matters of principle within the Policies or reference to other locations within the Spatial Strategy. Again, none of these points have any bearing of the intention of the policy or implications of it in respect of this proposal. The position in relation to Policy SS8 is explained

further above. As the representation does not raise any fundamental matters which have not previously been addressed, it is considered that very significant weight can be afforded to Policy SS8 as amended by the Main Modification (MM62). Therefore, these key policies (as amended in the Main Modifications schedule) relevant to the principle of the proposal the subject of this application can all be afforded significant weight.

16.13 The proposal is for outline permission for 30 dwellings with everything other than access being reserved matters. Policy SS8 includes requirements in respect of the number of houses on this site specified as 30 and also to access considerations requiring pedestrian and cycle access off Greenfield Drive (Harvesters' Way and/or Farmfield Road) and vehicle access from Newbarn Road. The Planning Statement clearly indicates that these elements are fully complied with in the proposal the subject of this application. The policy also requires provision of 1ha of POS and although this is for the reserved matters, the application makes reference to a commitment to provide this in the future reserved matters application. There is no reason to question this, and it will be a matter to consider at the time a reserved matters application is determined. It is therefore confirmed that the proposal is fully compliant with the relevant policy requirements set out in amended Policy SS8 which it is confirmed should be afforded very significant weight.

16.14 In summary, although the proposal is contrary to the key policies in the Adopted Local Plan, it is fully supported by the recently Adopted Section 1 Strategic Policies and the well advanced emerging Section 2 Local Plan. Having considered the relevant policies against paragraph 48 of the Framework it is appropriate to afford very significant weight to the emerging Local Plan Policies in the determination of this application. In this context, it is concluded that Policy support can be given to the proposal the subject of the application subject to the local planning authority being satisfied that the requirements under Policy SP2 in relation to RAMS can also be met.

Design, Layout and Scale

16.15 The application is submitted in outline form with scale, layout, appearance and landscaping forming the reserved matters. The final design and layout of the proposed development would therefore be the subject of a submission of detail with the appropriate reserved matters and this would have to demonstrate that all relevant adopted space, amenity and parking standards are satisfactorily met.

16.16 Notwithstanding the above, the proposed development was reviewed by the Council's Urban Designer who noted that design considerations are limited to whether the quantum of development proposed is appropriate in the context of the site and whether the application demonstrates that the site is capable of accommodating the quantum of development proposed in an appropriate manner.

16.17 The application site is allocated within the emerging Local Plan as an extension to the existing settlement, to provide 30 dwellings and a minimum of 1ha of

POS. In this context the site falls within the settlement boundary and the principle of development is accepted. The site is located on the western rural edge of the existing settlement and consists of open countryside. The site sits adjacent to dwellings, highway connections and public open space within the existing settlement. Given the site's position immediately adjacent to the existing settlement, it provides a logical location for the incremental expansion of the existing settlement in design terms.

- 16.18 However, in light of the prevailing rural character of the site, the use of a rural system of spatial organisation should be adopted to provide a scheme that is dominated by landscape features. At the proposed density of 17dph it is considered that the site is likely capable of accommodating the proposed quantum of development without contradicting its context and existing character.
- 16.19 The application seeks to establish a means of access to the site. The emerging Local Plan originally required access be taken from Harvesters' Way or Farmfield Road. During the examination of the emerging Local Plan, modifications were requested to the policy that required access to be taken from Newbarn Road. It is rumoured that the modifications reflect the requirements of an emerging Neighbourhood Plan, however the Neighbourhood Plan appears to be at a very early stage and cannot be afforded weight. The weight to be given to each respective policy is a matter of planning balance.
- 16.20 The Urban Designer notes that, in design terms, the benefits of taking access from Harvesters' Way and/or Farmfield Road far outweigh any for taking access from Newbarn Road. Given that two carriageways currently run up to and terminate at the site's eastern boundary, it would appear logical to continue the respective carriageways into the site to provide vehicular access. This would also enable new dwellings to be located adjacent to existing dwellings, as would be logical, without the need for increased provision of grey infrastructure. Providing vehicular access from the east of the site would also provide enhanced connectivity to the existing settlement and remove the necessity to erode the character of the adjacent rural lane through the removal of vegetation along the site's future rural edge and widening of the existing carriageway.
- 16.21 Notwithstanding the above, modifications made to Policy SS8 set out that vehicular access to the site should be taken off Newbarn Road. The Urban Designer's comments are fully noted and understood, however, with the proposed development being in compliance with the emerging policy requests, it would be unreasonable to object to the proposed access in design terms as there is no policy conflict that would justify a refusal on that basis.
- 16.22 The Urban Designer does acknowledge that, if an access point from Newbarn Road is considered appropriate within the planning balance, the proposed position appears optimal, given that it requires removal of less existing green infrastructure and a shorter length of carriageway to be widened.

16.23 The application is supported by an Indicative Land Use and Area Plan which sets out the spatial strategy for the proposed development and is submitted for approval. This spatial strategy is however considered to fail to integrate the site with the existing settlement both physically and functionally. This is a result of the fact that the open space serves to sever the proposed scheme from the existing settlement. This approach reduces the suitability of the site as an extension to the existing settlement in design terms. Built form should be positioned with a direct relationship to existing built form, this could be achieved by breaking down the POS into smaller elements, some of which could be repositioned.

16.24 In order to be looked upon favourably, the spatial strategy for the proposal should respond to its context, by reflecting the existing settlement pattern and adopting a rural spatial strategy that is landscape led. It should also consider the following points:

- Blue and green infrastructure should form an integrated part of the layout and overall design.
- The landscape should dominate the built environment, and both should be utilised to enclose the public realm and create a series of distinct spaces. An appropriate relationship must be established between the height of both buildings and trees and the width of the spaces between them.
- The proposal should provide high levels of pedestrian permeability, connectivity and priority.
- Street trees should be included within the public realm where possible, in order to ensure their long term retention.
- POS should be included at a variety of scales, including smaller more intimate/informal/incidental areas.
- Areas of POS should be fronted by dwellings in order to provide activity and natural surveillance.
- The western boundary of the site will form the future rural edge of the settlement, as such the existing hedge line should be retained, enhanced and buffered by an element of open space.
- Features of the landscaping, architecture and placement of built form should combine to create a distinct and legible character within the site that contribute to an overall sense of place.
- Built form should establish a site wide identity that responds to the site's context and reinforces/enhances the local vernacular.
- A clear road hierarchy should be established and reinforced by adopting a varied surface material for shared surfaces and utilising a variety of frontage treatments for plots.
- Back to back distances should comply with the Essex Design Guide (15-25m dependent on relationship between units).
- Focal/nodal buildings should be included to enhance legibility within the site.
- Consideration should be given to the proposal's carbon footprint, for both the long and short term. This should include consideration of energy consumption and energy generation (i.e. construction methods, materials, building orientation and openings, utilities, renewables, etc.).

- 16.25 In summary, whilst the proposed access of Newbarn Road may not be the most desirable in design terms, it is held to be acceptable due to its policy support. The submitted Indicative Land Use Area and Connectivity Plan however is not considered to provide an appropriate spatial strategy and it is therefore recommended that this does not become an approved document, should planning permission be granted for the proposed development.

Landscape and Trees

- 16.26 Landscape is another matter that is reserved for consideration at reserved matters stage. The application however is supported by a Landscape and Visual Appraisal which assesses the potential landscape and visual constraints and opportunities of the site and its context. The Council's Landscape Advisor confirmed that the landscape aspect of this outline application, with all matters save access reserved, would appear satisfactory.
- 16.27 The Landscape and Visual Appraisal includes three Illustrative Landscape Strategies (Options 1-3) which outline three different spatial strategies for the site. The Landscape Advisor notes that Option 3, from a strictly landscape perspective, would be the preferred option as it maximises the space for landscape buffers and opportunities for passive surveillance.
- 16.28 The Landscape Advisor requests that, as the layout is refined and fixed under reserved matters the visual impact of the proposals from certain key viewpoints will need to be illustrated through Type 1 visualisations, clearly showing the outline/extent of the proposed development, including height and spread, and the impact of any mitigation planting proposed on those viewpoints illustrated over time to maturity. This could be conditioned in this instance.
- 16.29 The site also contains a number of existing trees, as a result of which an Arboricultural Impact Assessment was submitted. This was considered by the Council's Arboriculture Officer and agreed in principle.
- 16.30 It is concluded that the development, subject to conditions, can be carried out without causing material harm to existing trees and soft landscaping features, with the details of the landscape aspect relating to the proposed development being determined by way of a reserved matters application.

Highway Matters

- 16.31 Access is the only matter to be considered as part of this outline application. Vehicular access to the site is proposed to be provided to the west of the site by creating a new priority junction onto Newbarn Road. A detailed access drawing is submitted in support of the application, and this shows that visibility splays to a minimum of 2.4m x 43m to the south and a minimum 2.4m x 50m to the north can be achieved from this access.
- 16.32 Pedestrian and cycle access would also be provided off Newbarn Road by way of a 2m wide footway. It is however also the intention to connect the site to the

existing infrastructure network to the east of the site and provide pedestrian and cycle access off Farmfield Road and Harvesters' Way.

16.33 The Highway Authority has raised no objection to the proposed development subject to conditions relating to the provision of a Construction Traffic Management Plan, the development not being occupied prior to the priority junction off Newbarn Road providing vehicular and pedestrian access to the site with the above mentioned visibility splays being completed and the provision of Residential Travel Packs. These conditions are considered to be reasonable and necessary to make the proposed development acceptable and would therefore need to be imposed on any planning permission that may be granted.

16.34 As parking and cycling provision are not matters for consideration at this outline stage, conditions are proposed requiring the reserved matters to comply with the Council's adopted parking and cycle standards.

Impact on Neighbour Amenities

16.35 The impact of the proposed development on the residential amenities of existing neighbours as well as future occupiers of the site will be assessed as part of the reserved matters application. Concerns can be mitigated through the detailed design.

Impact on the Surrounding Area

16.36 The application site is allocated for residential purposes in the emerging Local Plan and is located to the west of existing residential development. As such, it is held that the proposed residential development of the site would not have an adverse impact on the surrounding area.

Drainage and Flood Risk

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

16.38 The site lies within Environment Agency Flood Zone 1, however a Flood Risk Assessment is required as the site exceeds 1 hectare. The application is therefore supported by a Flood Risk Assessment and Drainage Strategy. The submitted information has been reviewed by Essex County Council as the Lead Local Flood Authority ("LLFA") who raised no objection to the proposed development in principle. As the application is in outline form only, with all matters except access reserved, a detailed surface water drainage scheme for the site would need to be secured via condition. Additional conditions requested by the LLFA, such as the submission of a scheme to minimize the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution; a maintenance plan detailing the

maintenance arrangement of the surface water drainage system; and the maintenance of yearly logs of maintenance, are considered to be relevant and necessary in order to make the development acceptable. Subject to these conditions, it is held that the proposed development would comply with the aims of the above-mentioned policies.

- 16.39 In addition to the above, Anglian Water confirmed that Great Tey Water Recycling Centre will have available capacity for the flows of this development and consequently, raised no objection to the proposed development.

Ecology

- 16.40 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 Framework 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 while paragraph 174 of the Framework seeks to minimise impacts on and provide net gains for biodiversity.
- 16.41 The application is supported by a Preliminary Ecological Appraisal which found that the site is not the subject of any conservation designation nor is its development likely to impact off-site designations or habitats. The site contains habitats of low ecological significance, with isolated interest for several species' groups including nesting birds, foraging/commuting bats and transient reptiles. Hedgerows represent good connecting habitat for a range of wildlife. The habitats on site are broadly not conducive for legally protected species and that no further surveys would be required.
- 16.42 Given that the report was over 2 years old at the time of the application submission, an updated report was requested. This has since been submitted and should be read alongside the Preliminary Ecological Appraisal for completeness. The update to the Preliminary Ecological Appraisal did not identify any new constraints and it is therefore considered that the recommendations set out within the Preliminary Ecological Appraisal, together with any new recommendations provided within the updated Preliminary Ecological Appraisal, remain applicable.
- 16.43 These recommendations, which are proposed to be conditioned, together with the fact that the proposal would provide a minimum of 1ha of POS, would ensure that the proposed development would provide significant biodiversity net gains in accordance with national and local policy requirements.
- 16.44 In addition to the above, and in line with the requirements of Section 1 Policy SP2, a RAMS wildlife mitigation payment would be provided for £127.30 per dwelling. This payment could be secured via the S106 agreement that would be required to secure the necessary financial contributions to mitigate the proposed development.

Archaeology

- 16.45 Both Core Strategy Policy ENV1 and Development Plan Policy DP14 seek to conserve and enhance Colchester's historic Environment. Policy DP14 makes it clear that development will not be permitted that will adversely affect a listed building, conservation area, historic park or garden, or important archaeological remains.
- 16.46 Prior to the determination of this application for outline planning permission, the applicant was advised to carry out an archaeological geophysical survey and trial trenching evaluation. Both have taken place, and the results of the evaluation have been submitted in support of this application.
- 16.47 The evaluation has discovered significant archaeological remains dating to the Bronze Age and early Iron Age, comprising ditches, pits and postholes indicative of late prehistoric occupation. A comparatively large assemblage of Bronze Age pottery was recovered. Notably some of the identified postholes clearly form a pattern representative of a prehistoric structure.
- 16.48 Any permission granted should therefore be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

Contaminated Land

- 16.49 Development Plan Policy DP1 requires new development to undertake appropriate remediation of contaminated land. The Contaminated Land Officer confirmed that the submitted Phase 1 Geoenvironmental Desk Study Report is acceptable for Environmental Protection's purposes. It is noted that no potential sources of contamination have been identified. Based on the information provided, this conclusion would appear reasonable and no conditions relating to contamination matters are therefore recommended for the proposed development.

Other Matters

- 16.50 The Recommended Decision (as set out below) has been shared with the Agent and (pre-commencement) conditions have been agreed under the Town and Country Planning (Pre-commencement Conditions) Regulations 2018.

17.0 Conclusion

- 17.1 To summarise, the proposal to provide 30 residential dwellings and a minimum of 1ha of POS on this site is acceptable in principle and the proposed access arrangements have been found to be acceptable on highway safety grounds. The final details of the scheme will have to be the subject of a submission of detail within the appropriate reserved matters and these will have to demonstrate that the design, layout, appearance and landscaping element of the proposed development are acceptable.

18.0 Recommendation to the Committee

18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990, within 6 months from the date of the Committee meeting. In the event that the legal agreement is not signed within 6 months, to delegate authority to the Head of Service to refuse the application, or otherwise to be authorised to complete the agreement. The Permission will also be subject to the following conditions:

1. ZAC - *Time Limit for Outline 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 APPEARANCE, LANDSCAPING, LAYOUT AND SCALE have been submitted to and agreed, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: The application as submitted does not provide sufficient particulars for consideration of these details.

2. ZAD - Time Limit for Outline Permissions 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. ZAE - 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. ZAM - *Development to Accord With Approved Plans*

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers

1118.L.001 (A)	Site Location Plan
1830/08 Rev2	Proposed Site Access Priority Junction
1830/08A Rev2	Proposed Site Access Priority Junction
1830/08B Rev1	Proposed Site Access Swept Path Assessment

Arboricultural Impact Assessment and Preliminary Method Statements (Reference No. TPSarb1510420, dated 10th September 2021)

Preliminary Ecological Appraisal prepared by Hybrid Ecology Ltd (Version 1, dated August 2019) updated through Update to Preliminary Ecological Appraisal (by Hybrid Ecology Ltd, dated 2nd March 2022).

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

5. Non Standard Condition - Archaeology

No works shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation that has been submitted to and approved, in writing, by the Local Planning Authority.

The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording.
- b. Provision to be made for analysis of the site investigation and recording.
- c. Provision to be made for reporting, publication and dissemination of the analysis and records of the site investigation.
- d. Provision to be made for archive deposition of the analysis and records of the site investigation.
- e. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- f. The scheme of investigation shall be completed as agreed and approved in writing by 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, in accordance Adopted Development Policy DP14 (2010, Revised 2014) and the Colchester Borough Adopted Guidance titled Managing Archaeology in Development (2015).

6. Non Standard Condition - Updated Landscape and Visual Appraisal

No works shall take place until an updated version of the Landscape and Visual Appraisal lodged 12th November 2021 has been submitted to and agreed, in writing, by the Local Planning Authority. This updated Appraisal satisfactorily analysing the visual impact of the proposals from key viewpoints (2, 3, 4, 5, 6, 7 & 8) and illustrating that impact through Type 1 visualisations (clearly showing the outline/extent of development – i.e., outlining extent of developments height and spread) and the impact of any mitigation planting proposed on those viewpoints illustrated over time to maturity.

Reason: To ensure that a suitable Landscape Strategy is agreed in order to guide the detailed landscape design proposals, this to help to satisfactorily integrate the development within its surrounding context in the interest of landscape, townscape and visual amenity.

7. Non Standard Condition - Landscape Details

No works shall take place above ground floor slab level until full details of all landscape works have been submitted to and agreed, in writing, by the Local Planning Authority and the works shall be carried out prior to the occupation of any part of the development unless an alternative implementation programme is subsequently agreed, in writing, by the Local Planning Authority. The submitted landscape details shall include:

- Finished levels or contours, where notable changes are proposed.
- Means of enclosure.

- Car parking layouts and other vehicle and pedestrian access and circulation areas.
- Hard surfacing materials.
- Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.).
- Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. Indicating lines, manholes, supports etc.).
- Planting plans (drainage and building foundation detailing shall take account of the position of the trees as so indicated).
- Written specifications.
- Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
- Implementation timetables and monitoring programs.

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

8. ZFE - Landscape Management Plan

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

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

9. ZAN - Site Levels Plan

No works shall take place until detailed scale drawings by cross section and elevation that show the development in relation to adjacent property, and illustrating the existing and proposed levels of the site, finished floor levels and identifying all areas of cut or fill, have been submitted to and agreed, in writing, by the Local Planning Authority. The development shall thereafter be completed in accordance with the agreed scheme before the development is first occupied.

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

10. ZPA – Construction Method Statement

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

the parking of vehicles of site operatives and visitors;
hours of deliveries and hours of work;
loading and unloading of plant and materials;
storage of plant and materials used in constructing the development;

the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
vehicle/wheel washing facilities;
measures to control the emission of dust and dirt during construction; and
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 and to ensure that amenities of existing residents are protected as far as reasonable.

11. Non Standard Condition – Detailed surface water drainage scheme

Prior to the commencement of the development, 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 to and certified as technically acceptable in writing by the SUDs approval body or other suitably qualified person(s). The certificate shall thereafter be submitted by the developer to the Local Planning Authority as part of the developer's application to discharge the condition. No development shall commence until the detailed drainage scheme has been approved in writing by the Local Planning Authority. The approved scheme shall subsequently be implemented prior to occupation and should include details of, but not be limited to:

- Limiting discharge rates to 2.3 l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason: The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore, the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water

being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

12. Non Standard Condition – scheme to minimise offsite flooding

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to and certified as technically acceptable in writing by the SUDs approval body or other suitably qualified person(s). The certificate shall thereafter be submitted by the developer to the Local Planning Authority as part of the developer's application to discharge the condition and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason: The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore, the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

13. Non Standard Condition - SuDS Maintenance Plan

Prior to the first occupation of the development hereby permitted, a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

14. Non-Standard Condition - SuDS Yearly Logs

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

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

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

15. Non-Standard Condition - Upgrade to Bus Stops

Prior to the first occupation of the development hereby permitted, the two bus stops which would best serve the proposal site shall be upgraded to Essex County Council specification. The details of the works shall be submitted to, and agreed in writing, by the Local Planning Authority, prior to commencement of the development.

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

16. Non-Standard Condition - Provision of footpath/cyclepath

Prior to the first occupation of the development hereby permitted, a minimum 3.5-metre-wide footpath/cyclepath shall have been provided and completed between the site and the Farmfield Road and Harvesters' Way carriageways.

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

17. Non Standard Condition - Priority Junction

Prior to the proposed access being brought into use, a priority junction off Newbarn Road to provide vehicular and pedestrian access to the proposal site shall be provided or completed. The priority junction shall have but not limited to a minimum 2.4 x 43 metre visibility splay to the south and 2.4 x 50 metre visibility splay to the north as measured along the nearside edge of the Newbarn Road carriageway. The visibility splays shall then be retained and maintained free from obstruction clear to ground thereafter.

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

18. ZJX - *Internal Estate Road Junction*

Prior to each internal estate road junction being first used by vehicular traffic, that junction shall be provided with a clear to ground level visibility splay with dimensions of 25 metres by 2.4 metres by 25 metres on both sides. Such visibility splays shall be retained and maintained free of any obstruction clear to ground in perpetuity.

Reason: To ensure intervisibility between users of the highway at or approaching the road junction in the interests of highway safety.

19. ZJF - *Cycle Parking TBA*

Prior to the first occupation of the development hereby permitted, details of the provision for the storage of bicycles sufficient for all occupants of the development shall be submitted to and agreed, in writing, by the Local Planning Authority. The agreed cycle parking provisions shall thereafter be maintained and made available for this use at all times.

Reason: To promote the use of sustainable means of transport.

20. Non Standard Condition - Individual vehicular accesses

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

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

21. Non Standard Condition - Residential Travel Packs

Prior to first occupation of the development hereby permitted, the developer shall be responsible for the provision, implementation and distribution of Residential Travel Information Packs for sustainable transport for the occupants of each dwelling, approved by Local Planning Authority, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

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

22. Non Standard Condition - Carriageways

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

Reason: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety.

23. Non Standard Condition - Footways

All footways should be provided at no less than 2 metres in width.

Reason: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety.

24. Non Standard Condition - Off street car parking

All off street car parking shall be provided in precise accord with the details contained within the current Parking Standards which shall be maintained free from obstruction and retained thereafter.

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

25. ZIV - *Garages 6m Back*

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

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

26. Non Standard condition - Internal carriageway layout

The proposed internal carriageway layout shall provide vehicular turning facilities for service and delivery vehicles of at least size 3 dimensions and of a design which shall be approved in writing by the Local Planning Authority, shall be provided within the site which shall be retained and maintained free from obstruction thereafter.

Reason: To ensure that vehicles using the site access may enter and leave the highway in a forward gear, in the interests of highway safety.

27. ZPD - 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.

28. ZPE - Limits to Hours of Construction Deliveries/Worker Traffic

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

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: no deliveries

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.

29. Non Standard Condition - Fibre Broadband

The construction of the dwellings shall include the installation of empty ducting to allow the provision of fibre broadband.

Reason: In the interests of delivering sustainable economic growth.

19.0 Informatives

19.1 The following informatives are also recommended:

1. ZT0 – Advisory Note on Construction & Demolition

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

2. ZT1 – Informative on Street Naming & Numbering

For the safety of residents, it is the developer's obligation to ensure that

1. street name signs are in place before the first property is occupied on any new street, and
2. each property is marked with a house number visible from the highway before occupation.

3. ZTA - Informative on Conditions Stating Prior to Commencement/Occupation

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

4. ZTB - Informative on Any Application With a Site Notice

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

5. ZTG - Informative on Section 106 Agreements

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

6. ZUJ - Informative on Archaeology

PLEASE NOTE The submitted scheme of archaeological investigation should be in accordance with an agreed brief. This can be procured beforehand by the developer from Colchester Borough Council. Please see the Council's website for further information: <http://www.colchester.gov.uk/article/13595/Archaeology-and-the-planning-process>

7. Non Standard Informative - 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).

8. ZTV - Informative on New Roads Serving Over 5 Dwellings

PLEASE NOTE that the applicant is advised by Essex County Council Highway Authority that all housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice by Essex County Council within 6 weeks of building regulations approval being granted and prior to the commencement of any development must usually provide them with guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specifications sufficient to ensure future maintenance as a public highway.

9. ZTM - Informative on Works affecting Highway Land

All work within or affecting the highway should be laid out and constructed by prior arrangement with and to the requirements and satisfaction of the Highway Authority, details to be agreed before commencement of the works. An application for the necessary works should be made to

development.management@essexhighways.org

10. Highway works

Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works

11. Creation of new street

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

12. EV Charging points

Residential development should provide EV charging point infrastructure to encourage the use of ultra-low emission vehicles at the rate of 1 charging point per unit (for a dwelling with dedicated off road parking) and/or 1 charging point per 10 spaces (where off road parking is unallocated)

13. Anglian Water - Connection to public sewer

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

14. Anglian Water - Protection of existing assets

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

15. Anglian Water - Building near to a public sewer

No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

16. Anglian Water – Sewer adoption

The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the

Water Industry Act 1991), they should contact Anglian Water's Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

17. Adapted Homes

There is a request to meet the continued need for adapted homes in Colchester. The developer is strongly advised to include this in their designs and the Registered Provider, when chosen, is advised to liaise with the Council's Affordable Housing Officer to discuss opportunities for Colchester Borough Council funding the uplift in cost.